

## EXTENSIONS OF REMARKS

## THE MAJESTIC GUADALUPE MOUNTAINS: AN ARCHEOLOGISTS' STUDY OF A NATIONAL PARK

## HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, September 16, 1970

Mr. YARBOROUGH. Mr. President, subsequent to the passage of my bill by Congress in 1967 to create a Guadalupe Mountains National Park, many scientific groups, varying in their specific scientific orientation, and citizens from all parts of the country have traveled to this unique park to study and observe its extraordinary contents.

During the past 3 years, thousands and thousands of our people have been able to enjoy and appreciate the scenic and ecological wonders that abound in this mountain region in the western part of the State of Texas. Visitors seeking the exhilaration of mountains, streams, and woods have found these highlands to be sort of an oasis in the sky, a provider of great joy to the onlooker. The Nation has then been given, by the enactment of this bill in 1967, for now and for generations to come, a beautiful park paradise where available to our artistic and esthetic sense are natural sights and spots, glorious in their visual splendor.

Science, too, has been able to benefit from this federally protected and owned national park. Ecologists and scientists have had the opportunity to survey such geological phenomena as the great Permian limestone slopes of these mountains which expose the most significant and extensive fossil reefs in the world. Subject to much scientific inquiry, also, has been the unique fauna and flora sheltered by the slopes of the mountains. Further, the plants and animals of the region are unique; they exist as a living remnant of the early members of biological chains of life development which began in the Pleistocene Epoch. These living objects are especially fascinating to us because they are, in large part, an insular collection, evolving down through the ages without any diluting contact with the outside world.

Mr. President, it was my great pleasure to author and introduce on November 7, 1963, the first bill in Congress with regard to the creation of the Guadalupe Mountains National Park. I have continued since that time to work for and, finally, bring about the authorization of full funding for the park. And now we have completed the task and set forth for all of our people a beautiful escaping place for a return to nature.

Mr. President, as an indication of the tremendous value of the Guadalupe Mountains National Park, I ask unanimous consent to have printed in the Extensions of Remarks an account from the back page of the Medallion, a paper for the Texas State Historical Survey Committee in June-July 1970, of an archeological survey by the summer field school of the Texas Archeological Socie-

ty of the Guadalupe Mountains National Park.

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

## ARCHEOLOGISTS MAKE STUDY OF GUADALUPE PARK

An archeological survey of the Guadalupe Mountains National Park was conducted June 13-21 as the main activity of the summer field school of the Texas Archeological Society.

Harry Shafer and Dessamae Lorraine coordinated some 200 participants, who made a broad survey of the different sites and ecological zones throughout the park area. This reconnaissance will serve as background information for later excavations.

Pictographs, rock shelters, and sotol pits (hollowed-out rock rings used for cooking sotol roots) were the main types of sites studied. Participants ranged from the salt flats to the pinon-covered mesas that compose the varying topography of the park, but concentrated on the southwest section. Under the supervision of trained crew chiefs, the students employed a number of different recording techniques. Meticulous copies were made of the valuable pictographs (rock paintings) preserved in the area.

Following each day's activities, the trainees and experts engaged in group discussions of what had been found and its significance.

Information on the Texas Archeological Society may be obtained from Southern Methodist University, P.O. Box 165, Dallas 75222.

## AIR HIJACKING

## HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ASHLEY. Mr. Speaker, today I am introducing a resolution expressing the sense of Congress that the President urge the United Nations to initiate international uniform policies and procedures for the apprehension and punishment of air hijackers. In addition, the resolution expresses the sense of Congress that the President should take all steps necessary to enforce an aircraft boycott against any country which countenances skyjacking by refusing to either prosecute the hijackers or extradite them for purposes of prosecution.

The recent hijacking of four airplanes by Arab terrorists—followed by the blowing up of the planes and the retention of the passengers as hostages—is, as Secretary General U Thant pointed out, "savagely and inhuman." The subsequent difficulties in securing the safe return of the innocent passengers make it plain that the thrust of our efforts must be on deterrent action to prevent hijackings.

There are several technological and physical ideas that should be considered immediately. These include such things as the use of sky marshals as guards; the careful scrutiny of passengers and baggage by detection devices; and the use of such devices as the pumping of teargas through the ventilation system on the plane to incapacitate hijackers.

While technology has a role to play, the most effective way to deter hijackers is for all nations to insure the punishment of the culprits. Unfortunately, the present state of international law—as embodied in the Tokyo Convention of 1963—is sadly lacking both in signatories and scope.

The Tokyo Convention's principal purpose is to promote aviation safety through the establishment of a continuity of jurisdiction over criminal acts occurring on board aircraft. In addition, it creates a duty to return the hijacked plane and cargo to their owners and to facilitate the resumption of the flight. To date, however, only 29 nations have signed the convention and, more importantly, the convention does not touch on the subject of uniform penalties to deter potential hijackers.

Thus, my resolution expresses the sense of the Congress that the President should urge the United Nations to initiate international uniform policies and punishment of individuals who are guilty of international aircraft piracy.

At the same time, it is evident that we must act decisively and promptly to protect U.S. citizens and other passengers on U.S. airlines. Clearly any country which fails to recognize the dangerous and vicious nature of air piracy by refusing to extradite or prosecute the terrorists is every bit as guilty as the hijackers themselves and their actions encourage more hijackings. Therefore, my resolution declares it the sense of Congress that the President should take immediate steps to place an embargo on air traffic to any country which refuses to impose appropriate punishment upon any individual guilty of international aircraft piracy or refuses to extradite such individual.

Mr. Speaker, we must act swiftly and surely to let all potential skyjackers know that civilized nations will not tolerate this deadly game of international blackmail.

## ANARCHY IN AMERICA

## HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to express deep concern that the wave of terror being directed against our law enforcement officers and established institutions in this country, may provoke a backlash of repression unprecedented in American history.

In my judgment, America is in a state of anarchy. The bomb and the torch have become the debating tools of the radical left wing in American politics and we, as a nation, are being warned of a clear and present danger—not just for today, but to the America of tomorrow as well. And, the warning should be clear. If enough of these radical revolutionaries continue to triumph, as was the case in the dying days of Rome, we too shall witness the

coming of a dark age in America marked by unbridled revolution, savage repression, and a police state.

The time to stop a revolution is when it starts—not when it ends. Society has already had to pay a staggering price for this mad rampage. The damage in dollars alone is nearing the 10 million mark. But, I am more concerned about the damage in human terms—the damage in broken limbs, broken lives, and broken dreams. The real victims of this terrorism are the hardworking, taxpaying, law-abiding citizens of this country who believe, as I do, that, senseless acts of violence and intimidation against innocent people in the name of peace must be rejected.

Most people I have talked with recently, view these militants and self-styled revolutionaries for what they really are—common criminals and potential killers who, apparently, have little or no concern for the lives or safety of innocent people.irate citizens everywhere are, themselves, growing more militant and there is increasing talk and even warnings of forthcoming vigilante-type retaliation. This, of course, is not the proper or desired solution. But when due process of law fails to quell violence and lawlessness, people invariably turn to self-imposed repression or attempt to take the law into their own hands.

We must restore order in this country. We must have new and stronger laws with teeth in them. We must strictly enforce existing laws intended to deal with this growing menace. We must restore America's faith in what I believe is the best judicial system in the world. And, I intend to give my fullest support to our community police, county sheriff's departments, and to our State and Federal law enforcement personnel. I would respectfully suggest, in this regard, that every citizen concerned about violence in America, develop a new sense of awareness of the increasing problems our law enforcement officers must cope with on a day-to-day basis.

**SUPPORT FOR THE PRESIDENT'S CONVICTION AND PRONOUNCEMENT THAT "PIRACY IS NOT A NEW CHALLENGE FOR THE COMMUNITY OF NATIONS—WE CAN AND WE WILL—DEAL EFFECTIVELY WITH PIRACY IN THE SKIES TODAY"**

**HON. HAROLD D. DONOHUE**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DONOHUE. Mr. Speaker, when the Palestinian hijackers perpetrated their recent outrageous acts of international air piracy and hostage holding of American and other citizens I respectfully called upon the President of the United States to exert every resource of his office and this Government to effect the safe release of all hostages and to particularly insure against any attempted discrimination and misrepresentation regarding the full

citizenship rights and privileges of the Jewish-American hostages.

As we all full well know, each and every American, wherever he may be, whatever his race or nationality, is entitled to the complete protection of the U.S. Government and to the enjoyment of his complete rights and privileges as an American citizen traveling throughout the world. I cannot condemn too strongly the piratical holding of American citizen hostages without any justification whatever, the willful and needless destruction of aircraft and the bold defiance of all international laws and regulations and even humane considerations by the Palestinian guerrillas and their conduct is even made more shameful by their effort and pretense of "distinguishing" between and among American citizens.

I am very pleased, indeed, at the forthright pronouncement of the President of the United States and certainly his individual and cooperative efforts for the release of all hostage held American citizens and their companions and the prevention, by whatever means necessary, of any repetition of this almost unbelievable air piracy, deserve our combined support. At this point, I include the self-explanatory letter I received from Mr. William E. Timmons, White House Assistant to the President, in response to my appeal to the White House:

THE WHITE HOUSE,

Washington, D.C., September 12, 1970.

HON. HAROLD D. DONOHUE,  
House of Representatives,  
Washington, D.C.

DEAR MR. DONOHUE: I would like to acknowledge and thank you for your letter to the President regarding the passengers who are being held by the hijackers.

Ron Ziegler, the President's Press Secretary, correctly expressed the Administration's position when he said: "Our efforts are directed toward securing the release of all passengers, without any discrimination whatsoever, and any interpretation to the contrary is totally inaccurate."

For your further information, I am enclosing a copy of the President's statement announcing the actions he is taking to deal with the menace of air piracy.

With warm regard,

Sincerely,

WILLIAM E. TIMMONS,  
Assistant to the President.

FAD DIETS

**HON. LESTER L. WOLFF**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. WOLFF. Mr. Speaker, I held a hearing in New York last week with my distinguished colleague from the Bronx (Mr. BIAGGI) on the problem of fad diets, food myths, and the get-slim-quick quackery. My colleague and I heard a number of witnesses and accepted written statements from many others as the first step in what we plan to be a continuing effort to crack down on unhealthy and dangerous diets and food myths.

Because this hearing should lead to legislation and because the statements

we received provided an interesting compilation of differing viewpoints I would like to include the statements received in the Record in the next several days.

Today, I am including my opening statement which explains the purpose of our hearing along with the testimony of several of the witnesses. In the coming days I shall include the testimony of all of those who appeared at the hearing or corresponded with us.

The above-mentioned material follows:

OPENING STATEMENT OF REPRESENTATIVE LESTER L. WOLFF: AD HOC CONGRESSIONAL HEARING ON FAD DIETS

In this nation of plenty it is estimated that one in four women and one in five men are overweight. In this state alone, according to the New York Health Department, there are approximately 2.5 million people who are overweight.

Here, then, is a problem which touches a considerable segment of our society. Yet this nation has taken a rather casual attitude toward the American dieter. The effect of this neglect has been to leave the door open to the tragic exploitation of people who hunger for a safe and easy method of escaping from obesity.

This national neglect has enabled a modern day version of the proverbial medicine man to flourish. These medicine men in print have been able to bilk our citizens out of nearly one billion dollars a year for weight reducing equipment, diet pills and fad diets—all in the name of "instant slimness."

A year-long study which I undertook demonstrated that national laxity in this matter keeps the American dieter on a path filled with dangers to health and well-being. In some instances death has been the result. In a recent example, a young woman died of malnutrition as a result of her close adherence to a macrobiotic diet which in its final stages directed her to subsist on only brown rice.

There are other instances of personal tragedy. Moreover, there are uncounted instances of frustration and needless financial expense which point to the need for governmental protection for the American dieter.

Yet there are many legitimate ways in which one can reduce, either with the aid of group reinforcement or by singular efforts. Also, medical research in the area of obesity control is continuing and one day we may well have more answers to this problem which confronts so many citizens.

Nevertheless, the negative aspects of dieting prevail. And because of the gravity of this matter we must do something to control and regulate the "get slim instantly" syndrome. We must end this hucksters paradise which is the dieters nemesis.

Those of us in government have a responsibility to all American dieters to eliminate the exploitation which confronts these innocent consumers. By eliminating the myths, the foolhardy, unworkable cure-alls and the like we will enable the dieters of this nation to take full advantage of the safe and sane methods of dieting which do exist.

Consequently, today's hearing has a twofold purpose:

First, my colleagues and I will attempt to expose those areas which are the most vulnerable for the dieter.

Second, we hope to find areas in which we can protect the dieter through legislation.

American dieters are a large and, up to now, ignored consumer group. I hope that today's hearing will signify the beginning of greater understanding of the pitfalls con-

fronting those seeking to reduce their weight.

#### FAD DIETS AND DIET PILL ABUSE

(By Dr. Ralph Nelson, Mayo Clinic)

##### I. FAD DIETS

For any diet to succeed it must produce weight loss. To produce weight loss, calorie intake must be less than the amount required to maintain body weight. Calorie intake is a function of food intake, but unfortunately, food intake is not always a function of hunger and appetite. Since food yields a quick physiologic sensation of well being, it has been used by many for comfort when they are lonely, worried, restless, under stress or suffering from a neurosis. Some obese people ignore or are not aware of signals from the body which should turn off food intake. Some people just eat too much from habit. None of us are immune to weight gain; as we grow older we must reduce food intake or we will gain weight. Who, in any of these classes; neurotic, those who can't or won't listen to their body signals or our normal aging population, can resist a diet which will produce a 20 pound weight loss in 14 days while eating as much as one likes? If only these claims were true!

No matter why we eat, the calories required to maintain body weight decrease as we grow older. The basal metabolic rate is responsible for the greatest consumption of calories each day and it gradually decreases with age. The amount of exercise (accounting for the second greatest consumption of daily calories) also decreases with age. Increasing age requires less calories, females need less than males and short people need less than tall people. A short obese female in her late 40's has almost had it. She doesn't need many more calories than a big bird to maintain her body weight. Any new fad diet will be tried by these unfortunate people. Many feel "There is something wrong with their metabolism. I eat so little, gain weight while others consume great quantities and are thin."

A fad diet, like any diet, must be evaluated by the following criteria:

(1) Does it reduce calorie intake below the amount required to maintain the obese subject obese? If it claims the dieter may eat as much as desired, without considering caloric adjustments for age, sex and body height, then the diet is a fraud.

(2) If weight loss occurs—from which body tissues? The success of nutrition therapy for obesity depends on producing weight loss confined to fat stores while preserving nonfat tissues of the body (lean body mass). Starvation produces weight loss but half or more than half of it comes from lean body mass. This tissue is necessary for normal body function and if lost, must eventually be replaced. Some fad diets predictably will produce weight loss from body protein stores and such a diet is dangerous to the health of the dieter.

(3) Length of time on diet before evaluating results. In all weight reduction diets, regardless of their scientific basis, during the first week or two most of the loss in body weight represents loss in body water and this loss does not represent successful diet therapy. After three months one may evaluate loss in body weight and determine the source, fat or fat-free tissue, for the weight reduction. The initial stages of weight loss are so representative of change in water content of the body that assessment of therapy is of no value during the first two weeks.

The "Mayo Clinic Grapefruit Diet" which is not in any way connected with the Mayo Institutions, appears to be a high fat, high protein diet which will produce a fair amount of water loss in the first two weeks. The diet is prescribed for only two weeks.

(4) All diets should have nutrient contents calculated and compared with recom-

mended daily requirements. If nutrient levels are lower than recommended levels, a statement concerning safety to the dieter should be made.

(5) Any diet prescribed for growing children and young adults must provide essential nutrients for growth in the diet prescription.

##### II. DIET PILLS

If people are not obese because of normal hunger drives of what use is medication which will turn off appetite? There are instances where diet pills can be used but in our estimation, they have not offered much to the treatment of obesity. Obese people become refractory and nervous on these medications. Some pills are habit forming and most people gain back more weight than they lost when stopping diet pills.

##### III. FOOD MYTHS

In some fad diets, certain biochemical properties are given to foods with no scientific data to back up the claims. Examples:

(a) Grapefruit is a catalyst which burns fat at a high rate—this enables a dieter to lose weight while eating all he wants on a high fat diet.

(b) Carbohydrate deposits fat tissue but fat doesn't.

(c) Food misinformation held by arthritic patients.

(1) An arthritic person should not eat grapefruit, oranges or any of the citrus fruits because the acid is harmful to the joints.

(2) Special hormone milk "direct from the cow after the cow has been injected with a special hormone" cures arthritis.

(3) Special goats milk is good for arthritis.

(4) Seaweed tea from Newfoundland cures arthritis.

(5) Vinegar and honey every morning will help the arthritic "start moving".

(6) Wheat germ, special vitamin mixtures, etc., purchased from health stores will help and many times cure arthritic condition.

There are no biochemical or clinical foundations for these claims.

(d) High potency vitamins are good in times of stress, for athletes in training. This myth contradicts the concept of a vitamin. A vitamin is an essential nutrient for life but it is required in only small quantities. Healthy people eating a well balanced diet do not need vitamin supplements nor do healthy people subjected to stress need them. Most people ill in the hospital do not need them. They are prescribed only after clinical examination. A vitamin functions in metabolism as an activator or as a coenzyme and is not used up in biochemical reactions. Healthy people taking high potency vitamins make expensive urine and may precipitate toxic reactions. Well balanced diets offer vitamins in correct quantities and in correct proportions to one another.

##### TESTIMONY BY ANN GOLD

Honorable Gentlemen: I am Ann Gold of Diet Watchers, but prior to becoming a Diet Watcher, I was born a 13 pound baby. At the age of 12 I was 165 pounds. I was a fat teenager, then an obese wife and mother. All of my life I suffered mental torture, looking for the "Magic Formula" to make me slim. I tried Doctor's diets, pills, injections, starvation diets—in fact—hundreds of diets. Nothing worked permanently. I was just a yo-yo, going up and down on the scale. I probably lost a million pounds in my life time, but gained it all back. I was unhappy, frustrated, had no confidence in my ability. Unfortunately, fat people think they are nothing, when, in reality they are very important. When I weighed 185 pounds, thoroughly hating myself and asking myself, "Dear God, why are you punishing me?" I put myself on the late Dr. Norman Jolliffe's diet, created for the New York City Board of Health. I was very successful—lost 65 pounds in 20 weeks and, suddenly my hus-

band was married to a new person. I now weighed 120 pounds, wearing a size nine dress. I was no longer the fat matron, wearing the size 40. I was fat all of my life, and in 1961, I was reborn. I was slim!

Now I had to create a "Maintenance Program" to help me to stay slim and still be able to eat fattening foods. It's very difficult for a "compulsive foodaholic" to stay on a diet for the rest of their life, I had to devise a way to eat fattening foods and stay slim. I accomplished this—and now "Diet Watchers" was born. My fat friends and neighbors joined the "Diet Watcher" program. In June, 1964, we had our first "Diet Watcher" meeting in Spring Valley, New York. Because our weight losses were so successful, we had requests from Doctors, in all the areas, to come and help people. Diet Watchers gives each person personalized, individual attention. We practice group therapy on a "personalized" basis. Every fat person needs to know that someone cares enough to want to help them. And we do! We now have 80 Diet Watcher groups. Sept. 8, 1970, "Diet Watchers" opened our program in San Francisco, California. On Sept. 23, 1970, "Diet Watchers" will be in Michigan and the surrounding areas. We have requests to come to Canada, Australia and as far away as Germany and Japan. Hopefully, by the end of this year, "Diet Watchers" will be in every state and many foreign countries.

In 1968 I wrote my first book, "The Diet Watchers Guide", published by Grosset and Dunlap. It became a best seller and sold over 3 million copies. In 1969, I wrote "The Diet Watchers Gourmet Cookbook". This book features gourmet type cooking with slimming results, so that fat people can eat the things they love and still be able to lose weight. One third of the people who have reached their proper weight, and have been on "Diet Watchers Maintenance Program" for a year and longer, are now enjoying a slim figure, good health and eating fattening foods and are on a "Free Lifetime Membership" with "Diet Watchers Program".

Gentlemen, the success of these two books and the growth of the "Diet Watchers" program serves to prove that there are millions of people who are desperately trying to lose weight and because of inadequate protection, they are left prey to the quacks and vultures who victimize them. Many of those people have had their health permanently damaged through pills and diets that are improperly balanced.

Congress should be aware of the fact that much of the educational materials distributed to the nation's grade schools and the to High School Home Economic Classes, are put in their hands by the food companies. For example, the sugar companies are promoting sugar for energy. Better results can be obtained through proper eating habits. For example, the natural sugars in fruits and vegetables that we eat.

Gentlemen, I have been very fortunate in being able to reach and educate thousands of people. It is in your power to create the correct environment to help and protect every person in this country, especially the obese person and potentially obese children, so they may have the opportunity for their personal pursuit of happiness, as stated in our "Nation's Constitution."

I thank you for your precious time.

##### TESTIMONY BY DR. CARLTON FREDRICKS

Cereals were described as "foodless food", analogous to alcohol, in testimony recently heard by a Senate subcommittee. This testimony, which broke through a paper wall erected by food over-processors and collaborating government agencies nominally charged with protection of the public, was necessarily incomplete, since the democratic process must allow time for all viewpoints to be heard. In the present hearing, I should

like to contribute some observations on cereals in the part they play as components of a type of diet that is, in actuality, an uncharted mass experiment with human beings, on the largest scale in the history of mankind.

When heat is applied to protein, the linkages among the chains of amino acids, the building blocks of proteins, are toughened. This effect, known as the denaturing of protein, makes it difficult for the body to break down the protein and reassemble its components in the configurations needed by the organism. Thus, denatured protein is less effective in maintaining the growth of the young and the maintenance of the tissues of the adult. (Exploding of cereals, as in puffed rice and puffed wheat, has the same effect on protein.) Since the amount of heat applied and the denaturing of the protein are in virtually linear relationship, it is pertinent to note that the toasting of some cereals is carried on at so high a temperature that severe vitamin losses are incurred. When similar heat processing is applied to the protein foods of such animals as cats, the impact on the animals grows, generation by generation. In the first generation, the cats lose the fine neuro-muscular coordination for which they are known. In the second generation, the animals have developed pollen allergy (hay fever), disorders of the nervous system, and calcification of the soft tissues. The third generation is the last, for sterility develops, and in it there is virtual obliteration of the external sexual anatomical characteristics that mark the sexes apart.

With this, homosexuality appears. Both the second and the third generations are marked by hostile and aggressive behavior. Animals of similar heredity and in the same environment, fed protein not subjected to heat, remain healthy, normal animals.

A search of the scientific literature in nutrition indicates that human beings are more sensitive to the inadequacies of heat-treated protein than food processors are prepared to concede. Innumerable reports, for example, bespeak the superiority of the breast fed baby, nourished on unheated milk, over the formula-fed baby (milk sterilized and heated, sometimes reheated.)

The additives used by virtually all cereal manufacturers have received little attention, but deserve searching re-examination. Perhaps the most unprepossessing of these is butylhydroxytoluene (BHT). This was originally employed as an antioxidant, used to preserve the colors in motion picture films. It then surfaced as an "antioxidant" or "freshness preserver" in canned foods, cereals, salad oils, shortening, candy, and chewing gum. The U.S. Food and Drug Administration was curiously unwilling to release the technical papers attesting to the safety of this chemical in foods, until strongly prodded by Consumer's Research. The dragging of F.D.A. feet was explained when it developed that there were only two reports demonstrating the safety of human ingestion of BHT, and both were written by the staff of the manufacturer. In approving the use of this antioxidant in our food, the F.D.A. chose to ignore a report in an Australian medical journal, indicating that administration of BHT to pregnant animals resulted in 15% of their young in some litters being born without eyes. The approval also bypassed a report from the W.H.O. (United Nations) which labelled this antioxidant as the most suspect of such chemicals, and urged that its use in baby foods be banned. BHT has also been found, in other papers ignored by the F.D.A., to resist breakdown in the body, excretion taking more than a week—a phenomenon ordinarily regarded as indicating heightened possibility of toxicity; and to cause depression of three blood enzymes, plus enlargement of the liver.

Butylhydroxyanisole (BHA) is another

"freshness preserver" widely used in cereals and other foods. In British experiments over a period of two years, skin cancer in animals resulted from topical application of BHA in ointment form. Informed of this finding, an F.D.A. officer indicated that his agency doesn't "Like" British research techniques.

At my suggestion, in 1964 thousands of consumers queried the cereal manufacturers for their reasons for use of BHT and BHA. An analysis of the responses from the major manufacturers of these breakfast unfoods revealed the following attitudes:

A. If F.D.A. approves of an additive, we have no reason to challenge the finding.

B. If F.D.A. approves, why should a mere consumer question?

C. Such matters should be left solely to scientists.

D. We are investigating Dr. Fredericks' research. (It should be noted that I claimed no personal research, and that this statement by two cereal processors was used as a response to consumer inquiries over a period of more than two years.)

E. We use these chemicals to preserve food values.

F. We are investigating the authenticity of the Australian, British, and W.H.O. reports (this statement also used for more than two years.)

G. You are ill-advised to pay attention to scare techniques used by broadcasters.

It is pertinent here to remind the Congress that it is difficult to find a rationale for the use of a chemical to preserve the nutritional value of "foodless foods". Another pertinent thought occurs: what were we buying in these cereals twenty-five years ago, before these antioxidants came into use?

Both artificial color and artificial flavor are listed among the contents on cereal packages. Food dyes of the coal-tar group are highly suspect, and numerous coloring agents of this type, once labelled safe for food use by the F.D.A., have been subsequently banned by that agency, with carcinogenic action among the reasons.

Their use in cereals would seem a gratuitous risk, whether they are approved or not. The identity of the dyes and flavors used in these products is not revealed on the packages; in fact, the disclosures of the ingredients, as listed on cereal packages, were not dictated by F.D.A., but were the product of a voluntary code of the industry. It being voluntary, it would seem to me that perhaps we could prevail upon these manufacturers to tell us exactly what dyes and what artificial flavors they are using. This would permit the consumer to make an educated decision in the market place, which, F.D.A. assures us, is the best protection for the consumer.

It has been denied by the cereal industry that their products are sold as the mainstay of the American child's breakfast; yet most of us can easily remember an advertising campaign of many years' duration in which the phrase "cereal breakfast" was a central theme. Indeed, one need spend only a few minutes before a television set, currently, to learn that our children are being convinced that a bowl of cereal is indeed a fine breakfast—the stuff of which champions are made. Particularly objectionable, too, is the advertising in which the values of the collateral milk and fruit are counted by the manufacturer as part of the nutritional bonanza he is offering the public. I have suggested that the industry exploit this appeal more fully by recommending that the public use penicillin on the cereal, in lieu of sugar, which would allow the claim that the cereal breakfast also cures syphilis.

It is not only the American child whose nutrition is diluted by cereal processing. Millions of adults eat these foods, and among them there are untold millions of the elderly—widows and widowers, once heads of large families, now superannuated, who have

no interest in preparing balanced meals for themselves alone, and who deprive themselves of sustaining nutrition by yielding to the convenience and false economy of ready-to-serve cereals—and not at breakfast alone.

The mental agility of the copywriters in cereal advertising is such that an American mother who would not dream of serving a slice of sugared bread (1 oz. per slice) plus milk as an adequate breakfast, will serve a bowl of cereal (also one oz.) with milk, and deem her child well fed.

Previous testimony has indicated that cereals are overpriced at the prevailing 4c per oz. Perhaps the housewife will realize how inflated this charge is when it is noted that bread, proportionately priced, would be 64c a loaf—a cost that would drive many housewives back into home baking, with improvement thereby of the nutrition of the family. Some of the cereals that are pre-sugared are sold at a premium price that is equivalent to buying sugar at more than \$2.00 per pound.

In this and other testimony on the over-processing of cereals, passing reference has been made to the loss of nutrients that are not restored in "enrichment" of these products with vitamins. One might apply to cereals the remark made about bread by Dr. Agnes Fay Morgan, an authority in nutrition, who said: "The removal of 23 nutrients and the restoration of three can only charitably be called enrichment." It might be of interest to examine the functions of a few nutrients that are not restored to over-processed cereals. Among these is the oil of the grain, which is of the polyunsaturated type the consumer believes will protect him against coronary heart disease. That this belief is too sweeping is another matter, too complicated and lengthy a discussion for this hearing.

Suffice it to say, however, that in the oil of the grain is a fraction with great physiological activity, which has been the subject of research at a major university for nearly twenty years. This study has demonstrated that supplements of this oil, with a program of exercise gaited to the individual's needs and capacity, can reverse the physiological clock for middle aged, flabby men—increasing motor performance, and helping to rebuild the cardiac reserve. That oil is gone from most cereals—indeed, one manufacturer of overprocessed cornmeal boasts on his label: "We have removed the oils that tend to cause rancidity." He must change that product and declaration when he markets in Georgia, a state that has had too much experience with deficiency disease to permit the marketing of degerminated corn meal. Thus we see in the State of Georgia protection for the underprivileged which is denied to our "affluent" children.

It has been said that every reason motivating the restoration of thiamin (Vitamin B1) to bread is present for Vitamin B6 (pyridoxin). This is to say that the content of breads and cereals in pyridoxin is depleted—by some 80%; a human need for the nutrient exists; and many Americans are in need of a more satisfactory intake of the nutrient. In the late 1950's, it was reported by the Harvard Nutrition Department that Vitamin B6 has functions in heart metabolism that commend it in the treatment of human cardiac disease. I note without comment that this is the same university department that sprang to the defense of overprocessed cereals, low in Vitamin B6, at the recent Senate subcommittee hearing.

The Vitamin E content of cereals diminishes when the polyunsaturated fat is removed. Recent reports from biochemists at Louisiana State University and the University of California credit this vitamin with slowing up the aging process. Among the biological actions of this nutrient, there is its role in preventing premature death of red blood cells—a phenomenon which appeared in some

of our astronauts. I note here that the carbohydrate foods carried into space were as overprocessed as the cereals eaten by our children, with the same depletion of this important vitamin.

Finally, since time will not permit us to review the biological roles of other nutrients largely removed from overprocessed cereals, let us remember that what has been said about such foods is fully and equally applicable to more than 90% of the breads and other starches and sugars purchased by the American consumer. The techniques of overprocessing are not a monopoly of the cereal industry. Behind them is an overriding motivation: acceptance by the public. The attitude of the manufacturer is simply stated: "I do not educate—I meet a demand. If the demand is for mutilated, fractionated foods, I meet it." A second motivation is increase in shelf life. The antioxidants effect this, though it should be noted that the natural antioxidant in food is Vitamin E, which is largely removed. The overprocessing brings some measure of protection against insect infestation, for insects are too smart to eat foods that will not sustain life. One is reminded of McCarrison's dictum: If it keeps—throw it out. If it spoils, eat it before it does.

In the invitation to appear before this hearing, I noted reference to food faddism. This topic is intimately related to the question of the cereals, for an American who strives to avoid overprocessed cereals and dubious food additives, is, by definition set by the F.D.A., a good example of a food faddist. A person who drinks canned, cooked vegetable juices, seasoned with DDT, is a normal American. He who consumes fresh vegetable juice, free of insecticides, is a food faddist. He who consumes white bread, and repurchases the bran removed from it to alleviate the constipation aggravated by bread without bran, is a normal American. He who eats whole wheat bread and cereal, and requires no such heroic measures is a food faddist. An individual who attacks the stability of his teeth and his pancreas with cola beverages with the acidity of vinegar, masked by ten teaspoonfuls of sugar per large bottle, and garnished with the caffeine of 2/3 of a cup of coffee, is a normal American. One who selects fruit juice is a diet faddist.

The person who invites periodontal disease, or diabetes, or hypoglycemia by choosing, as dessert, such foods as apple pie a la mode, with eighteen teaspoonfuls of sugar per portion, is a normal American. He who selects a fresh apple and a bit of cheese is a food faddist. The American who eats like a biological idiot for twenty years, and then takes intramuscular injections of Vitamin B Complex for the resulting fatigability and nervousness, is a normal American. The faddist is he who eats intelligently and adds prophylactic amounts of vitamins to his diet, in concentrated form. An American who is concerned about food additives, about the depletion of our soils and its impact on the worth of our foods, about the impact of food processing, is a faddist; and if he happens to be a professor at a major university, free of pressures inherent in large grants from the processed food industries, he will find himself listed as a "Dispenser of Nutritional Nonsense"—the actual title of such a list of "faddists" issued by the Food and Drug Administration, to implement its policy of blind and punitive cooperation with the processed food industry.

Yet, if the term "food faddism" is to be used in its true sense, we must apply it to the American who consumes vast amounts of the cereals we have been discussing, laden with equally large amounts of sugar. For this is a dietary experiment in the full sense of the term, with unpredictable impact on the human organism. It has already cost us our teeth—for which our remedy is fluoridation as a substitute for dietary education.

It is responsible for many disorders not connected, in the public's thinking, with an intake of sugar that has reached the staggering amount of a teaspoonful, every thirty-five minutes, 24 hours a day.

I have spent more than 20 years in study of the metabolic problems created by our enormous intake of sugar—an intake encouraged and augmented by the use of cereals. I call to the attention of this hearing some actions of sugar, in the excessive amounts in which we use this condiment, which have received no attention from the agencies that purport to protect the public.

Sugar has in recent years been recognized as a major contributor to hardening of the arteries. It plays a role in diabetes. It also may cause the opposite condition—low blood sugar, a disorder in which the pancreas, oversensitized by repeated challenges with excessive intake of sugar, begins to react with overproduction of insulin. As a result, blood sugar—paradoxically—drops to a level that starves the brain and the nervous system, as a direct result of excessive intake of sweets.

The symptoms that result include claustrophobia, anxiety, unprovoked and senseless fears, unprovoked weeping, insomnia, maniacal outbursts of rage, irritability, shortening of the memory span, inability to concentrate, depression to the point of suicidal impulses, and everpresent fatigue. It is needless to point out that these symptoms strongly suggest neurosis of psychosis; and, in fact, many patients with this condition arrive at the psychiatric couch when they should be vertical at a lunch counter—just as children suffering with this condition may be labelled as "juvenile delinquents."

The dietary treatment for the disorder, which we estimate may affect the behavior and restrict the functioning of more than 20 million Americans, should be of interest: it bans all sources of sugar and most of the starches—with a restoration of normal behavior when the sufferer is persuaded to avoid the cereals, breads, cakes, cookies, soft drinks, confections, and other concentrated starches and sugars regarded as the backbone of "normal" diet. That "normal" diet is not normal, but average. Concentrated starch and sugar do not exist in Nature, and could not enter man's diet until agriculture made their appearance possible. Man did not evolve on such a diet, and will not, I believe, survive it without drastic adaptation.

I therefore view the cereal problem as but a facet of a larger one. We see a public filled with such "quick energy" foods, and too tired to realize that fatigue is its most common problem. It is a public increasingly threatened by diabetes and its "complications", which include arteriosclerosis and coronary heart disease. It is a public struggling with obesity, for which the most effective remedy ever found—a diet excluding the carbohydrates we have been discussing—was promptly labelled as "food faddism" by the F.D.A.

I urge a longer perspective on our dietary problems. They are not created by the meaningless antics of a handful of fanatics. They are not the artifact of cereal manufacturers. They are not compounded alone by the propagandists of government agencies that protect overprocessed foods, although I did suggest to the present administration that we do need an agency to protect the consumer against the agencies that protect the consumer.

The fact is that when our processors learned to concentrate carbohydrate foods, they launched us on a perilous and uncharted journey. Concentration of such foods is a by-product of fractionation of such foods. This is the antithesis of good nutrition. We have not remembered that the word "healthy" means "whole". A healthful food is not frac-

tionated, but whole. A healthy man is a whole man, because he eats such food.

#### TESTIMONY BY SIDNEY PETRIE

Certainly one of the most frustrating experiences is that of attempting permanent weight reduction. Yet, what could be simpler? Eat less and you will weigh less. All diets are dedicated to this principle. Placing a patient on a 1000 or 1200 calorie diet means that his calorie intake is less than his normal calorie expenditure—therefore there is a weight loss. In the past decade probably more than 100 new diets have been introduced to the public—each making a particular claim and promise of success. But the percentage of success is dismal. Less than 10 per cent of dieters have maintained their weight loss after a period of 24 months; most do not maintain their loss for even a few weeks. Consider then that our main method of reducing has a failure rate of 90 per cent. This percentage does not vary significantly with diet pills or other medications.

Recognize the fact that we do not have 30 million people of our population obese because they eat too many eggs, drink too much milk or indulge in excesses of chicken. Most people struggling to return to normality, are eating too much cake, bread, ice cream, candy, and other so-called treats—treats that start at a very young age: "Be a good girl and you can have some candy" or "If you finish everything on your plate, you may have some ice cream." As adults, we can give ourselves treats—and we do. Obesity is a result of confusion and lack of information. How many of our population are aware that one half pint of ice cream contains 400 calories or that a chocolate-covered mint could contain 200 calories or a slice of cake 260 calories? How many people know how many grams of protein a day are necessary for good health? How many people are being told that liver is our top source of iron, wheat germ our maximum source of vitamin B, or green pepper our highest source of vitamin C?

Without knowledge, there is ignorance. As a child, one learns arithmetic but not food balance, one learns calculus but not protein, carbohydrate or fat composition. Unless knowledge is imparted at an early age, there can be no understanding that the problem lies not in reducing, but in maintaining normal weight through intelligent eating habits.

There is widespread contention that obesity is the result of psychological needs. Are we really to believe that we have 30 million neurotics to deal with? No. Less than 7 per cent of the obese have been helped by conventional psychological treatment. Obesity is a killer—a man aged 35 who is only 25 per cent overweight, will die twenty years before his time; a woman aged 40 who should weigh 130 lbs. and weighs 165 lbs., will die twenty two years before she should.

Nutrition is a vast and complex field, and the only point of complete agreement among the authorities on the subject is that obesity is a killer. How to combat it, however, brings out quite a few divergent views. High protein diet, low carbohydrate diet or low protein-high carbohydrate diet? There are exponents for both view points. Paavo Ariola, D.N., in his book "There Is a Cure for Arthritis" comments on the "balanced diet": "We have all been brainwashed for years with the pseudo-scientific slogan 'high protein-low carbohydrate'." He quotes the answer Dr. Karl-Otto Aly, a noted Swedish physician, gave after a return from a lecture tour in the United States to the question of what was his most memorable impression of his trip: "The American high protein craze. Not only the general public, but even so-called health enthusiasts are so thoroughly brainwashed on the question of protein in their diet that, to my mind, this point alone may be held responsible to a great degree for the

deplorable state of health of the American people. Let me categorically state that the latest scientific findings as well as practical empirical experience points out the undisputable fact that optimum diet for optimum health and vitality is a diet low in animal protein and rich in natural carbohydrates and protein foods from vegetable sources."

Under the heading "The Facts about Protein Diet" Dr. Ariola says, "I must state there is no scientific truth in the high protein for health theory. Since our body is renewing and repairing its cells constantly, we need lots of protein. But how much is lots? The majority of responsible nutritionists in various parts of the world agree that the actual need for protein in the human diet is far below that which has long been considered necessary. The famous nutritionists Drs. Ragnar Berg, R. Chittenden, M. Hindhede, M. Hegsted, William C. Rose, and others are reported to have shown in extensive experiments that our actual need for protein is somewhere around 30 grams a day or even less but our Dairy Council of Metropolitan New York revised the protein requirements downward in 1968 to 65 grams a day for a 155 lb. man and to 55 grams a day for a 120 lb. woman.

Many leading contemporary scientists and nutritionists in Europe are in full agreement with the findings of Drs. Berg, Chittenden, et al. and are recommending a low protein diet as most conducive to good health. Empirical experience and observation seem to prove the correctness of this theory. Based upon Dr. Ariola's extensive studies, the healthiest people in the world are the famous Hunza people in India, the semite tribes of Yemen, the Bulgarians, and Russians, certain tribes of Central America and Africa—all live on a low animal protein, high natural carbohydrate diet. Even in the United States, some religious groups like the Seventh Day Adventists and Mormons who advocate a low animal protein diet, have 50 to 70 per cent lower death rates than that of average Americans as shown by statistics.

However, in agreement with the high protein approach is Alexei A. Prokrovsky, one of the world's top nutritionists, Director of the world-famed Institute of Nutrition of the National Academy of Medical Sciences of the U.S.S.R. who advocates in addition to exercise, a high protein, low carbohydrate diet with sugar completely eliminated; he considers this the easiest way of reducing food intake without having to count calories. According to him, it also serves the purpose of providing sufficient protein for the body's perpetual manufacture of enzymes which is indispensable. Dr. Prokrovsky claims that changes in weight are far from being simply an arithmetical problem of controlling how many calories are eaten. "Eating less," he says, "in itself slows up and stultifies the enzyme activity of the body. Exercise in itself does not use up very many calories, but it forces the body to produce its enzymes at a faster rate and this speeds up the entire metabolism. Of all the approaches to losing weight, exercise is undoubtedly the most successful and the most beneficial." Dr. Prokrovsky supervised an enormous weight reduction program in Moscow in which more than 50,000 people were brought from various stages of obesity to perfectly normal weight. In addition to diet, Dr. Prokrovsky recommends as most important, short periods of exercise spaced out through the day and taken whenever possible. It is the exercise, he insists, that keeps you feeling mentally alert and full of vigor while you are losing weight. After a trial with 50,000 Muscovites, it has been determined that exercise taken 10 or 15 minutes at a time, will induce a loss of 4 to 5 pounds a week on a reducing diet that by itself would take off 2 pounds or less. Those who exercise while dieting, are actually in better health after a few weeks than those

who permit themselves to get sluggish and stultified on reducing diets without exercise.

Gentlemen, I was invited here to state what I thought could be done to alleviate the problem of fad diets and food myths. This is indeed a very difficult state of affairs. Myths are always eliminated by knowledge and fad diets contain some truth. After all, if one proposed a diet of eating only cauliflower and drinking water—the claim made could well be valid—lose 2 lbs. a day on the cauliflower diet. We might even find a noted nutritionist to attest to its value and good health. No fad diet requires the obese to indulge in cake or candy, ice cream or doughnuts, starches or fats, and because they exclude these foods, they have a premise of a reducing diet. It is true that eventually the dieter will suffer through poor nutrition, but, fortunately, few dieters will maintain such a diet long enough to suffer these poor effects. But there, gentlemen, "maintain their diets" are the key words. The difficulty, as you well know, is not in what diet to follow, but in virtually all cases the inability of the dieter to resist the temptation of his old eating habits. The dieter has the most difficult task of changing a lifetime of conditioning—for his only salvation is to change his eating habits permanently. This would be unnecessary if children were conditioned to proper eating habits from their earliest childhood—a problem sorely understated in our school curriculum: for if we learned about the condition of obesity in our classrooms—if we taught nutrition as extensively as we teach the three Rs, then we would not be here today. But we are dealing with conditioned adults—conditioned and uninformed adults—adults that must become reconditioned before they will change their eating habits.

There are a number of methods of reconditioning—and much work has been done in reconditioning—first—education: every packaged food and liquid marked with total calories and fat, protein, and carbohydrate—not per gram or per ounce, but per average portion; second, an extensive advertising campaign on the dangers of obesity—perhaps similar to the extremely successful anti-smoking campaign that is now being carried on. Third, the introduction of a nutrition class from the second grade onward, so that each child is fully informed of the condition of obesity and how it may be avoided—not in an average biology class, but in precise detail.

I stated before that conditioning was successful in the problem of maintaining a diet, but just how successful is it? May I introduce a medium of conditioning with which I am familiar?

In 1958, the American Medical Association, in conjunction with the British Medical Association, issued a statement supporting the use of hypnosis as a valid therapeutic aid, but by and large little use has been made of this medium in those areas of conditioning that have not responded to commonplace treatment. I am not advocating hypnosis for the treatment of obesity per se as the only means of treatment. I am suggesting, however, that where an obese person is no longer being helped by so-called conventional therapy he be given an opportunity to benefit from the extremely high success ratio that occurs when weight reduction is accompanied by the use of hypnosis.

I have been personally involved in weight reduction and hypnosis since 1956 and can attest to its benefits. There have been and there are numerous reports on the benefits of hypnosis for weight reduction but the public is uninformed. In the American Journal of Clinical Hypnosis, a respected Journal written by leading psychiatrists, there is a report of 27 nurses attending a hypnosis weight reduction class. They were conditioned through suggestions that they would be able to lose weight as desired, that their appetites

would be smaller, that they would get all the pleasure and satisfaction necessary to their physical and mental well-being out of smaller portions, that they would feel increasingly well poised, more relaxed, self-assured and confident. After one week, the group of 27 had lost 113 pounds; after 4 months, 3 persons, who were more than 300 pounds at the beginning now weighed 165 pounds.

My remarks about the use of hypnosis for weight reduction can be applied equally to the use of hypnosis in the problems of drug addiction and excessive smoking and should not be interpreted as untried. Let us consider for a moment the work done in Russia where hypnosis for diet is an every day occurrence in more than 15 "hypnotariums" organized by the Leningrad Board of Health over 20 years ago. These clinics, sparked by Professor Pavlov's pioneering research in hypnosis, have made remarkable contributions, and it is interesting that in all this time the clinics have been operating, there have never been observed any harmful effects on the patient which could be ascribed to the method of hypnotherapy. Can we say the same about diet pills?

In 1958, I was referred my first patient for over weight. By profession, I am a hypnotherapist, someone to whom medical people refer their patients when hypnosis is required. Up to this point, my experience was limited to preparing a patient for surgery or dentistry as it is possible to diminish anxiety and to relieve pain by hypnotherapeutic techniques. But in this particular case the surgeon could not operate safely because of the problem of obesity. The patient, a housewife of 35, weighed 302 pounds. The surgery had been necessary years before, but the woman was unable to lose the weight even with the aid of pills and 30 months of psychiatric help. She was given suggestions that she would become more relaxed and less tense, that her relaxation would lead to greater calmness, that she would become more composed and that she would become more self-assured. This, in turn would lead to much greater self-control—that her appetite would become less and that she no longer would be hungry between meals. Exercise was encouraged, and suggestions for motivation of better health and appearance were included. Other suggestions aimed at building her self-confidence and diminishing her anxieties were made. She began to lose weight immediately. She said that she felt no longer tempted by fattening foods—she lost 167 lbs. and has not since regained her weight. Since that time I have personally seen thousands of people who were overweight. These people are examined medically, psychologically, and very few indeed are rejected as unsuitable. More than 70 per cent of the people who apply for hypnosis lose their weight without anxiety, ill health or frustration. Surely, it is time to utilize a safe, well-tried and proven method of weight reduction and bring relief from the stigma, discomfort, unhappiness, and ill health to the obese members of our society.

#### DEMOCRATS SEARCH FOR AN ISSUE

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. FOREMAN. Mr. Speaker, with the election heating up, we find the Democrats in frantic search of an issue—and not having much luck. It is not that there is any lack of issues. You might even say there is a bumper crop this year, but most

of them the Democrats would rather not bring up. The state of the economy, for instance, came out of two Democrat administrations, and the party's big spenders are still very much around. President Nixon is successfully disengaging us from the war that a Democrat administration massively committed us to. What is left, then, for the Democrats to talk about? I would suggest extremism. Now, here is an issue that the Democrats are avoiding like the plague—and with reason. The American people are well aware who gave life to the new Left, who tolerated and approved the caterwaulings in the streets and on the campuses, and who looked the other way when those dissidents befouled our flag and reviled our public officials.

The ultraliberals suddenly never heard of their menacing creations. Some have even mustered the gall now to preach law and order, while casting innocent eyes at the electorate. They throw up their hands in horror at what is happening in the cities and on the campuses. They piously protest their old image as the progenitors of disorder.

Well, I do not know any citizens who are fooled by their act, and I do not think many voters will be either, this November. Let them take the recent statement of AFL-CIO President George Meany:

Actually, the Democrat Party has disintegrated—it is not the so-called liberal party that it was a few years ago. It almost has got to be the party of the extremists in so far as these so-called liberals or new lefts, or whatever you want to call them, have taken over the Democratic Party. As they take it over and as they move more and more to the left—and I mean a way over to the left—I think more and more are going to lose the support of our members.

Mr. Speaker, Mr. Meany is but one of the horde of disenchanting Democrats who agree the Democratic Party has become the party of extremists. Come November, millions of citizens will demonstrate their concurrence by voting Republican.

ELLIE HOPKINS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. BUSH. Mr. Speaker, the August edition of the Texas Press Messenger contained an article about a well-known and highly respected editor from east Texas, Ellie Hopkins, editor in chief of the Longview News & Journal and new president of the Texas Press Association, is an outstanding citizen and I would like all Members of this body to know more about him. Therefore, I include the article in the RECORD at this time:

ELLIE HOPKINS

Texas Press Association's new top executive, Ellie Hopkins, Editor-in-Chief of the Longview News & Journal, has at least three powerful forces "going" for him:

A strong and active faith in God;

A deep feeling of American patriotism;

And a talent for good newspapering.

Tall and slim, Hopkins' modest nature belies the fact that he exerts a great deal of influence during his quiet "walks" into the

ever-widening spheres of human development.

Some have said his leadership is in his inexhaustible ability to organize, his decorum and his genuine goodness.

His reader-following, his fellow-newspapermen and his awards and honors tell of his successes.

President Hopkins' editorials have won eight first places in Texas newspaper contests.

He also holds eight George Washington Honor Medals from the Freedoms Foundation at Valley Forge, Pa., for editorials judged as "Outstanding contributions to a better understanding of the American Way of Life."

He is a recipient of the Press Award from the Baptist General Convention of Texas.

In 1969 he won the Sam Holloway Award, highest given by the North & East Texas Press Association, for distinguished journalism.

Length of service in his areas of work indicate Hopkins' tenacity and his dependability—40 years on the Longview Daily News-Journal; 15 years perfect attendance at the Rotary Club; 25 years as editor of the Texas Oil Journal.

Born in Meridian, Miss., the new TPA president came to Texas with his parents, at age five, and settled in the Marshall area. He attended East Texas Baptist College at Marshall while working part-time for the Marshall News-Messenger. He quickly worked up from the mailroom to the editorial offices. Then he became associated with the old Jefferson Journal, also owned by the Marshall newspaper interests. However, he left to join the Longview dailies in 1930—where he has remained and worked his way up to become a great newspaper leader.

Among his chief goals for Texas Press Association this year is to see completion and occupation of the new TPA headquarters in Austin.

One reason for this desire is that it was also a longstanding wish of his late, distinguished boss, Carl Estes—first publisher to present an extensive contribution to TPA's Building Fund. Mrs. Estes is now publisher and president of the Longview newspapers.

Hopkins has served as editor-in-chief since 1945, and a vice-president since 1967. He still edits the Texas Oil Journal, published at the Longview News & Journal plant.

Since the days of the Dad Joiner, Bateman-Grim and Lathrop discovery wells in the giant East Texas oil fields in 1930-31, he has written oil news of all major developments in his East Texas area. Hopkins also has covered the oil fields in Texas and throughout the nation. He traveled in Western Canada in 1968 and wrote a series of articles on Canadian and Northwest Pacific petroleum-industrial-tourist developments.

Last year he spent a month in Alaska, gaining material for news and feature articles dealing with the history of the 49th State, its progress and attractions. Upon his return, he lectured on the travels, illustrating them with his own color slides and color photos.

Hopkins and his wife, the former Miss Nina Hall of Hallsville, are parents of a daughter, Mary Beth (now Mrs. James P. Quillen of Oklahoma City) and a son, Jack Hall, 17-year-old senior in Longview High School. The Quillens have five children—including a set of twins.

President Hopkins has served on the Lone Star Steel Company's Board; Board of Lecturers of Freedoms Foundation; Public Relations Advisory Board to the Baptist General Convention of Texas; and on the boards of the Longview YMCA, LeTourneau College in Longview and the Petroleum Writers Association.

In addition, he has been president of NETPA and the Rotary Club; also secretary of Soda Lake Baptist Association; plus serving on various committees for the Associated

Press Managing Editors Association and the UPI Editors group.

Both Mr. and Mrs. Hopkins are members of the First Baptist Church choir in Longview. He is on their Board of Deacons and spent 15 years as Sunday School general superintendent.

Son Jack follows his Dad's footsteps, talent-wise. This year he went to Virginia Beach, Va., as a member of the Longview High School Band—and they returned with a national championship. This summer Jack began training in the photography darkroom and engraving department of the News & Journal.

President Hopkins is a strong advocate of "balanced" journalism: giving comparable space to good and bad news in the world.

"It's the good on which civilization is based," he believes, "and if this good is not reported, the people have no way of keeping themselves informed—because the bad seems to get plenty of coverage."

Hopkins says that with a little enterprise on the part of reporters and with attractive handling of all subjects, they can serve as inspiration to the people and a "tool" to open the world's eyes to the good.

"Constructive things might possibly involve 90% of the people!"

There's much more good about America than is being publicized these days, he adds, and urges the Press to "look for them and find encouraging trends that appear favorable from a patriotic, family and religious view."

He believes the Press has a vital role in teaching people how to be useful and make a living, so that they may contribute adequately to society. "And if this is not done by college-level, young men and women will be lost to civilization."

Five major things are considered as "good points" for editorial writing, according to Hopkins:

1. Subject needs to be timely.
2. Subject should present the newspaper's viewpoint (policy) in as simple terms as possible, without oversimplification—and written in today's "language."
3. Present both sides of the picture. "Never present a negative-side in a negative-way . . . stay on the positive-side . . . don't doom, attack, condemn—or say "why"—just let the people make up their own minds."
4. Try to challenge people to do more as individual citizens, in groups and community life. "In my editorials, I name names of people doing outstanding work in the community, and encouraging others to emulate them . . ."
5. "I believe in the 'cause of freedom' and think every editorial writer should also assist in upgrading America's patriotism." Hopkins said every generation has to preserve its freedom—or else rewin it; therefore, the theme of "standing up for freedom" is new to every generation.

During his term as TPA president, Hopkins hopes "to enlist active thinking and participation of every newspaperman and woman in Texas". He also urges them to "stand up and be identified with their press organization . . ."

THE DWIGHT D. EISENHOWER  
LIBRARY

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. MIZE. Mr. Speaker, one of the highlights of any visit to Kansas is the Dwight D. Eisenhower Library at Abilene. Located within the same complex

that contains the Eisenhower boyhood home, the Eisenhower Museum, and our beloved late President's final resting place, the library is one of six presidential libraries operated by the National Archives and Records Service.

The papers and records of the Eisenhower administration, as well as the documents of General Eisenhower as Supreme Allied Commander in Europe, are of lasting historical importance and immense value to scholars.

In the first year following the death of President Eisenhower, almost 800,000 persons visited the Presidential Library and Museum in Abilene to pay their respects to a man whose life of constructive and inspiring service has been surpassed by no American in our country's history.

We are particularly fortunate to have, as director of the Dwight D. Eisenhower Library, one of the most distinguished curators in America. John E. Wickman has devoted his energies to developing a museum and library that serves both the casual visitor and the scholar, and serves them well.

Dr. Wickman's moving tribute to General Eisenhower, written shortly after the general's death, was reprinted in the CONGRESSIONAL RECORD.

Recently an article by John Wickman was published in the Kansas Library Bulletin. Because the article details the work that is being done at the Eisenhower Library, it will be of special interest to Members and other readers of the RECORD. Under leave to extend my remarks at this point in the RECORD, Dr. Wickman's article on the Dwight D. Eisenhower Library is reprinted, as follows:

**DWIGHT D. EISENHOWER LIBRARY—GROWTH WITH A PURPOSE**

(By John E. Wickman)

For many Americans, and not a few Kansans, the passing of Former President Dwight D. Eisenhower on March 28, 1969, was a moment for reflection on the fact that the only presidential library in Kansas is dedicated to preserving for future generations the work of this unusual man. The Dwight D. Eisenhower Library, operated by the National Archives and Records Service, a part of the General Services Administration, is not, however, a library in the usual sense of the word.

As one in a system of presidential libraries, (now numbering six in the United States), its primary mission is to preserve historical materials of General Eisenhower's presidential administration, his wartime service, and his personal associations. In addition to its manuscript holdings, however, there is also a book collection, an audio-visual collection, a museum collection, and a rather extensive program for interpreting the Eisenhower Family Home, all part of the total operation of his unique depository.

In the first year following the death of General Eisenhower, almost 800,000 persons visited the Presidential Library complex in Abilene. Most of these visitors took advantage of the program of historical interpretation provided by the Library with little awareness of the extensive work being carried out at the same time to ready manuscripts and other materials for the use by historical researchers. Yet, such work goes on day after day by a staff of trained archivists, librarians, historians, and museum personnel.

The holdings at the Eisenhower Library today number over sixteen million pages of manuscript material, with a book collection

of sixteen thousand volumes, and a still photographic collection of sixty thousand photographs. Over 120 researchers have found their way to the Eisenhower Library since it was opened officially to research in November 1966. Interestingly enough, the bulk of those researchers do not come from the State of Kansas. The majority have traveled hundreds and even thousands of miles to take advantage of the resources of the Presidential Library. In geographical distribution, the researchers have come from 30 out of the 50 states and several foreign countries.

In addition to the White House Central Files for the Eisenhower Administration, the holdings at the Dwight D. Eisenhower Library include staff and personal files of many of the cabinet officers. Among these are the files of James P. Mitchell, Secretary of Labor; William P. Rogers, Attorney General; Secretaries of State, Dulles and Herter; Neil H. McElroy, Secretary of Defense; Frederick H. Mueller, Secretary of Commerce; Oveta Culp Hobby, Secretary of Health, Education and Welfare; and Joseph M. Dodge, Director of the Bureau of the Budget. There are also a large and growing number of military collections in the holdings of the Library, with special emphasis on General Eisenhower's years of service as Supreme Allied Commander during the Second World War.

As an adjunct to its more traditional programs of acquiring material on the various phases of General Eisenhower's life, the Library also sponsors an oral history program. The portion of this program having to do with General Eisenhower's Presidential Administration is currently being handled, under contract, by the Oral History Project Office of Columbia University in New York. The Library staff, however, continues a program of contacting persons who were closely associated with General Eisenhower in other phases of his life. The number of available transcripts is steadily mounting.

One of the most challenging aspects of the Presidential Libraries, operated by the National Archives is the opportunity presented by such diverse collections of materials to educate the casual visitor and the serious scholar. At the Dwight D. Eisenhower Library there have been two prominent forms for this type of activity.

The first of these is the formal scholarly conference. There have been several of these in recent years, the first being the manuscript opening ceremony in November of 1966 which brought together leading scholars from around the United States. On that occasion Dr. Malcolm C. Moos, former White House Staff member in the Eisenhower Administration and presently the President of the University of Minnesota, read a paper on various highlights of the Administration which could be used by researchers in developing articles and long monographs. The impact of this conference was such that within only months after its conclusion, the number of researchers began to grow rapidly.

The second scholarly conference at the Presidential Library was in March 1969, when specialists in the field of the History of the American West gathered at the Library. At that meeting papers were delivered by Dr. John A. Hawgood, Professor of History, University of Birmingham, England, Dr. Joe B. Frantz, well-known author and lecturer on the American West, and Dr. William Unrau, author of several articles on Kansas History and Professor of History at Wichita State University, Wichita, Kansas.

This particular conference also featured an art exhibition of outstanding works in the museum collections of the Eisenhower Library. These items included paintings, bronzes, and sketches by such well-known artists as Charles M. Russell, Frederick Remington, and Olaf Weghorst.

The Western History Conference was followed by two more conferences in the spring of 1969, both based on the importance of the museum holdings at the Presidential Library. As the result of these conferences, the Kansas

Museums Association was formed and an interest was developed among curators of many of the private museums in Kansas for greater institutional cooperation.

The major scholarly conference of 1969 was the celebration of the 25th anniversary of D-Day on June 6, 1969. Internationally known historians of D-Day and the Second World War generally, gathered at the Presidential Library, listened to papers by their colleagues, and discussed various aspects of the interpretation of D-Day and General Eisenhower's part in leading the allied armies in that undertaking. As with the other conferences, the museum staff mounted an extensive exhibition which brought together not only materials from the Eisenhower Museum holdings but also from holdings of museums in the United States and abroad.

The D-Day program particularly, and its museum exhibition pointed up the second great area of activity at the Dwight D. Eisenhower Presidential Library, the education of the public through the use of properly planned exhibits.

Unlike the other Presidential libraries, the Eisenhower Museum collection is housed in a separate building directly opposite from the Library building. This gives to the presentation of the museum collection a unity and a unique character. In order to carry out its responsibilities in the area of the museum presentation, the Presidential Library has launched a museum extension program, in the summer of 1970, which will greatly enlarge the space available for display. Also, for the first time there will be provided adequate work and storage space for the museum staff.

Designed in 1969 by the Library's Director and the present Museum Curator, Mr. William K. Jones, the expanded museum plan was accepted by the General Services Administration, and it is expected that the project will be completed sometime in 1971. When it is fully redesigned and expanded, the Eisenhower Museum will be one of the better museums in the Mid-West devoted to a biographical and historical subject.

The guiding philosophy of the new museum will be that of continuously rotating exhibits so that the thousands of objects never before seen by the American people will eventually be on display. Emphasis will be placed on attractive settings which carry an educational value as well as satisfying the natural curiosity of visitors about the material objects which a President acquires.

It is planned that General Eisenhower's office from Gettysburg, where he spent much of his time in his retirement years from 1961-1969, will be reconstructed in the new museum. There will also be a new emphasis on the display of the many artistic treasures which were given to General Eisenhower while he was President. New displays of items associated with his military career before, during, and after the Second World War will also be included.

In the years ahead, the Dwight D. Eisenhower Library hopes to accelerate the progress it has made in the past in making available to the serious student of history more and more of the research materials it houses. In achieving this mission, the Library will be preserving and passing on to future generations a very important part of the heritage of Kansas as well as of the Nation.

**PAGE DORMITORY NEEDED**

**HON. CHARLES E. BENNETT**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BENNETT. Mr. Speaker, the best method of handling the page function in the House is assuredly the present system; and it should be continued. Your

remarks on this subject in the debate today were precisely correct on this.

You were right again in your analysis that there should immediately be established a dormitory for their use. This does not necessarily have to be an expensive matter. I have had a bill pending on this for over 20 years; and the time is right now for the necessary step to be taken.

I include at this point the bill I have now pending in the current session to accomplish this objective. I hope that this may be accepted as an amendment to the current bill or otherwise be passed at an early date. It follows:

H. RES. 58

*Resolved*, That the Committee on House Administration is authorized and directed to rent or otherwise acquire a suitable residence, within a reasonable distance from the Capitol, to be maintained as a home for pages employed by the House, and to appoint an individual or individuals of mature years to act as supervisor of the home and to be responsible for its operation under rules and regulations made by the committee.

Sec. 2. Each page employed by the House shall be required to reside in such home unless he is authorized to live elsewhere by the committee. Pages employed by the Senate, with the approval of the committee, may reside in such home.

Sec. 3. The expenses of renting and operating such home shall be paid out of the contingent fund of the House on vouchers approved by the committee and signed by the chairman thereof. The committee shall establish such rates for room and board as it may deem appropriate to carry out the purposes of this resolution and to make the maintenance of such home, including the supervisor's salary, a self-sustaining proposition. The obligations for room and board incurred by each page shall be deducted by the House Disbursing Office from the compensation which such page is entitled to receive from the United States and shall be transferred to the contingent fund.

SOVIET UNION HAS ACHILLES HEELS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DERWINSKI. Mr. Speaker, the continuing complications in the Middle East should not make us oblivious of the overall world problems we face or with the internal complications within the dictatorial Soviet empire. A very penetrating commentary on the Soviet Union and points that should be kept in mind by the free world was carried in the Tuesday, September 8 San Diego, Calif., Union which I believe to be especially timely.

The editorial follows:

FREE WORLD STRONG—SOVIET UNION HAS ACHILLES HEELS

The free world agrees that the strenuous initiative to achieve peace in the Middle East is in serious trouble.

Beyond that, opinions diverge widely on what should be done to assure that the Soviet Union and the Arab nations maintain their share of the bargain. The dialogue is healthy because it exposes the wide range of options that are available to the West.

There should be no argument about the first option. If there is to be equity in the Middle East, Israel should be supplied with the military tools that it needs to discourage attacks upon its sovereignty.

Other alternatives open to the West are contained in the aphorism of Sun Tzu, a classic Chinese military philosopher who lived two centuries before Christ: "Uproar in the East, strike in the West."

Certainly the ethic of the free world prohibits it from striking first. However, the free world is not without resources, although it may not always plan well. Conversely, the Soviet Union is not without its Achilles Heels despite the fact that it does plan its aggressions extremely well.

Soviet forces are spread thinly around the world. Russia does not have the technological and industrial capacity of the West. Its people are restive because they have long been deprived of material and intellectual needs.

We and the other nations who believe in freedom and peace can seize every opportunity to insure that no voids of weakness develop along the interfaces between communism and the free world. Economic aid, military advice and defensive modern arms supplied to free world nations within the context of the Nixon Doctrine will both deter aggression and place the Soviets on notice that their behavior in the Middle East is not without penalty.

Eastern Europe is a soft flank for Russia. Held in subjugation for a quarter of a century, the Communist satellites on the Continent long for freedom. It is an emotion that the West can cultivate in a number of new ways.

The Soviet desire to have a European conference to discuss a non-aggression treaty offers still another option. We can make it clear to Moscow that we are not interested in a European treaty, discussion of problems of Berlin or even seabed or arms limitation dialogue if Moscow cannot keep its word in the Middle East.

Many other courses of action are open to the nations that seek only to live in peace. Not the least of them are found in the economic muscles of the free world. Primitive in its civilian-oriented industries, Russia desperately is trying to tap Western technology and resources through increased trade. The West can take the position that it is not interested in supplying communism with strategic goods and knowledge.

The free world must begin to show that it means business in the Middle East and is willing to exercise some of the advantages it possesses.

FOREIGN ASSISTANCE FOR THE SEVENTIES

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday President Nixon sent to the Congress his message on "Foreign Assistance for the Seventies," a comprehensive reform proposal designed to meet the changing conditions and needs of the world as we face this new decade. I want to commend the administration on these new departures and approaches in our aid and trade policies. They draw upon the wisdom and findings of such eminently renowned groups as the Pearson Commission and the Peterson Task Force and are blended with the President's own strong belief in the need to promote

partnership in development and self-reliance in security.

I especially want to praise the administration for moving in the direction of increasing multilateral assistance as opposed to bilateral aid. In the President's words:

I propose that the United States channel an increasing share of its development assistance through multilateral institutions as rapidly as practicable. . . . Depending upon the success of this approach, I expect that we shall eventually be able to channel most of our development assistance through these institutions.

As the President has pointed out, such international institutions as the World Bank, the Inter-American Development Bank and other regional development organizations, and the U.N. Development program, "now possess a capability to blend the initiatives of the lower income countries and the responses of the industrialized nations." We should take full advantage of this increasing capability and make corresponding reductions in our bilateral assistance.

I was also very pleased with the President's proposal to separate the economic and security components of our foreign assistance program. This was one of the major recommendations of the Peterson Task Force. In conjunction with this the President proposed a separate and new International Security Assistance program to assist other countries in assuming full responsibility for their own defense. This is what the Nixon doctrine is all about and is an essential requisite to reducing our military presence abroad. While the President did not specify, I am hopeful that he will concur with the Peterson Task Force recommendation that the International Security Assistance program be placed under the firm policy guidance of the State Department.

During the transition from bilateralism to multilateralism, it will be necessary to restructure those institutions responsible for administering our bilateral assistance. Again the President has closely followed the recommendations of the Peterson Task Force. He has proposed the creation of two new agencies: a U.S. International Development Institute to bring the genius of U.S. science and technology to bear on the problems of development; and a U.S. International Development Corp. to bring vitality and innovation to our bilateral lending activities.

A third recommendation of the Task Force was the creation of a U.S. International Development Council to be located in the White House. The council would be responsible for coordinating all development activities under the broad foreign-policy guidance of the Secretary of State. It would provide a very essential mechanism for overseeing and coordinating our aid, trade and lending policies and activities. While the President did not specifically propose such a council in his message, he did promise that in the near future he would establish, "a new mechanism which will plan and coordinate all of our foreign economic policies, including our various foreign assistance programs, to assure

that they are all effectively related." I wholeheartedly endorse such a mechanism to give greater unity and direction to our overseas efforts.

Mr. Speaker, our foreign assistance programs are not especially popular with the American people, partially because they have been misunderstood and partially because they have failed to achieve the objectives for which they were intended. The President has wisely rejected abandoning such assistance and instead has opted for clearly enunciating the rationale for and objectives of such assistance and reforming the programs to make them more effective.

The Peterson Task Force has given us an eloquent and compelling rationale for playing an active role in foreign development assistance. It pointed out that the United States, by virtue of its wealth and power, has an abiding interest in and special responsibility for bringing nations together to serve common needs. And secondly, because the developing nations contain two-thirds of the world population, their success or failure, given the growing interdependence of the world in which we live, will profoundly affect our own prosperity and security. Our objectives therefore should be building healthy and self-reliant societies in the developing countries, an expanding world economy in which all will benefit, and improved prospects for world peace. The President's proposals for reforming our foreign assistance efforts in the seventies will greatly enhance the prospects for the success of these objectives.

#### SOUTH CAROLINA CELEBRATES 300TH BIRTHDAY THIS YEAR

#### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DORN. Mr. Speaker, South Carolina is celebrating her 300th birthday this year. One of the great events in this 300-year history, and a source of great pride to South Carolinians, was South Carolina's role in the American Revolution.

The southern contribution in winning the Revolution was equal to that of any other section. The story of southern participation, however, has never been fully told and understood.

Therefore, Mr. Speaker, we were pleased to see in the September issue of the American Legion magazine a splendid brief account of the South's contribution in that great struggle for independence.

I commend this outstanding article to the attention of my colleagues and the whole country:

A BRIEF ACCOUNT OF THE AMERICAN REVOLUTION IN THE SOUTH—TO MANY NORTHERNERS IT CAN'T BE QUITE CLEAR WHY A WAR WHOSE "GREAT BATTLES" WERE IN THE NORTH ENDED ON A VIRGINIA CAPE

(By Harvey Ardman)

However well it is known to Southerners, the story of the American Revolution in the South comes through to the rest of the country as bits and pieces which don't really hold together as historical drama.

It isn't quite clear to a Northerner how the

British lost the war at Yorktown, on a Virginia cape, when most of what he's probably heard of the Revolution involves the trials of Washington's army in the North.

But some Southerners will tell you that the real "turning point of the Revolution" was the tiny battle of King's Mountain, fought chiefly by a handful of Americans on both sides—Loyalists vs. patriots—on a forested Appalachian abutment in western South Carolina.

Other Southern Revolutionary War battles whose role in the whole war is dim north of the Mason-Dixon line include two different battles for Charleston, S.C.; and the battles of Moore's Creek Bridge, N.C.; Camden, S.C.; Cowpens, S.C.; Guilford Court House, N.C. Eutaw Springs, S.C., and a host of minor actions that added up to guerrilla warfare.

Only Yorktown seems to stand large in many a mind today as a Southern Revolutionary battle equal to Northern struggles at Boston, Ticonderoga, Saratoga, Princeton, Trenton, Monmouth, Germantown, White Plains, etc.

But, except for Moore's Creek and the first battle of Charleston, every Southern battle led, one by one, to the defeat of Cornwallis at Yorktown and the end of the war.

If any of us are vague today about where all these scattered Southern engagements fit into the broad picture of the entire American Revolution, the British General Henry Clinton, commander-in-chief of British forces in America, had no doubt of it. He said that the American victories at King's Mountain and Cowpens were "the first link of a chain of events that followed each other in regular succession until they at last ended in the total loss of America [to Britain]."

This year, South Carolina is celebrating its 300th anniversary, which makes 1970 as good an occasion as any to put Cowpens, King's Mountain, Camden, etc., in the perspective of American history.

While the trail of Cornwallis and his forces winds through South Carolina and North Carolina, and at last to doom in Virginia, it all begins at Charleston, S.C. Beyond that, it begins with the original British strategy for the whole war, in which New York, Philadelphia and Charleston had equal shares as points of colonial vulnerability.

At first, the British decided to cut the colonies apart in chunks. Sending troops down from Canada and up from New York City, they'd seal off the Hudson Valley and sever New England from its neighbors. Starting from New York City again, they'd slash down to Philadelphia and divide the middle colonies. At the same time, or so the British calculated in 1776, the South would be soft pickings for a third operation. It had more Loyalists willing to fight for the British than any other section, and it was closer to British naval support forces in the West Indies.

Once the British had left Boston and settled in a better base for inland penetration at New York, they put the three plans in motion at the same time. All three at once turned out to be a mistake and none of the three met quicker or more complete failure than the initial Southern venture.

The first time the British tried to conquer the South, they assembled a moderate-sized flotilla in England and sent it toward Charleston, S.C.

They alerted their Southern followers to be ready to help when the invasion began. Loyalists from throughout the Carolinas and Virginia assembled but never got to Charleston. On Feb. 27, 1776, at a bridge over Moore's Creek, a little stream about 18 miles above Wilmington, N.C., the Loyalist force met a band of patriot militia and was thoroughly whipped.

The British task force proceeded anyway. On June 4, exactly a month before the Declaration of Independence was signed, it arrived off the Charleston bar. It never got much farther.

British ships bombarded the American fort in Charleston harbor, but their cannonballs just bounced off the spongy palmetto logs the patriots used to cover the earthworks.

Then, the ships tried to sneak past the fort—and ran aground. American guns smashed the British flagship to pieces (even the British admiral in charge was wounded—in the buttocks).

On June 28, the British pulled out. Their first attack on the South had failed. It was more than two years before they returned.

Things didn't go well for the British in the North, either. On October 17, 1777, Gen. Horatio Gates' American forces defeated Burgoyne's entire British army at Saratoga.

That meant that the second part of the British plan—to isolate New England—had flopped, like the Southern venture. There was only one part left—to capture Washington's main army and to gain control of the New York-Philadelphia area, one of the richest, most densely populated sections of the colonies.

For a while, this part went well. New York was taken and Washington's army driven out. But the British couldn't catch the army. Then, after a series of battles, Philadelphia was taken. Again, the British couldn't catch Washington and his army. And the way the Americans were fighting now, the British weren't as eager for a confrontation.

But they got one anyway. In the summer of 1778, General Clinton replaced Gen. William Howe as commander-in-chief of British troops in America. Clinton decided to evacuate Philadelphia and consolidate his forces in New York.

While Clinton was marching his Philadelphia army northward, Washington attacked it at Monmouth, N.J., on June 28, 1778. When the bodies were counted, it was pretty much a draw. But the significance of the battle had not been lost on the British. The Continental army met and matched the very best the British had, outnumbered though they were.

Still, there was no way Washington and his men could dislodge the British from New York—but there also was no way the British could defeat Washington. That meant a stand-off in the North. The third part of the British plan had failed, like the first two.

It was then that the British decided to turn their full attention to the South and make their second attempt there. It was their last real chance to beat the patriots and they knew it.

This time it was no half-hearted operation but a full-scale invasion, with large numbers of the best British troops available, commanded by the man generally believed to be England's finest field officer of that day, Maj. Gen. the Earl Charles Cornwallis.

The British aimed to pick off the Southern states one by one, while maintaining the stalemate in the North and using an effective naval blockade to wear down patriot manpower and economic strength.

Having lost an army in the North and been battled to a draw in the New York-Philadelphia area, the British saw the South as their last best hope. If the Southern operation failed, they would have to pack and leave because there was nothing else to try.

A few British officers thought England shouldn't shoot the works in the Carolinas, but in Virginia—the political, economic and geographical center of the colonies. Capture Virginia, these officers thought, and the South would be cut off and forced to surrender. The main advocate of this policy was Cornwallis, but he was overridden higher up. Georgia and South Carolina were the first targets.

The story of the second British invasion of the South, and how the patriots coped with it, is a David-and-Goliath tale almost unparalleled in the history of warfare.

Late in November 1779, General Clinton dispatched a 3,500-man force from New York to Savannah Ga. by ship. Georgia was then

sparsely settled and chiefly valuable as a base.

That force easily defeated a 1,000-man colonial army at Savannah on Dec. 29. Then it was reinforced by British troops from Florida which the British already held.

Before January was out the British controlled all of Georgia. They set up a new colonial government there and prepared to take South Carolina.

After Georgia's fall had been assured Clinton sailed from New York with Cornwallis and 8,500 of his best men to take Charleston. He intended to stay until Charleston was in British hands then turn over the recapture of the rest of the South to Cornwallis.

On March 29, 1780, almost three years after the patriots had first chased the British from the gates of Charleston, the Redcoats were back.

Washington sent Maj. Gen. Benjamin Lincoln of Massachusetts to defend Charleston.

From March 29 until May 12, Clinton and 10,000 British troops besieged General Lincoln and about 5,500 colonial soldiers in Charleston. Some 500 patriots, led by Gen. Isaac Huger, were posted about 30 miles north of Charleston, near Moncks Corner, to keep an escape route open.

On April 13, a 550-man British cavalry unit commanded by Lt. Col. Banastre Tarleton, plus 100 men of Maj. Patrick Ferguson's Loyalist American volunteer Rifle Corps, attacked Huger's men and decimated them. General Lincoln's escape route was now closed.

After a number of unsuccessful forays—and almost incessant shelling by the British—General Lincoln and his army surrendered on May 12, 1780. It was the worst defeat the Americans had ever suffered. They had lost their only army in the South, substantial stores and mountains of weapons.

South Carolina seemed at the mercy of the British, and the future of North Carolina and Virginia was now in doubt.

Clinton immediately sent three columns of troops into the interior of the state, to take possession. One seized a small post called Ninety-Six (which was 96 miles from westernmost Carolina outposts). Another occupied the region east of Augusta, Ga.

A third force of 2,500 British troops, commanded by Cornwallis, marched toward Camden, S.C., in the middle of the state, with Tarleton's cavalry raiding in front of it. It was the core of the British Southern army that was now marching inland.

As the British rode through South Carolina they engaged in a conscious policy of terror. In an action at Waxhaws, S.C., for example, Tarleton's green-uniformed dragoons killed 113 Americans and wounded another 203—after they'd surrendered. Tarleton, a handsome, Oxford-educated English socialite, believed in utterly destroying an enemy and on more than one occasion had followed up retreating patriots and sabered them without mercy. That behavior was known as "Tarleton's quarter."

While these successes drew more colonists to the British banner, they also roused patriots in the countryside to greater opposition. Among them were Brigadier Generals Thomas Sumter and Andrew Pickens and Lt. Col. Francis Marion, the South's now famous guerrilla commanders. These men and the small bands they led held the defense of the South in their hands since General Lincoln's army had surrendered. But hit-run fighting was the best they could do.

By the summer of 1780, these guerrilla leaders had so inflamed the people that the entire area was in rebellion, even though British strength there was greater than ever. Meanwhile, fresh American troops from the north were now assembling in North Carolina to challenge Cornwallis.

Over Washington's objections, Congress appointed Horatio Gates to lead the new Southern army. It hoped that the hero of Saratoga would again be able to capture an entire

British army. Gates was confident he could. A little aggressive action and the British would fold up, he thought.

Gates arrived in the South on July 27, 1780, and was "ready" to fight by the first week in August. From Hillsboro, N.C., he marched his army toward the British outpost at Camden, S.C., on short rations, at a brutal pace, through Tory country. By the time he got to Camden, 1,100 of his 4,100-man army had disabling stomach disorders. But Gates was in no mood to put off the fight.

At Camden, Cornwallis commanded 2,300 British troops, most of them regulars, plus Tarleton's dragoons and some well-trained Tory militia.

At dawn on August 16, the British attacked. A group of Americans was ordered to counter-attack, but the untrained men fell into confusion and there was no stopping the British. Soon, the entire American line melted away. Here and there, small groups stood fast. But, overall, it was a rout.

The British lost 79 killed, 245 wounded. The Americans lost 600 or more. A thousand colonials were captured, half of the wounded. Among the dead was Baron de Kalb, one of the staunch European volunteers who had arrived with Lafayette.

Gates ran. That night, he was at Charlotte, 60 miles away. Early on the morning of Aug. 18, he was back at Hillsboro, 180 miles from the battle. Alexander Hamilton had a wry comment on Gates' "escape": "One hundred and eighty miles in three days and a half. It does admirable credit to the activity of a man at his time of life."

But Gates' defeat had done more than discredit his leadership. A second American army had been wrecked, and again only the guerrillas of Marion, Pickens and Sumter were left to save the South.

Francis Marion, soon to be called the "Swamp Fox," had been one of the defenders at the first battle of Charleston, in 1776. Later, he'd also fought the British in Georgia and South Carolina. When Charleston fell, Marion managed to escape. A small, wiry man, 46 years old at the time of Gates' defeat at Camden, Marion was stern and silent, but worshipped by his men.

"Our aim," Marion said, "is to keep the British off balance. We aren't strong enough to beat them in open battle, so we'll make life miserable for them. If we can't drive them out with a single blow, we'll wear them down."

And wear them down they did. Small parties of Redcoats were cut up so often that Cornwallis was forced to issue an order forbidding units of smaller than battalion size to travel on the roads.

Marion and his men then went after enemy supply trains. Dressed in a short red jacket and a leather cap with a silver crescent on it, Marion rode out of the swamps with his men, struck unwary Redcoats, then disappeared into the swamps again. His men, sometimes as few as 25, never more than 75, carried whatever weapons they could find.

Marion depended not on firepower, but on tactics and surprise. His guerrilla warfare tactics are still studied today by the U.S. Special Forces.

The second partisan leader, Andrew Pickens, was captured when Charleston fell. But, as an officer, he was paroled on the promise he wouldn't rejoin the fight. But when the British later destroyed his plantation and stole his horses, he no longer felt bound by his promise.

Pickens took over guerrilla activities in the northern half of South Carolina. A 38-year-old elder in the Presbyterian Church and "dour as a New England deacon," Pickens was said to take the words out of his mouth between his fingers and examine them before he uttered them. His men followed wherever he led.

The third great partisan leader, Thomas Sumter, a big, 46-year-old man of great physical strength, led bands of up-country woodsmen against outlying British posts.

"So enamored of victory was he," said Light-Horse Harry Lee, "that he would wade through torrents of blood to achieve it." This belligerence earned Sumter a nickname: "The Gamecock."

Though the vigorous partisan activities couldn't wrest control of the state from the British, they stirred up the population on both sides. Soon, South Carolina was in a state of civil war. Communities, even families, were split in their allegiance. Clashes between partisans and Loyalists were frequent.

All through the late summer of 1780 and into the fall, the partisans conducted an active guerrilla war against the British. By most military measures, the Redcoats had conquered South Carolina. In fact, after Camden, no force of consequence stood between Cornwallis and the Pennsylvania border. But, because of the partisans, his hold on South Carolina was anything but firm.

In fact, it was shakier than even the partisans could guess. King's Mountain, a turning point in the war, was only a few months away.

To cement his hold and to rally Loyalists to his cause—while running down guerrilla bands—Cornwallis formed two mobile detachments, one under Tarleton, the other commanded by Major Ferguson.

Ferguson was sent to the western section of South Carolina. His mission: to raise Loyalist militia—which would then knock out the patriot bands in that part of the state once and for all.

By late summer, he'd gathered 4,000 Tories into what was called the American Volunteer Rifle Corps.

But Ferguson had also stirred up the patriots. By early October, about 1,200 North Carolinians—with a few Virginians, South Carolinians, Georgians and mountain men from what would later be Tennessee—had assembled at a base in the Great Smokies in North Carolina.

With more patriots on the way, Ferguson decided to pull back. He headed toward the South Carolina border with about 1,200 of his best men.

The patriots followed quickly.

By October 6, 1780, Ferguson knew he had to stand and fight. He carefully chose a battle site—on the South Carolina side of King's Mountain, which straddles the western North Carolina-South Carolina border.

The King's Mountain battle site is a forested Appalachian abutment in South Carolina, one of the most tranquil spots in the country today—a high, quiet, mountain bench that affords a magnificent view of both the South Carolina and North Carolina Piedmont through openings in the trees, in contrast to the rush of North Carolina-Georgia traffic on Interstate 85 just a few miles to the north.

The slopes were wooded, but even in Ferguson's day a high knoll was clear. Ferguson and his men camped there and set up a defense.

October 7 was a rainy, dreary day. The patriots, in a forced march from their base, reached the prominence at noon and surrounded it.

Then, the American riflemen began to creep up the slopes, dodging from tree to tree. Ferguson's men fired in volleys, hit little, then reloaded. Soon, the Americans were less than 100 yards from the crest, keeping up almost a continuous fire by shooting and reloading in relays.

When the firing stopped, Ferguson had lost 157 killed, 183 wounded, 698 prisoners. The patriots lost 28 killed and 62 wounded.

It was the first American victory in the South since the British were repulsed in the first battle for Charleston in 1776. Though neither side realized it, King's Mountain was the beginning of the end for the British, for it proved that Cornwallis could only control the ground he stood on.

Inspired by the victory, the partisans

stepped up their guerrilla activities. Cornwallis tried again. He sent Tarleton to get rid of Marion. But he failed.

"I know not whether there are two hundred rebels or two thousand," Tarleton wrote to Cornwallis. "I followed them as far as I could, but they vanished in swamps so dense that even the most primitive savage soon would perish there."

Marion's escape inspired a little rhyme, one American children in Charleston and Augusta delighted in singing within the hearing of the British captors:

A pox on the lobsters  
A pox, a pox,  
Beware of Marion  
The old Swamp Fox

Cornwallis then sent Tarleton after Sumter. On November 20, the raiders met Sumter and his 420-man militia at Blackstock's Hill, S.C. The result: 100 Britishers killed or wounded; a few partisan casualties.

Eventually, Cornwallis decided he'd have to deal with the partisans on his heels as best he could, while proceeding north according to the main British plan.

After reinforcements arrived, he and his army headed toward North Carolina. Conquer that state, he thought, and South Carolina would fall into line.

Meanwhile, Washington was frantically trying to get together a fresh force to send south. The scattered remnants of Gate's army had been reassembled and Washington added some troops from the main army.

A better commander than Gates was needed. Washington recommended his Quartermaster General, a 36-year-old Rhode Island Quaker named Nathanael Greene.

Of Greene, Henry Knox, Washington's artillery commander said. "He came to us the rawest, the most untutored being I ever saw." But in less than a year, he was the equal in military knowledge "to any General Officer in the army, and very superior to most of them."

To assist Greene, Washington also sent southward Daniel Morgan. "The Old Wagoner," whose help had been so vital at Saratoga, and Light-Horse Harry Lee, a daring young officer who'd helped Washington hold West Point.

On December 2, 1780, Greene arrived at Charlotte, N.C. There, he found he had less than 1,500 men fit for duty—and only half of them trained Continental soldiers.

Greene knew he hadn't enough men to meet Cornwallis head on. He had to force battles when everything was right then escape, whittling down the British army and continuing guerrilla harassment.

He ordered his engineers to map the countryside and give him a complete report on the surrounding terrain. Then he moved his troops into richer, more sympathetic territory, recruiting new men in every way possible, scouring the countryside for supplies.

With half his army, Greene established a strong base in central South Carolina. The other half, led by Daniel Morgan, headed toward the western part of the state to rally the militia and to threaten the British fort at Ninety-Six. In late December 1780, both American contingents were in place, Greene's men at Cheraw, Morgan's on the Pacolet River.

Cornwallis' spies watched as the new commander took over the battered American forces. When Greene divided his army, the British general thought the time was ripe to crush this force as he had crushed Gates. First, he would deal with the smaller of the two divisions. Morgan's. So he sent Tarleton and about 1,200 men to do battle.

As Tarleton came toward him, Morgan and his men camped in a thinly wooded area within the great bend of the Broad River, slightly south of the North Carolina border. Locally, his campsite was known as "Hannah's Cowpens," or "The Cowpens." Here local herders rounded up their cattle

(penned their cows) before sending them off to market.

Military historians who've studied the battle that followed have noted how similar Morgan's plan of battle was to that of the ancient Carthaginian, Hannibal, in his great victory over the Roman legions at Cannae in Southern Italy, in 216 B.C. During the battle, Hannibal managed to lure the much-superior Romans into a careless chase after the deliberately retreating center of his own front line. The Romans didn't realize the retreat was planned, that Hannibal had mounted forces on both sides. They rushed into the trap and the trap sprung shut, to destroy one of the greatest of Roman armies.

Like Hannibal, Morgan had a mixed force. Some men were well trained, others trained hardly at all. Both Hannibal and Morgan placed their forces in a river bend, to cover their rear and to force their least reliable troops into the battle, rather than make flight easy. But there is no evidence Morgan had ever heard of Cannae—or Hannibal. His formal education was minimal.

Morgan shaped his slightly more than 1,000 men into three lines. The first two were militia. The last consisted of his seasoned troops. In front of these was a row of sharpshooters. Behind the grouping were some mounted reserves.

Before the battle began, Morgan himself walked among his least reliable troops, his militia. "Just hold up your heads, boys, three fires and you are free," he told them. They'd run, Morgan knew, but they couldn't run far.

At 8 a.m., January 17, 1781, Tarleton gave the order to attack.

Spurred on by Morgan's booming voice, the first line of the militia fired three times before they fell back. The British were hurt, but they kept advancing with their cavalry in the lead. Then, they ran into the second line of militia. These men also fired two or three rounds—and ran.

Just as the British came on—excited, exultant and careless—the American cavalry attacked, scattering the British horsemen. Meanwhile, Morgan had raced the fleeing militia back to their horses and had managed to re-form them. "Form, form, my brave fellows," he cried "Old Morgan was never beaten."

The main body of British troops continued to press on, now meeting the main body of trained American troops. The Americans retreated a bit, and the British followed, suspecting nothing.

In fact Tarleton thought the American line was collapsing. The British charged, the Americans gave way. But the reformed militia were now ready to attack the British from the left flank and left rear. And Morgan's reserves were about to attack at the right flank and right rear. The trap ready, the retreating Continental center came to a dead halt and turned withering fire into the charging British line. At the same time, the militia and the reserves attacked.

Like Hannibal, nearly 2,000 years earlier, Daniel Morgan, an American backwoodsman, had trapped his enemy in a classic double envelopment. After about an hour, Tarleton fled, with less than 300 British troops. Some 110 of his force were killed and 800 taken prisoner. The British also lost two cannon, 800 muskets, 100 horses and a 35-wagon supply train. Patriot losses at the Battle of the Cowpens: 12 killed, 61 wounded.

It was a serious defeat for the British. Their loss—Cornwallis' finest "light" troops—was about equal to the size of the American force involved.

News of this latest defeat reached Cornwallis at his headquarters in Winnsboro, in north central South Carolina, on Jan. 18, the next day. On the morning of Jan. 19, Cornwallis, now reinforced and commanding 3,000 men, set out after Morgan. If this defeat was not avenged, Cornwallis realized, the British would no longer be a credible force

in the South and whatever chance they had to win the loyalties of the people would be lost.

Morgan guessed Cornwallis would come after him. Within an hour after the Cowpens battle was over he and his men were off to join Greene. When Greene found out that Cornwallis was on the move, he sent a message to his quartermaster general to collect all available boats along the lower Dan River (in southern Virginia). He'd lead his foes as far inland as possible.

And thus the race began. It was a race Cornwallis was determined to win. On Jan. 26, he stripped his army down to the barest essentials, burning his entire wagon train and most of the army's provisions.

For two weeks, the British pursued and the Americans retreated. Though Greene's army, carrying prisoners and booty, couldn't march as fast as Cornwallis', wheeled carriages made in advance by Greene's engineer, Polish patriot Thaddeus Kosciuszko, and boats waiting at every river kept the Americans ahead.

As the British chased, Greene decided to continue his retreat—enticingly. He knew what effect the march was having on the British army.

With Cornwallis' forward elements in sight, the last of Greene's men crossed the Dan River, leaving the British with no boats to follow them. Cornwallis stood on the southern bank and swore. He'd risked a great deal to capture Greene's army. Now he was 250 miles from his nearest major base, commanding an exhausted army without supplies, in the midst of a hostile population.

He fell back, announcing that he'd conquered North Carolina. But the truth was—and Cornwallis knew it—he'd been beaten there, and without a shot being fired. He'd started off with a well-equipped army of 3,000. Now, after illness and desertion, he had 2,200 worn and hungry troops who were farther from conquering the South than ever.

While Cornwallis was losing strength, Greene's army was gaining it. The victories at King's Mountain and Cowpens had attracted more enlistments. Now Greene commanded 4,300 men—including 1,600 regular infantry and 160 regular cavalry.

All during the retreat, Greene had studied the terrain for possible battle sites. In late February, he and his army recrossed the Dan and headed toward the most likely spot, Guilford Court House, which sat on the main North-South road running through central North Carolina.

Greene and his army were in position by March 15, 1781. Cornwallis, camped 12 miles south, knew his army must take up the challenge. By 1:30 p.m., after having marched to battle all morning without breakfast, the British army engaged Greene at Guilford Court House.

After suffering two or three volleys, they drove the American militia from the field. But the American flanks held. On the left, the British were stopped. On the right, they were thrown into disarray.

Now Cornwallis was worried. It looked suspiciously like Cowpens all over again. So he turned his cannon directly into the fight, killing British and Americans alike—but halting the patriot advance.

Greene decided his army had done as well as could be expected, and as well as necessary. He ordered a general withdrawal. The Battle of Guilford Court House was over. The British held the field, a technical victory.

About 150 British were killed, and more than 380 wounded. Greene reported 78 dead, 183 wounded. Afterwards, he said he was "ready to sell Cornwallis another field for the same price."

Back in England, Charles Fox, a member of the opposition party in Parliament, took a dim view of Cornwallis' "victory" at Guilford Court House. "Another such victory would destroy the British army," he said.

After the battle, Cornwallis drove his army toward Wilmington, N.C., where the British

could resupply him by sea. Though the British plan to conquer the South seemed doomed now, Cornwallis had something else in mind. That "something else" was a major victory in Virginia.

On April 24, 1781, after resting a bit, Cornwallis and his 1,435 remaining soldiers left Wilmington and headed toward Virginia, against Clinton's orders and without his knowledge.

Cornwallis had two objectives. First, he hoped to lure Greene after him. After picking up reinforcements in Virginia, Cornwallis thought he could make short work of Greene and his army. Second, he wanted to gain control of Virginia. That accomplished, the South would fall—or so Cornwallis believed.

But Greene's mission was to save the South and he wasn't about to be distracted. Besides, he was beginning to hear rumors of a large French naval force being gathered for a Virginia expedition. He kept Washington informed about Cornwallis' movements and looked to other work in the South. The British still had a tenuous hold on South Carolina, maintained by about 8,000 garrison troops, two-thirds of them American-born Loyalists, scattered around in forts at Charleston, Augusta, Georgetown, Camden, Ninety-Six and others.

And there was still a mobile force of British soldiers in South Carolina—about 1,500 men, commanded by Lord Rawdon.

While Cornwallis rested in Wilmington, Greene, Marion, Sumter and Pickens moved back into South Carolina with 2,500 men.

Deciding to strike at the British outposts, Greene marched his men to Hobkirk's Hill, near Camden. At this moment, the 26-year-old Lord Rawdon decided this was his chance for fame. On April 25, he attacked with 900 men, while the Americans were eating. After a confused battle Greene "sold" another field.

The patriots counted 19 men dead, 115 wounded and 136 missing. Lord Rawdon lost 88 dead, 220 wounded and missing.

Again, the British had won a technical victory. But American strength was unaffected. "We fight, get beat, rise, fight again," Greene wrote after the battle. And each time the Americans returned to battle, it was against an opponent weaker than before.

Rawdon was much weaker than before. Greene was now threatening his lines of communication, while patriot guerrilla bands were attacking the forts. Food was in short supply for the British and the countryside was rallying to the patriots.

After Hobkirk's Hill, Rawdon retreated. He also sent orders to the posts at Ninety-Six and Fort Granby to fall back. He aimed to hold less of South Carolina, but to hold it more firmly.

Actually, Greene's defense of the South was succeeding brilliantly. Each day brought a new patriotic success and nailed another nail in the coffin of British ambitions in the South.

On May 11, the British garrison at Orangeburg fell to Sumter.

On May 12, Marion and Lee took Fort Motte.

On May 15, Lee captured Fort Granby.

On May 29, Marion occupied the British fort at Georgetown.

On June 6, Lee and Pickens took the British outpost at Augusta.

Rawdon spent the month of May retreating, all the way to Moncks Corner, 30 miles from Charleston. Outside of this tiny area, the only remaining British outpost in the state was at Ninety-Six. The Tories here had decided to hold on, despite Rawdon's orders. Greene came to Ninety-Six and besieged it for a month. Rawdon marched to its relief—and Greene withdrew. Rawdon considered pursuing Greene, even though his troops had just completed a lengthy forced march, but thought better of it.

He closed up the fort at Ninety-Six and

headed back toward Charleston, with Greene's army yapping at his heels. Both armies then rested for six weeks, waiting out the hottest days of the summer. During that period, Rawdon left for England, his health broken. He left what remained of the British Southern forces in charge of Lt. Col. Alexander Stewart.

By the end of August, Greene's command had swelled to some 2,450 regulars, including the guerrilla bands, who had now joined the main body.

On the night of Sept. 7, Greene stealthily moved his troops to within seven miles of the British camp in a clearing near Eutaw House, on the south bank of Eutaw Creek, not quite 50 miles from Charleston.

The next morning, Greene attacked. Moving into a heavily wooded area, the British and Americans charged and countercharged. Finally, the greater number of American troops made their weight felt. Soon, Stewart's entire British line was retreating in disorder, after 300 Britishers and two cannon had been captured.

The Americans, finding themselves in the midst of the British camp, soon turned to looting and drinking. Seeing what had happened, Stewart re-formed and started to offer serious resistance.

Greene saw that his men were no longer in any mood for fighting. He then marched them away from the scene of battle.

Again, the British held the battlefield. The Americans had lost 139 killed, 375 wounded and eight missing. The British only had 85 killed and 350 wounded, but 430 were missing.

It was the last battle in the campaign for the South. And it was another unhappy "victory" for the British, who had learned how hopeless it was to chase Greene or Marion or Pickens or Sumter. There was nothing they could do. Stewart could only withdraw again, this time to Charleston to await ships to evacuate his forces.

In ten months, Greene's troops had met the British in four major battles and had been driven from the field each time. Even at Cowpens, Morgan had had to withdraw. But each time, the British, too, could only withdraw. This campaign, according to military analysts, is the only time in recorded history that a general has won the day without having gained a single tactical victory.

The disintegration of the "all-winning" British army in the South forced Cornwallis on with his own plan to take Virginia. There, in need of reinforcements when threatened with entrapment by Lafayette and Anthony Wayne near Richmond, he moved down the peninsula to Yorktown, hoping for reinforcement by sea from Clinton's army in New York. But the French navy, under De Grasse, closed off the sea lanes there, while Washington came down from the North by forced marches to join Lafayette. Together they sealed off the peninsula. Trapped and besieged, Cornwallis surrendered on Oct 19, 1781.

For the British, it was all over. They had proved they could keep New York and they could keep Charleston. But they couldn't keep the hinterland and had no more plans to try when their Southern venture failed.

With no more stomach for the war, they consented to American independence and peace parleys got under way.

#### REVENUE-SHARING

**HON. WILLIAM A. STEIGER**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, recognizing that the States need additional revenue, and with no Federal

strings attached, President Nixon submitted to Congress a plan whereby Federal revenue would be returned to the States, giving the States more resources and more authority.

In "Revenue-Sharing" the Seattle Post Intelligencer editorializes that Congress has been idle too long on the President's proposal. I, too, believe it is time to act on this plan to aid our States, and I include this editorial in the RECORD, as follows:

#### REVENUE-SHARING

More than a year ago President Nixon proposed a revenue-sharing plan to Congress which called for the federal government to return federal monies to states and cities on a graduated basis.

As modest as the President's proposal was—an annual scale ranging from \$500 million in fiscal 1971 to \$5 billion in 1976—it has received scant attention from Congress.

The reluctance of our national lawmakers to give serious consideration to the President's revenue-sharing plan is inexcusable. Federal revenues are accumulating at an ever increasing rate while many state and local governments are heading for bankruptcy.

Some form of federal fund allocation is desperately needed. Congress can easily appropriate funds on the basis of each state's share of national population adjusted for the state's revenue effort.

This is the proper approach to the Nixon administration's goal of a "new federalism" which promises more authority and resources on the state and local level.

And a welcome approach it would be for every taxpayer who suffers periodically a large bite from his payroll check without ever really knowing where the money is going.

President Nixon's revenue sharing plan has been pigeonholed for far too long. In this congressional election year, every citizen has both the right and duty to demand quick action on the President's proposals.

#### BEHAVIOR DRUGS: NEWEST MADNESS

**HON. JOHN G. SCHMITZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

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

#### BEHAVIOR DRUGS: NEWEST MADNESS

(By Paul Cole Beach)

E. E. Cummings: "Kick the dictators in the patoot, boys, and live, live, live your life!"

When the sex education furor peaked last year, educators remarked among themselves that that controversy would not compare to what would be stirred by plans for "biochemical experimentation" on elementary school children. "New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as concentration and memory," predicted education theorist Harold Shane in the National Education Association journal. "The application of chemical research findings, heretofore centered in infra-human subjects, could be a conspicuous source of controversy when children become objects of experimentation" in the schools.<sup>1</sup>

Shane's forecast had little public impact at the time, even though it came with an NEA imprimatur. Nor was much notice taken

Footnotes at end of article.

when Hawaii's Department of Education, whose school system is a bellwether of coming innovations, announced in its recent master plan that "a whole new area of collaboration in basic research among educators, psychologists, and neurobiochemists to identify the chemical influences on learning will emerge sharply."

Hawaii's school administrators made their meaning clearer when they remarked that "it is now known that certain processes of memory . . . are not fixed, and that intellectual capacity can be reduced or strengthened by chemical agents" given to students. Observing that drugs can mold a child's immediate and long-term memory, his attentiveness and persistence, Hawaiian officials noted that "in the not too distant future, schools will employ a new assortment of learning drugs" on elementary students.<sup>2</sup>

Such programs are no longer speculative. School systems using "behavior modification" drugs on elementary pupils have surfaced in districts across the nation—in Anaheim, California; Omaha, Nebraska; and Montgomery County, Maryland schools. Most so far use amphetamines, like Ritalin or Dexedrine, on so-called hyperkinetic (overactive) children. Among addicts, such drugs are known as "speed." According to press sources, school officials admit having put "tens of thousands" of youngsters on these or similar drugs,<sup>3</sup> or as much as 10 to 20% of elementary students in particular districts.

Educators claim that several million children require such treatment because they suffer from hyperkinesis, which is a medical term for children "hard to handle." Most such children have above average intelligence, say educators, and exceptional verbal skills. Most, about 70%, are boys. Although these children have no physical disability, educators claim they have "learning problems," which stem from an inability to sit still and concentrate over lengths of time. "Almost invariably there is a passion for handling things, often clumsily so that they are broken," counselors remark. "Many such children talk a blue streak," they add, "and are apt to have tantrums."<sup>4</sup>

While most educators concede that such problems resolve themselves as the child matures, others argue that educational handicaps acquired in the meantime can lead to dire consequences. Dr. Byran Oberst, who was instrumental in introducing the "behavior modification" program in Omaha, predicts that if drugs are not employed to forestall such handicaps the child will almost inevitably turn to "self-destruction, vandalism and anarchy."<sup>5</sup>

Educators are confident, however, that dosing children with amphetamines will prevent such "problems." Since the drug acts as a depressant on children, school officials claim it helps their concentration, attention span, and comprehension. (Some school personnel grumble privately that educational policy-makers must never have been boys, and that the only effect of drugging children will be to raise "a generation of junkies and speed freaks.") Such a regimen is nevertheless said to be particularly important for poor and minority groups, and programs concentrate heavily on these groups even to the point of pressuring parents to cooperate—like it or not. One black family in Omaha, for example, initially resisted placing its child on drugs, but relented when his grades plummeted in the face of school pressure. "The teacher badgered us on the phone for a month and a half. She called every night." Some parents charged that their children were being made "guinea pigs," others that Omaha is trying to drug black children into quiet submission.

If coercion of parents were not itself despicable, it would surely be made so by the failure of schools to control the distribution and circulation of drugs. Pill-swapping on elementary school playgrounds, for example, is common in Omaha and something

which educators more or less consciously ignore, though they concede that thousands of children walk about with dangerous drugs in their pockets and lunch-pails and that "one kid would often say to another, 'Here, you try my yellow pill and I'll try your pink one.'"

Moreover, school officials skirt the issue of possible drug side-effects. "How (the amphetamine) Ritalin works is still the sixty-four dollar question," admits Dr. Oberst. "On any of these, even Dexedrine, nobody precisely knows the mechanisms of how they function." School superintendent Oberst and others, however, maintain that drugs make the children "happier," though they note when pressed that the drugs may cause some loss of appetite and "some trouble dropping off to sleep."<sup>6</sup> Actually, this grossly minimizes the physical and mental effects of pep pills. The U.S. Food and Drug Administration has warned doctors to use "extreme caution" in prescribing amphetamines because of their physical effects. The FDA reports, indeed, that the drugs can cause "extreme psychological dependence" or addiction, can result in "extreme fatigue and mental depression" when stopped, and can produce mental disorders or "psychosis often clinically indistinguishable from schizophrenia."<sup>7</sup>

While the almost criminal negligence and stupidity which mark these programs might well spark parental outrage, there is compelling evidence that school treatment of "hyperkinetic" children is merely a pretext for the educational system to engage in more serious "behavior modification" and mind-changing experiments. That question was publicly raised in the educational literature last year by University of California psychologist Dr. David Krech. After detailing scientific research discoveries into the workings of the brain and the central nervous system, Krech concluded that "it may soon be within man's power to control mental development—to enhance it or inhibit it with chemical agents and special environments"—and that the schools are contemplating experiments based on these findings.

Wondering whether educators "can be entrusted with such dangerous power," Krech thinks "our psychology—especially when combined with educational practice and theory—must now be listed among the powerful and perhaps even the dangerous sciences." Memory experiments, if nothing else, led him to that belief. He notes, for example, that science is on the verge of creating a "chemical memory pill" capable of selectively determining a person's long and short-term recollections or acquired skills.

By keeping "the brain from manufacturing the chemicals in the long-term memory process, then we could create an animal that might have normal short-term memories but would be incapable of establishing enduring memories," he observes. "There are chemical memory preventives [which have been tested successfully in lower animals] that seem not to interfere with the individual's immediate capacity to obey immediate orders, but that do prevent him from building up a permanent body of experiences, expectations, and skills . . . what evils such weapons might wreak in the hands of some authorities."<sup>8</sup> While a variety of related projects have been carried out successfully on lower animals,<sup>9</sup> they have not yet been tested on humans—though it seems clear enough that schools are establishing a precedent.

While it will probably be a few years before such an Orwellian system is realized, these first educational probes sharply raise the whole issue of the increasingly totalitarian character of American education. The school system is no longer committed to teaching the liberal and technical arts, to say nothing of the Christian proposition that education should bring men into touch with the Lord of creation, but to a massive program of social and political indoctrination.

The President himself, indeed, has marked the shift. "In the past, the public has equated going to school with education," he recently remarked. "The role of the school was to transmit information and instill traditional values. The society of today is one changing so rapidly that skills and information become outmoded and traditional values are under challenge." Consequently, he said, the schools should no longer concern themselves with such functions, but ought to be devoted to giving the children "a framework within which to sort out the diverse values to which they are exposed." The schools ought now to "emphasize adaptation to the needs of a rapidly changing society" and to the demands of the state.<sup>10</sup>

Mr. Nixon was not merely speculating idly. The U.S. Office of Education in the last year has funded educational projects, designed to become operative nationwide, which point the course of things. For example, USOE started a program two years ago in Norwalk (Connecticut) establishing "a youth resource center . . . to effect behavioral changes in youth through a combination of guidance, counseling, sensitivity training, technological devices," and so on. Run by an "innovation director" and a "master teacher," the program is also designed to identify "forces which block the adoption of new ideas and ways to overcome these forces."<sup>11</sup> USOE has also funded "change agents" whose purpose is to develop and disseminate such "behavior modification" programs nationally.

What lengths such experiments can reach is exemplified by the fact that not long ago the President himself seriously entertained a DHEW memorandum advocating that elementary students be tested psychologically "to determine their future potential for 'criminal' behavior," and that the schools start "massive psychiatric treatment for those children found to be criminally inclined." According to DHEW, those who did not respond to "treatment" and were "later found to be persisting in incorrigible behavior would be remanded to camps."<sup>12</sup> Although President Nixon was forced to disown the idea when it was leaked to the press, it suggests not only the lengths educators will go to increase their power in the face of failing intellectual authority, but the uses to which an increasingly autocratic state would like to turn public education.

Such proposals show the error of thinking that a totalitarian and democratic state radically differ in their desire to mold and shape their citizens to their own will. Moreover, they point up the need to impress upon educators a central fact of human existence: human souls positively cannot be dicyleaned! That means Catholics should let it be known forcefully that an effort to create a subhuman American superstate, where a person does as he's told or turns into fertilizer, won't be tolerated. "This guy says kick the dictators in the patoot . . ."

#### FOOTNOTES

<sup>1</sup> Harold Shane, "Forecast for the Seventies," *Today's Education* (January 1969), 30.

<sup>2</sup> Dept. of Education, *Public Education in Master Plan for Hawaii* (Honolulu: 1969), p. 39.

<sup>3</sup> "Drugs for Learning," *Time*, August 10, 1970, 43-44.

<sup>4</sup> *Ibid.*

<sup>5</sup> Robert Maynard, "Omaha Pupils Given 'Behavior' Drugs," *Washington Post*, June 29, 1970, A-1, A-8.

<sup>6</sup> *Ibid.*; cf. *Washington Daily News*, July 24, 1970, 12.

<sup>7</sup> Stuart Averbach, "FDA Moves to Curb Use of 'Pep Pills,'" *Washington Post*, August 6, 1970, A-1, A-7.

<sup>8</sup> Dr. David Krech, "Psychoneurobiochem-education," *PTA Magazine* (April 1969), I, 16-18; cf. part II (May 1969).

<sup>9</sup> See Fred Warshofsky, "Mind Research: The Promise and the Peril," *Reader's Digest* (April 1970), 119-123.

<sup>10</sup> "Address on Education," Weekly Compilation of Presidential Documents (July 1970), p. 944.

<sup>11</sup> Project #DPSC-68-5256 and DPSC-68-5166, Pacesetters in Innovation. (Washington: DHEW, 1969).

<sup>12</sup> Cf. Triumph (May 1970), 7.

#### THE DAV'S TOP BRASS

### HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. HALPERN. Mr. Speaker, one of the great organizations serving the American veteran is the DAV—Disabled American Veterans Organization. In New York alone the organization has over 18,000 members in more than 100 chapters.

Outstanding among its leaders is Sol Kaminsky of my county of Queens who has come up through the ranks to reach the exalted post of State commander. A recent article in the Long Island Daily Press relates a most interesting background of this remarkable man and I commend it to my colleagues:

THE DAV'S TOP BRASS: LONG ISLAND VETERAN TAKES THE REINS

(By John Franz)

When members of the New York State Department of the Disabled American Veterans looked for someone to be their commander for this year and 1971, they didn't have far to go.

Their unanimous choice was Sol Kaminsky of Howard Beach, a 45-year old double leg amputee veteran of World War II who has an outstanding record of helping servicemen, especially the disabled.

Actually, Kaminsky is no newcomer on the department level; he had served as adjutant and was a vice commander at the time of the election. He joined the DAV in 1946 and has held virtually every office in its national Amputation Chapter in Whitestone.

He is also past president and currently the secretary of the National Amputation Foundation in Whitestone, an organization founded for the sole purpose of providing funds for the rehabilitation and welfare of the amputee disabled veteran.

In recognition of his work, the chapter voted him an "amputee-of-the-year" award awhile back. The department named him its "outstanding disabled American veteran" for two consecutive years.

Now that he is at the helm, Kaminsky still doesn't intend to sit back and let his buddies do the job. He'll spearhead a program calling for doubling of visits by the membership to hospitalized veterans, more entertainment and other services for them, and helping servicemen overseas.

"Unfortunately, because the Southeast Asia situation is not to the liking of many, the public is not doing as much for today's servicemen as was done in World War II," the commander said.

"The DAV will not forget them. We especially don't want amputees to be lost, and we'll do everything we can to see that they get things they need to maintain their dignity."

He said members of his service organization have found returning wounded amputee veterans "very confused with the internal situation in the United States."

"We must treat them as returning heroes," he said.

Kaminsky joined the Army in 1943, shortly after his 18th birthday. He was with the 251st Engineers Combat Battalion, maintaining a

road block on April 17, 1945 in Hanover, Germany, when an 88-millimeter shell burst near the men.

"The irony of it was that this happened just 14 days before the end of the war in Germany," he said.

He was hospitalized for months but finally was outfitted with artificial limbs. Today he doesn't use crutches or a cane. He drives a car without any special devices to carry out his job as a purchasing agent of natural gums from all over the world, and his many other appointments.

"Amputees shouldn't feel everything is lost and be depressed but take a positive view and look toward a happy future," he said.

Born in the Bronx, Kaminsky was raised in Williamsburg and was graduated from Eastern District High School. He and his wife, Edith, and their children, Rita, Maxine and David, reside now at 157-12 89th St., in the Rockwood Park section of Howard Beach.

He is a member of the Rockwood Park Jewish Center and Rockwood Park Civic Association, but finds he can't be too active in them because of his job and DAV duties.

"The DAV has contributed about \$40,000 to handicapped boy scout units all over the country so, naturally, I'm a strong booster of that organization," declared Kaminsky. His son is a member of Troop 139 in Howard Beach and he drops into their meetings.

His other projects include working closely with other veteran organizations for a medical school and Veterans Hospital for Queens and against legislation harmful to veterans, such as the bill to water down real estate exemption for disabled veterans which was defeated a year ago.

The DAV has over 18,000 members in more than 100 chapters in this state. Disabled veterans with problems can go to the DAV's state office at 260 Clinton Ave., Hempstead, Mondays through Fridays, or to the Whitestone office at 12-45 150th St., Mondays through Saturdays. The hours are 9 to 5.

#### THE SST AND EMPLOYMENT

### HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. SKUBITZ. Mr. Speaker, we read and hear about so much news about the supersonic transport program—the merits and demerits of the SST. One factor which has escaped the attention of some of the public is that the SST program will mean employment for thousands of persons throughout the Nation. With the desire of Congress and the administration to have a healthy economy this factor should be carefully weighed in thinking about the SST.

The Council of Augusta, a community in my district which is near Wichita where the Boeing Co. is scheduled to build part of the SST, has sent me a very interesting resolution. The city fathers of this community realize the benefits of the SST on the economy of Augusta. The resolution advocates the passage of legislation to continue the SST programs.

Because the resolution brings out some key points about the value of the SST, I would like to share the resolution with my colleagues.

#### RESOLUTION

Whereas, The Boeing Company is located in Sedgwick County, Kansas, and

Whereas, the said company is one of the largest employers of persons living within

the City of Augusta and in the area immediately adjacent thereto and as such contributes materially to the economic well-being and stability of Augusta and its surrounding territory, and

Whereas, the Boeing Company has been the successful bidder in connection with the Supersonic Transport Program and such Program is being funded under a proposed action by the Congress of the United States under a bill designated as H.R. 17755 now pending in the Senate, and

Whereas, the success of such funding will have a material bearing upon the employment of persons by the Boeing Company and the Governing Body of said City does desire to indicate its interest in the success of Boeing Company and further to indicate its support of the aforesaid Supersonic Transport Program, and

Now therefore, be it resolved by the governing body of the city of Augusta, Kansas, that the proper and appropriate authorities of the United States Government should be requested to give full credence to the favorable consideration of the above mentioned proposed legislation.

Be it further resolved, that copies of the within Resolution be forwarded to the Congressman representing the Congressional District of which the City is a part and the two Senators from the State of Kansas for the purpose of indicating the interest of the City of Augusta and to request that all possible assistance of the Representative and Senators be expended to urge the acceptance of the aforesaid funding program.

This Resolution passed and adopted unanimously by the Governing Body of the City of Augusta, Kansas on the 8th day of September, 1970.

W. NEWTON MALE,  
Mayor.

Attest:

FRED H. ORTMANN,  
City Clerk.

#### "YOUTH BASEBALL CAPITAL" HOSTS LEGION SERIES

### HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ULLMAN. Mr. Speaker, the baseball talents of the Nation's finest 16- to 19-year-old players were displayed this past week in Klamath Falls, Oreg., during the 1970 American Legion world series.

The eight teams, chosen to represent their regional areas in a series of summer playoffs, played to capacity crowds during the entire weeklong tourney. The western representative team from West Covina, Calif., won the tourney and Levittown, Pa., was the runner-up club.

The American Legion tournament has long been known as a major spawning ground of future big-league players, and at least 2 dozen major league scouts were in attendance. A former Legion player and ex-New York Yankee star, Bobby Richardson, was the special guest of the tournament.

Klamath Falls has often been called the "Youth Baseball Capital" of the World as it has previously hosted many other major youth baseball tourneys. The residents of the city of Klamath Falls and Klamath County volunteered uncounted men, materials, and money to help make this year's world series the huge success that it was.

ASSISTANT ATTORNEY GENERAL  
LEONARD SPEAKS ON THE IN-  
CREASING LEVEL OF VIOLENCE  
IN OUR COUNTRY

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. BIESTER. Mr. Speaker, Jerris Leonard, Assistant Attorney General, Civil Rights Division, spoke today before the annual meeting of the College of the American Society of Clinical Pathologists in Atlanta, Ga. Because his remarks dwell upon the extraordinarily increasing level of violence in our country, I believe they deserve the attention of all of us:

VIOLENCE AND THE LAW

(By Jerris Leonard)

When I was first invited to participate in your session on the problems of violence in our country I was not sure I could accept. Some of my advisors insisted that during what is the second week of school in most places, I would be far too busy considering the potential for disorder and violence attending the desegregation of hundreds of schools across the South. However, I was very anxious to attend a meeting of leading professionals concerned about violence in our society and I was optimistic that there would not be substantial or general interference with federal court orders. Fortunately, I can report to you today that there was only minimal interference with the desegregation process. In the last three weeks, schools in 650 districts have converted from the dual to unitary system. And, while there has not been universal agreement over the methods by which this was accomplished, there has been a general willingness by the vast majority of the citizens involved to comply with the law.

Perhaps this is a good beginning point for our analysis of violence and the law—and we are speaking principally of violence which grows out of dissent and protest and not the aberrations of individuals.

The first observation I would make is that although the incidence of violent behavior has significantly increased in recent years, it is still a minority phenomenon. This is equally true of the dissent among students and young people.

We recently had a situation of grave concern in Portland, Oregon. There, some 30,000 people had come to town for the American Legion convention. Simultaneously, a few miles away there were two rock concerts which attracted some 80 to 100 thousand young people. Finally, there was a group that planned to take to the streets to demonstrate against the Legion. Despite considerable agitation from this group, on protest day barely 1,000 people turned out for the anti-Legion events and there was no violence. As it turned out the "rock" festivities were of the listening, not the throwing, variety and the great majority stayed away from any violent confrontation.

Thus, I can report that the great bulk of our citizens—one is almost tempted to say the silent majority—are peaceful and law abiding and will accept even drastic social changes required by the law without violent reaction. Indeed, this is one of our nation's great qualities which is frequently overlooked by those who seek to change and improve our institutions.

Let us turn then and look at the law as it relates to dissent and disorder. Our Federal Constitution and laws guarantee to every citizen the right of free speech—to petition

for the redress of grievances, to protest governmental policies, to organize to seek change. There has been much misunderstanding throughout protest groups of this Administration's commitment to these principals. The Department of Justice and the Administration fully recognize and support the concept that dissent is an integral part of the democratic process. It is the yeast in our society. It is that constitutionally protected element that enables a multitude of diverse concepts and causes to be tested in the market place of ideas. To be argued, to be dissected, to be utilized or discarded by the American people. We are constitutionally and morally required to protect this right in its rational and logical purpose. We are also bound to oppose and prohibit the use of violence as antipathetical to this very process. History, if it has taught us anything, has taught that violence is not a suitable method of leading people to re-examine their positions, on the contrary it most often leads to a progressive closing off of all re-examination with only the alternative of increased violence. Apologists for violence as a means of social change frequently justify their position with the claim that violence is the American way. This is unmitigated nonsense. As the Commission on Causes and Prevention of Violence succinctly put it, it is "group protest, not group violence, that is as American as cherry pie."

We have witnessed over the past few years a growing tendency to resort to violence to accomplish an end. Let me share with you some rather alarming statistical measures of the increasing incidents of violent acts in our country, compiled by the FBI, by our Civil Disturbance Group, and by the Violence Commission.

In 1969, the American Insurance Association reported \$31 million in property damage from riots and civil disorders in 350 cities in 41 states.

The most alarming increase has been on campuses.

In the first half of the 1967-68 academic year, 71 demonstrations were reported on 62 campuses across the nation. In the second half of that same year, 221 demonstrations took place on 101 campuses.

A jarring 850 demonstrations were reported the following academic year, 1968-69, resulting in over 4,000 arrests, 125 student injuries and 1 death. Arson attempts or successful arson incidents numbered 61.

In this past year, 1969-70, these already shocking numbers nearly doubled. 1,785 demonstrations were reported on campuses across the United States, causing some 462 injuries and 8 deaths. 7,200 arrests were made, 246 arson incidents or attempts, and 14 bombings.

In the two week period following the invasion of Cambodia, the incidents of violence, injury, arrests, and number of demonstrations was greater than all campus activity in the entire preceding period of that academic year.

Equally as notable, disturbances in the high schools has risen 68% in the past year from relatively few or virtually no disturbances as short a time ago as 1968. In this academic year, 500 disorders in high schools in 33 states resulted in 1800 student arrests and 600 injuries.

Bombings and arson attempts have likewise become a concern of huge proportion. There were 776 bombing and arson reports in the 18 months from September 1968 to March 1970, with an average of \$75,000 damage.

In the 12 month period from June of last year to June of this year, 32 explosions occurred in Seattle, 62 explosions in San Francisco, for example. In New York City alone, 81 explosions occurred in 1968, 10 bombs found unexploded, and investigations of 1,094 false alarms. The following year, 93 explosions occurred and 3,191 false alarms were reported. In the first 4 months of 1970, 68

explosions have already been successful and another 4,015 false alarms have been investigated.

Accordingly, it is an unfortunate fact with which we have to contend that the call to violence too often falls upon receptive ears. There always exists in every society, including American society, a small number of individuals with a low frustration index who will gladly shrug off the difficulties and hard work involved in the operation of a republican form of government. It is this group who preaches violence as the cure-all of society's ills. They are the ones who seize upon simplistic and nebulous concepts of social order. They would do well to remember the words of the great Irish-born British parliamentarian, Edmund Burke, that "to make a government requires no great wisdom, to grant freedom requires less, but to form a free government that is to temper together these two opposite elements of liberty and restraint requires the ultimate in human application."

With this background, I think it is useful to try to define the relationship between violence and the law. Here again I am referring to illegal violence—to be carefully distinguished from the kind of violence that the Baltimore linemen visited upon Sonny Jurgenson last weekend. While the law sanctions and protects the right of protest and dissent, one of the goals of law in any civilization is to protect its citizens against violent behavior. When a dissenter crosses the line between protest and violence he has not only abused his own rights; he has violated society's rights as expressed in its laws and has become the object of investigation and prosecution by appropriate law enforcement agencies.

The Department of Justice is concerned with such situations when the violence constitutes a breach of federal law. The laws most frequently applicable are prohibitions against interstate travel to cause riots, interference with federal programs and activities, use of illegal firearms and explosives, and allegations of police misconduct violating civil rights.

In addition the President has delegated to the Attorney General the responsibility of gathering information on civil disturbances so that, in the event a disorder exceeds the capability of state and local authorities, an informed decision can be made on the need for federal troops. This would occur only where a State Governor indicated the disturbance was beyond the control of State authorities.

To carry out these responsibilities, the Department maintains a continuing watch over all incidents having a potential for civil disorder. They are computerized and they are studied. When our studies indicate that a city, or a given area, is, in the trade language, heating up, it becomes a subject for intense focus. This situation arises all too often in communities wherein the parties to social conflict have become polarized by events. This polarization frequently proceeds beyond the degree sought by the parties until the lines of communication are all but extinguished. It is while this phenomenon is in its formative stage that the Department dispatches into the area its Community Relations personnel with the responsibility to re-establish the bridge and suggest the lines of compromise.

There are instances within intra-community relationships wherein it appears that civil rights of the individuals will be threatened. It is in these instances that the attorneys of my Division, the Civil Rights Division, exercise a federal presence.

There are instances wherein the lack of modernization or lack of professionalism render a police force incapable of performing adequately in the face of intense social pressures. This is a subject for study and

aid by the Department's Law Enforcement Assistance Administration. We have the Criminal Division with its responsibilities, the Internal Security Division in the area of sabotage and subversion, and the full force of the Federal Bureau of Investigation.

You will note that most of the federal effort is directed toward assisting the state and local authorities deal with problems of violence. Under our federal system the primary responsibility for maintaining order and prosecuting individuals rests with the state and local authorities.

Let me conclude by expressing my view and that of the Administration regarding the solution to the problems of violence in our country. Perhaps someday the sociologists, psychologists and even pathologists will be able to identify the causes and prescribe the treatment of group violence. Until that time it will continue to be a very real problem for every level of government. The policy of the Federal government and this Administration is easily stated. We are dedicated to preserving our republic and to the full and fair enforcement of its laws. This is not a policy that prevents progress and change. Rather, it enhances the potential for constructive change that is built into our system of government. The cherished right to dissent will continue to be granted, but the irresponsible and illegal use of force and violence will be controlled by the fair and evenhanded administration of justice.

#### SOVIETIZING U.S. MEDICINE

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. DERWINSKI. Mr. Speaker, critics of American institutes take special delight in demagogery against features of our life such as medical care and support alleged cures which too often turn out to be anything but an improvement. A practical comparison is therefore in order in the Polish American of Chicago, Ill., in an editorial August 22 which has just reached my attention. It emphasizes the point which is extremely pertinent in any discussion of U.S. medicine.

The editorial follows:

#### SOVIETIZING U.S. MEDICINE

One of the numerous plans for the extension of government control in the health care field recommends the expansion of medicare to include all Americans by 1973. The cost of the plan by 1975 is estimated at \$22.7 billion a year. The actual cost would be anybody's guess considering the financial state of present health programs such as medicare.

The striking thing about the scheme to extend medicare to all Americans by a certain deadline is its resort to a system of compulsion and directives. Physicians' fees would be set at "appropriate" and "reasonable" levels, and physicians would be required to meet certain qualifications. Any physician failing to meet such standards would not be recognized. The heavy hand of government would be felt by patient and physician alike. In reading details of the plan, one recalls with chilling clarity a feature article in *Life* magazine several months ago on the Soviet medical system which *Life* called, "The World's Most Socialized Medicine." Even to the layman, the story in *Life* reveals a medical system that in many aspects is half a century or more behind the

U.S. Commenting on the Soviet system, *Life* said, "To achieve quantity, the quality of treatment often suffers. Hospital sanitation is spotty at best. Anesthetics and modern equipment are often unavailable and most advanced drugs have to be imported. . . . Medical education . . . is not up to U.S. standards."

The basic tenant of Soviet medicine is willing acceptance of commission and the state decree. These same factors are present in the plan to extend medicare to all Americans by 1973. Is this the kind of medical system U.S. citizens want? It hardly seems likely. What our people do want and what the medical profession and other leaders in all walks of U.S. life are seeking to achieve is the broadest possible base medical care without the sacrifice of one iota of quality. Achieving this goal is admittedly a tall assignment, but the end result will be far preferable to a Soviet-type system.

#### FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT OF 1970

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. MIKVA. Mr. Speaker, on many occasions in recent years we have expressed the conviction that our citizens work for change only within the established political processes. Yet our laws have expressly closed those very processes to millions of employees of the Federal Government. The current sweeping restrictions on political activities by Federal employees are outmoded, misdirected, and more seriously, a detriment to the proper functioning of our democratic form of government.

The existing law is a codification of what was passed in 1939 as an act to prevent pernicious political activities, better known as the Hatch Act. It affected less than a million persons at the time of its passage. With more than three times as many employees now under its structures, the old Hatch Act cries out for reform. What is needed is a twofold revision. First, Federal employees must be allowed greater political freedom. Second, they must at the same time be afforded greater protection against political pressure from their superiors. The legislation I am introducing today seeks to meet those needs.

Significantly, this legislation does not repeal existing law. Rather, it amends and clarifies language that is presently too sweeping or has not lent itself to effective enforcement.

By amending certain sections of title 5 and the Criminal Code, the proposed legislation gives employees greater protection against coercion to make political contributions. The crucial feature of the amendment gives the Civil Service Commission authority to take action against officials, including those appointed by the President (not presently subject to the Civil Service Commission jurisdiction) who are guilty of unlawful coercion. The Commission currently has jurisdiction only over civil service employees. The result is that noncivil service employees and officials are immune

from such Commission penalties as removal from the service. By removing this immunity, the new legislation makes enforcement and prevention far more effective.

The Commission will be given a functional interrelationship with the Justice Department by referring violations for criminal prosecution. Actions are now initiated by Justice which has only rarely pursued prosecution in the past. Greater feedback between the Attorney General and the Congress is also provided.

The real evil of the Hatch Act, however, and the one this legislation most thoroughly rectifies, is the sweeping prohibition of political activity by Federal employees. The language contained in the old section 9(a) and now found in 5 United States Code 7324 bars Federal employees from taking "an active part in political management or in political campaigns." This is a classic example of legislative overkill—prohibiting all political activity when what is harmful is only corrupt activity. But by language in the statute, the real significance of the prohibition depends upon how the Civil Service Commission implements it. And the Commission's prohibitions are, like the language of the act, sweeping. Federal employees may not serve as delegates or alternates to any political convention, may not address a party caucus or meeting or "take any prominent part therein," may not organize or participate in a political parade, or initiate a nominating petition or solicit for signatures, may not even distribute campaign literature, badges, or buttons.

In light of this comprehensive list of "don'ts," the Commission's assertion that Federal employees are urged to "exercise their full rights as citizens" is patently silly. What the old section 9 of the Hatch Act and the Commission's implementation of it have done, quite simply, is totally exclude Federal employees from the political mainstream of their communities, cities, and States.

Clearly, the strictures of section 9 are misdirected. They aim at prohibiting all political activity by Federal employees, not merely that which is corrupt or relies on the official influence of Federal position. Why is this blanket prohibition necessary? Corrupt or otherwise improper use of an employee's Federal position is already expressly prohibited under Federal law. My legislation leaves this crucial prohibition intact. At the same time, it restores to first-class citizenship some 3 million Americans, who happen to work for the Federal Government.

The drafters of the Hatch Act were legitimately concerned about controlling improper political activity by Federal employees. Nonetheless, we can no longer tolerate legislation that disallows it all—good as well as bad, honest as well as dishonest. Those valid prohibitions that insure against corruption ought to be enforced and those that disenfranchise the Federal employee ought to be abolished.

I enclose the text of the Federal Employees Political Activities Act of 1970 at this point in the RECORD.

The document referred to follows:

H.R.—

A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Political Activities Act for 1970".*

Sec. 2. Section 7324 of title 5, United States Code, is amended to read as follows:

"§ 7324. Use of official authority or influence to affect elections prohibited; other political activities permitted.

"(a) An employee in an executive agency or an individual employed by the government of the District of Columbia may not use his official authority or influence for the purpose of interfering with or affecting the result of an election.

"(b) An employee or individual to whom subsection (a) of this section applies retains the right to vote as he chooses, to express his opinion on political subjects and candidates, and to take an active part in political management or in political campaigns in his role as a private citizen and without involving his official authority or influence.

"(c) For the purpose of this section, the phrase 'an active part in political management or in political campaigns' includes (1) candidacy for or service as delegate, alternate, or proxy in any political convention or service as an officer or employee thereof; (2) participation in the deliberations of any primary meeting, mass convention or caucus, addressing the meeting, making motions, preparing or assisting in preparing resolutions before the meeting, or taking a prominent part therein; (3) preparing for, or organizing or conducting a political meeting or rally, addressing such a meeting on any partisan political matter, or taking any part therein; (4) membership in political clubs and organizing of such a club, except that no person to whom subsection (a) applies shall hold any club office or receive from the club any compensation; (5) distributing campaign literature and distributing or wearing campaign badges and buttons; (6) publishing or having editorial or managerial connection with any newspaper including those generally known as partisan from a political standpoint, and writing for publication or publishing any letter or article, signed or unsigned, soliciting votes in favor of or against any political party, candidate, or faction, except that no such editorial, letter, or article shall make reference to the writer's official employment or authority; (7) organizing or participating in any political parade; (8) initiating or signing nominating petitions on behalf of a partisan candidate, including canvassing for signatures of others; (9) candidacy for nomination or election to any national, State, county, or municipal office."

Sec. 3. Section 7326 and 7327 of title 5, United States Code, are repealed.

Sec. 4. (a) Section 7323 of title 5, United States Code, is amended to read as follows:

"§ 7323. Political contributions prohibited; enforcement by Civil Service Commission.

"(a) An employee in an executive agency, including an employee appointed by the President, may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be subject to the penalties provided in section 7325 of this title.

"(b) The Civil Service Commission shall process complaints arising under subsection (a) of this section and shall, upon receipt

of a complaint alleging facts which constitute a violation of subsection (a), investigate the alleged activity.

"(c) Upon a finding that a violation of subsection (a) of this section has occurred, the Civil Service Commission shall—

"(1) in the case of an employee in the competitive service, impose the appropriate penalty under section 7325;

"(2) in the case of an employee appointed by the President, notify the President, the head of the executive agency in which the employee is employed, and the Congress (A) that a violation of subsection (a) of this section has occurred, and (B) what penalty the Commission has determined is appropriate under section 7325 of this title; and

"(3) refer the case to the attention of the Attorney General for prosecution under section 602 of title 18."

(b) Section 7325 of title 5, United States Code, is amended by inserting after the words "who violates section" the following: "7323 or".

Sec. 5. Section 602 of title 18, United States Code, is amended by inserting "(a)" before the word "Whoever" and by adding at the end thereof the following new subsection:

"(b) Upon receipt of a finding of illegal activity by the Civil Service Commission under section 7323 of title 5, the Attorney General shall prosecute under subsection (a) of this section, unless he shall determine that no factual basis for prosecution exists or that the cause of justice will not be served by such prosecution. If the Attorney General determines not to prosecute in a case referred to him by the Commission, he shall send to Congress within 60 days a written report describing the nature of the alleged violation and the reasons for not proceeding with the prosecution under subsection (a) of this section."

#### A SALUTE TO SOME WHO COMFORT OUR VETERANS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. WHITEHURST. Mr. Speaker, much has been said recently about conditions in Veterans' Hospitals. Many people have expressed concern for the well-being of our veterans who are patients in these hospitals.

I would like to take this opportunity to commend the staff at Kecoughtan Hospital in Kecoughtan, Va., for the fine care they give our veterans, despite a limited budget.

But most of all I would like to express my admiration for and gratitude to the many fine ladies who give so much of their time and themselves in visiting Kecoughtan to brighten the lives of the patients. I salute them all, and I would like to include with these remarks the verse which is on a card given to each patient by the ladies of Ocean View VFW Post 3160, Ladies Auxiliary, with a dime instead of the cigarettes and candy which they may no longer give.

The remarks follow:

No more cigarettes, no more candy,  
So this dime should come in handy,  
Toward a phone call, or a knick-knack,  
Please enjoy it—we'll be back.

Best wishes!

OCEAN VIEW VFW POST 3160, LADIES AUXILIARY, MILITARY ORDER OF THE COOTIES.

#### VICTORIES IN THE WAR ON SMUT

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. COLLIER. Mr. Speaker, many of my constituents have indicated their vigorous opposition to the distribution of obscene and pornographic materials and have expressed righteous indignation at the degenerates who traffic in this disgusting business. While I believe their wrath is understandable and justified and while I share their feelings of outrage and disgust, I am inclined to be optimistic about the final outcome of our war on pornography.

We have already won a few battles in that war and I believe we will soon cripple the smut industry as far as it is possible to do so on the national level. Not long after Richard M. Nixon became President, he transmitted to the Congress several legislative proposals that were designed to curb the flow of pornography into the homes of the American people.

Congress responded to the President's recommendations with enthusiasm. Once the House of Representatives had practical legislative measures to consider, its Members responded with near unanimity.

On April 28, H.R. 15693, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors and to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, passed by the lopsided margin of 375 to 8. On August 3, H.R. 11032, to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising, also received an overwhelming vote, 322 to 4.

During the interval between the passage of these two bills, the Senate, during consideration of the Postal Reorganization Act, amended it to include a provision permitting postal patrons to advise the Postal Service that they do not wish to receive sexually oriented advertisements and requiring any person who mails such advertisements to place on the envelope his name, address, and such mark or notice as the Board of Governors of the Postal Service may prescribe. The Senate agreed to the amendment on June 29 by a vote of 83 to 2; it became law through its inclusion in the conference report which was adopted by both bodies and signed by the President.

While it may become necessary to pass more legislation, I am confident that the executive branch is now armed with laws that can be used to put the filth merchants out of business. You may be asking, "What about the Supreme Court?"

With the retirements of Abe Fortas and Earl Warren and the appointments of Warren E. Burger and Harry A. Blackmun, I believe the Supreme Court will become more responsible. While I am not very hopeful that William O. Douglas will be convicted by the Senate, there is always the possibility that he will be shamed into resigning if the House im-

peaches him. The passage of time will soon give Mr. Nixon the opportunity to make one or two more appointments.

Should the Supreme Court hand down more decisions favorable to the smut industry, the Congress can exercise its constitutional prerogative and pass legislation that would limit the Court's appellate jurisdiction. Why should our highest court have to worry about pornographic literature, obscene movies, and filthy plays? Such matters ought to be settled on the State and local levels.

I, for one, am getting sick and tired of hearing about the necessity for Supreme Court guidelines, not only on obscenity, but on school busing for racial balance, on crime, and on numerous other matters. According to the Constitution, the Congress is charged with the responsibility for passing, repealing, and amending laws. Let us exercise that responsibility. Surely 435 Members of the House, representing over 200 million people, and 100 Members of the Senate, representing the 50 States, possess a greater aggregate wisdom than nine members of the Supreme Court.

No matter how vigorously they are enforced, all the laws on the statute books will not put the merchants of obscenity out of business unless the people do their part. Richard M. Nixon's words on the subject bear repeating:

When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity, but only people can turn back the tide.

#### MOVE TOWARD PEACE: PRESIDENT NIXON'S CAMBODIA DECISION

**HON. CLARENCE J. BROWN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. BROWN of Ohio. Mr. Speaker, our judgment of events as history often differs markedly from our judgment of those same events at the moment of their occurrence. Time gives us the advantage of hindsight and the critical objectivity that comes with historical distance. History also gives us the chance to always side with a winner.

President Nixon's decision to send troops into Vietcong sanctuaries in Cambodia is now history. And even at this early date—when the passions it raised have hardly had time to cool—the decision is being given a second look, and this time its getting better reviews than it did in the chaotic month of May following the President's announcement of his decision.

Instead of making the President a maligned warmonger, the Cambodian move is now furthering his reputation as a shrewd peace strategist. For there are few who would dispute the conclusion that our activities in Cambodia dealt a severe blow to the enemy's ability to make war, and that the long-range result will be, instead of a widening and prolonging of the war as many earlier complained, an abbreviation of American involvement. I would like to put into the

record two recent reassessments of President Nixon's Cambodian decision, one from the Dayton Daily News and the other from the New York Times. Neither could be adjudged an organ of apology for Mr. Nixon.

There is a larger lesson to be learned from the history of the President's action. President Nixon knew when he made it that his decision would be extremely unpopular; he knew that, politically, it could have meant disaster, both personally and to his party, had it been a failure. It was the kind of move in which the variables are so numerous and unpredictable, and the stakes so high, that the man in the center could only emerge as hero or zero.

Nevertheless, the President made the tough, hard decision that had to be made. He took upon himself all the fury he knew it would bring, because he believed the final outcome would bring us closer to peace.

Of course, being on the hot spot is the President's job—it is part of the territory, so to speak, and Mr. Nixon knows the territory. But men react differently under pressure, and many in the same situation might not have dared public outrage to follow their own best judgment. It is time now to give the President his due for his courage in doing what all men in public life must: listen to the facts and weigh the alternatives, and then lead.

The article and editorial referred to follow:

[From the New York Times, Sept. 6, 1970]

FOE'S ABILITY TO WAGE WAR FOUND SHARPLY CURTAILED

(By James P. Sterba)

SAIGON, SOUTH VIETNAM, September 5.—With fighting at a low level, high-ranking Americans here are standing by early assessments that the allied thrust into Cambodia severely weakened North Vietnam's ability to wage anything more than token warfare in the southern half of South Vietnam for the rest of this year.

These Americans, both military and civilian officials, base their assessments on the allied disruption of North Vietnam's administrative and supply network in Cambodia during May and June.

They assert that the cross-border operation, combined with Vietnamization, insures the continued withdrawal of American forces from the Saigon area without serious setbacks.

BIG CLASHES AVOIDED

While the balance of forces remains unchanged in the northern provinces, it has been radically altered in the south by the Cambodian venture. In Military Region III—the 11 provinces around Saigon, where 35 per cent of the American manpower in South Vietnam is concentrated—there has not been a ground clash of any consequence since April.

Prior to the Cambodian operations, allied main forces were confronted with three North Vietnamese army divisions along the border plus an array of independent North Vietnamese and Vietcong regiments and battalions within the region. Now, most of the North Vietnamese divisional units are engaged in Cambodia against Cambodian and South Vietnamese forces.

The units remaining within Military Region III have found their supply networks disrupted and have gone into hiding, taking pains to avoid clashes. An inability to find and fight these units has proved frustrating. One American military analyst described the situation in the provinces north of Saigon this way.

"We've got nobody to fight. For the most part, the enemy's administrative and supply network is dead. And there is very little evidence that they are trying to move supplies back in or get themselves back together around here."

DAMAGE IS ASSESSED

One American commander said small groups of enemy soldiers had returned to their old Cambodian base areas to assess the damage and see how much material the allied forces missed. He added that messengers had been able to re-establish contact with some isolated units within the Saigon area, but that only dribbles of ammunition have been carried into the country since the incursion into Cambodia.

"They could still put on a show around here," another commander said. "They had a two or three-month stock of ammunition in place inside South Vietnam before we went into Cambodia and could use it in some kind of minispectacular like pounding a fire base or surrounding a special forces camp."

"They could pump some rockets into Saigon or turn a few dozen sappers loose here and there with satchel charges and grenades. And it'll make big headlines, which is what they're after. But everybody forgets what six guys can do with two bombs in New York City."

Directives from Hanoi, even prior to the Cambodia operations, have called on its forces to revert more and more away from main-force warfare and back to an early phase of guerrilla warfare designed to erode Government gains in the last two years. Thus, some officials see a decrease in main-force confrontation as a result of both enemy weakness and enemy design.

NO EVIDENCE OF PROGRESS

There is little measurable evidence that the guerrilla strategy is making progress.

"What we find is that incidents of terrorism, kidnappings, attempts at recruiting and so forth—the kinds of things that they should be doing to reassert themselves—have stayed about the same here," said one leading American pacification adviser.

"One of our problems is that all we measure is violence," he added, "and, of course, it is the things we don't measure that worry us."

Yet even if the Communists concentrate their efforts in a form of silent insurgency, most officials forecast serious problems for them in the southern half of the country, because of the gains made by the Government.

After the enemy's 1968 Tet offensive, nearly half the population in Military Region III was firmly under Vietcong control. As of mid-August this year, according to pacification indices there were no totally controlled Vietcong villages left in the region, out of 383, only 21 are rated as contested.

VIETCONG INCIDENTS RARE

What officials point to with pride is a statistic that shows that 88 per cent of the rural population in the region live in hamlets and villages in which Vietcong incidents are found to be rare.

"How the other side could have allowed this to happen is beyond me," said one adviser. "There's a hell of a lot of peace out there which is all the peasants care about anyway. What you have is a situation where more and more the Vietcong are the disturbers of the peace."

This, he added, is the reverse of the situation two or three years ago, when Saigon Government forces, entering Vietcong-controlled areas, were the disturbers of the peace.

The relationship of Cambodia to this equation, the officials say, is obvious. They assert that the longer Hanoi is occupied there, the more time Saigon has to build up and stabilize its control on this side of the border.

[From the Ohio Republican News,  
Aug. 28, 1970]

IN RETROSPECT: CAMBODIA WAS SUCCESSFUL  
(By Jim Fain, Editor, Dayton Daily News)

Remember the uproar about the Cambodian invasion: It rocked our nation, helped to cause campus disorders and brought dovish congressmen screaming to their feet in Washington. It was a disastrous mistake, all the critics of the Vietnamese war seemed to agree.

Yet, in retrospect, it seems so successful a maneuver that it is difficult to understand how anyone could question it except those who support a military victory for the North Vietnamese in Southeast Asia.

Aside from the unfortunate political upheaval here and in Europe, what exactly have been the results of the Cambodian invasion?

(1) The enemy supply and reinforcement routes along the Ho Chi Minh trail were severely disrupted, with a drastic lessening of enemy combat capability in South Vietnam, especially in Tay Ninh province, in War Zone C which supplied enemy troops for attacks on the Saigon area and in the Saigon area itself. As a result, South Vietnamese troops have taken over defense responsibilities in all these areas, freeing further U.S. troops for shipment home.

(2) Seaborne supply and reinforcement of North Vietnamese and Viet Cong troops in the southern Delta of Vietnam have been virtually eliminated, bringing almost to an end enemy activity in that part of Vietnam. Pacification in what once was a VC stronghold is now far along and the Delta is considered relatively secure. This is both the most productive (rich rice-producing) and most populous part of South Vietnam.

(3) The level of violence of the entire war in South Vietnam has been lowered as a consequence of the reduction in enemy offensive capabilities, reducing casualty figures to the lowest since 1964.

(4) The morale and efficiency of South Vietnamese forces have been dramatically raised, both through increased training as combat has lessened and through the confidence gained from field successes against North Vietnamese in Cambodia.

Perhaps the most telling instance occurred late last week when 5,000 South Vietnamese coordinated and conducted raids against the Viet Cong infrastructure in a wide area south of Danang, long a hotbed for VC influence. They killed some 125 enemy, including the area VC chief, and captured 125 more.

This all indicated improved South Vietnamese intelligence, effective counter-intelligence—in that the operation was kept secret—and operational efficiency. The whole affair was carried out by Vietnamese militia, not regular troops, and with only token U.S. logistical support.

As of the moment, the North Vietnamese seem capable of offensive actions only along the demilitarized zone, where they can fall back on interior supply and communications lines, and especially at the western edge, near Laos. Even there, they are hurting from B-52 raids and the Russians are applying pressure on the Laotian government to ask that these be discontinued.

The Lon Nol government has not fallen, despite the dire predictions of those who opposed the invasion. It may yet. It has few combat resources and North Vietnam can knock it out if Hanoi desires to do so. Hanoi may refuse the option. There would not be any great advantage in spreading out its troops to administer Cambodia.

Even if Hanoi takes over Cambodia, it will have nothing like the advantage it held there when Sihanouk ruled. Then the allies respected Cambodia as a sanctuary. They did not bomb Sihanoukville, though it was notorious as the supply port for the enemy in the South Vietnamese Delta.

They did not raid the Ho Chi Minh trail

with ground troops. There is nothing to restrain South Vietnam from such counter-measures in the future.

The Cambodian invasion has bought time for Vietnamization and has accelerated the process. It has given South Vietnam a combat lull. It has reduced allied casualties. It has improved the Vietnamese chance to hold out in the future.

South Vietnam may yet fall, once we are out of the picture. Her eventual prospects are risky at best. But Cambodia helped them, at very little cost. In retrospect, our only mistakes were in too tightly constricting both the time and the geography of our intervention. Those constraints came because of domestic political considerations.

In all other respects, the operation was successful. The Nixon administration should be supported for what it did in Cambodia. In fact, it should have been criticized severely had it failed to grasp the opportunity the ouster of Sihanouk suddenly presented.

## THE BOCA CIEGA CASE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD the opinion of the U.S. Court of Appeals for the Fifth Circuit in Case No. 27555, Zabel et al., against Resor and the United States of America, et al., dated July 16, 1970, sometimes referred to as the Boca Ciega case.

I insert the text of this opinion in the CONGRESSIONAL RECORD so that my colleagues may have an opportunity to be familiar with its content and to assure that it will be available to conservationists and other persons interested in preservation of natural resources.

The opinion upholds an agreement between the Secretary of the Army and the Secretary of the Interior under which it is provided that the Army Corps of Engineers, in effect, shall not approve dredging and filling permits to which the Department of the Interior objects on the basis of conservation or fish and wildlife values.

The opinion follows:

[In the U.S. Court of Appeals for the Fifth Circuit, No. 27555]

ALFRED G. ZABEL AND DAVID H. RUSSELL, PLAINTIFFS-APPELLEES v. R. P. TABB, COLONEL, CORPS OF ENGINEERS, DISTRICT ENGINEER, DEPARTMENT OF THE ARMY, JACKSONVILLE, FLORIDA, DISTRICT; STANLEY R. RESOR, SECRETARY OF THE ARMY; AND UNITED STATES OF AMERICA, DEFENDANTS-APPELLANTS

Appeal from the U.S. District Court for the Middle District of Florida.

(July 16, 1970)

Before BROWN, Chief Judge, TUTTLE and MORGAN, Circuit Judges.

BROWN, Chief Judge: It is the destiny of the Fifth Circuit to be in the middle of great, oftentimes explosive issues of spectacular public importance. So it is here as we enter in depth the contemporary interest in the preservation of our environment. By an injunction requiring the issuance of a permit to fill in eleven acres of tidelands in the beautiful Boca Ciega Bay in the St. Petersburg-Tampa, Florida area for use as a commercial mobile trailer park, the District Judge held that the Secretary of the Army and his functionary, the Chief of Engineers,

had no power to consider anything except interference with navigation. There being no such obstruction to navigation, they were ordered to issue a permit even though the permittees acknowledge that "there was evidence before the Corps of Engineers sufficient to justify an administrative agency finding that [the] fill would do damage to the ecology or marine life on the bottom." We hold that nothing in the statutory structure compels the Secretary 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. We reverse.

### I. GENESIS: THE BEGINNING

In setting the stage we draw freely on the Government's brief. This suit was instituted by Landholders, Zabel and Russell, on May 10, 1967, to compel the Secretary of the Army to issue a permit to dredge and fill in the navigable waters of Boca Ciega Bay, in Pinellas County near St. Petersburg, Florida. On August 15, 1967, the United States and its officers, Defendants-Appellants, filed a motion to dismiss the suit for lack of jurisdiction which was denied. The United States and other defendants then answered the complaint alleging lack of jurisdiction and that the Court lacks power to compel a discretionary act by the Secretary of the Army. The United States and other defendants moved for summary judgment. Landholders, Zabel and Russell, also moved for summary judgment. After a hearing, the District Court, on February 17, 1969, granted summary judgment for Landholders and directed the Secretary of the Army to issue the permit. It granted a stay of execution of the judgment until this appeal could be heard and decided. We invert the summary judgments, reversing Appellees and rendering judgment for the United States.

Landholders own land riparian to Boca Ciega Bay and adjacent land underlying the Bay. It is navigable water of the United States, being an arm of Tampa Bay which opens into the Gulf of Mexico. The Zabel and Russell property is located about one mile from the Intracoastal Waterway.

Landholders desire to dredge and fill on their property in the Bay for a trailer park, with a bridge or culvert to their adjoining upland. To this purpose they first applied to the state and local authorities for permission to perform the work and obtained the consent or approval of all such agencies having jurisdiction to prohibit the work, namely Pinellas County Water and Navigation Control Authority (which originally rejected permission, but ultimately issued a permit pursuant to state Court order).<sup>1</sup> Trustees of the Internal Improvement Fund of the State of Florida, Central and South Florida Food Control District, and Board of Pilot Commissioners for the Port of St. Petersburg.

Landholders then applied to the Corps of Engineers for a federal permit to perform the dredging and filling. The Pinellas County Water and Navigation Control Authority (which originally rejected permission, but ultimately issued a permit pursuant to state Court order) continued to oppose the work as did the Board of County Commissioners of Pinellas County, who also comprise the Pinellas County Water and Navigation Control Authority, the County Health Board of Pinellas County, the Florida Board of Conservation, and about 700 individuals who filed protests. The United States Fish and Wildlife Service, Department of the Interior, also opposed the dredging and filling because

<sup>1</sup> Footnotes at end of article.

it "would have a distinctly harmful effect on the fish and wildlife resources of Boca Ciega Bay."

A public hearing was held in St. Petersburg in November, 1966, and on December 30, 1966, the District Engineer at Jacksonville, Florida, Colonel Tabb, recommended to his superiors that the application be denied. He said that "The proposed work would have no material adverse effect on navigation" but that:

"Careful consideration has been given to the general public interest in this case. The virtually unanimous opposition to the proposed work as expressed in the protests which were received and as exhaustively presented at the public hearing have convinced me that approval of the application would not be in the public interest. The continued opposition of the U.S. Fish & Wildlife Service despite efforts on the part of the applicants to reduce the extent of damage leads me to the conclusion that approval of the work would not be consistent with the intent of Congress as expressed in the Fish & Wildlife Coordination Act, as amended, 12 August 1958. Further, the opposition of the State of Florida and of county authorities as described in paragraph 5 above gives additional support to my conclusion that the work should not be authorized."

The Division Engineer, South Atlantic Division, Atlanta, Georgia, concurred in that recommendation stating: "In view of the wide spread opposition to the proposed work, it is apparent that approval of the application would not be in the public interest." The Chief of Engineers concurred for the same reasons. Finally, the Secretary of the Army denied the application on February 28, 1967, because issuance of the requested permit:

1. Would result in a distinctly harmful effect on the fish and wildlife resources in Boca Ciega Bay,

2. Would be inconsistent with the purposes of the Fish and Wildlife Coordination Act of 1958, as amended (16 U.S.C. 662),

3. Is opposed by the Florida Board of Conservation on behalf of the State of Florida, and by the County Health Board of Pinellas County and the Board of County Commissioners of Pinellas County, and

4. Would be contrary to the public interest.

Landholders then instituted suit to review the Secretary's determination and for an order compelling him to issue a permit. They urged that the proposed work would not hinder navigation and that the Secretary had no authority to refuse the permit on other grounds. They acknowledged that "there was evidence before the Corps of Engineers sufficient to justify an administrative agency finding that our fill would do damage to the ecology or marine life on the bottom." The Government urged lack of jurisdiction and supported the denial of the permit on authority of § 10 of the Rivers and Harbors Act of March 3, 1899, 30 Stat. 1121, 1151, 33 U.S.C.A. § 403, giving the Secretary discretion to issue permits and on the Fish and Wildlife Coordination Act of March 10, 1934, 48 Stat. 401, as amended, 16 U.S.C.A. §§ 661 and 662 (a), requiring the Secretary to consult with the Fish and Wildlife Service and state conservation agencies before issuing a permit to dredge and fill.

The District Court held that it had jurisdiction, that the Fish and Wildlife Coordination Act was not authority for denying the permit, and that:

"The taking, control or limitation in the use of private property interests by an exercise of the police power of the government or the public interest or general welfare should be authorized by legislation which clearly outlines procedure which comports to all constitutional standards. This is not the case here.

"As this opinion is being prepared the Congress is in session. Advocates of conservation are both able and effective. The way is open to obtain a remedy for future situations like this one if one is needed and can be legally granted by the Congress."

The Court granted summary judgment for Landholders and directed the Secretary of the Army to issue the permit. This appeal followed.

The question presented to us is whether the Secretary of the Army can refuse to authorize a dredge and fill project in navigable waters for factually substantial ecological reasons even though the project would not interfere with navigation, flood control, or the production of power. To answer this question in the affirmative, we must answer two intermediate questions affirmatively. (1) Does Congress for ecological reasons have the power to prohibit a project on private riparian submerged land in navigable waters? (2) If it does, has Congress committed the power to prohibit to the Secretary of the Army?

#### II. CONSTITUTIONAL POWER

The starting point here is the Commerce Clause<sup>2</sup> and its expansive reach. The test for determining whether Congress has the power to protect wildlife in navigable waters and thereby to regulate the use of private property for this reason is whether there is a basis for the Congressional judgment that the activity regulated has a substantial effect on interstate commerce. *Wickard v. Filburn*, 1942, 317 U.S. 111, 125, 63 S.Ct. 82, —, 87 L.Ed. 122, 135. That this activity meets this test is hardly questioned.<sup>3</sup> In this time of awakening to the reality that we cannot continue to despoil our environment and yet exist,<sup>4</sup> the nation knows, if Courts do not, that the destruction of fish and wildlife in our estuarine waters does have a substantial, and in some areas a devastating, effect on interstate commerce. Landholders do not contend otherwise. Nor is it challenged that dredge and fill projects are activities which may tend to destroy the ecological balance and thereby affect commerce substantially. Because of these potential effects Congress has the power to regulate such projects.

#### III. RELINQUISHMENT OF THE POWER

Landholders do not challenge the existence of power. They argue that Congress in the historic compromise over the oil rich tidelands controversy abandoned its power over other natural resources by the relinquishment to the states in the Submerged Lands Act.<sup>5</sup> By it they urge the Government stripped itself of the power to regulate tidelands property except for purposes relating to (i) navigation, (ii) flood control, and (iii) hydroelectric power. This rests on the expressed Congressional reservation of control for these three purposes over the submerged lands, title to and power over which Congress relinquished to the States.<sup>6</sup>

The argument assumes that when Congress relinquished title to the land and the right and power to manage and use the land, it relinquished its power under the commerce clause that reservation of these three enumerated aspects of the commerce power implied that Congress gave up its plenary power over the myriad other aspects of commerce. See, e.g., *Heart of Atlanta Motel, Inc. v. United States*, 1964, 379 U.S. 241, 58 S.Ct. 348, 13 L.Ed.2d. 258; *Katzenbach v. McClung*, 1964, 379 U.S. 294, 85 S.Ct. 377, 13 L.Ed.2d 290.

A nice argument can be contrived that the net effect of these provisions was to vest in the adjacent states [1] title in these tidelands and their natural resources and [2] [a] the exclusive power to use, exploit and manage these lands [b] only subject to the reserved power of the Federal government regarding (i) navigation, (ii) flood control, and (iii) production of power. Certainly, this

brief synopsis of (1) and (2) (a) is the literal import of § 1311 (a) (1) (2). Likewise, the reservation summarized as (2) (b) is literally specified in § 1311 (d). On this approach, the Federal Government turned over to adjacent states the full management and use of the tidelands reserving only those limited powers over commerce comprehended within the three particulars.

But this argument ignores both language found elsewhere and the legislative purpose of the Act. The controversy, often pressed with emotional overtones, was over oil and gas and whether the states were to reap the economic benefits of development royalties and to regulate the exploration and development or whether these benefits and these controls were to be exercised by the Federal Government as an adjunct of then newly declared "paramount rights", *United States v. California*, 1947, 332 U.S. 804, 805, 68 S.Ct. 20, —, 92 L.Ed. 382, 383. The Act and this relinquishment reflect the legislative compromise found in the combination of the Submerged Lands Act and the Outer Continental Shelf Act.<sup>8</sup> The adjacent States were to be the "owner" of the resources and reap exclusively the economic benefits of resources in the tidelands and have full control over management and exploitation. The Federal government, on the other hand, was given exclusive ownership and control vis-a-vis the states in the Outer Continental Shelf.

Although it was easy to make this division, the nature of the physical area of the controversy presented immediate operational problems growing out of the water. The Federal government's traditional concern with navigation, especially on the high seas, its later but then quite extensive concern in flood control, hydroelectric power production, and the frequent combination of both under grandiose projects of a Corps of Engineers, raised specific problems calling for accommodation of the (i) sweeping Federal divestiture and (ii) the continued fulfillment of the Federal government's role in these activities. Thus, for example, the states' exclusive right to grant exploration privileges, determine the location and spacing of development wells or drilling platforms posed prospects of maritime hazards. Without imposing its own notions of how development ought to be conducted, restricted, expanded, or controlled, the Federal government had to have, and reserved expressly this power even to prohibit a drilling rig platform at a particular location. These specific reservations eliminated these frequent and extensive activities as a source of further state versus national controversy.

Whatever remaining doubt there might be on this reading was expressly eliminated by language in § 1314 (a) which specifically retains in the Federal government "all of its \* \* \* rights in and powers of regulation and control of said lands and \* \* \* waters for the constitutional purposes of commerce \* \* \*" 43 U.S.C.A. § 1314 (a).<sup>9</sup> This section, which encompasses and pervades the entire Act, makes it clear that Congress intended to and did retain all its constitutional powers over commerce and did not relinquish certain portions of the power by specifically reserving others.<sup>10</sup>

All of this is additionally borne out by the legislative history<sup>11</sup> and *United States v. Rands*, 1967, 389 U.S. 121, 127, 88 S.Ct. 265, —, 19 L.Ed.2d 329, 335:

"Finally, respondents urge that the Government's position subverts the policy of the Submerged Lands Act, which confirmed and vested in the States title to the lands beneath navigable waters within their boundaries and to natural resources within such lands and waters, together with the right and power to manage, develop, and use such lands and natural resources. However, reliance on that Act is misplaced, for it expressly recognized that the United States re-

tained all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership . . . . Nothing in the Act was to be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power. The Act left congressional power over commerce and the dominant navigational servitude of the United States precisely where it found them."

Congress clearly has the power under the Commerce Clause to regulate the use of Landholders' submerged riparian property for conservation purposes and has not given up this power in the Submerged Lands Act.

#### IV. PROHIBITING OBSTRUCTIONS TO NAVIGATION

The action of the Chief of Engineers and the Secretary of the Army under attack rests immediately on the Rivers and Harbors Act, 33 U.S.C.A. § 403, which declares that "the creation of any obstruction \*\*\* to the navigable capacity of any of the waters of the United States is prohibited."<sup>12</sup> The Act covers both building of structures and the excavating and filling in navigable waters. It is structured as a flat prohibition unless— the unless being that issuance of approval by the Secretary after recommendation of the Chief of Engineers.<sup>13</sup> The Act itself does not put any restrictions on denial of a permit or the reasons why the Secretary may refuse to grant a permit to one seeking to build structures on or dredge and fill his own property. Although the Act has always been read as tempering the outright prohibition by the rule of reason against arbitrary action, the Act does flatly forbid the obstruction. The administrator may grant permission on conditions and conversely deny permission when the situation does not allow for those conditions.

But the statute does not prescribe either generally or specifically what those conditions may be. The question for us is whether under the Act the Secretary may include conservation considerations as conditions to be met to make the proposed project acceptable. Until now there has been no absolute answer to this question. In fact, in most cases under the Rivers and Harbors Act the Courts have been faced only with navigation problems." See, e.g., *Sanitary Dist. v. United States*, 1925, 266 U.S. 405, 45 S.Ct. 176, 69 L.Ed. 352; *Wisconsin v. Illinois*, 1929, 278 U.S. 367, 49 S.Ct. 163, 73 L.Ed. 426; *United States v. Republic Steel Corp.*, 1960, 362 U.S. 482, 80 S.Ct. 884, 4 L.Ed.2d 903.

One very big exception is *United States ex rel. Greathouse v. Dern*, 1933, 289 U.S. 352, 53 S. Ct. 614, 77 L. Ed. 1250. There petitioners sought a writ of mandamus to compel the Secretary of War and the Chief of Engineers to issue a permit to build a wharf in navigable waters. The Secretary, specifically finding that it would not interfere with navigation, denied the permit. The Supreme Court held that mandamus would not issue because the allowance of mandamus "is controlled by equitable principles \* \* \* and it may be refused for reasons comparable to those which would lead a Court of equity, in the exercise of a sound discretion, to withhold its protection of an undoubted legal right." The reason was that the United States had plans to condemn petitioners' land for use as a means of access to a proposed parkway. Allowing a wharf to be built would increase the expense to the government since it would increase the market value of the land and would require the government to

pay for tearing down the wharf. The importance of *Greathouse* is that it recognized that the Corps of Engineers does not have to wear navigational blinders when it considers a permit request. That there must be a reason does not mean that the reason has to be navigability.

Another case holds that the Corps has a duty to consider factors other than navigational. *Citizens Committee for the Hudson Valley v. Volpe*, S.D.N.Y., 1969, 302 F.Supp. 1083, aff'd., 2 Cir., 1970 — F.2d — [No. 428-33, April 16, 1970]. There the District Court held that the Corps must consider a fill project in the context of the entire expressway project of which it was a part rather than just considering the fill and its effect on navigation. The reasoning was that the approval of the Secretary of Transportation was necessary before a proposed causeway could be constructed. The causeway, along with the fill, was an integral part of the expressway project. However, if the Corps and Secretary of the Army approved the fill and the State completed it, the Secretary of Transportation, considering the enormous expense of the fill, would have no choice, other than approving the causeway. The Army thus had exceeded its authority in approving the fill on only navigational considerations since approval of the fill was effectually approval of the causeway.<sup>15</sup>

But such circuitry is not necessary. Governmental agencies in executing a particular statutory responsibility ordinarily are required to take heed of, sometimes effectuate and other times not thwart other valid statutory governmental policies. And here the government-wide policy of environmental conservation is spectacularly revealed in at least two statutes. The Fish and Wildlife Coordination Act<sup>16</sup> and the National Environmental Policy Act of 1969.<sup>17</sup>

The Fish and Wildlife Coordination Act<sup>18</sup> clearly requires the dredging and filling agency (under a governmental permit), whether public or private, to consult with the Fish and Wildlife Service,<sup>19</sup> with a view of conservation of wildlife resources. If there be any question as to whether the statute directs the licensing agency (the Corps) to so consult it can quickly be dispelled. Common sense and reason dictate that it would be incongruous for Congress, in light of the fact that it intends conservation to be considered in private dredge and fill operations (as evidenced by the clear wording of the statute), not to direct the only federal agency concerned with licensing such projects both to consult and to take such factors into account.

The second proof that the Secretary is directed and authorized by the Fish and Wildlife Coordination Act to consider conservation is found in the legislative history. The Senate Report on the Fish and Wildlife Coordination Act states:

"Finally, the nursery and feeding grounds of valuable crustaceans, such as shrimp, as well as the young of valuable marine fishes, may be affected by dredging, filling, and diking operations often carried out to improve navigation and provide new industrial or residential land.

"Existing law has questionable application to projects of the Corps of Engineers for the dredging of bays and estuaries for navigation and filling purposes. More seriously, existing law has no application whatsoever to the dredging and filling of bays and estuaries by private interests or other non-Federal entities in navigable waters under permit from the Corps of Engineers. This is a particularly serious deficiency from the standpoint of commercial fishing interests. The dredging of these bays and estuaries along the coastlines to aid navigation and also to provide land fills for real estate and similar developments, both by Federal agencies or other agencies under permit from the Corps of

Engineers, has increased tremendously in the last 5 years. Obviously, dredging activity of this sort has a profound disturbing effect on aquatic life, including shrimp and other species of tremendous significance to the commercial fishing industry. The bays, estuaries, and related marsh areas are highly important as spawning and nursery grounds for many commercial species of fish and shellfish."<sup>20</sup>

S. Rep. No. 1931, 85th Cong. 2d Sess. (July 28, 1958). 1958 U.S.C.C. & A.N. 3446, 3448, 3450. This Report clearly shows that Congress intended the Chief of Engineers and Secretary of the Army to consult with the Fish and Wildlife Service before issuing a permit for a private dredge and fill operation.

This interpretation was judicially accepted in *Udall v. FPC*:

"Section 2(a), 16 USC § 662(a), provides that an agency evaluating a license under which the waters of any stream or other body of water are proposed . . . to be impounded first shall consult with the United States Fish and Wildlife Service, Department of the Interior . . . with a view to the conservation of wildlife resources by preventing loss of and damage to such resources. . . . Certainly the wildlife conservation aspect of the project must be explored and evaluated."

1967, 387 U.S. 428, 443-44, 87 S.Ct. 1712, 18 L.Ed.2d 869, 879.

The meaning and application of the Act are also reflected by the actions of the Executive that show the statute authorizes and directs the Secretary to consult with the Fish and Wildlife Service in deciding whether to grant a dredge and fill permit.

In a Memorandum of Understanding<sup>21</sup> between the Secretary of the Army and the Secretary of the Interior, it is provided that, upon receipt of an application for a permit to dredge or fill in navigable waters, the District Engineer of the Corps of Engineers concerned is required to send notices to all interested parties, including the appropriate Regional Directors of the Federal Water Pollution Control Administration, the Fish and Wildlife Service, the National Park Service and the appropriate state conservation, resources, and water pollution agencies. The District Engineer is given the initial responsibility of evaluating all relevant factors in reaching a decision as to whether the particular permit involved should be granted or denied. The Memorandum also provides that in case of conflicting views the ultimate decision shall be made by the Secretary of the Army after consultation with the Secretary of the Interior.

This Executive action has almost a virtual legislative imprimatur from the November 1967 Report of the House Committee on Merchant Marine and Fisheries, in reporting favorably on a bill<sup>22</sup> to protect estuarine areas which was later enacted into law.<sup>23</sup> As a result of the effective operation of the Interdepartmental Memorandum of Understanding, the Interior Department and the Committee concluded that it was not necessary to provide for dual permits from Interior and Army.

The intent of the three branches has been unequivocally expressed: The Secretary must weigh the effect a dredge and fill project will have on conservation before he issues a permit lifting the Congressional ban.

The parallel of momentum as the three branches shape a national policy gets added impetus from the National Environmental Policy Act of 1969, Public Law 91-190, 42 U.S.C.A. §§ 4331-47. This Act essentially states that every federal agency shall consider ecological factors when dealing with activities which may have an impact on man's environment.<sup>24</sup>

Although this Congressional command was not in existence at the time the permit in question was denied, the correctness of that decision must be determined by the appli-

Footnotes at end of article.

cable standards of today. The national policy is set forth in plain terms in § 101 and the disclaimer of § 104(3) neither affects it nor the duty of all departments to consider, consult, collaborate and conclude. For we hold that while it is still the action of the Secretary of the Army on the recommendation of the Chief of Engineers, the Army must consult with, consider and receive, and then evaluate the recommendations of all of these other agencies articulately on all these environmental factors. In rejecting a permit on non-navigational grounds, the Secretary of the Army does not abdicate his sole ultimate responsibility and authority. Rather in weighing the application, the Secretary of the Army is acting under a Congressional mandate to collaborate and consider all of these factors.<sup>24</sup>

To judge the ebb and flow of the national tide, he can look to the Report of the House Committee on Government Operations. Although this perhaps lacks traditional standing of legislative history, it certainly has relevance somewhat comparable to an Executive Commission Report. On March 17, 1970, it approved and adopted a Report,<sup>25</sup> based on a study made by its Conservation and Natural Resources Subcommittee, entitled *Our Waters and Wetlands: How the Corps of Engineers Can Help Prevent Their Destruction and Pollution*. (H. Rep. 91-917, 91st Cong. 2d Sess. (1970)) The first section stifles any doubt as to how this part of Congress construes the Corps' duty under the Rivers and Harbors Act. The section traces the historical interpretation of the Corps' power under the Rivers and Harbors Act. It commends the Corps for recognizing ecological considerations under the Act to protect against unnecessary fills and cites the instant case.<sup>26</sup> But following the temper of the times, the report by bold face black type cautions against any easy overconfidence and charges the Corps with ever-increasing vigilance.<sup>27</sup>

When the House Report and the National Environmental Policy Act of 1969 are considered together with the Fish and Wildlife Coordination Act and its interpretations, there is no doubt that the Secretary can refuse on conservation grounds to grant a permit under the Rivers and Harbors Act.

#### V. DUE PROCESS

Landholders next contend that the denial of a permit without a hearing before the Fish and Wildlife Service is a deprivation of property without due process of law. Administrative law requires that before an agency can regulate a party, it must allow that party to be heard. Here, Landholders were given such a hearing before the Corps of Engineers, the body empowered to grant or deny a permit. They were not entitled to a hearing before the Fish and Wildlife Service because it is not "the one who decides." *Morgan v. United States*, 1935, 289 U.S. 468, 481, 56 S.Ct. 906, 912, 80 L.Ed. 1288, 1295. They were allowed to rebut the findings and conclusions of the Fish and Wildlife Service before the deciding body and thus were not denied due process for lack of a hearing.

#### VI. TAKING WITHOUT COMPENSATION

Landholders' last contention is that their private submerged property was taken for public use without just compensation. They proceed this way: (i) the denial of a permit constitutes a taking since this is the only use to which the property could be put; (ii) the public use is as a breeding ground for wildlife; and (iii) for that use just compensation is due.

Our discussion of this contention begins and ends with the idea that there is no taking. The waters and underlying land are subject to the paramount servitude in the Federal government which the Submerged Lands Act expressly reserved as an incident of power incident to the Commerce Clause. (See Part II *supra*).

#### VII. CONCLUSION

Landholders' contentions fall on all grounds. The case is reversed and since there are no questions remaining to be resolved by the District Court, judgment is rendered for the Government and the associated agent-defendants.

Reversed and Rendered.

#### FOOTNOTES

<sup>1</sup> The Authority's denial of a permit was affirmed by the Florida District Court of Appeal in *Zabel v. Pinellas County Water & Navigation Control Authority*, Fla. Ct. App., 1963 154 So.2d 181. The Supreme Court of Florida reversed that decision because Zabel had been required by the Authority to show that there would be no adverse effect on the public interest, rather than the burden of adverse effect being placed on the Authority. It held that on this record there was insufficient showing of adverse effect, so that denial of a permit would be a taking of property without compensation. It said (p. 381). "In view of the foregoing, the decision appealed from is quashed and the cause remanded for disposition consistent herewith." *Zabel v. Pinellas County Water & Nav. Con. Auth.*, Fla., 1965, 171 So.2d 376. Against the Authority's contention that this ruling intended further proceedings on the application, to accord it a chance to establish adverse effect, the District Court of Appeal directed issuance of a permit, *Pinellas County Water & Nav. Con. Auth. v. Zabel*, Fla. Ct. App., 1965, 179 So.2d 370.

<sup>2</sup> There was evidence both that it would aid navigation and that it would obstruct navigation. There was similar evidence on pollution.

<sup>3</sup> "The Congress shall have power to regulate Commerce with foreign nations, and among the several states, and with the Indian Tribe." U.S. Const. Art. I, § 8, Cl. 3.

<sup>4</sup> Landholders cite *Weber v. State Harbor Comm'rs*, 1873, 85 U.S. (18 Wall.) 65, 21 L.Ed. 798 and *United States v. River Rouge Improvement Co.*, 1926, 269 U.S. 411, 46 S.Ct. 144, 70 L.Ed. 339 as limiting the power of the Federal Government over navigable waters to control for navigational purposes. Not surprisingly, the narrow view these cases take of the commerce clause is pre-*United States v. Darby*, 1941, 312 U.S. 100, 61 S.Ct. 451, 85 L.Ed. 609.

<sup>5</sup> Complete documentation of the concern over environmental problems would surely be voluminous, but it is indirectly evidenced by the amount of very recent legal activity. See National Environmental Policy Act of 1969, Pub. Law 91-190 (Jan. 1, 1970), *infra* note 24; *Our Waters and Wetlands; How the Corps of Engineers Can Help Prevent Their Destruction and Pollution*, H. Rep. 91-917, 91st Cong. 2d Sess., March 18, 1970, *infra* text at note 26; Executive Order 11507, Feb. 4, 1970, 38 L.W. 2436; *United States v. Ray*, 5 Cir., 1970, F.2d [No. 27888, Jan. 22, 1970]; *E. B. Elliott Advertising Co. v. Hill*, 5 Cir., 1970, F.2d [No. 27589, April 3, 1970]; Citizens Committee for the Hudson Valley v. Volpe, S.D.N.Y., 1969, 302 F. Supp. 1083, aff'd, 2 Cir., 1970, F.2d [No. 428-33, April 16, 1970]; National Advertising Co. v. Monterey, Calif., 1970, Calif. Rptr. [38 L.W. 2433, Jan. 30, 1970]; *MacGibbon v. Duxbury Board of Appeals*, Mass., 1970, N.E.2d [38 L.W. 2429, Jan. 29, 1970]; *California v. SS Bournemouth*, C.D. Cal., 1969, 307 F. Supp. 922; Creation of ABA Special Committee on Environmental Quality, 15 Am. Bar News No. 3, March 1970.

<sup>6</sup> 43 U.S.C.A. § 1301, et seq. See *Continental Oil Co. v. London Steamship Owners' Mut. Ins. Ass'n.*, 5 Cir., 1969, 417 F.2d 1030, A.M.C., cert. denied, 1970, U.S. S.Ct., 25 L.Ed.2d 92, A.M.C.; *Atlantis Development Corp. v. United States*, 5 Cir., 1967, 379 F.2d 818.

<sup>7</sup> The relinquishing provision states, 43 U.S.C.A. § 1311 (a) and (b):

"(a) It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof;

(b) (1) The United States releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources \* \* \*"

The reservation provision referred to states 43 U.S.C.A. § 1311 (d):

"(d) Nothing in this chapter shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control of the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power \* \* \*"

The terms "natural resources" is broadly defined to include both the animate and inanimate:

"The term 'natural resources' includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power;"

43 U.S.C.A. § 1301 (e)

\* 43 U.S.C.A. § 1331, et seq.

<sup>9</sup> "The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established and vested in and assigned to the respective States and others by section 1311 of this title."

43 U.S.C.A. § 1314 (a).

<sup>10</sup> It is argued that the retention in § 1314 (a) is limited to the three aspects enumerated in § 1311(d) by the words "[the commerce power] shall be paramount to, but shall not be deemed to include [relinquished rights]." But we have already shown that the enumeration of these three, which are explicitly stated because they are particularly relevant to the regulation of land lying under navigable waters, does not imply that Congressional power over other types of commerce was among the rights relinquished. Because Congress did not give up any of its power over all of interstate commerce in § 1311 (see note 7, *supra*), they are not "[relinquished rights]" and the limitation portion of § 1314(a) is inapplicable.

To hold otherwise would render the reservation of constitutional commerce power in § 1314(a) a useless reiteration of the impliedly retained powers in § 1311(d). But to hold that it is an explicit reservation of all commerce powers gives the section meaning. The section may be unneeded and overly

cautious in that it reserves a constitutional power that has never been relinquished, but it should not be read in such a way as to render it otherwise useless.

"This title does not affect any of the Federal constitutional powers of regulation and control over these areas within State boundaries. Such powers, as those over navigation, commerce, national defense, international affairs, flood control, and power production where the United States owns or acquires the water power."

H.R. Rep. No. 215, 83d Cong., 1st Sess. (March 27, 1953), 1953 U.S.C.C. & A.N. 1385, 1389.

"The creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is prohibited; and it shall not be lawful to build or commerce the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of the Army; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army prior to beginning the same."

33 U.S.C.A. § 403.

This Court recently held that under this same section together with the Outer Continental Shelf Lands Act, 43 U.S.C.A. § 1333 (f), a permit must be obtained before a project can be begun on the Outer Continental Shelf. *United States v. Ray*, *supra*, note 5, which followed the remand and trial on the merits in *Atlantis Development Corp. v. United States*, 5 Cir., 1967, 379 F.2d 818.

Landholders cite authority holding that the Secretary is empowered to deny a permit only for navigational reasons, *United States Attorney General's opinion of February 13, 1925*, 30 U.S. Atty. Gen. Ops. 410 at 412, 415, 416; *Miami Beach Jockey Club, Inc. v. Dern*, D.C. Cir., 1936, 86 F. 2d 135, 136 (on petition for rehearing). These determinations, by no means inexorable under the wording of the statute, see *Greathouse v. Dern*, *infra*, predate the changes wrought by the Fish and Wildlife Coordination Act, *infra*.

And they are out of step with the sweeping declaration of power over commerce in *United States v. Appalachian Electric Power Co.*, 1940, 311 U.S. 377, 423-27, 61 S. Ct. 291, 85 L. Ed. 243, 261-63:

"The state and respondent, alike, however, hold the waters and the lands under them subject to the power of Congress to control the waters for the purpose of commerce. The power flows from the grant to regulate, i.e., to 'prescribe the rule by which commerce is to be governed.' This includes the protection of navigable waters in capacity as well as use. This power of Congress to regulate commerce is so unfettered that its judgment as to whether a structure is or is not a hindrance is conclusive. Its determination is legislative in character. The Federal Government has domination over the water power inherent in the flowing stream. It is liable to no one for its use or nonuse. The flow of a navigable stream is in no sense private property; that the running water in a great navigable stream is capable of private ownership is inconceivable. Exclusion of riparian owners from its benefits without compensation is entirely within the Government's discretion."

"In our view, it cannot properly be said that the constitutional power of the United States over its waters is limited to control for navigation. By navigation respondent means no more than operation of boats and improvement of the waterway itself. In truth the authority of the United States is the regulation of commerce on its waters. Navigability, in the sense just stated, is but a part of this whole. Flood protection, watershed development, recovery of the cost of improvements through utilization of power are likewise parts of commerce control. \* \* \* That authority is as broad as the needs of commerce. \* \* \* The point is that navigable waters are subject to national planning and control in the broad regulation of commerce granted the Federal Government. The license conditions to which objection is made have an obvious relationship to the exercise of the commerce power. Even if there were no such relationship the plenary power of Congress over navigable waters would empower it to deny the privilege of constructing an obstruction in those waters."

The Court essentially held that the Corps, where approval of Transportation is also required, cannot be oblivious to the effect of fill projects on the beauty and conservation of natural resources. This inference arises from the fact that the Secretary of Transportation is statutorily required to consider conservation before granting a permit. But if the fill on which the causeway was to be built were completed at the time the permit for the causeway was requested, there would be no conservation factors for Transportation to consider. The Court held that the Corps could not blind itself to this fact and thereby cut off considerations of conservation by granting a fill permit without Transportation's approval of the causeway.

16 U.S.C. §§ 661-666.

Public Law 91-190, 42 U.S.C.A. §§ 431-47.

The Fish and Wildlife Coordination Act states:

"Except as hereafter stated in subsection (h) of this section [not applicable], whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development."

16 U.S.C.A. § 662(a).

Presumably Landholders must first obtain the Corps of Engineers permit before becoming a "private agency under Federal permit or license."

The Senate Report also shows how the exercise of the commerce power in the conservation arena ties in with its exercise in other areas:

"The amendments proposed by this bill would remedy these deficiencies and have several other important advantages. The amendments, would provide that wildlife conservation shall receive equal consideration with other features in the planning of Federal water resource development programs. This would have the effect of putting fish and wildlife on the basis of equality with flood control, irrigation, navigation, and

hydroelectric power in our water resource programs, which is highly desirable and proper, and represents an objective long sought by conservationists of the Nation."

1958 U.S.C.C. & A.N. at 3450.

"POLICIES

1. It is the policy of the two Secretaries that there shall be full coordination and cooperation between their respective Departments on the above responsibilities at all organizational levels, and it is their view that maximum efforts in the discharge of those responsibilities, including the resolution of differing views, must be undertaken at the earliest practicable time and at the field organizational unit most directly concerned. Accordingly, District Engineers of the U.S. Army Corps of Engineers shall coordinate with the Regional Directors of the Secretary of the Interior on fish and wildlife, recreation, and pollution problems associated with dredging, filling, and excavation operations to be conducted under permits issued under the 1899 Act in the navigable waters of the United States, and they shall avail themselves of the technical advice and assistance which such Directors may provide.

2. The Secretary of the Army will seek the advice and counsel of the Secretary of the Interior on difficult cases. If the Secretary of the Interior advises that proposed operations will unreasonably impair natural resources or the related environment, including the fish and wildlife and recreational values thereof, or will reduce the quality of such waters in violation of applicable water quality standards, the Secretary of the Army in acting on the request for a permit will carefully evaluate the advantages and benefits of the operations in relation to the resultant loss or damage, including all data presented by the Secretary of the Interior, and will either deny the permit or include such conditions in the permit as he determines to be in the public interest, including provisions that will assure compliance with water quality standards established in accordance with law. \* \* \*

H. Rept. 989, 90th Cong., 1st sess., to accompany H.R. 25, pp. 4-5. See also S. Rept. No. 1419, July 17, 1968, 90th Cong., 2d sess., Senate Committee on Commerce, reporting on S. 695 and H.R. 25, pp. 13-14, H.R. 25 with revisions became the Act of August 3, 1968, 82 Stat. 625 (Pub. L. 90-454).

"As a result of the hearings and the discussions which ensued from the circularized draft proposal—particularly with respect to the permit provision for dredging, filling, and excavation—a memorandum of understanding was entered into between the Secretary of the Interior and the Secretary of the Army. This agreement set forth the policies and procedures to be followed regarding the control of dredging, filling, and excavation in the navigable waters of the United States, which would include many of our Nation's estuarine areas.

On August 2, the Department of the Interior filed a supplemental report on the bill. In its report to the committee, the Department stated that we believe that this memorandum of understanding provides an effective administrative solution to the problem of preventing unreasonable impairment of the natural resources of the Nation's waterways and related environment, and preventing the pollution of the waters. In our opinion, the agreement makes the legislative approach set forth in H.R. 25 . . . for control for dredging, et cetera, unnecessary . . . (Omissions by the Committee.)"

Its newness, relevance and significance warrants reproduction in full.

"This Act may be cited as the 'National Environmental Policy Act of 1969'.

"PURPOSE

"Sec. 2. The purposes of this Act are: To declare a national policy which will encour-

age productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

"TITLE I—DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

"Sec. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

"(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

"(1) fulfill the responsibilities of each generation as trustees of the environment for succeeding generations;

"(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

"(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

"(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

"(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

"(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

"(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

"Sec. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

"(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

"(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

"(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

"(i) the environmental impact of the proposed action,

"(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(iii) alternatives to the proposed action,

"(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

"(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

"(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative use of available resources;

"(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

"(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

"(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

"(H) assist the Council on Environmental Quality established by title II of this Act.

"Sec. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

"Sec. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

"Sec. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies."

Public Law 91-190, Title I, 83 Stat. 852. 42 U.S.C.A. §§ 4331-47.

For like reasons the following disclaimer in the Fish and Wildlife Act of 1956, 70 Stat. 119, 16 U.S.C.A. §§741-754, specifically 70 Stat. 1124, 16 U.S.C.A. §7421 is not decisive:

"The rights of States.—Nothing in this Act (subsection 742a and note—742d, 742c, 742j of this title; 15 subsection 713c-3 and note) shall be construed (1) to interfere in any manner with the rights of any State under the Submerged Lands Act (Public Law 31, Eighty-third Congress) (43 subsection 1301 and notes—1303, 1311-1315) or otherwise provided by law, or to supersede any regulatory authority over fisheries exercised by the States either individually or under interstate compacts;"

"The heading of the Report reads:

"The Corps of Engineers, which is charged by Congress with the duty to protect the nation's navigable waters, should, when considering whether to approve applications for landfills, dredging and other work in navigable waters, increase its consideration of the effects which the proposed work will have, not only on navigation, but also on conservation of natural resources, fish and wildlife, air and water quality, esthetics, scenic view, historic sites, ecology, and other public interest aspects of the waterway."

"In 1968, the Corps revised its regulations to state that the Corps, in considering an application for a permit to fill, dredge, discharge or deposit materials, or conduct other activities affecting navigable waters, will evaluate "all relevant factors, including the effect of the proposed work on navigation, fish and wildlife, conservation, pollution, esthetics, ecology, and the general public interest." 33 CFR 209.120(d)(1). The Corps applied this policy when it recently rejected the efforts of land developers to fill in a major part of Boca Ciega Bay, near St. Petersburg, Fla. See *Zabel v. Tabb*, 296 F. Supp. 764 (D.C. M.D. Fla., Tampa Div., Feb. 17, 1969), now on appeal to the U.S. Court of Appeals, Fifth Circuit, No. 27555.

"The committee commends the Corps for recognizing its broader responsibilities to protect against unnecessary fills and other alteration of water bodies. \* \* \* H. Rep. No. 91-917, p. 5.

"The Corps of Engineers should instruct its district engineers and other personnel involved in considering applications for fills, dredging, or other work in estuaries, rivers, and other bodies of navigable water to increase their emphasis on how the work will affect all aspects of the public interest, including not only navigation but also conservation of natural resources, fish and wildlife, air and water quality, esthetics, scenic view, historic sites, ecology, and other public interest aspects of the waterway." H. Rep. No. 91-917.

As the Committee views it, not only should the Corps consider conservation, but it should consider conservation to be endangered by every dredge and fill project and place the burden of proving otherwise on the applicant. See e.g., the conclusion of the first section of the Report and its bold face type recommendation:

"The Corps of Engineers should permit no further landfills or other work in the Nation's estuaries, rivers and other waterways except in those cases where the applicant affirmatively proves that the proposed work is in accord with the public interest, including the need to avoid the piecemeal destruction of these water areas." H. Rep. No. 91-917, p. 6.

## OUR ECONOMIC CRISIS

HON. WILLIAM D. FORD  
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, the Nixon administration is trying to paint a rosy picture of a recovery in the economy while newspaper headlines

glare forth with new statistics showing the highest rate of unemployment since the early sixties, a continued upswing in the cost of living with tight money in short supply—all resulting from the shortsighted economic policy of this administration.

Two editorials appearing in the New York Times on September 7, 1970, present a perceptive analysis of this administration's economic shortsightedness. I insert these editorials in the RECORD at this point and commend them to the attention of all who question the reality of claims of economic recovery while every trip to the supermarket cuts deeper into their pocketbooks:

#### ENDEMIC INFLATION

The start of the Labor Day weekend was marked by a Government report that the nation's jobless rate last month rose to 5.1 per cent while the average worker's purchasing power declined. The Administration has hailed the report that the wholesale price index declined in August by 0.5 per cent as a "dramatic" sign that it is winning its battle over inflation. A long list of earlier disappointments makes it advisable, however, to reserve judgment on whether price stability is really on the way.

Mr. Nixon's economists blame the stagnation of productivity for much of the Administration's failure to arrest inflation during 1969 and the first part of 1970. Output per man-hour showed virtually no increase until the second quarter of this year, when it began climbing at an annual rate of 3.1 per cent—about in line with its long-term growth trend since World War II. Administration economists are now staking much of their hope for a continued slowing of inflation on continuing improvements in productivity.

The turnaround in productivity during the second quarter was almost certainly due primarily to the rise in unemployment. With fewer men at work and the trend of real output moving sideways, output per man-hour of labor rose. If the economy recovers even moderately during the months ahead but unemployment increases slightly—as Administration economists expect—productivity will continue to show gains. But it is most unlikely that the improvement in productivity can be sharp enough to rid the system of its chronic inflationary trend.

In the second quarter, major union collective bargaining settlements continued to escalate; for wages and benefits combined, they averaged 10.9 per cent annually over the life of the contract—and 17.1 per cent in the first year. The large number of construction agreements negotiated in the spring undoubtedly did much to push up the quarterly average, but it is clear that a 3 per cent national rate of productivity improvement will scarcely dent the inflationary impact of such settlements.

The automobile wage negotiations, now nearing the showdown stage in Detroit, represent a crucial test of the Administration's theory that a moderate boost in unemployment will arrest inflationary wage settlements. The Big Three car manufacturers have offered the United Auto Workers a new contract calling for an increase of 7.5 per cent in wages and fringe benefits in the first year and 3 per cent in each of the next two years. The union spurned the offer as a "hiccup."

The Administration is steering clear of direct involvement in the Detroit talks, but its general admonition to industry has been that the best way to avoid overcostly agreements is to take a strike. That seems to leave

it up to General Motors or Chrysler, the prospective union targets, to choose between the distasteful alternatives of an inflationary settlement or a long and expensive strike. The absence of anything resembling an official incomes policy thus makes employers in this and other strongly unionized industries the involuntary guardians of wage-price stability, with Government in an ostrich role on the sidelines.

#### WHY IT STAYS

The White House seeks to justify its hands-off policy on wages and prices by putting the whole responsibility for checking inflation upon fiscal and monetary policy. But here, too, there are reasons for skepticism about its claims of victory over inflation.

The current prospect is for sizable budget deficits in both fiscal 1971 and 1972. Mr. Nixon not only has dug himself in against asking for higher taxes but he has done the same on further reductions in defense expenditures. In a report that has deserved more notice, President Nixon's own Task Force on Economic Growth has declared: "We conclude that no feasible reduction in defense expenditures will suffice to offset additional Federal revenue requirements for high-priority civilian programs."

On the monetary side, Administration economists have been grumbling over the caution of Federal Reserve Board Chairman Arthur F. Burns, who appears determined to hold the growth of the money supply to between 4 and 5 per cent. Dr. Burns, standing firm against pressures to ease money still faster, is openly critical of the Administration's refusal to develop more meaningful brakes on wage and price increases in industries in which either labor or management has great market power.

The economic slowdown has blunted the inflation for the time being. Yet the Nixon Administration seems to have learned remarkably little from its past economic failures. It is still unwilling to take the hard steps toward building economic policies that will meet the nation's economic and social needs. It is also unwilling to tackle underlying structural problems—for instance, by fighting harder for a liberal trade policy. As a result, inflation threatens to remain endemic in the American system.

#### OLDER AMERICANS TRANSPORTATION SERVICES DEVELOPMENT ACT

##### HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. OTTINGER. Mr. Speaker, today I introduce for myself, the gentleman from Indiana (Mr. BRADEMANS), and the gentleman from New York (Mr. McCARTHY), the Older Americans Transportation Services Development Act.

The bill is designed to make our Nation's transportation services 100 per cent safe and accessible for all 20,000,000 older Americans.

Transportation is one of the most important areas in which we need to improve services for the elderly.

In 1968, Secretary of Transportation Alan Boyd testified at hearings of the Senate Special Committee on Aging that 30,000,000 Americans are hindered in travel because of physical handicaps or advancing age, and that some 14 million

persons over 65 are impeded by one or more chronic ailments.

A recent report of the Department of Labor, Bureau of Labor Statistics, ranked transportation as third largest expenditure in retired couples budget—food and housing were first and second. Transportation services for the elderly, however, deserve our attention, according to the report, not because of their cost but because so many of the elderly's other daily life activities depend so heavily on them—employment, health care, receipt of income, and so forth.

According to the January 1970 report of OEO Project FIND, a research project into the problems facing the elderly:

Transportation proved one of the most serious gaps in community service in nearly every area studied.

Only about 37 per cent of the poor and about one-half of the near poor who reported having transportation difficulties find these problems not to be major.

The reasons for lack of transportation cited by the FIND report usually centered around the elderly's inability to afford transportation—91 per cent of those interviewed—or the lack of good public transportation—67 per cent of those interviewed.

The real tragedy, however, of our failure to provide safe and accessible transportation services for the elderly lies not in the words spent in documenting the need for such services but in the money spent trying to fulfill the need. The administration's descriptions regarding the need to improve transportation services for the elderly are most adequate. The administration decisions regarding the money required to meet this need are at most inadequate. On the one hand, the administration proclaims, in the words of its Commissioner on Aging, the seriousness of the problems such as the "isolation from the community" and the lack of "access to proper health care" the elderly face because of inadequate transportation services. On the other, it precludes, in the calculations of its budget, any significant solutions to these problems.

Specifically, in fiscal year 1970, the administration allocated for transportation research and demonstration projects, only 3 per cent of the total funds appropriated for research and demonstration under the Older Americans Act. For 1971, the administration requested less than one-half of the money Congress authorized for research, demonstration, and training programs designed to improve the community services critical to the elderly. Congress authorized \$15 million; the administration requested \$5.8 million. Such a small sum can hardly serve to make improvements in transportation services, let alone in the range of community services for which it was intended.

Mr. Speaker, if we are to know more than the little we know today about how to organize and deliver a comprehensive and coordinated range of transportation services for the elderly, we must put our money where our mouth is. We must

expand our research and demonstration efforts with regard to transportation services for the elderly.

In New York alone, much needs to be done. For example, as a result of New York City's reduced transit fare, several things, including the following, must yet be researched and developed:

First, an inexpensive alternative to equipping turnstiles for half fares must be developed if those senior subway riders who would like to end the coupon plan—under which they pay full fare outbound and get what amounts to a pass for their return—shall be accommodated; and

Second, alternatives to the half-fare limits must be developed if those senior citizens who must start trips before beginning of the one-half fare hours—10 a.m.—are to be accommodated.

Also, numerous and crucial improvements in New York facilities and subway cars ought to be researched and developed to provide 100 percent accessible and safe transportation for the elderly.

My bill would help to provide what is needed and at a modest cost—\$3 million over a 22-year period.

It would help to build upon successful existing programs as well as provide badly needed funding for new research and demonstration.

It would concentrate on economic and service aspects of transportation for the elderly in urban and rural areas. Moreover, the bill would authorize feasibility studies on special transportation services in areas where large numbers of elderly persons live, research and demonstration on portal-to-portal service, additional studies on fare structures and the impact on the elderly's ridership, well-being, and morale, and demonstration projects to provide better coordinated transportation services rendered by social service agencies. The potential benefits of this undertaking are many.

Most importantly, the bill makes certain requirements aimed at improving the management and expanding the impact of all exemplary and cost-benefit research and development programs, thereby eliminating causes of failure of most Government-sponsored research and development efforts. These requirements include:

First, that all grants and contracts include provision for evaluation by an organization not affiliated with the project funded;

Second, that each evaluation shall include, where feasible, evaluation of program impact and cost-benefit ratio;

Third, that evaluation reports shall be transmitted to the Secretary of Health, Education, and Welfare to be widely disseminated; and

Fourth, that the Secretary shall provide technical assistance including program planning and management assistance.

I urge my colleagues to support this bill. We must all work together if our Nation's transportation services are to be improved to the point where all older Americans can experience the same sim-

ple pleasures in life as the rest of us without inconvenience and physical and economic hardship.

## POW'S AND THE "PEACE" GROUPS

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. HOSMER. Mr. Speaker, with 1,550 American servicemen either missing or imprisoned in Southeast Asia, most Americans have a genuine concern for their well-being and sympathy for their families at home.

Compounding this tragedy, however, are various organizations—so-called "peace" groups—which are adding to the torment of the families and hindering efforts to achieve humane treatment for our POW's.

One of these groups, the Committee of Liaison With Families of Servicemen Detained in North Vietnam, has entered into an alliance with the Government of North Vietnam, using the American prisoners as instruments of their mutual propaganda war.

Because of this group's open sympathy for the cause of the Vietcong and the North Vietnamese, Hanoi has agreed to provide all mail from American prisoners directly to this "peace" committee. The letters are then forwarded to the families for whom they were intended—along with a political diatribe urging an immediate U.S. pullout. It is apparent that this "arrangement" is more advantageous to Hanoi's propaganda campaign than to any sincere sentiments to end the war in Vietnam.

In addition, this alliance with a "peace" group is letting Hanoi off the hook with respect to the Geneva Convention on humane treatment of prisoners of war. While millions of Americans and others around the world attempt to pressure Hanoi into acceding to the tenets of the Geneva Convention, these "loyal" Americans are aiding and abetting their continued flaunting of these universally accepted principles.

The families involved must welcome news of the prisoners from any source, since Hanoi refuses to abide by the Geneva rules. However, this spoonfeeding of news from Hanoi via a peace group in the United States can only add to the delay and anguish and further fuel the North Vietnamese drive to force the United States into a humiliating defeat.

The September issue of Government Executive magazine has an article detailing the activities of the peace groups and the ordeal of the families. It follows:

#### POW FAMILIES: TORTURE OF UNCERTAINTY

The families of a number of American servicemen, known to have fallen into North Vietnamese hands, were tortured recently with increased uncertainty as to whether their loved ones are alive or dead.

The episode began with the publication by *The New York Times* of a list of 334 Ameri-

can prisoners which, the newspaper said, had been compiled by a New York-based peace group from letters sent by prisoners to their families.

Three Americans who had just visited Hanoi, *The Times* reported, brought out word that North Vietnam had declared the list a complete record of all U.S. prisoners held in North Vietnam.

Mrs. Wilmer N. Grubb of Petersburg, Va., promptly challenged the list's completeness.

Her husband had been shot down on an unarmed reconnaissance mission over North Vietnam on January 26, 1966, she said, and photographs of him in captivity had been released by the North Vietnam News Agency and other Communist sources. Yet his name was not on the list.

Since Major Grubb was shot down, his wife has never received a letter from him nor any notification from North Vietnam as to his status.

Mrs. Grubb has four sons, the youngest of whom, aged four, has never seen his father. The boys appeared with her at a news conference opening an office which has been donated by the Reserve Officers Association of the U.S. to the National League of Families of American Prisoners and Missing in Southeast Asia at 1 Constitution Avenue, NE, Washington, D.C.

She and her sons, Mrs. Grubb said, represented other families whose fathers or sons are known to be prisoners but whose names did not appear on the list.

#### MUST CORRECT LIST

"Perhaps the omissions were inadvertent on the part of Hanoi," Mrs. Grubb continued. "But, if so, and if they want the world to believe their claims that they are following humanitarian precepts in the treatment of the prisoners they hold, then obviously the government in Hanoi must correct the list to include all of the men they hold. Ultimately, the world will hold the North Vietnamese to account for the release of these men."

"I, for one, cannot believe—will not allow myself to believe—that Hanoi would deliberately condemn to oblivion these men whose names have been omitted from the list."

In Paris, the wives and children of two other American servicemen omitted from the list went to the residence of the chief North Vietnamese delegate to seek information. They were turned away, crying, by a guard.

The men they tried in vain to inquire about were Lt. James J. Connell, USN, a post-capture photograph of whom was released by the Vietnamese News Agency on July 21, 1966, and Lt. Cdr. Michael J. Estocin, USN, who is listed by the U.S. as a prisoner on the basis of information from some of the nine U.S. prisoners released since the first man was captured in August 1964.

U.S. Ambassador Philip C. Habib also brought up the matter at the Paris meetings, pointing out to the North Vietnamese that "your own media have offered tangible evidence that you in fact hold additional U.S. prisoners."

He cited Connell and other examples. These included Col. Edward B. Burdett, USAF, whose capture in 1967 was reported by Hanoi radio; Capt. Edwin L. Atterbury, USAF, whose picture was published in North Vietnam after his capture the same year, and Lt. Cdr. James L. Griffin, USN, whose capture in 1967 also was announced by Hanoi.

At press time, Habib had received no information or explanation in reply.

The peace group which *The Times* said compiled the list of prisoners is the Committee of Liaison with Families of Servicemen Detained in North Vietnam.

Miss Barbara Webster, a committee staff

member, said in response to an inquiry from Government Executive:

"We don't regard that list as the total list—we have an idea there might be more but we don't know for sure."

The committee's feeling, she added, was that the individual who gave out the information might have misunderstood what the North Vietnamese said.

Asked if the individual referred to was Kenneth Kirkpatrick of the American Friends Service Committee in Seattle, she said that he was.

#### VISIT TO HANOI

In its study, *The Times* said information on North Vietnam's position had come from a delegation of three Americans who had just visited Hanoi—Kirkpatrick, Mark S. Patshne, professor of biology at Harvard University, and Egbert W. Pfeiffer, professor of zoology at the University of Montana.

Miss Webster said Kirkpatrick was in Paris but would return to the U.S. soon.

Mrs. Cora Weiss of Riverdale, the Bronx, who visited Hanoi last December, and Dave Dellinger of New York are cochairmen of the Committee of Liaison With Families of Servicemen Detained in North Vietnam.

Last January, in Chicago, where Dellinger was on trial and later was convicted of conspiracy, they announced that Hanoi had agreed to send all mail from American prisoners to the committee, which would forward them to the prisoners' families. This arrangement gives the committee the opportunity to enclose letters to the families expressing hope that "the U.S. Government will come to its senses, withdraw its armed forces from Vietnam, and thus make it possible for the families, both American and Vietnamese, which have been separated as a result of this cruel war, to be reunited."

Mrs. Sybil Stockdale, chairman of the board of National League of Prisoners' Families, contends that mail would move satisfactory through normal channels if North Vietnam would fulfill its obligations under the Geneva convention regarding the treatment of prisoners of war.

She told newsmen also that North Vietnam, if it wished, could easily influence the policies that are carried out in connection with prisoners held by the Viet Cong, the Pathet Lao or by Communist forces in Cambodia. No prisoner held in those areas has ever been allowed to write a single letter, she said.

A total of more than 1,550 American servicemen are listed by the Department of Defense as missing or captured in Southeast Asia.

#### MISS MONTANA

### HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. OLSEN. Mr. Speaker, I wish to call to your attention a particularly significant item in this week's *Life* magazine. On page 88, is a picture of Miss Kathy Huppe of Helena, Mont. Kathy forfeited her chance to participate in the glamor and glory of the Miss America Pageant in Atlantic City when she resigned her title of Miss Montana because she was expected to conform to regulations which, in good conscience, she found to be too restrictive. Kathy Huppe is a political activist and an energetic member of the peace movement in Montana. She could not conscientiously assume a

middle-of-the road stance as required by the national sponsors of the pageant. Kathy is too forthright a person to be muzzled on issues she feels are of paramount importance. A girl who will put her principles above the chance to win the coveted Miss America title surely has commonsense values and a strong character, and I applaud her for her courage and integrity.

Mr. Speaker, I include in the RECORD at this point two articles from Montana papers which appeared this summer and which further explain the situation:

#### MISS MONTANA'S POLITICAL BELIEFS FORCE HER TO QUIT

(By Tina Torgrimson)

A lot of little things that could have become a big problem built up to the resignation Friday of the 1970 Miss Montana, Kathy Huppe of Helena, told *The Billings Gazette* Friday afternoon.

She told the Associated Press in Helena Friday that she resigned her title "because my beliefs and what the national association wanted out of me could not coincide."

She told the *Gazette*, "I can't say what my beliefs are. They are arbitrary. It is just more or less something that I feel." She said her beliefs are a "Personal matter."

"I don't want to sound ungrateful," she said, "but it was a matter of personal beliefs and I couldn't go against them."

"Everything you do or say is censored," she said. "If I wanted to write a letter to the editor of the *Gazette*, the letter would have to be sent first to the Billings Jaycees so they could censor it. I really don't think that is necessary."

She said she didn't know about the censorship before being chosen Miss Montana. "This is something they should let girls know about before they get involved in the situation," she said.

Miss Huppe told *The Associated Press* she reached her decision because her political views could not remain "middle of the road," as she said the organizers of the Miss America contest stipulated.

The 18-year-old June graduate of Helena Senior High School said she was one of six editors of a "free press" newspaper, "The Paper Tiger," designed to provide a free forum for high school students.

She said she had mentioned her editorship of the paper in her pageant entry blank, but nothing was said until after the contest.

"I am very happy and I hope there is no antagonism," she told the *Gazette*. "I tried to do this in the best way that I could."

When asked if she would participate in a similar contest again, she replied, "Never."

Miss Huppe said her immediate plans will be to look for a job, spend some time at the family ranch near Ronan and then attend school this fall at the University of Montana in Missoula.

The Billings Jaycees, sponsoring organization for the Miss Montana pageant, immediately announced Friday that the final runner-up in the contest, Jane Opp of Billings, will take over as Miss Montana.

Miss Opp told the *Gazette* Friday, "I have been told not to say anything yet." She said she has been Miss Montana for only half a day and that she was "very happy" about it.

She said the problem of censorship had never been mentioned to her before that she can remember. "I don't have anything to say about it because I don't know much about it," she said.

Miss Opp is the 20-year-old daughter of Mr. and Mrs. Emil Opp of 2523 Wyoming Ave. She will represent Montana in September in the Miss America contest in Atlantic City, N.J.

She graduated from Billings West High School and attends Rocky Mountain College.

Miss Huppe said she is interested in politics and was one of 16 seniors who participated in a sample rewriting of the Montana Constitution last year.

She said she participated in moratoriums last year and said this information was also included in her original application for the contest.

"If there were moratoriums next year I would participate," she said, "because that's something I really believe in. I told them I would put my beliefs above the pageant."

Miss Huppe is the daughter of Mrs. Charles Huppe of Helena. Her late father was an assistant Montana attorney general.

Ken Wheeler of Billings, director of the state pageant, said the policy of not informing the contestants about the contract details would be changed next year.

"This is just something that happened," Wheeler said. "The sponsoring organization was aware of the stipulations, but evidently did not explain them to her properly."

Wheeler said the contract is governed by a national policy.

#### WANTS TO KEEP INDIVIDUALITY: MISS MONTANA GIVES UP TITLE

(By Carla Beck)

The queen of Montana pageant royalty Friday abdicated her throne.

Miss Montana, Kathy Huppe of Helena, explained, "I'd rather be an individual than a queen."

Why did she resign? In Friday's first announcement of her action, she was quoted as saying she resigned "because my beliefs and what the national association wanted out of me could not coincide" and that she had reached her decision because her political views could not remain "middle of the road," as the organizers of the Miss America contest stipulated.

When Miss Huppe (it's pronounced to rhyme with puppy) signed her entry blank for the pageant, she noted that among her activities she had participated in the moratoriums against the Vietnam War and had written for the "Paper Tiger," a "free press" newspaper published sporadically. "The editors publish anything people want to write about, whether they agree with it or not," she explained.

Sometime after she was crowned the Big Sky County's entrant in the Miss America Pageant, tensions apparently developed. Miss Huppe began to feel apprehensive about her role as Miss Montana. She intended to continue as a political activist and to write for publication if she felt like it. But she got the feeling this was not the way it was going to be.

She spent Wednesday in Billings conferring with Mike Perko, executive director of the pageant, and four other members of the Jaycees, sponsors of the Miss Montana Pageant. Among them was Doug Feller, Billings, who was serving as her business manager.

It was Feller who informed her that the Jaycees' contract with the national Miss America Pageant committee would not allow them to go along with her views on her role. She responded that the best thing for her to do would be to resign, and he agreed.

Perko said Friday afternoon that there had been no problem with the title holder. "I'm sorry that she did resign, but I feel that she thought it would be better if she did. She felt she couldn't do the job for personal reasons."

Perko did not cite any pageant rules specifically, saying they were general in nature and were designed primarily to protect the girl and her family. He said they are the same for all candidates from the 50 states

and come down from the Miss America Pageant officials.

"We're not trying to tell Miss Montana she can't do one thing or another," Perko said. "But we would like to know what she is doing or what she is writing. We would not tell her what to say, but we would like to know what it is so we could clear it first."

He went on, "We would expect her to have an opinion. In fact, we would encourage her to have opinions on issues, but we would not expect her to express them openly."

"You see," he explained, "some of these girls are rather young. They could say things on the spur of the moment that could come out wrong. We'd like her to make her main objective preparing for Atlantic City."

"We're in this to promote Montana. We want everyone in the state to be our friend," Perko added.

When asked why Miss Huppe's personal commitment to political activity hadn't been considered before the Miss Montana Pageant, Perko replied, "They are not judged on things like this. They are judged on talent, evening gown and swim suit."

Miss Huppe is not disappointed. She is relieved. She is glad she made the decision at this time, because she feels the runner-up, Jane Opp, who will now represent Montana in Atlantic City, will have a fair chance to prepare for the activities.

Miss Opp, 20, a student at Rocky Mountain College in Billings, teaches piano and guitar. A black-haired, green-eyed beauty, she is the daughter of Mr. and Mrs. Emil Opp of Billings.

Since jobs are not easy to find this summer, Miss Huppe plans to spend most of the rest of the summer on the family's ranch near Ronan. In the fall she will enroll at the University of Montana in Missoula. Right now, she's hoping to major in psychology but recognizes it all depends on how things work out. "I don't like plans, anyway," she said.

She's afraid college students will be more frustrated than ever if nothing comes of the fall elections and peace candidates don't win. She thinks lowering the voting age will help alleviate some of the frustration.

She admits she had misgivings about entering the Miss Montana pageant from the beginning but that the scholarships at the local and state level were an inducement. "Really, I didn't ever think I'd win. I remember my first reaction was 'Lord, what will I do now?'"

She was intrigued by the pageants at the state and national level. "I had a stereotype of pageant people. I thought they would all be phony, plastic people. I've met a lot of different types. They're not all plastic, although a lot are."

She recalled visiting with the eight-year-old daughter of a pageant hostess when she graced the Colorado state pageant. "She asked me if the gold in Miss Wyoming's crown was pure gold and I said no, it was fake. She asked me if the diamonds in my crown were real and I said no, they were probably cut glass. Then she said 'You know, Kathy, nothing's real in this thing, not even the people.'"

#### MISS AMERICA TOPICS BROADENED

ATLANTIC CITY, N.J.—Miss America 1971, unlike her predecessors, will be allowed to give her opinions on marijuana smoking, the Vietnam war and other controversial issues. But sex remains taboo.

In revealing a major departure from pageant tradition, Miss America officials emphasized yesterday that questions of a "distasteful personal nature" such as, "Do you use the pill?" would remain on the taboo list during the contest here in September.

CXVI—2049—Part 24

Albert Marks, chairman of the pageant executive committee, said, "We were always afraid youngsters with no prior background would put a foot in their mouth, but today's youthful society doesn't need over-protection."

Recently, Katherine Huppe of Helena, Mont., resigned as Miss Montana, citing restrictions on what she could say and do about politics and other current events.

#### EXPLOITATION OF U.S. TAXPAYERS BY INTERNATIONAL BANKERS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. RARICK. Mr. Speaker, the Managing Director of the International Monetary Fund recently reprimanded the United States for inflation by saying our money problem threatened the stability of the world's financial system.

So, the President of the United States and the leadership of both parties complied with the international experts' theory to combat inflation by draining off better than a billion dollars of U.S. taxpayers' dollars for the international bankers as a deterrent to inflation. Americans recall some earlier economic rationalizations that the way to stop domestic inflation was to raise the taxes of the wage earner and turn the excess money over to the Government whose bureaucrats knew better how to spend it than the laborer himself. And the Government spending was noninflationary. Now we find that the international bankers, adopting the same folly, would have us believe that they can control world inflation by taxing the developed countries and giving it to the backward unproductive peoples.

In the meantime, Kenneth Kaunda, the former Kenyanese banking student in Rhodesia before coming into power in Zambia, demonstrated a typical backward nation spendthrift activity at his worldwide country club rally which he labeled a summit meeting of nonaligned nations.

And in Algiers, Eldridge Cleaver, the Black Panther cub and son-in-law of a senior American diplomat in close liaison with the international bankers, announced his support for the Palestinian guerrillas; stating that he "condemns the Zionist aggressors who are supported by American imperialists."

Yet, President Nixon praises the new big brother approach to foreign assistance poverty-stricken emerging tribes by simply turning the wealth of the American people over to the discretion of international banking organizations.

If all of the tear-jerking words, promises, and exploitation of Americans' tax money were but to accomplish the announced goals of promoting peace, international cooperation, and national security, certainly some evidence of progress should be visible somewhere.

Instead, all we find is that the rich get richer, the mean get meaner, the greedy get greedier, and the poor get poorer.

Mr. Speaker, I include several newsclippings as follows:

[From the Atlanta Journal, Sept. 8, 1970]

#### IMF SAYS MONEY SYSTEM THREATENED BY U.S. INFLATION

WASHINGTON.—The International Monetary Fund says the stability of the world's money system is threatened by U.S. inflation. It hinted the Nixon administration should get tough with business and labor leaders to check rising prices.

The IMF, in its annual report, said U.S. inflation had spread economic trouble to most non-Communist countries. It placed America's inflation problems at the top of the world economic priority list.

The IMF works to stabilize the value of money. It often makes loans to countries having trouble protecting the soundness of their currency.

The IMF was critical of the Nixon administration's efforts to check inflation.

"At this juncture, the domestic stabilization plan developed by the (U.S.) authorities early in 1969 is clearly behind schedule in slowing the pace of price and cost increases and, at the same time, it has had a more severe impact on the real economy than was hoped for," the report said.

The IMF noted that U.S. prices increased at an annual rate of 5.5 per cent during the first half of this year, the worst inflation since the Korean War, while unemployment reached a five-year high of 5 per cent.

"The importance of arresting the U.S. inflationary spiral and restoring price and cost stability can hardly be exaggerated," the report said. "At stake are the checking of the inflationary trend on a worldwide basis, the long-run stability and efficiency of the U.S. economy, the much needed strengthening of the U.S. balance of payments and the sound functioning of the International Monetary System."

IMF Managing Director Pierre-Paul Schweitzer issued the report in advance of the fund's annual meeting, scheduled to begin Sept. 21 in Copenhagen.

[From the Atlanta Journal, July 1, 1970]

#### AFRICANS CALLED WASTEFUL IN BUILDING SUMMIT SITES

LUSAKA, ZAMBIA.—Africa may rank at the bottom of everyone's list in economic development but it can do one thing lavishly well: spend millions of dollars on palaces and villas that will be used for one summit conference and then left to rot.

Now it is Zambia's turn. An enormous conference hall and a cluster of fashionable villas are being built at feverish cost and speed in Lusaka to house a summit conference of nonaligned nations in September.

The rush and determination remind an outsider of similar African projects of the past:

President Ahmed Ben Bella's Club Des Pins in Algeria for a non-aligned conference.

President Kwame Nkrumah's scandalous "Job 600" with its 12-story tower for a summit conference of the Organization of African Unity (OAU) in Ghana.

President Joseph D. Mobutu's OAU village by the Congo River for another summit conference.

In all cases, prestige seems the motive for the splendor. But it has not always worked out well. Ben Bella was deposed in a coup five days before the opening of the conference. It was canceled. Nkrumah held his meeting but was ousted by a coup four months later.

In Zambia's case, the government of President Kenneth Kaunda seems to have been drawn into the conference business somewhat naively. A cabinet member confided that Kaunda had not instructed his dele-

gates at a recent preparatory conference in Dar Es Salaam to propose Lusaka as the site. But, somehow, Lusaka was picked.

Observers at the preparatory meeting say the host, President Julius Nyerere of Tanzania, wanted Black Africa to host the summit conference and pressured the Zambian delegation to make a bid. To the surprise of the Zambian delegates, they won.

Though it may have been shy of its selection, the Zambian government is not showing any reluctance in tackling the job. Like most African towns, Lusaka, with a population of 240,000, lacks the hotel rooms and meeting halls for a huge conference. So Zambia has to build everything from scratch.

A Yugoslav construction firm, Zecco, has the contract to build the two-story conference hall with 80,000 square feet of floor space and the 62 villas for the heads of state. Using floodlights at night, 5,000 men are working round the clock to finish the job by September.

In a recent tour of the site, Kaunda first told the managers jokingly, "Do not come to State House if you fall." Then he told the African workers not jokingly, "I do not want to hear about strikes."

One government official has guessed the cost will reach \$7.5 million. Judging by past African projects, that's probably low. To meet the deadline, Zecco is airfreighting some equipment from abroad and flying in 200 Yugoslav technicians.

By African standards, Zambia is almost a rich country and can afford the costs better than most. But it will mean diverting money from development projects. "Some Zambians may get angry," the cabinet member said, "because they want this money spent on them."

Since Kaunda is respected and admired in Africa, he will receive little abuse for his erection of a wasteful splendor.

The atmosphere was different for Kwame Nkrumah. He was looked on as a vain, arrogant autocrat who meddled too much in other people's business.

Nkrumah spent \$22 million on his complex, which included the tower with a roof garden restaurant and 60 executive suites, a conference hall for 1,000, and a banquet hall to serve 2,000. He even built a nightclub just for the conference. All this was spent at a time when his country was in deep financial trouble.

Club Des Pins is probably the most beautiful of the conference sites. It is a complex of villas and a huge conference hall built on the sand dunes by the Mediterranean sea just outside Algiers.

Though Ben Bella, the man who inspired it, never gained any benefit from it, President Houari Boumediene, the man who kicked out Ben Bella, did. Boumediene invited the OAU to have its summit conference there. This spartan leader then basked in the prestige of being host to Africa in ornate surroundings built by his profligate predecessor.

In the Congo, Mobutu's OAU village, built on Mount Stanley by the Congo River, is much like Algeria's Club Des Pins. Mobutu spent more than \$10 million on the project at a time when the Congo was in such poor shape that the United States had to contribute to his national budget.

But Mobutu wanted to prove to Africa that the Congo had become a stable place and Mobutu a Pan-African leader.

All these towers, villas, and ultra-modern conference halls were built in Africa even though there were adequate facilities in Addis Ababa, the headquarters of the OAU.

But the other African countries are too jealous of their own prestige to let Ethiopia have the perpetual honor as host. So they kept spending money they can't afford on buildings they don't need.

[From the Washington Star, Sept. 11, 1970]  
PANTHERS TO START INTERNATIONAL SECTION

ALGIERS.—Eldridge Cleaver, Black Panther information minister who has just returned from Red China, North Vietnam and North Korea, announced today that a Black Panther international section will be set up in Algiers.

Cleaver told a news conference that the offices will open Sunday. He said that his party supports all people fighting for liberation, especially the Palestinians. He said, "We condemn the Zionist aggressors who are supported by the American imperialists."

[From the Washington Star, Sept. 15, 1970]  
NIXON URGES "UNITED GIVING" IN FOREIGN AID REFORM PLAN

(By Ronald Sarro)

President Nixon today urged that America's big brother approach to foreign assistance be scrapped and replaced with an international effort by the family of nations.

Among the proposals he outlined in a long-delayed foreign assistance reform message to Congress was the eventual phasing out of the Agency for International Development and replacement of it by several international-oriented organizations.

Administration officials said the main thrust of the message was intended to be "multilateralization of foreign assistance," with a motto something like the United Givers Fund. "Each donor country does its fair share."

The President's recommendations, to be followed by specific legislative proposals in January, closely follow those made in March by a presidential task force headed by Rudolph A. Peterson, former president of the Bank of America.

#### HELP MAY BE SOUGHT

There is every indication that the administration was pressing Peterson to join the executive branch to help guide the reform through Congress.

The 12-page presidential message gave no indication of what future position might be assumed on the amount of foreign assistance, except that Nixon agreed with Peterson's finding that a "downward trend" of U.S. foreign aid should be reversed.

"A determination of the appropriate level of U.S. assistance in any one year will depend on a continuing assessment of the needs and performance of individual developing countries, as well as our own funding ability," Nixon said.

"It must also be influenced by a further definition of the proposals which I am outlining in this message, the responses of other donors (nations) and the performance of the international institutions," he said.

Discussing the rationale behind U.S. foreign assistance, the President said the American program had three basic purposes—to promote U.S. security, to provide humanitarian relief, and to further long-run economic and social development.

"The national security objectives of the U.S. cannot be pursued solely through defense of our territory," he said. "They require a successful effort by other countries around the world, including a number of lower income countries, to mobilize manpower and resources to defend themselves."

Nixon called his propositions "a set of fundamental and sweeping reforms to overhaul completely our entire foreign assistance operation to make it fit a new foreign policy," the Nixon Doctrine that he outlined on Guam last year.

#### POLICY DEFINED

He defined the policy as calling on "any country whose security is threatened to assume the primary responsibility for provid-

ing the manpower needed for its own defense," with the United States providing assistance to help them assume those responsibilities "more quickly and more effectively."

The major proposals include:  
A new international military aid program to be detailed later to help other nations assume the responsibility of their own defense and reduce U.S. presence abroad.

Creation of a U.S. international development corporation to bring innovations to U.S. bilateral lending, using banking principles, and a U.S. international development institute to pump U.S. technology into the international community.

#### TARIFF PREFERENCES

Aid to low-income countries through new tariff preferences for the export of products manufactured by the underdeveloped countries, except textiles.

Aid to underdeveloped countries through elimination of U.S. restrictions on private investment and of requirements that foreign aid be used to purchase U.S. goods and services.

Nixon signed the message this morning in his office, noting that foreign aid had been studied at least 20 times during the last 25 years. This time, he pledged, the results would be different.

Nixon said the new program is geared to the '70s and the future rather than one that is "patched up and painted over from the past."

Nixon said he would propose a new mechanism to coordinate all foreign assistance policies, for which details are being worked out.

[From the Washington Post, Sept. 15, 1970]  
FOR ECONOMIC GROWTH: MARTIN SEES NEED FOR CENTRAL BANK TO SERVE WORLD

(By Hobart Rowen)

William McChesney Martin, former chairman of the Federal Reserve Board, yesterday said that "further evolution" toward a world central bank is necessary for economic growth and political stability.

"No community can thrive without some constraints on the behavior of its members," Martin said. "To prosper together, nations must accept some limitations on their freedom of action."

Martin's support for a world banking institution was delivered at the very center of the conservative central banking world: Basel, Switzerland, in the annual Per Jacobsson lecture. A text of this prelude to next week's International Monetary Fund meeting was released in Washington.

The idea of a world central bank has been discussed in academic circles for many years, but has been resisted because it would require the dilution of national sovereignty.

Martin's theme yesterday was that many of the functions of a world central bank are already being performed by the IMF and other international institutions, and further progress of this kind should be encouraged because every nation's prosperity depends on that of its neighbors.

He defined the key functions of a world central bank as creation of world money; regulation of reserves; stabilization of the economies; consolidation of reserve assets; lender of last resort; supervision of international money and credit markets; and the promotion of harmony in the policies of the member states.

The former FRB chairman observed that the IMF had begun to create a world money through the SDRs (Special Drawing Rights). Other functions comparable to a world central bank's he said, are performed by the Organization for Economic Cooperation and Development, the Bank for International Settlements, even the Common Market.

But Martin said that the IMF had "the clearest potential" for evolution into a true world central bank.

Martin recognized the argument that his proposal might be said to be "inconsistent" with the maintenance of national sovereignty. But he argued that the experience of international financial co-operation "involves no loss of sovereignty but rather a pooling of sovereignty."

"It could even be said that what were once the principal objectives of sovereign powers—the maintenance of economic prosperity and of effective defense—can now only be achieved by the acceptance of co-operative international arrangements which by their very nature impose limitations on the sovereignty of all the nations concerned."

Martin also suggested that the same forces leading to the "startling growth" of the multinational corporation since the end of World War II "also point in the direction of ever-closer co-operation among monetary authorities—that is, toward a world central bank."

In connection with the SDR program, Martin digressed from his main theme to warn that the amount of SDRs (sometimes called "paper gold") to be created in the future must be adequate to meet the need for growth in world reserves. A total of \$3.4 billion in SDRs was created this year, and \$6 billion more is scheduled for 1971 and 1972.

Martin's point was that inadequate creation of SDRs for reserves would induce other countries to increase their reserve holdings of dollars which "would make a deficit in U.S. (balance of) payments almost inevitable no matter how well the United States manages its policies."

The Dow Jones News Service reported from Basel yesterday that one immediate response from bankers was resistance because the international Eurodollar market—now grown to some \$40 billions—would be controlled by a world bank of the kind suggested by Martin. "The reason a lot of us like to deal in the Eurodollar market so much," one New York banker told Dow Jones, "is the fact that there isn't any central bank controlling it."

Eurodollars are dollars on deposit in banks abroad available to be loaned to others.

#### ADVANTAGES SEEN IN TACHOGRAPHS

#### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. FINDLEY. Mr. Speaker, on June 10, 1970, I introduced a highway safety bill, H.R. 18011, which would require all trucks and buses traveling in interstate commerce to be equipped with a tachograph. This inexpensive device provides a permanent record by chart of speed in miles-per-hour, distance traveled, non-operating time of the vehicle, and the number and duration of stops.

As an instrument of public safety, and incidentally as a tool of management to cut costs and promote profits, the tachograph is without equal. The safety director of one large trucking company wrote me that "it is one of the best driver control devices available," and he expressed his strong support for my bill. A truck or bus driver equipped with a tachograph has shown a greater awareness of his speed and driving habits, and a greater willingness to improve his driving skills

when the tachograph chart shows areas of needed improvement.

Most drivers welcome the tachograph. A good driver is always anxious to improve his capabilities and this instrument shows him how to do it. In addition, many drivers have saved themselves and their company legal liability for an accident when the tachograph proved that they were not at fault.

Support for this new highway safety bill is growing. The American Ambulance Association has come out in favor of the use of tachographs. In addition, 23 Teamster Union locals have also gone on record in favor of this safety device.

In a recent issue of *Trucking Business*, a magazine for the trucking industry, the bill I have introduced and the tachograph are given thorough discussion. I want to include pertinent portions of the article at this point in the RECORD so that all my colleagues might have an opportunity to read about the tachograph as an instrument of highway safety:

#### ADVANTAGES SEEN IN TACHOGRAPHS WITH OR WITHOUT FEDERAL LAW

(By Bill McCarty)

A recent newsletter from the Local and Short Haul Carriers Conference of the American Trucking Associations contained this paragraph:

"A speed-recording device called a 'tachograph' that produces a permanent graphic record has been proposed for all regulated trucks and buses. A bill, H.R. 18011, was introduced in the House by Rep. Paul Findley (R-Ill.) who said that experience in other countries where the 'device is mandatory,' clearly shows that these devices promote speed control. They won't prevent accidents, he said, but will serve as a warning device to drivers and provide accurate records for owners, drivers and law enforcement officers. DOT would administer the proposed act and the devices would be installed on new trucks and buses manufactured after Jan. 1, 1972, and installed on all such vehicles operated in interstate commerce after Jan. 1, 1974." (Congressman Findley's bill appears on page 19276 of the Congressional Record of June 10, 1970.)

Aside from this most recently proposed legislation, more and more heavy-duty truck fleet operators and supervisors are becoming aware of the advantages offered by the latest innovations in tachographs and electronic instruments.

Tamper-proof and easily installed, most of these new instruments offer many attractions, not the least of which is the ability to provide "fool-proof" records of the driver's and truck's time and actions—records that already have saved money for operators by their admission as evidence in court.

There's also been a change in driver attitude toward tachographs. Perhaps because of the "tach's" increasing usage, or possibly because today's drivers sincerely desire to become more proficient in their profession, there are seldom arguments of the magnitude heard, say five years ago. Though still frequently referred to as "bugs" or "squealers" by some drivers and resisted by some unions, the tachographs have turned out to be more of a friend than most drivers ever imagined. They are welcomed by good drivers since they provide proof of how he drives and handles his vehicle. Down time is explained, necessary delays are substantiated and accident blame is pin-pointed.

Listed by manufacturers among rewards offered with tachograph use are improved driver performance (by pointing out driving errors to driver and supervisor for correction); improved preventive maintenance

and shop schedules because troubles are spotted easily and early; elimination of down time; permanent speed record for use in court if necessary; stabilized insurance rates, and as an aid in route selection.

The tachograph is primarily a control type instrument in that it provides a charted record of the vehicle's use and performance. William H. Walker, sales manager, automotive, Engler Instrument Co., Jersey City, N.J., said that while all models provide a record of time, distance, stops, starts, etc., one model also provides a record of speed and engine rpm on a single chart while other models provide either one but not the other.

Also, Walker said, there are 24-hour models as well as seven day instruments. They are used to control vehicle abuse, ensure full utilization of the vehicle, avoid excessive coffee breaks, compute demurrage time, and for a host of other reasons. According to Walker, "They are the ultimate answer for the owner who wants to know where his vehicle and driver are and what they are doing, as well as how the driver is handling the truck."

Through the mile-per-hour tachograph, driving, idle or engine off operations are recorded at the exact time of occurrence? The exact speed is recorded for each mile and minute of travel. Point to point and total mileage is accurately recorded and the chart is marked whenever the tachograph door is opened. The tachograph makes a record of vehicle operation even though the drive cable may be disconnected or broken.

With the RPM model tachograph, the engine speed is recorded from moment to moment. The total engine revolutions are recorded for any trip and all engine operating time is recorded on the chart. Again, the tach makes a record of vehicle operation even though the drive cable may be disconnected or broken.

The Wagner (Wagner Electric Corp., St. Louis, Mo.) tachograph employs an electric chart drive, timed by the most advanced type of electronic clock that operates on the tuning fork principle. The styl operate in a straight line for utmost accuracy in scribing the chart. The trace is sharp and distinct and the operational record of a truck is there for examination.

Installation of the tachograph is comparatively simple. It can be mounted on the dashboard as a replacement for the standard speedometer or a Universal Bracket can be employed to mount the instrument elsewhere.

Because they are a more complex instrument than the normal speedometer, they do require somewhat more care and maintenance and they are subject to cable problems.

#### TACHOGRAPH PROGRAMS

Properly installed and administered, a tachograph control program will provide the means for achieving substantial economies in fleet operations, according to Howard E. Smith, manager technical data services, Sangamo Electric Co., Springfield, Ill.

In a special booklet prepared by Sangamo, a tachograph program is outlined. It was developed by a large western freight line and according to the booklet, proved extremely profitable for them. Among other things, it provided the means for improved driver selection and supervision, more efficient maintenance and improved route selection. Driver overtime and fuel costs were greatly reduced and, almost immediately, there was a noticeable trend toward fewer engine and transmission repairs and extended brake and tire life.

An unexpected bonus, Sangamo reports, was the improvement in customer relations through more precise delivery schedules.

#### SETTING UP A PROGRAM

In setting up a tachograph program, and to receive the maximum benefits from the

instruments, there are three important steps that must be taken, Sangamo states:

1. Use the information provided by the tachograph recording when establishing your cost control program.

2. Develop the simple administrative tools required to implement your tachograph control program.

3. Establish a clear set of rules that the employee can understand and follow without difficulty.

A tachograph service record should be made in duplicate so that when a fresh tachograph chart is installed into the tachograph, the date, trip number and time, mileage and tractor number are all permanently recorded. One copy of the form should be attached to the tach by wire and sealed to indicate the date and time of chart installation as a visual indication the performances will be recorded when the vehicle leaves the loading zone.

The second copy should be placed on an alert board in the dispatcher's office to show the time of chart installation and the time for chart removal and replacement.

If the tachograph ever needs repair, it's important to know the exact cause of failure so a maintenance record of each tach should be complete.

Because it's so important that sufficient information be compiled on which to form the basis for policy decisions, it is advisable, at least in the early stages of program development, to have all tachograph recordings evaluated by management personnel only.

#### GATHERING INFORMATION

A number of ways are suggested for gathering information such as driver time. One method, of course, is comparison of actual trip charts. Another is the driver and vehicle evaluation using a master trip chart. This involves the development of a master chart based on a supervisor-charted trip which notes all speed zones, driving speeds, stopping places, idle and engine off operations for each route, from point of departure until arrival at destination. The tachograph recording of the supervised trip is then affixed to a large chart and all other trip recordings for this route are compared to the master chart.

Through the master chart comparisons, it was revealed that two drivers did not stop for a required load check and did not reduce their speed in a 40 mph zone; they did stop to check the truck and load at another location; it showed their time of arrival and the fact that they had stopped briefly, six times for traffic signals before braking to a full stop. While they were at their destination, the engine was idling the entire one hour and 53-minutes. Other engine idle time was indicated.

This was the conclusion: The drivers did not shut the engine off during the entire trip. This excessive engine idle operation was a needless waste of fuel and may have contributed to dangerous carbon deposits in the engine. The trip was not safe, due to the high speed driving that was necessary to make up for prolonged rest periods. The unnecessary speed accelerated vehicle deterioration and increased fuel and tire costs. The lack of professionalism displayed hurt the fleet operator by increasing maintenance, transmission, tire and fuel costs.

#### DRIVERS AND TACHS

The role of the tachograph in driver selection and driver training cannot be over-emphasized. Unfortunately, poor drivers earn the same wages as good drivers even though poor drivers cost the fleet operator more money to run his business.

It's been estimated that the driver accounts for approximately 60-percent of the total operating expense. Consequently, to a large extent, profit from any trucking operation is determined by the performance of the driver. Statistics compiled for tachograph

manufacturers indicate that a tachograph controlled driver training program can reduce costs by eliminating lugging, over-revving and other driver errors that keep maintenance costs high.

One manufacturer suggests, too, that programs used to train drivers ten or 15-years ago may not now be adequate for a driver operating today's equipment. In some instances, good drivers are unaware they are not operating their engines in accordance with the manufacturer's specifications, and when given the opportunity to evaluate their driving technique by analyzing their tachograph recording, they are able to adjust their driving to meet the recommended operating range.

In most instances, companies invite their drivers to examine and evaluate their own tachograph recordings. This time is usually used, too, to explain the tachs to the driver and the fact that this is an opportunity for the driver to improve his driving habits as opposed to an excuse to spy on him. Incidentally, some managers and supervisors have been surprised at their own tach recordings . . . not everyone is as good as he thinks he is.

There will, of course, always be those who will try to tamper with the tach's readings. For that reason, it should be a rule that the tachograph is not opened except for the insertion and removal of charts. With experience, however, it is easy for a supervisor to detect any attempts to alter a tachograph recording. By following a simple chart, the type of irregularity is easily detected as well as the cause, making it easy to find any attempts to tamper with the charts in order to conceal violations of operating and safety rules.

#### INSURANCE AND COURTS

Another area influenced by the use of tachographs is insurance. Sangamo Electric says, "Truck operators well know that there is no end to the rising costs of insurance unless positive action is taken to prove a record of accident-free driving and sensible driving habits. Just as theft insurance rates are lower for the bank that installs a new, high-quality burglar alarm system, the tachograph can stabilize the trucker's insurance premiums.

More and more fleet managers, Sangamo says, are turning to the tach as an effective means for measuring and validating driver performance against established optimum operating conditions. The tach builds a strong case supporting claims of predictable and responsible behavior.

Of all the tachograph's virtues extolled by the manufacturers, number one must be the use of tachograph records as evidence in court. This certainly is understandable when the cost of accident claims is considered. Almost every manufacturer can, and does, cite case histories in which their equipment and services were used in clearing a trucking company of blame in costly damage suits.

Argo Instruments, Long Island City, N.Y., for example, cites an incident when they blew up a tachograph accident chart ten times its original size (they can be blown up 70 times size) so that an analysis could be made that would be accurate within a second, a yard and a mile-per-hour. Argo experts analyzed the second by second movement of the vehicle and from the chart alone were able to graph the exact movements of the truck. Armed with the information compiled for them as a free service, the truck company was able to prove it was not responsible for the accident.

Similar cases are cited by other manufacturers, many of whom offer the services of trained experts to make precision analyses of tach charts following accidents and who will furnish, free, a deposition detailing the operation of the vehicle prior to and at the time of the accident.

#### STRENGTHENING THE U.N.

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BINGHAM. Mr. Speaker, the occasion of the 25th anniversary of the United Nations has prompted many world-concerned individuals and organizations to examine this institution and consider how the United States might help to strengthen it and other international efforts to foster world peace and justice. One such organization is the YWCA which, meeting in convention this past spring, produced many excellent and thoughtful suggestions for U.S. foreign policymakers. These recommendations were communicated to the President by the YWCA's national board president, Mrs. Robert Claytor.

Mrs. Claytor also wrote to Secretary of State Rogers regarding the repeated testing of nuclear weapons in the atmosphere of the South Pacific and urging that the United States do all it can to encourage the French and Chinese to cease this dangerous activity.

I commend these fine letters to my colleagues and other readers of the RECORD:

NATIONAL BOARD OF THE YOUNG  
WOMEN'S CHRISTIAN ASSOCIATION  
OF THE U.S.A.

New York, N.Y., July 22, 1970.

THE PRESIDENT,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: Your recent recognition at the White House of the United Nations 25th Anniversary and the establishment of a commission for its observance have the hearty support of the YWCA. In fact, we have welcomed the contribution your Administration has already made to the "substantive" observance called for by the General Assembly's Preparatory Committee. Recent U.S. initiatives in the UN are in line with actions of the 1970 Triennial National YWCA Convention.

#### ELIMINATION OF RACISM

Twenty-five hundred representatives of the YWCA's 2½ million members and participants meeting this spring in Houston, Texas, adopted a Program of Action 1970-73 for the elimination of racism. We are particularly glad, therefore, that the U.S. will take further specific steps designed to discourage the imposition on Namibia of South African racial policies in accordance with United Nations resolutions. We hope that measures to discourage investment in Namibia, outlined by UN Ambassador Charles W. Yost on May 20th, are being vigorously pursued. We would urge further that U.S. exports to South Africa and arms shipments to other nations be scrutinized to assure full compliance with the UN-sponsored embargo to which the United States subscribed.

As part of the YWCA Program of Action to Eliminate Racism, the National Convention called for U.S. ratification of the International Convention on the Elimination of All Forms of Racial Discrimination. We concur in the view of a number of legal authorities that U.S. constitutional guarantees can be protected in acceding to this treaty, and that ratification is both feasible and desirable.

#### DEVELOPMENT ASSISTANCE

Racism cannot be eliminated at home or abroad, without outside assistance to people who are working against great odds for social and economic development. Our ex-

perience with the Mutual Service Program of the World YWCA, where an international committee similar to the Governing Council of the United Nations Development Program sets priorities and fixes allocations for projects requested by national YWCA's, has made us sensitive to the advantages of the multilateral approach to development assistance. United Nations programs, we believe, reorganized and strengthened in accordance with recent proposals, should be a major channel for U.S. assistance to world development.

To follow your recommendation that more aid be made available through multilateral channels, we hope the Peterson Commission's findings for more aid and more multilateral aid will soon find their way into concrete proposals which will receive a high priority in the Administration's legislative program. The YWCA Convention endorsed "The contribution by industrial nations of at least 1% of their gross national product to world social and economic development preferably through multilateral channels." Our Convention also took note of the vital role of trade policy in development. We believe it is in the national interest to enter more fully into UN-sponsored commodity agreements and other trade arrangements to assist developing nations toward self-respecting self-sufficiency.

To provide for some of the future needs of these nations we welcomed your May 20th announcement of U.S. Oceans Policy and the proposal for a treaty on the resources of the deep seabed and their application to world development. In view of the YWCA Convention's emphasis on the importance of "ecological balance," its insistence that the resources of the seabed should be "protected for the benefit of all mankind," we are particularly interested in the Oceans Policy's provision for pollution safeguards and hope the U.S. will take a strong position on potential pollution when agreements are to be negotiated.

#### PEACEMAKING AND PEACEKEEPING

As social and economic forces in our own country so clearly demonstrate, progress in the areas noted above is slowed or brought to a standstill when vast national resources, human and financial, must go to meet non-productive military requirements. The YWCA Convention therefore gave priority to support for United States and United Nations efforts for disarmament and peacekeeping.

We welcomed the UN action which led to the SALT talks despite their inability to prevent the deployment of U.S. Safeguard and Soviet SS9s. We strongly believe, however, that major efforts toward partnership with the rest of the world as is proposed in the Oceans Policy is as vital to U.S. national interest as accommodation between superpowers. The UN debates on nuclear non-proliferation and on the emplacement of weapons of mass destruction on the seabed revealed a number of foreign policy options which seem to have been neglected.

The YWCA Convention gave strong support to "United Nations' and our own government's efforts for world peace," and expressed the view that the United States should "de-emphasize bilateral military alliances and spheres of influence in favor of strengthening the international peacekeeping role of the United Nations." We therefore welcomed the Administration's determination as announced April 29th by then Under Secretary Elliot L. Richardson to initiate efforts toward more effective UN peacekeeping. If your current drive, which we applaud, to find a basis for Middle East negotiation within the context of the November 22, 1967 UN Security Council Resolution leads to an eventual settlement such peacekeeping arrangements will be sorely needed.

Peaceful settlements is another area in which YWCA Conventions have recorded a sustained interest. U.S. neglect of the World Court and the crippling effect on U.S. participation of the Connally reservation have

long been of great concern to us. Secretary of State William P. Rogers' recent statement pledging a U.S. effort to use the Court more fully encourages us to hope that the U.S. is, as you suggested in your Report to the Congress on Foreign Affairs, entering into a new kind of international partnership.

The U.S. initiatives proposed in this 25th Anniversary year lead us to hope that the United Nations is becoming more than just a symbol of that partnership. To make international partnership a reality, as our National Convention proposed, the U.S. should move toward supporting universal membership in the United Nations.

The action of the UN World Youth Assembly in inviting attendance from non-member states seems to us a useful approach which could be followed to advantage in other UN conferences. Without the participation of representatives of all of China, we fear the most dangerous threats to the international community defy solution.

#### YOUTH

Youth, too, needs to be represented, as the YWCA Convention declared, "in the development of public policy and decision-making." From among the young people who have shown themselves highly competent in the area of UN Affairs we urge you to accept the proposal included in the 24th General Assembly's Resolution 2499 that representatives of youth be included in the U.S. delegation to the 25th General Assembly.

We look forward to your participation in the Anniversary commemorative session. We trust the words which heads of state speak there will lay the foundation for world movement toward the ideals of the Anniversary theme: Peace, Justice, and Progress, in which all may share.

Sincerely,

Mrs. ROBERT W. CLAYTOR,  
President.

#### NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF THE U.S.A.

New York, N.Y., July 17, 1970.

Hon. WILLIAM P. ROGERS,  
Secretary of State,  
State Department,  
Washington, D.C.

DEAR MR. SECRETARY: The enclosed letter from the YWCA of Fiji has been forwarded to us from the World YWCA in Geneva. In view of the YWCA of the U.S.A.'s strong position against nuclear testing, including underground tests in western United States and Alaska, we support the action of the YWCA of Fiji and other groups in expressing "grave concern at the repeated testing of nuclear weapons in the atmosphere of the South Pacific."

It is our hope that the government of the United States as a signatory of the Limited Test Ban Treaty will initiate conversations with the government of France to seek French compliance with the treaty.

You will note that the Director of the YWCA of Fiji points out in her letter that the French are credited with testing in the South Pacific because public opinion drove their tests from the Northern Hemisphere. In addition to being a hazard to health and safety, the tests represent an affront to the dignity and rights of the people of the islands.

In this context the situation in U.S. trust territories in the Pacific, and demands for compensation for still radio-active lands, are other issues to which we earnestly hope the Administration is giving full consideration. We hope that discussions which have recently taken place in the UN Trusteeship Council will be followed by further U.S. assistance in support of the principle of self-determination and President Nixon's concept of international partnership.

Certainly one of the most cogent reasons for intensifying U.S. efforts toward universal

relief from all weapons testing is the disregard of human rights such tests represent. Through the Strategic Arms Limitation Talks in Vienna, the Disarmament Committee in Geneva and efforts to encourage the French and the Chinese to see their own interest in joining in a comprehensive test ban, we hope the U.S. will direct its policy toward a fall-out free world.

Sincerely,

Mrs. ROBERT W. CLAYTOR,  
President.

#### STATEMENT ACCOMPANYING INTRODUCTION OF RESOLUTION TO INSTIGATE ANTISKYJACKING BOYCOTT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ROSENTHAL. Mr. Speaker, we all have been horrified by the recent aerial hijackings. Perhaps in my case, it is even a bit more terrifying, since these criminal acts have literally struck close to home. Ten of my constituents, including six children, were on the planes hijacked by the Palestinian terrorists. Eight were subsequently released but the husband and father of a woman in my district still remain in the commandos' hands as hostages.

To obtain the release of these men and the other hostages is an extremely delicate matter which I fervently pray our Government and the other victimized nations involved will be able to resolve successfully.

Our primary objective at this point must be these prisoners' lives. But once the current crisis is over, there is another concern which must dominate our thinking in the weeks ahead.

Mr. Speaker, each day that passes without the international community taking action against aerial hijacking increases the odds that this barbaric act will be repeated. We can put armed guards on planes and improve our surveillance equipment at airports. But until the international community convinces a prospective hijacker that no sanctuary awaits him anywhere in the world, we lack sufficient deterrent to discourage a hard core group of fanatics, political or otherwise, from making attempts.

I think a major step toward an effective deterrent would be American leadership in the campaign to organize an international air boycott against those nations which in any way fail to take appropriate action against skyjackers. This strategy, I believe, would be successful in winning cooperation from those countries which so far have evidenced reluctance to extradite air pirates to the flag country of the hijacked aircraft.

To be effective, the boycott must be imposed against countries not only derelict in punishing skyjackers, but lax in prosecuting them. With these objectives in mind, Mr. Speaker, I introduce the following resolution:

Whereas aerial highjacking represents a

threat to international travel and a gross violation of international law; and

Whereas aerial hijacking is a grave threat to human life and an act extremely difficult to prevent every time it is attempted; and

Whereas an agreement to deprive a hijacker of sanctuary anywhere in the world would probably provide the best deterrent: Now, therefore be it

*Resolved*, That it is the sense of the House of Representatives that the President should act immediately to prohibit any American air carrier from landing in a foreign country which fails or refuses—

(A) to prosecute those charged with international aircraft piracy; or

(B) if such individuals are convicted, to impose appropriate punishment; and be it further

*Resolved*, That the President should act immediately to prohibit the planes of any foreign air carrier of a foreign country described previously in this section from landing in the United States; and be it further

*Resolved*, That the President should act immediately to enter into bilateral agreements with all nations to provide for the mandatory extradition of a hijacker including a hijacker who requests political asylum, to the flag country of the hijacked aircraft; and be it further

*Resolved*, That the bilateral agreements shall provide for the hijacker who is extradited to be tried and punished only for the hijacking offense.

## CAMPUS UNREST: DON'T BLAME MR. NIXON

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BUSH. Mr. Speaker, with the opening of many of our colleges this week, we should take a moment to consider some of the momentous problems these institutions will face in the coming year. One of the best articles I have read on these problems appeared in the July 29 issue of the Wall Street Journal. In it Mr. Douglas L. Hallett, a senior at Yale University, accurately pointed out that too often the blame for campus unrest is laid at the doorstep of the President or the war when in reality it should be placed squarely on the shoulders of administrators and professors who have failed to communicate with their students.

In my talks with students, professors and administrators I have been shocked by the reliance upon rhetoric. Mr. Hallett's article, "Campus Unrest: Don't Blame Mr. Nixon," accurately points out some of the reasons for this unhealthy turn upon our campuses. I insert this article in the RECORD at this time in the hope that every Member of this body will take a moment to read it. Because only by recognizing our failures, can we successfully solve them.

CAMPUS UNREST: DON'T BLAME MR. NIXON

(By Douglas L. Hallett)

WASHINGTON.—President Nixon has now had an opportunity to study the initial testimony of his Commission on Campus Unrest headed by William Scranton. He has also received a report from his special adviser on campus problems, Alexander Heard, chancellor of Vanderbilt University. Hope-

fully he will read both selectively. Although the commission and Mr. Heard have elucidated some of the problems facing universities, their basic thrust is much too one-sided and much too limited by contemporary events to be of any real value.

While the testimony before the Scranton commission and Mr. Heard's report make some reference to the need for reform on university campuses themselves, the dominant tone is somewhat different: The President is at fault. He must listen to the students, respond to their views, end the war, and if that cannot be done tomorrow, at least try to "communicate" with the nation's colleges and universities.

"It may well be that the only line in your report that will have meaning for our colleges and universities is the line that reads: 'This war must end,'" said Sen. Edward M. Kennedy (D., Mass.). From Robben Fleming, president of the University of Michigan: "An end to the use of American troops in Vietnam will not still campus unrest, but it will do more than anything else to help contain it." From Charles Palmer, president of the National Student Association: "As long as there is substantial American military involvement in Indochina, students will continue to oppose it."

And the foundation of criticism of the war is always buttressed with the nation's other alleged failings. "Unless we can begin now (restoring youth's faith by doing their bidding)," testified Yale psychologist Kenneth Keniston, "ours will not only be a divided and sick society, but a society that has lost the best of its youth—a society on its deathbed." Even calm Mr. Heard recommended "that the President increase his exposure to campus representatives, including students, faculty and administrative officers, so that he can better take into account their views, and the intensity of those views, in formulating domestic and foreign policy."

There is, of course, some validity in these views. Certainly the war and the threat of the draft have created consternation on campus. Certainly many able students are shocked by the disparity between their own luxury and the deprivation around them when they leave comfortable suburban high schools for the dirt and tedium of urban university neighborhoods.

### IMPORTANT SOCIAL FACTORS

Even more important are other social factors the Scranton Commission and Mr. Heard have yet to discuss. Students discover in college for the first time that they will not inherit the earth, that the increasingly centralized nature of the American economy has foreclosed many of the opportunities for self-expression they thought they would have. Thousands study international relations in college, but the State Department can use only 150 each year. Only a few in any profession can rise to positions where individual initiative and creativity are truly possible.

But no amount of frustration with society justifies or explains the destructive path some student protest has taken recently. President Nixon has withdrawn more than 100,000 troops from Vietnam and instituted draft reform that will lead to a voluntary army. He has proposed an income maintenance plan that would be the most revolutionary domestic program in a generation and he is already the first President since Franklin Roosevelt to spend more on domestic programs than on defense.

It can be argued that these steps are not enough. But can it really be argued that they are so unsatisfactory that burning buildings and disrupting classrooms become justifiable or even understandable?

Can it really be argued that students, a group possessing the luxury of time to use traditional political channels and the most

potential for eventually controlling them, deserve the President's special attention?

Can it really be argued that students are doing anything more than indulging their own uncontrolled emotions when their activities polarize the society and undermine the political viability of issues with which they are supposedly concerned?

Mr. Keniston and others who have been counseling the President over the past few weeks may be optimistic about the students and their concerns, but the real radicals in this society fear them. They see many students as indulging themselves at their expense. The Black Panthers denounced the white students who took to the streets during the May weekend demonstrations as "racist exhibitionists who know black people, and not they themselves, will have to face the repercussions of their madness."

And Steven Kelman, a Socialist and recent Harvard graduate whose book, "Push Comes to Shove," is the best yet on campus unrest, blasted his fellow students before the Scranton Commission for their "snobbish, arrogant and elitist attitude." He said unrest would continue "as long as students continue to regard the American people not as potential allies in solving problems but as an enemy to be confronted."

### A FUNDAMENTAL REALIZATION

Neither the Panthers nor Mr. Kelman would appreciate being coupled with Vice President Agnew, but they share with him one fundamental realization: Most so-called student radicals cannot be trusted. Students don't know what they want. They identify for periods of time with anybody from Eugene McCarthy to Bobby Seale, but their commitments are transitory. The outrage that followed the Cambodian incursion has not been followed by sustained political activity among students. As president Kingman Brewster of Yale knew when he undertook his policy of generous tolerance last spring, students get bored easily when it comes to the hard work of political organization and stop when the initial enthusiasm has passed.

Worse yet, students are frighteningly ignorant of the problems the country faces and of the efforts that have been made to solve them. They react strongly to rhetoric because they have nothing else on which to rely. It can be argued that President Nixon's withdrawal from Vietnam is too slow, but those who make this point should be willing to acknowledge that Mr. Nixon is doing exactly what Robert Kennedy proposed in 1968.

Similarly, it is possible to quarrel with the "new urbanology" of Daniel Patrick Moynihan and Edward Banfield, but it should also be clear that their approach is designed partially to eliminate the statism that proved so ineffective in the Johnson Administration's "Great Society" programs. Students, in their false morality, refuse to make these acknowledgments because their historical sense is too weak to breed in them the tolerance that should come with learning.

Responsibility for this situation does not, as the Scranton commission testimony and Mr. Heard's report come close to implying, lie with Mr. Nixon. Rather, as only a few brave academic souls such as former Cornell President James Perkins have partially conceded, it lies with the very same people who have been devoting so much energy to blaming the President: The faculty and administrators of the nation's colleges and universities. During the Fifties, Mr. Perkins argues, universities became so distracted by the McCarthy furor that they failed to keep pace with changing historical currents. Instead of changing teaching content and academic structures, they just marked time.

On a public policy level, Mr. Perkins believes this led to the universities' advocating

two premises that were "bankrupt" long before the academic community noticed. One was that the United States could intervene freely throughout the world. The other was that integration, accepted by both black and white, would be the answer to racial tensions. Mr. Perkins says these faulty ideas have "chopped up" universities. And although he does not continue his argument, presumably he means that this has taken place at least partly because the universities have refused to accept responsibility for their views. Now, in their efforts to escape responsibility, they are blaming Mr. Nixon. In the process, they are breeding in their students the kind of rigidity that comes only with a one-sided historical analysis.

#### UNCHANGED SINCE THE MIDDLE AGES

The Perkins analysis can also be extended to the internal structure of universities. Universities are the only institutions in American society that have not fundamentally changed since the Middle Ages. They still maintain highly structured tenure systems that protect incompetence and cheat the student out of the personal tutoring that he is told the best universities offer. But the academic community's own rigidity does not stop it from lashing out at the political system and accusing it of the very same authoritarianism and repression academic institutions so perfectly exemplify. Learning from people who engage in this kind of self-delusion and self-projection, students naturally come away confused about their history and their place in it.

In fairness, it must be noted that the problem lies deeper than the campus. The loss of historical perspective and the diminished and unsure sense of the self that it brings have been encouraged by other institutions as well. Writes historian Daniel J. Boorstin, "In our churches the effort to see man sub specie aeternitatis has been displaced by the 'social gospel'—which is the polemic against the supposed special evils of our time. Our book publishers and literary reviewers no longer seek the timeless and durable, but spend most of their efforts in fruitless search for *ala mode* 'social commentary'—which they pray won't be out of date when the issue goes to press in two weeks or when the manuscript becomes a book in six months." Nor have the news media, in this day of up-to-the-minute television coverage, done much to develop in their audience a feel for the slow and deliberate character of social change.

But inevitably the universities must take primary responsibility for the confusion among many of our students. More than any other institution, they influence the thoughts and feelings of the brightest of our young. And more than any other institution, they are responsible for preserving our past and passing along the best of it to the next generation. They have failed miserably in that role. And only when they begin to succeed will students turn to more constructive paths for their emotional surges.

This does not mean President Nixon cannot take some steps to ease campus tensions. He can persuade his Vice President to soften his statements that appear to many students to be deliberate incitement to riot. He can make a far better intellectual presentation of his own views than he has so far. He can begin advocating the kinds of public and private decentralization that will create new opportunities for self-expression for students and others. But Mr. Nixon should resist, and resist vigorously, anybody who advises him to institute artificial consultation with students that cannot be followed by policy decisions the students desire. The problem goes far beyond anything symbolic gesturing could solve, and besides, students get too much of that already on their campuses.

#### PORNOGRAPHY PUZZLE

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

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. GOLDWATER. Mr. Speaker, there has been much discussion about the President's Commission on Obscenity and Pornography; I think that the editorial in the August 28 issue of the Pasadena, Calif., Star-News is an excellent synopsis of the matter in question. I wish to include the editorial for my colleagues' consideration:

#### PORNOGRAPHY PUZZLE

The nation's brightest minds have long groped for a definition of what is and what isn't pornographic. They haven't come up with an answer, so the latest fad is to battle for the repeal of all laws against pornography for adults.

Magazine racks throughout the Star-News Area, even in what could be called blue-nosed establishments, are full of publications designed for titillation and licentiousness. In some less desirable areas, children can walk in and buy amply-illustrated publications of the rankest nature. The malls are full of stomach-turning literature. Legitimate movie houses are screening movies far more dirty than those which were shown in so-called sex theatres a few years back.

In the midst of all this, self-proclaimed experts are campaigning for even more pornographic permissiveness.

The report of the President's Commission on Obscenity and Pornography was originally scheduled for release this weekend. Now it won't be made public until mid-September because of the huge stir created when a draft version was leaked early this month.

The commission, which was appointed by Lyndon Johnson, apparently went out of its way to swim against the tide of majority and leading expert opinion on the subject.

The principal conclusion of the draft was that "erotic materials do not contribute to the development of character deficits, nor operate as a significant factor in anti-social behavior or in crime and delinquency causation." In other words, it's okay to let kids look at anything because it won't hurt them.

The pronouncement quite properly raised hackles at both ends of Pennsylvania Avenue in Washington, D.C., and around the nation. The Nixon administration is embarrassed by the "President's Commission" title, even though Mr. Nixon had nothing to do with it, and the Democratic majority on Capitol Hill is embarrassed that the commission was created by a Democrat. It will be difficult to find a single politician with a prayer of winning in November who will agree with the report.

Meanwhile, the Justice and Post Office Departments are stepping up investigations and prosecutions of mail-order pornography dealers. The government won conviction of 14 pornographers during fiscal 1970 and currently has federal indictments pending against 40 others. Dealers currently under indictment or already convicted account for more than 90 per cent of mail-order smut, postal officials say.

The Supreme Court is expected to rule on at least four obscenity cases during the upcoming term.

It must be hoped that Congress, the administration and the courts will pound pornography into the dirt where it belongs. It also must be hoped that, if the entire report follows the line of the draft version, the President's Commission on Obscenity

and Pornography's recommendations will be tossed into the garbage can along with all the mind-corrupting literature and pictures it would make available. The fad has gone too far and must be ended before we all slip into depravity.

#### CONSUMER BILLING ABUSES REQUIRE LEGISLATIVE ACTION

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. RYAN. Mr. Speaker, 33 of my colleagues joined me when I reintroduced H.R. 18271—which is aimed at eradicating the "shrinking billing period" problem—and cosponsored H.R. 18451 and H.R. 18452. This problem afflicts thousands of consumers daily. They believe that they have 30 days in which to pay their bills; they receive a billing statement just 1 or 2 days before the payment is due; and they are forced to pay a finance charge because they simply do not have enough time to pay.

The consumer is in no way at fault. Had he received his billing statement in sufficient time, he would have been able to pay with alacrity. Creditors are the parties to blame in these situations, for whether by intention or inadvertence they delay mailing out the statements.

To compound the frustrations confronting innocent consumers, complaints made to creditors concerning the amounts shown in the billing statements are most likely to be answered—if they are answered at all—by anonymous clerks or computers merely reiterating the demand for payment. For the victim of an erroneous billing statement to obtain satisfaction from his creditor, months of correspondence may be necessary. And compounding this frustration is the very real possibility that the consumer, who is merely rightfully seeking the correction of an erroneous billing, may be listed as a bad risk by credit bureaus in the interim. Once on one of these lists, his credit may be permanently impaired.

To combat the problem of erroneous billing, I have introduced H.R. 18793, the Fair Credit Billing Act. This bill, which was introduced in the other body by the senior Senator from Wisconsin, Senator PROXMIRE—a leader in the fight to protect consumer interests—requires that within 10 days after receipt of a notice of a billing error from the consumer, the business firm must acknowledge receipt. Within 60 days, it must either explain the basis of the original statement, or send a corrected statement to the consumer. If the company fails to meet either of these requirements—the 10-day acknowledgement or the 60-day account adjustment—it forfeits the right to collect the amount claimed to be in error. And, if there is in fact an error, and the creditor has failed to make an account adjustment or to acknowledge the notice of error, it may be sued by the consumer for actual damages; \$100 or three

times the erroneous amount; and reasonable attorney's fees.

The fair credit billing bill, which also incorporates as a separate section my "shrinking billing period" bill, was cosponsored by 11 of my colleagues when I reintroduced the bill as H.R. 18986 and as H.R. 19218. They are: Mr. BURTON, of California, Mr. FARBER, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. LOWENSTEIN, Mr. MOORHEAD, Mr. MORSE, Mr. ROSENTHAL, Mr. TIERNAN, Mr. TUNNEY.

Recently, Peter Weaver wrote an article which was published in the August 2 issue of the Washington Post, and which concerned in large part the "shrinking billing period" problem. I commend this article to my colleagues as a good explanation of the problem and as demonstration of the need for passage of H.R. 18271—companion bills H.R. 18451 and H.R. 18452—as well as H.R. 18793—companion bills H.R. 18986 and H.R. 18218.

The article follows:

**TRUTH IN LENDING, SO WHAT?**

(By Peter Weaver)

We've had a "truth in lending" law for a year now and the average consumer is still as confused as ever about credit charges.

Just presenting the technical truth about interest rates does not tell you how you can best use the billing system to avoid unnecessary charges.

"Today you have to run your home finances like a small business," says Sheldon Feldman, Federal Trade Commission credit and billing expert. The first thing you have to do, says Feldman, "is get rid of the misconception that you have 30 days to pay your bill after you receive it."

The truth in lending law, which the FTC enforces, does not require stores or other creditors to give you 30 days to pay. Before the law, some creditors were flexible on payment deadlines. Now, they bluntly state on your bill that you have 30 days to pay from the "billing date" or the "closing date." Some give you between the current billing date and the next one (payment deadline) which are usually 25 to 30 days apart.

However, your bill doesn't get to your home until a week, two weeks, even three weeks after the billing date. So you only have from 23 days on down to a grim eight or nine days to make your payment. When you do not make your payment on time, you are charged interest usually at 1.5 per cent a month (18 per cent yearly rate).

If you understand how the truth-in-lending system works, Feldman maintains, you not only can avoid these unnecessary finance charges, you can actually make the time-value of your money stretch further. Here are some guidelines:

Pick your creditors. Not all creditors use the same system. Many calculate finance charges on the "previous balance" which gives you no credit for your most recent payment. Others such as the oil companies, some local stores and at least one major chain—J. C. Penny—make finance charges on an "adjusted balance" which deducts your latest payment before interest is figured.

Also, some creditors get their bills to you fast—six to seven days—while others take much longer. The sooner you get your bill, the more time you have to pay it. Compare your bills to see who the fast ones are. If a creditor consistently takes too long, say, more than two weeks, then move on to another.

Use their money. If you know your closing or billing date for each creditor, you can often shop early in the billing cycle and get nearly 60 days use of a product, free of finance charges, before paying for it.

For example, if your billing or closing date is Aug. 3 and you buy \$100 worth of clothes on Aug. 4, your next billing date will come on Sept. 3. If your store exerts average billing speed, you'll get your bill around Sept. 11 or 12. You have to pay by Oct. 3 (30 days from your current billing date) which gives you nearly two months wear of the clothes before actually having to pay.

Be sure to allow three days for mailing your bill and give extra time for weekends. If you don't include your bill stub with your payment, it fouls up the system and you might get charged for being late.

Who to pay first. Pay your bills on time, in full, to avoid finance charges. If you don't have enough cash and have to spread it around, you can keep your finance charges at a minimum. When you pay "previous balance" accounts, either pay the entire amount or the minimum amount. You don't get credit for larger, partial payments. For example, if you owe \$100, either pay \$100 or the \$10 minimum. Paying \$50 does not reduce your finance charges one penny.

When you pay a bill calculated by the "average daily balance" method, make all partial payments as soon as possible. Don't wait for the 30-day billing deadline. You can reduce your finance charges this way.

With "adjusted balance" accounts, there's no advantages in paying before the deadline. When you pay on these, pay as much as you can because you're given credit for it when finance charges are figured.

The type of billing system should be described on your bill. When you make your payment on time for the whole amount and they still impose finance charges, don't pay these charges. Indicate in a letter with your bill (include your account number) when payment was made. If it's not adjusted on the next bill, call the credit manager or write the company president. Usually, they want to keep your business and will fix it.

**UNIVERSAL VOTER ENROLLMENT ACT**

**HON. ABNER J. MIKVA**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. MIKVA. Mr. Speaker, one of the most often repeated platitudes of political life is that "voting is not merely a right but a responsibility." Yet as important as voter participation is to the proper functioning of democratic government, the number of concrete proposals for raising the level of voter participation has been very low. Recently, a study group established by the Democratic National Committee—the Freedom To Vote Task Force, chaired by former Attorney General of the United States Ramsey Clark—made such concrete recommendations. The task force set out a careful and precise plan by which the burden for registration would be shifted from individual citizens to the Government. I am happy today to introduce one of the legislative products of the task force's work: the Universal Voter Enrollment Act.

I should note at this point that earlier this year I cosponsored another of the Freedom To Vote Task Force's proposals, H.R. 18979, to make election day a national holiday. In cosponsoring this bill with our distinguished colleague from California (Mr. Moss), I endorsed one step in the direction of making partici-

pation in elections simpler and more easily available to all citizens. The Universal Voter Enrollment Act is another step along that same road.

To explain the need for and the purposes of both the national election day holiday proposal and the Universal Voter Enrollment Act, I could do no better than to include at this point in my remarks the main body of the Democratic National Committee's Freedom To Vote Task Force report. Because of mechanical problems, I am omitting tables originally contained in the task force's report.

The bill which I introduce today is identical to that introduced on August 13, 1970, by my colleague, the distinguished gentleman from Arizona (Mr. UDALL) and 11 cosponsors. That bill was numbered H.R. 19010.

The material referred to follows:

**THAT ALL MAY VOTE**

(A report of the Freedom To Vote Task Force)

**PREFACE**

On July 10, 1969, Senator Fred R. Harris, Chairman of the Democratic National Committee, appointed the Freedom To Vote Task Force and directed it to find ways to remove all barriers to the right to vote. As Senator Harris noted, "If we really believe in democracy in this country, we must assure every citizen's freedom to vote. If we really believe in citizen participation in this country, we must knock down the registration and other barriers which restrict the right to vote."

Members of the Task Force are:

Francis J. Alusi, Chairman of the Board, Prince Georges County Commissioners, Prince Georges County, Maryland.

H. S. Hank Brown, Texas AFL-CIO President.

Mary Lou Burg, National Committee-woman, Wisconsin.

Hazel Talley Evans, National Committee-woman, Florida.

Lloyd Graham, National Committeeman, Washington.

Virginia Harris, National Committee-woman, Canal Zone.

U.S. Senator Daniel Inouye, Hawaii.

Mildred Jeffrey, National Committeewoman, Michigan.

Professor Doris Kearns, Harvard University.

J. C. Kennedy, Democratic State Chairman, Oklahoma.

J. R. Miller, Democratic State Chairman, Kentucky.

Clarence Mitchell, Jr., N.A.A.C.P., Baltimore, Maryland.

U.S. Representative John Moss, California.

Richard Neustadt, Jr., Graduate Student, Harvard University.

Rudy Ortiz, Democratic County Chairman, Bernalillo County, New Mexico.

Professor Nelson Polsby, University of California, Berkeley.

U.S. Representative Louis Stokes, Ohio.

Marjorie Thurman, National Committeewoman, Georgia.

J. D. Williams, Attorney, Washington, D.C.

Mildred Robbins, Vice Chairman, Ramsey Clark, Chairman.

Dr. William J. Crotty, Executive Director, Fleurette Le Bow, Staff Coordinator.

Sue Meushaw, Staff Assistant, Lola Oberman, Editorial Writer.

This report is the first of three. It contains the unanimous recommendations of the Task Force for the prompt implementation of a Universal Voter Enrollment Plan, creation of

a National Election Commission, and declaration of a National Election Holiday.

Subsequent reports will make recommendations on voter qualifications and inventory existing imperfections in the democratic process.

#### I. LET THE PEOPLE CHOOSE

Forty-seven million Americans did not vote in the Presidential election of 1968.

This shocking fact must warn the American nation of the steady downward trend in voter participation. The number of non-voters in 1964 was 43 million; in 1960, 39 million. In the past eight years, there has been an increase of 8 million non-voters in Presidential elections. If this trend continues in the next 20 years, we can expect to see from 70 to 90 million American people not participating in the election for the highest office in this land.

The non-voter has undeniable power in determining the outcome of a Presidential election. In 1968, the non-voters exceeded by 17 million the total number of people who voted for Richard M. Nixon. For every vote separating the two major candidates in that election, there were 150 people who did not vote. In 1960, for every vote separating the major contenders there were 330 people who did not vote. Even in the more decisive elections in our recent history, non-voters could have changed the majority. Franklin D. Roosevelt defeated Alf Landon in 1936 by 11 million votes; Dwight D. Eisenhower defeated Adlai Stevenson in 1956 by 9.5 million votes; and Lyndon B. Johnson defeated Barry Goldwater in 1964 by 16 million votes.

Such a pitiful record of voter participation signifies a profound failing of the democratic system. The number of non-voters in the United States now is greater than the total electorates of such democracies as France, England, Italy, West Germany, Canada, and Australia, where voter participation is higher than in our own country. In our last Presidential election, only 61 per cent of the potential electorate voted. In the most recent parliamentary elections in Canada and England, at least 75 per cent of the potential electorate participated. Other democratic nations reach turnouts of 80 to 90 per cent.

Ironically, in earlier times more Americans voted. Between 1840 and 1900—a period marked by the beginnings of mass suffrage and preceding the adoption of restrictive voter registration requirements—an average of three out of four (76.9%) of the electorate voted. In the Presidential contest of 1876, the percentage rose to 82 per cent of the electorate.

The United States has changed immensely since 1876. In only 92 years, the population climbed from 46 million to over 200 million. The winning Presidential candidate in 1876 received 4 million votes; in 1964, the winner received ten times as many. And in 1968, in a three-candidate race, the victor received 31 million votes.

If our population growth is incredible, our technological growth is more so. It is still difficult to grasp the reality of placing a man on the moon in 1969. But other advances are also difficult to grasp. Although we live with these conveniences daily, the mere numbers are staggering: 85 million automobiles in 1968; 100 million television sets, 225 million radios. Increased mobility provided by mass transit and automobile travel should facilitate voter participation. Mass communication—including, along with radio and television, an abundance of newspapers, magazines, and books—should certainly contribute to an informed electorate. And the innovation of electronic voting machines has made the election process speedier.

Yet despite these technological advances, the political participation of Americans has not increased; it has declined.

The decline of democratic participation holds both a danger and a paradox. The danger is that democratic institutions cannot function effectively or respond promptly to society's needs unless citizens participate in the decisions that affect their daily lives. A government that "derives its just powers from the consent of the governed" must be able to hear the voice of the people if it is to make orderly, systematic adjustments to the problems of change. It cannot assume that silence is consent. Silence may well imply alienation, frustration and a widening rift between the government and the governed.

The paradox is that while millions of citizens, at odds with basic national policies, are struggling for a more active role in public decision-making, participation in the electoral process continues to wane. We hear much talk of "participatory democracy" and "community control," but there can be little hope for success in the more difficult roles of self-determination when so many citizens are not even involved to the extent that they participate in the election of a President. If we can involve all people in Presidential elections, perhaps we will open all elections to wider participation. Such involvement will achieve needed reforms if democracy is relevant to mass society.

If the people are to make effective use of their political power, they must begin with the Presidency, the focal point of our political system. The Presidency is more important to the people now than ever before in our history. During the 19th century, when three out of four Americans voted for President, the impact of the Presidency was remote to the average citizen.

This is not true today. Now no individual can escape the constant impact of Presidential decision and action. Presidential policy toward such distant places as Vietnam, Biafra, and the Middle East is of direct concern to all. A cold war, a hot war, the threat of nuclear weaponry, and the vast power of the military-industrial complex affect us all. We must look to the wisdom and leadership of the President to solve such urgent problems as inflation, unemployment, crime, poverty, hunger, racism, repression, the pollution of our environment. The problems are legion, and Presidential action is essential to their resolution.

Yet 40 per cent of the people fail to vote for the President. This fact alone warns that the system is not working well.

People who vote believe in the system. They participate. They have a stake in government. But, the nonparticipants, their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.

Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything in our power to encourage them to vote. Let the people choose.

We must remove all barriers that stand between the citizen and the ballot box. Chief among these is voter registration, which unnecessarily and arbitrarily bars millions of voters in every election. In our earlier history when we had no registration requirements, a much higher proportion of our population voted. Today, areas which have no registration requirements average 10 to 15 per cent higher in voter turnout than those that do.

The historical reasons for extensive registration requirements are no longer valid. Registration was adopted at the turn of the century to prohibit the abuses of machine politics in the growing cities of the North and to disenfranchise the Negro in the South. Some registration qualifications were in-

entionally designed to exclude people from voting; others were instituted for reasons long since forgotten. The time has come now for an extensive review of the entire registration process in light of modern needs.

State residency requirements alone exclude millions of mobile Americans from voting. Thirty-three states and the District of Columbia require a one year residency before an individual can register and vote. Of these states, only 18 provide any waiver of the one year requirement in Presidential elections. There can be no justification for such practices. Everyone should at least have the opportunity to vote for President.

Long lines, short hours, inaccessible places, and registration periods remote from the date of election limit registration. Periodic registration drives, with high costs and low results, manifest a system working against itself. A major drive to register voters for the New York City mayoral election in 1969 succeeded in qualifying only 70,000 voters, a mere 3 per cent of the unregistered, for a total registration of only 35 per cent of the voting age population. The cost in money and in volunteer hours was high. Other registration drives have been more successful. A highly unusual competition between two cities—Wausau, Wisconsin and Highland Park, Illinois—in 1956 resulted in registering 99 per cent of the voting age population in both cities. But despite the occasional success story, registration is undeniably a costly and losing battle.

As a result, America—history's greatest democracy—has the lowest democratic participation of any modern nation.

This need not be so. Government has a duty to encourage its citizens to vote and to facilitate the process in every way possible. Some nations seek to achieve maximum participation by compelling citizens to vote. This is not the American way. Compulsory voting may be repugnant to us, but even more repugnant are the arbitrary barriers that impede the citizen's right to vote.

#### II. UNIVERSAL VOTER ENROLLMENT

There is a way of achieving virtually full enrollment. It is tested, safe, inexpensive and effective. It can vastly increase voter participation. It is Universal Voter Enrollment.

Proven in Canada, South Dakota, Idaho, and in parts of California, Washington and elsewhere, it has achieved enrollments of better than 90 per cent of the voting age population. Universal Voter Enrollment shifts the initial burden of registration from the individual to the government. Government must move from old and inadequate methods that serve to inhibit voter participation to a new and effective method of enrollment. The United States is virtually the only advanced democratic nation that does not have such a plan.

#### The plan

In the weeks immediately preceding an election, enrollment officers would visit every residence in the land and enroll every qualified person to vote who does not refuse.

For enrollment purposes, the 435 Congressional Districts—the smallest federal election unit—would serve as the unit for enrolling voters. This assures a local operation of manageable size and of comparatively equal population, as well as one that reflects population shifts over the years. Each District would be placed under the supervision of a local District Director. Teams of volunteer sworn election enrollment officers would be recruited and trained by professional staff personnel in comprehensive canvass and enrollment procedures. They would be assigned limited areas within the District in which they would be responsible for enrolling everyone of voting age population.

The enrollment officers would begin with existing lists of state and local voting registration. In the canvass of every residence, enrollment officers would confirm the ac-

curacy and completeness of the lists. Those already registered would be offered federal enrollment if they desired it. Errors and omissions in existing lists would be reported to local officials. In addition, every qualified person who is located and does not refuse enrollment would be placed on the rolls of the District.

Each enrollee would be given a certificate which he would sign together with the District Roll in the presence of the officer. On election day the enrollee, if not registered for state purposes, would present his enrollment certificate for validation, countersign the District Roll, and vote on a special ballot for President and Vice President. If registered for state purposes, he would vote on state ballots, but could have his federal certificate validated as evidence of his having voted.

If the proper authority in a state or local district chose to do so, it could request full state or local registration by the federal enrollment officials. Any jurisdiction which followed this course would have virtually full enrollment at no expense. State or election districts which preferred to perform enrollment functions themselves, on giving adequate evidence of non-discrimination and the removal of all arbitrary barriers to qualification and on obtaining an enrollment exceeding 90 per cent would be eligible to receive federal funds which would otherwise be spent in the jurisdiction for federal enrollment. Under either alternative, a full and uniform enrollment of all voters would be achieved.

To assure awareness of the enrollment effort, and because some people will inevitably be missed in even the most careful canvass, advertising on radio, TV, and in newspapers during the weeks of enrollment and for several days immediately preceding the election would inform the people of their duty to enroll and vote and of the procedures for doing so.

No citizen would be barred from voting because of failure to enroll before election day, or loss of enrollment certificate, or absence from his District or from the country. Nor would he be disqualified from voting for President if he changed his place of residence—even the day before the election. He would simply have to complete an affidavit identifying himself, following a procedure no more complicated than that required to cash a check. On completion of the affidavit, he would be permitted to vote, and his ballot would be placed in a sealed envelope with the affidavit attached. If he were voting outside the District—for example, at an American Consulate in a foreign country—his sealed ballot and affidavit would be placed in a special delivery envelope addressed to the District Director of his place of residence. Mailed ballots would receive full franking privileges. When the statements in his affidavit were verified, the envelope containing his ballot would be placed with all other ballots received in this manner, opened, and counted. Perjury or misrepresentation would be a federal offense.

### III. THE NATIONAL ELECTION COMMISSION

To administer and supervise the Universal Voter Enrollment Plan, a National Election Commission would be created. A National Director would serve as its chief executive officer. The National Director should be a non-partisan figure, nationally known and respected. He would be limited to a term of four years, beginning on January 1st of the year following a Presidential election. His primary responsibility would be to achieve full voter enrollment. To assist him in the execution of his responsibilities, an adequate staff of career personnel would be maintained in the national office.

A National Review Board would be appointed by the President from nominations made by the major political parties and independent non-partisan organizations. The

Review Board would oversee the performance of the Commission, hear complaints, and recommend methods for improving the elective process. It would report to the President.

The Commission would also be charged with maintaining complete records of all election returns and all laws and procedures for every public election district in the nation. These would be available to the public. At present there is no single depository for such information. As a result, it is extremely difficult to obtain complete and accurate election information from existing sources.

The Commission would be authorized to study and comment on the adequacy and fairness of the election processes of any public jurisdiction, but it would have no power over any state, local or special election district officials. The Commission would also be instructed to undertake any study requested by any public election district designed to improve voter participation or guarantee a republican form of government. It would report to the Congress after each Presidential election, evaluating the thoroughness and fairness of the registration effort and presenting the final election returns. Periodically it would make available studies on the quality of American voter participation.

The District Director in each of the 435 federal election districts would be provided with staff and funds in election years to carry out the duties of his office. Federal Election Enrollment Officers would be volunteer workers serving without compensation. Recruited from civic groups, educational institutions, and individual interests, they would be commissioned as federal officers and subject to federal penalties. They would receive suitable recognition for their public service.

Estimated total costs for the operation of the Commission are \$5 million in non-Presidential election years and \$50 million in Presidential election years. This averages less than 50 cents per eligible voter in election years—a small price to pay for the involvement of all citizens in the electoral process.

### IV. NATIONAL ELECTIONS HOLIDAY

The Task Force recommends a national holiday on the date of every Presidential election to assure full opportunity for voter participation and to solemnize this as the most important occasion for the exercise of a citizen's obligations in a free society. The nation can no longer afford to treat voting as a secondary responsibility. The survival of our institutions of government depends on the vitalization of individual participation in the democratic process.

The recommendations embodied in this report do not promise full reform of our system of election. There is no single remedy for so diverse a society. The Universal Voter Enrollment plan does offer an effective and vital reform that assures a substantial increase in voter participation. The need now is for immediate action.

### APPENDIX I. THE NATIONAL ELECTION COMMISSION

The National Election Commission would enroll all individuals of voting age population for Presidential elections. In addition, it would perform a number of duties directly related to its principal concern. The National Election Commission would:

1. Enroll all voters for Presidential elections;
2. Report on its enrollment effort and obtain complete and accurate results of each Presidential election;
3. Create an election information center, a public repository of all laws, regulations and procedures and data on voter participation and election results for federal, state, local and special district elections;

4. Study the elective process to assure full voter participation, integrity and efficiency in federal, state and local elections with authority to advise and consult with governmental and non-partisan private groups seeking to improve the democratic process and to report on elections and election practices and recommend techniques for their perfection;

5. Aid and assist governmental and private non-partisan efforts to achieve full voter participation.

6. Train federal enrollment officers and provide training programs for state and local election officials on request.

The National Election Commission would assure all qualified individuals of their right to vote for President and serve an educational function by providing information and analyses relevant to elections. It would collect election laws and the results of public elections held in the United States and make these available to all interested groups and individuals.

The National Election Commission would be non-partisan. The Director would be appointed by the President with the consent of the Senate. The Director would supervise the National Election Commission as its chief executive officer. He should be a national figure known for his integrity. The Director would be limited to one four-year term beginning on the first day of the January following a Presidential election.

The Commission would have professional staff of adequate size to perform its duties. Its division would include: (1) enrollment service, (2) information, (3) research, and (4) training. The operating budget of the Commission would approximate \$5 million annually.

The operating budget would be increased substantially in Presidential election years to approximately \$50 million. The major portion of the additional expense would be to cover the costs of enrolling all eligible voters through door-to-door contact.

### District directors

In election years, the Director of the National Election Commission would appoint 435 District Directors—one for each of the Congressional Districts—to supervise the enrollment of voters within their districts.

The District Director's position would be unsalaried.

The District Director would have one responsibility—preparing for and supervising the enrollment of all voters in his district.

The District Director would receive a grant of up to 50¢ for every person of voting age residing in his district to cover enrollment expenses.

Any state or local governmental agency operating throughout a Congressional District where 90 per cent or more of the eligible electorate is enrolled through local efforts prior to July 1 of any Presidential election year may receive the federal funds available for the District as a grant-in-aid to help defray registration and election costs. A state reaching a 90 per cent or better enrollment of its eligible voters may receive a sum equivalent to the federal funds available for all Congressional Districts within its borders that attain a 90 per cent or better registration.

### District staff director

The District Director would also have responsibility for hiring a Staff Director to serve for a six-month period (July 1-December 31) during each Presidential election year to supervise administration of the enrollment program in the district. This position would be compensated at an attractive salary to obtain the full time services of a well qualified individual who might take leave of absence from business, education or a profession.

The National Election Commission and its Director would provide the local District

Director and his staff with supervision, training and all possible aid in enrolling voters in their districts. The emphasis would be on decentralizing administrative responsibilities and performance. The system as a whole must be flexible and with the capacity to adjust to the peculiar demands and enrollment needs of each of the districts.

#### The district board

Each district shall have a review board of at least five members nominated in equal numbers by the political parties whose candidates received more than 10 per cent of the vote in any public election covering the entire district within the past four years. Whenever an additional board member is necessary to achieve an odd number of board members, the District Director shall appoint one member to the Board.

#### The District Board shall:

1. Consult with, advise, and recommend methods for full enrollment and fair election procedures to the District Director.

2. Review complaints and report its findings to the District Director and the National Review Board.

#### Enrollment officials

The Staff Director, under the supervision of the District Director, and in consultation with the District Board would recruit individuals to conduct the actual enrollment of citizens. This service would be voluntary and the enrollment officers would not be financially compensated.

The enrollment officials would be drawn from civic groups, political party workers, or other organizations and individuals who might want to volunteer their services. Each district should recruit not fewer than one enrollment officer for each one hundred persons of voting age in the district.

In performing their duties, enrollment officers would be administered oaths of office as public officials and subject to legal penalties for any prospective abuse of their offices.

Enrollment officers would be required to attend training sessions prior to participating in the enrollment of voters.

#### National Review Board

A National Review Board of fifteen members would be appointed by the President from among those nominated by political parties and independent non-partisan citizen organizations. Nominations from the political parties would equally represent all political parties that received 5 per cent or better of the vote in the previous Presidential election. Combined with the nominations from the non-partisan citizen groups, the Board would reflect the balance of national interests.

It would be charged with overseeing the activities of the Commission.

#### The Review Board would:

1. Consult with, advise, and recommend methods for inclusive enrollment and fair election procedures to the Director of the National Election Commission.

2. Review complaints, and

3. Recommend to the Director of the National Election Commission the improvement of practices in specific districts and order the replacement of individual District Directors where the integrity of the democratic process requires.

#### APPENDIX II. THE ENROLLMENT OF VOTERS

The quadrennial enrollment of voters would begin on the first Monday in October and would be concluded by the end of the third week in October. The enrollment drive would be short and intensive. It is intended to coincide with the interest and enthusiasm generated during the campaign period. Enrollment activities would complement party and candidate efforts and should help to stimulate interest in the election and a higher turnout on election day.

Enrollment officials would be required to make a minimum of two personal calls at

every place of residence in the district, if all voting age residents were not contacted on the first visit. If the personal visits fail to reach every voting age resident, the enrollment official would be required to leave notification of the times and places where the individual would be able to enroll.

The enrollment officials would be required to compare their enrollment lists with all other available voting lists compiled by state or local governmental agencies to insure that no eligible voter had been omitted from the enrollment.

If the proper state and/or local authorities requested it, enrollment officials would enroll voters for state and/or local elections at the same time they were enrolling them for the Presidential election.

Also, if the state or local authorities requested it, the federal enrollment lists would be made available to the proper state or local agencies to update their enrollment records or to serve as a guide to the voting age population.

Any enrollment list not turned over to state or local authorities for the purposes specified would be destroyed within one month of the official certification of the election results. No registry of citizens would be maintained at the national or district level.

When an individual was enrolled as a voter he would receive a card certifying his enrollment. The card would bear the individual's name, his address and his signature, in addition to the signature of the enrolling official. The same information would appear on the list compiled by the enrollment official and would be available at the polls on election day.

The individual would present his voter card to the election officials at the polls on election day. The card would be validated by the election officials. The voter would also sign the enrollment registry beside the signature obtained at the time of his enrollment. These procedures would safeguard the integrity of the election.

The enrollment as described would qualify an individual to vote for the President and the Vice President. If an individual has registered under state law prior to federal enrollment, he need not enroll to vote for President.

Any individual who was eligible to vote yet whose name did not appear on the enrollment lists would have two options after the regular enrollment period had ended:

1. He could contact the District Director or other designated officials who would have the power to determine the individual's eligibility and add his name to the enrollment list, or

2. He could appear at the polls on election day, sign an affidavit that he was eligible to enroll and cast a special ballot for the President. The ballot would be sealed and then placed in an envelope with the affidavit supporting enrollment. It would be the duty of the District Director to determine the voter's eligibility. If found eligible, the ballot would then be counted along with all others cast in this manner and the results added to the election tally.

An individual who loses his enrollment card could still vote. His ballot would be held separately, under procedures described above, until his eligibility was determined by the local election officials from the information in the affidavit.

An individual absent from his home district, but otherwise eligible to vote in the election, could vote for the President at another polling place. To do so, he would have to provide the local election officials with proper identification—name, address, signature, plus personal identification similar to that for cashing a check. The burden of proof in this case would be placed on the individual. Special ballots could be provided for these contingencies. These ballots would be air mailed, special delivery—franking privileges would be provided—to the individual's

home District Director. He would determine the eligibility of the voter and then count his sealed ballot along with the others received in this manner.

#### APPENDIX IX

A bill designating certain election days as legal public holidays

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6103 (a) of title 5, United States Code, as it will exist on and after January 1, 1971, pursuant to the first section of the Act entitled "An Act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes", approved June 28, 1968 (82 Stat. 250; Pub. L. 90-363), is amended by inserting between—*

"Veterans Day, the fourth Monday in October," and

"Thanksgiving Day, the fourth Thursday in November," the following new item:

"Election Day, the first Tuesday after the first Monday in November in 1972, and in every fourth year thereafter."

#### APPENDIX X

A bill relating to the registration of persons eligible to vote in elections for President and Vice President and Members of Congress

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the National Voting Act of 1970.*

#### DEFINITION

SEC. 2. As used in this Act, the term "Federal election" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives.

#### ESTABLISHMENT OF COMMISSION ON FEDERAL ELECTIONS

SEC. 3. (a) There is hereby established in the executive branch of the Government a Commission to be known as the National Election Commission (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of 15 members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than 4 of the members shall at any one time be of the same political party. Members of the Commission shall be appointed for a term of six years, except that the terms of office for the first 15 members appointed shall be as follows: Five members shall be appointed for terms of two years; 5 members shall be appointed for terms of four years; and 5 members shall be appointed for terms of six years. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed may be appointed only for the unexpired term of his predecessor.

(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitations with respect to party affiliations as the original appointment was made.

(e) Ten members of the Commission shall constitute a quorum.

#### COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of \$100 per day for each day

spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of chapter 57 of title 5, United States Code.

#### DUTIES OF THE COMMISSION

SEC. 5. (a) The Commission shall—

(1) establish and supervise a Federal system for the registration of all persons who meet the qualifications for registration in the State in which they reside;

(2) assist and encourage all qualified persons to register to vote in Federal elections;

(3) conduct a continuing study of Federal, State, and local election practices and procedures;

(4) provide advisory, educational, and informational services to State and local authorities regarding elections;

(5) encourage and foster, to the maximum extent possible, State and local efforts to achieve full voter participation in elections;

(6) collect the results of all Federal elections held in the United States, analyze such results in a manner to enable the voters to better understand such results, and provide for the publication of such results and analyses;

(7) compile and maintain the laws and procedures in effect for each congressional district in the United States and make such information available upon request to any interested person;

(8) provide assistance upon the request of local communities to assist such communities in solving their election problems; and

(9) advise and assist District Directors, appointed under section 8 of this Act, in carrying out their duties under this Act.

(b) The Commission shall submit an annual report to the President and to the Congress not later than June 1st of each year of its activities under this Act together with such recommendation for legislative or administrative action as it deems advisable.

#### STAFF OF THE COMMISSION

SEC. 6. (a) There shall be a full-time Staff Director of the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate to be fixed by the President, but not to exceed the compensation authorized for the highest step of GS 18. The Staff Director shall be appointed for a term of four years and shall not be eligible for reappointment. His term shall begin on the first day of January following the year in which the election for President is held.

(b) The Commission may appoint and fix the compensation of such additional staff personnel as it deems advisable; and may procure temporary and intermittent services to the same extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$500 a day for individuals.

#### POWERS OF THE COMMISSION

SEC. 7. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem

advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpoenas may be issued under the signature of the Chairman or any duly designated members of the Commission, and may be served by any person designated by the Chairman or such member.

(b) In the case of contumacy or refusal to obey a subpoena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this Act. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this Act.

#### DISTRICT DIRECTORS

SEC. 8. (a) In each year in which a Federal election is held the Commission shall appoint a District Director for each congressional district.

(b) It shall be the responsibility of the District Director in each congressional district to organize and supervise the registration of all persons residing in such district who can meet the qualifications for voting in Federal elections in the State in which they reside but have failed to register to vote.

(c) No person shall be eligible for appointment as a District Director for any congressional district unless he is a bona fide resident of such congressional district. District Directors shall receive no salary for their services under this Act.

(d) Except as provided in subsection (e), in any year in which a Federal election is held in any State the Commission shall grant to each District Director the sum of \$100,000 to pay for the expenses incurred in carrying out the provisions of this section.

(e) (1) Where the Commission finds that 90 per centum or more of the persons qualified to register to vote in Federal elections in any congressional district were actually registered to vote in the most recent Federal election, the Commission shall, in the next year in which Federal elections are held, grant to the appropriate officials of such congressional district the sum of \$100,000 to help defray registration and election costs incurred in such district. Whenever a grant is made under this paragraph no grant shall be made under subsection (d).

(2) When the Commission finds that 90 per centum or more of the persons qualified to register to vote in Federal elections in any State were actually registered to vote in the most recent Federal election, the Commission shall, in the next year in which Federal elections are held, grant to such State a sum determined by multiplying \$100,000 by the number of congressional districts in such State qualifying for grants under paragraph (1) of this subsection. Grants made under this paragraph shall be to help the State

defray the cost of conducting Federal elections.

#### DISTRICT STAFF DIRECTORS

SEC. 9. The District Director of each congressional district shall employ a District Staff Director for a period of six months, beginning July 1, in each year in which Federal elections are held. The District Staff Director shall assist the District Director in supervising the registration program carried out in the district. The salary of District Staff Directors shall be fixed by the Commission.

#### REGISTRATION OFFICIALS

SEC. 10. (a) The District Staff Director, under the supervision of the District Director, in each congressional district shall recruit persons to serve as national registration officials. It shall be the duty of such officials to register persons who meet the State requirements to register and vote in Federal elections. Persons recruited to serve as national registration officials shall serve voluntarily without compensation.

(b) Persons who are recruited to serve as national registration officials shall be given a brief training course prior to assuming any registration duties under this Act. The training program shall be conducted under the supervision of the District Director concerned in accordance with regulations prescribed by the Commission. The duties of national registration officials shall be prescribed in regulations promulgated by the Commission under the supervision and control of the District Director and the District Staff Director of such congressional district.

(c) National registration officials, as well as District Directors, District Staff Directors and their staffs, shall be considered public officials for the purposes of section 201 of title 18, United States Code.

#### REGISTRATION OF VOTERS

SEC. 11. (a) The program to register all unregistered persons in any State who have the qualifications for registration in such State shall be carried out during a three week period immediately preceding the week in which any Federal election is to be held in such State.

(b) During the registration period referred to in subsection (a), national registration officials appointed in any congressional district pursuant to section 10 shall conduct an intensive drive to register all persons residing in such district who met the qualifications for registering as voters in such district and who have failed to register under State law.

(c) No person shall be registered by a national registration official unless it is determined by such official that such person meets the qualifications prescribed by the laws of the State concerned for registering for voting in Federal elections. Whenever such determination has been made with respect to any person his name shall be entered on a registration roll compiled by the national registration officials for the congressional district concerned.

(d) Each person who is found to be qualified to register to vote shall be issued a voting card in such form as may be prescribed by the Commission containing the person's name, address, and signature, and the name of the national registration official concerned. The identical information shall appear on the registration roll referred to in subsection (c). The registration roll containing a person's name and other information shall be available at the particular voting place within the congressional district where such person may vote.

(e) Any person registered to vote pursuant to this section shall be permitted to vote in the same Federal elections which he would have been permitted to vote had he registered under State procedures. When any such person appears at the appropriate voting place to vote he shall be required to pre-

sent the voting card issued him pursuant to subsection (d). He shall also be required to sign the registration roll a second time beside his first signature.

(f) In any case in which a person has failed for any reason to register to vote prior to election day and otherwise meets the State qualifications for voting, he may—

(1) contact the District Director of the congressional district concerned and the District Director shall have authority to validate such person's qualifications and add his name to the registration roll, and such person shall be permitted to vote, or

(2) appear at the appropriate voting place on the day of election, sign an affidavit stating that he meets the requirements for registration and voting, in which event he shall be registered and may cast a special ballot for the offices being contested.

A special ballot cast pursuant to clause (2) shall be placed in an envelope and sealed with information relating to the registration of the voter. The District Director concerned shall have the responsibility of determining the eligibility of such person to vote in such election. If the District Director determines such person was eligible to register and vote the ballot shall be counted together with other ballots cast in the same manner and shall be added to the final election tally.

(g) Any person who appears at the appropriate voting place on the day of election and signs an affidavit stating that he was issued a voting card under this section but has lost such card shall be permitted to cast a special ballot for the offices being contested. The same procedure with respect to a special ballot cast under this subsection shall be followed as in the case of a special ballot cast under subsection (f).

(h) Any person absent from the congressional district in which he is eligible to vote shall be permitted to cast a special absentee ballot provided at a voting place in any other congressional district upon presentation to the appropriate election officials of identification showing his name, address, and signature. A special absentee ballot cast pursuant to this subsection shall be mailed, special delivery, air mail to the District Director of the congressional district in which such person is eligible to vote. The District Director shall determine whether such person was eligible to vote and, if it is determined such person was eligible to vote, the sealed ballot cast by such person shall be counted in the same manner as special ballots cast pursuant to subsection (f). All special ballots cast pursuant to this section shall be sealed separately from information relating to the identity of the person casting such ballot, and no such ballot shall be opened separately from other ballots cast in the same manner or in any manner that would permit identifying a particular voter with a particular ballot. Special absentee ballots mailed pursuant to this subsection shall be transmitted by the United States Post Office Department without charge.

#### REGISTRATION INFORMATION

SEC. 12. (a) No national registry of persons shall be compiled or maintained.

(b) The registration roll compiled in any congressional district pursuant to this Act shall be made available to any State or local election official upon request and permanent possession of such registration roll shall be given to any such official 30 days after the results of the election have been certified if a request has been made therefor. Otherwise, the registration roll in each congressional district shall be destroyed by the District Director 30 days after the election results have been certified.

#### NATIONAL REVIEW BOARD

SEC. 13. (a) There is hereby established in the executive branch of the Government a National Review Board composed of fifteen

members to be appointed by the President from the names of nominees submitted by the major political parties and independent nonpartisan citizen organizations.

(b) It shall be the function of the National Review Board to oversee the activities of the Commission. The National Review Board shall—

(1) consult with, advise, and recommend to the Commission methods for effectively carrying out the duties of the Commission under this Act;

(2) review complaints of malfeasance and non-feasance against members of the Commission and the employees thereof and report to the President the results of the Board's review;

(3) recommend to the Commission how registration programs in specific congressional districts should be improved including replacement of the District Director of such district when the Board deems it desirable.

### DIET ABUSE IN THE UNITED STATES

#### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. WOLFF. Mr. Speaker, yesterday I included in the RECORD a number of statements my distinguished colleague from New York (Mr. BIAGGI) and I received at a hearing we held last week on diet abuse in the United States. Today I would like to continue including all the statements in the RECORD with the second installment in this series, as follows:

[From James Turner, Center For The Study of Responsive Law]

#### NUTRITIONAL IGNORANCE AND AMERICAN HEALTH

Americans are nutritionally ignorant. As participants in meals they often miss what is most important in food. As the enforcers of laws designed to insure the greatest possible health from the food supply they are incompetent. And even as legislators they fail to provide some of the most basic protections that a sound and healthful food supply requires.

The United States Agricultural Department's study of 1965 diets revealed that more than half of all American households were deficient in one or more ways. In 1969, the Journal of Nutrition Education reported a survey of all nutrition studies conducted since 1950 which showed widespread deficiencies in diet. In short, the fact that Americans do not eat well is becoming more widely known.

In attempting to explain why this is so, the Agricultural Department cited three reasons. People in the United States do not have the basic nutritional knowledge necessary to buy proper foods. People in the United States, even when they do have proper nutritional knowledge, find it difficult to pick the proper foods in their local supermarkets. And even when the first two hurdles are surmounted many people are unable to provide enough money to purchase the proper diet. Combined, these deficiencies of knowledge, understanding and resources lead to poor diets. Central to the poor American diet is nutritional ignorance.

This same ignorance lies at the heart of the various fad diets, food myths and abuses of health which have been commonplace in this country at least for the past two decades. People unknowledgeable in the ways of food have often been the victims of one

or another of many fantastic schemes, some well-intended, some purely fraudulent, designed to improve health through eating.

Nutritional ignorance has been the main cause of poor eating habits for both the average consumer who is unaware of the food he eats and the highly motivated individual who seeks—but often fails to find—the best in health that food can provide. Unfortunately, the United States Government must share a major portion of the responsibility for the widespread nutritional ignorance which grips the average American. Neither its food regulators—primarily the Food and Drug Administration—nor its legislators have taken meaningful steps to eradicate widespread dietary misinformation. In fact, in some cases they have spread the misinformation.

The Food and Drug Administration has consistently misstated important information about food. In fact, its misstatements have become increasingly well known to the general public. As public confidence in the agency declined, more and more individuals began to turn to surveys of special food theories in their search for proper nutrition. Unfortunately, some of these special diet advocates had only a limited view of nutrition and ended up creating as many problems for their followers as they solved.

The reaction of the Food and Drug Administration to the situation it helped to create was to mount a massive campaign of law enforcement against those it claimed were cheating the public. The anti-quackery campaigns of the FDA soon became legendary throughout a large proportion of the public. But no effort was made to expand the nutritional awareness needed to reassure the doubters in the public. The result of the FDA campaign against food "quacks" was to cause a major polarization which led to massive but relatively uninformed debates about the pros and cons of various diets.

An indication of the information circulated by the FDA can be gotten from the following excerpts of a 1967 Fact Sheet issued by the agency and entitled "Nutrition Nonsense and Sense".

#### CLAIM

You are what you eat.

#### FACT

In one sense, yes. You are also what heredity and environment have contributed. Health quacks often use this statement as an introduction to their twisted ideas about nutrition.

#### CLAIM

Chemical fertilizers are poisoning our soil.

#### FACT

Chemical fertilizers are not poisoning our soil. Modern fertilizers are needed to produce enough food for our increasing population.

#### CLAIM

Pesticides are poisoning our Nation.

#### FACT

When pesticides on food crops leave a residue, FDA makes sure the amount will be safe for consumers. The amount allowed, if any, is set at the lowest level that will accomplish the desired purpose, even though a larger amount might still be safe.

#### CLAIM

Modern processing removes most of the vitamins and minerals in foods; we are starving in the midst of plenty.

#### FACT

Dr. Goddard has often stated his views on this subject: "There are some food faddists and quacks who would have you believe the wildest stories about the depletion of our soil, the loss of food values because of modern processing techniques, and a lot of other nonsense. Frankly, it is time we faced the facts about our American diet. Our soil is naturally rich and the envy of every Nation.

Our ability to grow, pack, ship, and sell food is a modern marvel because the natural value of the food is not lost in the process. In fact, the reverse is true: foods can get better in the process."

## CLAIM

Modern preservations are no more than dangerous embalming fluids.

## FACT

Dangerous food preservatives were a major concern of the Food and Drug Administration when it began operations on January 1, 1907. Today's scientific knowledge, working through good laws to protect consumers, assures the safety and the wholesomeness of every component of our food supply.

Taking these claims in turn, it is possible to see how the alienation of a large portion of the American public—while nearly all the rest were kept in complete ignorance of good nutrition—came about. The answer for CLAIM 1 sets the tone for the agency's attitude toward anyone who disagrees with its point of view. For a government agency to dismiss the majority of those who disagree with it as expressing "twisted ideas" sets a dangerous precedent in democracy. This is doubly true when the ideas of the agency are as shaky as the FDA's ideas about nutrition.

The flat statement that neither fertilizers nor pesticides needed to provide enough food with clear implication that they present little or no problem clearly fails to answer the growing concern of such individuals as Barry Commoner, Senator Gaylord Nelson and the entire ecology movement. The assertion that modern processing actually improves the food we eat is little more than a deception. In fact, at the time the statement was released to the public, the FDA had endorsed by announcement in the Federal Register a position by the AMA which suggested that the most likely candidates for fortification in the food supply were those that lost nutrients during processing. One leading nutritionist has suggested that the proper name for the addition of nutrients to the modern food supply is not "food fortification", but rather "food restoration".

Finally, the assertion that good laws protect the wholesomeness and safety of the food supply has been shown to be untrue. In 1969 cyclamates were removed from the market. After a disgraceful retreat from that decision, and after eleven months of illegal sale of the cyclamates added to canned foods, again last month FDA totally removed the additive from the market. Even in its final action the FDA has not fully informed the consuming public of the potential dangers of this widely used additive—and its full effect will probably not be known for another ten years.

When it was pointed that Monosodium Glutamate was being added to baby food in spite of the fact that some tests showed brain damage to infant rats, the FDA rushed to the defense of the additive and the companies using it. Again last month, the National Academy of Science finally recommended that MSG be removed from baby food. The FDA has yet to act and the baby food companies who in November of last year agreed not to add any more of the chemical to their products estimate that it may be as long as two years before the foods that they have already packed with the chemical will leave the market itself. The FDA is currently planning no effort to remove those foods from the stores that are selling them.

Neither is the FDA currently rigorously enforcing the requirement that all additives be shown to be safe before they are allowed in food. Currently brominated vegetable oils which the FDA has removed from its GRAS list are still being allowed in certain soft drinks in spite of the lack of tests showing them to be safe. The law has not been enforced in a way to the food supply safety.

Even more deceptive about the FDA state-

ment is the fact that nothing in the law really requires that all components of the food supply by wholesome—i.e. add to the nutritional value of the food supply. In fact, little has been done by the FDA to even define what is wholesome or nutritious. And that little has been mostly destructive of good nutrition.

The action program followed by the FDA in its efforts to carry the philosophy suggested by the sample quoted above has been disastrous. In 1964, the agency began a legal campaign against food "quacks" and in 1966 it tried to force vitamin manufacturers to say on every bottle of their product that "Vitamins and minerals are supplied in abundant amounts by the foods we eat. The Food Nutrition Board of the National Research Council recommends that dietary needs be satisfied by food. Except for persons with special needs, there is no scientific basis for recommending routine use of dietary supplements." This was the FDA answer to what it called a \$300 million vitamin fraud.

Unfortunately the agency was already speaking to an alienated public and it received approximately 50,000 cards and letters of protest against the proposal. Dr. James Goddard, then FDA Commissioner, and other agency officials officially dismissed the vast majority of these comments as the work of "quacks and food nuts." However, they were unable to dismiss the attack of Dr. W. H. Sebrell, Chairman of the National Research Council section on nutrition who demanded that his organization's name be disassociated from the proposal. Nor could they dismiss Dr. George Mehren, Assistant Secretary of Agriculture who called the proposal clearly out of line with the Agriculture Department's discovery that there had been a distinct deterioration in the American diet during the preceding decade. What is important about this misguided effort of FDA is that it had the opposite effect of what it had intended. Instead of cutting back on the so-called food fraud, it had added new fuel to the already widespread doubts that the FDA knew anything about nutrition.

To understand the enormity of the effects this action had, it is important to recall the atmosphere surrounding the FDA in the mid 1960s. Senator Long of Missouri had just completed hearings showing that the FDA had the most sophisticated set of snooping devices in the federal government and used them against "food quacks" planting microphones at mass meetings and, in the Senator's word, harassing innocent people. The Senator recalled the case of psychiatrist Wilhelm Reich who was the victim of a singleminded attack by FDA (for marketing an alleged cancer cure) which led finally to the burning of a number of his books. The American Civil Liberties Union called the incidents, which reached termination in 1960, "a serious challenge to the freedom of scientific inquiry and to the freedom of the press, principles of free thought on which democratic government is based."

Senator Long summarized what he found when he looked at the FDA in 1965:

We have had startling and shocking disclosures during these last three days of hearings. The hearings have revealed police-state tactics ranging from possibly perjured testimony to gain a conviction, to abusive law-enforcement practices including intimidation and gross disregard for the constitutional rights guaranteed to all American citizens by the first, fourth, and fifth, and sixth amendments. In short, an agency of the Federal Government has been accused of attempting to gain convictions at any costs.

Prior to the commencement of these hearings, this same agency saw fit to be uncooperative, misleading and evasive with this committee. The unfortunate ramifications of such conduct on the part of a Federal agency are overwhelming. The Food and Drug Administration is charged by Congress with an

onerous responsibility—that of protecting this Nation's health. Instead of shouldering this heavy responsibility, we find the agency engaged in bizarre and juvenile games of cops and robbers. Instead of a guardian of the national health, we find an agency which is police-oriented, chiefly concerned with prosecutions and convictions, totally indifferent to the individuals' rights, and bent on using snooping gear to pry and invade the citizens' right of privacy. (*Chemical Feast*, p. 34)

This atmosphere was not unknown to that segment of the population interested in eating the best possible food. In our on-going study of the FDA which was begun more than two and one half years ago, we constantly ran across people who claimed to know of first-hand occasions in which the FDA had brought Federal authority to bear in the ways described by Senator Long. In addition to this first hand experience had with the FDA, the part of the public interested in food and health has a very well developed communication system. The *Roadside Press*, in addition to publishing many volumes of books on health and food, has a monthly circulation of over one million for its various periodicals. *Carleton Frederic* is still widely heard on the radio with his views on nutrition and the FDA. The *Nation's Health Federation* has thousands of members across the country. And the books of *Adele Davis* are in the homes of millions of Americans. Through this mechanism, the impression of the FDA as an ignorant and oppressive agency supported by many convincing facts has become well known.

The problem is not that the health food advocates are always right and the FDA always wrong. Both have made gross errors in the past. The important fact is that the FDA has systematically made it difficult for its critics to engage in meaningful exchanges of information about nutritional questions. When nearly all the nation's leading cardiologists urged the FDA to take actions that would allow the labeling of foods low in polyunsaturated fats, the FDA refused, substituting its inaction for the judgment of doctors. When expert after expert attacked the concepts underlying the FDA vitamin hearings the agency pushed ahead with a two-year hearing costing over \$200,000, and accumulating nearly 30,000 pages of testimony. The hearings were finally terminated by order of the new commissioner and a final outcome is still being awaited. But the bad taste left by the hearings lingers.

Unfortunately, much of what the FDA has claimed and done in its efforts to assure Americans that they are the best fed people in the world has the air of food industry press releases. Often industry is successful in persuading the FDA to do what appears to be in industry's best interest. In fact, many food executives are now beginning to learn that their own economic position depends on more than the ministerial acquiescence of the FDA. Facts are facts and FDA's saying otherwise cannot change them.

Recently the Chairman of the Board of one of America's best known food producers described this situation to me. He said that when cyclamates were taken off the market he took the company plane and flew to Washington in an effort to change the government's mind. Nine months later when he was speaking to me he said he was embarrassed about his effort because as he looked over the facts he was convinced that cyclamates should not be on the market. But the most important part of his conversation with me was the question he asked at its close. "Who are we supposed to ask for the answers on these chemicals?" He asked the same question about nutrition. The food industry as well as the food consumer find themselves in the difficult position of not knowing exactly how to provide the best and safest food supply for themselves.

What is the most nutritious and safest food is a difficult question on which even prominent nutritionists disagree. In such an atmosphere discussion must be broadened, not narrowed. Specifically individuals sincerely attempting to contribute to the solving of the nutrition problems should not be called "twisted" and treated as criminals. This common sense is doubly true when it is underscored by the widespread indications that the American diet is deteriorating.

Congress could best help the situation in the following ways:

1. By providing a forum in which much of what until now has been considered illegitimate by the FDA can be heard. For example, this group of Congressmen might wish to invite a statement from someone such as Adele Davis about nutrition so they can evaluate her sincerity and arguments first hand.

2. By providing laws that increase the information available to the consumer on food. For example:

a. Open date coding should be mandatory on all foods.

b. All chemicals added to food should be on the label of the container. The current enforcement of the law is irrational allowing over two hundred ingredients to be added to food at the will of the manufacturer without labeling, and several hundred more that can only be found by reference to the Federal Register.

c. The unit pricing of all food commodities must be made mandatory.

d. The listing of ingredients in food in a meaningful way such as listing the percentage of orange in orange juice drink.

e. Congress could even require that the FDA issue a dictionary of food additives telling important information about them and a dictionary of food standards explaining what ice cream is supposed to be made of and what constitutes bread. This would only require the rewriting of entries in the Federal Register in other than legislative terms.

3. Food protection laws should be strengthened:

a. The Delaney clause should be expanded so that not only cancer-causing substances are excluded by law from the food supply but also so that those substances causing birth defects and hereditary change are also excluded. Senator Nelson has already introduced a bill for this purpose.

b. The law should also require that all chemicals be subjected to tests and shown to be safe before their addition to the food supply. This would mean requiring that the FDA expand the rigorosity of the tests it now requires the food industry to perform on proposed new substances.

c. A mechanism for the testing of new foods and food chemicals which protects the testers from industry influence should be devised. Specifically, one possibility would be the development of a referral board in government which would take requests for testing from a company and refer it, by a pre-arranged set of rules, to a private testing laboratory. Such a system could improve the quality of the food supply as well as protect the interest of both the food consumer and the food producer.

4. Congress should undertake efforts to insure that the most nutritious food possible is available to the general public. This means causing the food industry to raise the motive of highest possible nutrition to the level now occupied by highest possible profit. These twin motives can recover this nation's formerly high standard of nutrition. Congress can help this task by:

a. Examining the economic structure of the food industry to be sure that the highest degree of competition and lowest degree of economic coercion exists so that every innovative energy can be used to solve our nutrition problems.

b. Requiring that nutritional quality or effectiveness of proposed foods and food additives be one of the qualities written into the hundreds of food standards currently enforced by the FDA. Such an action would bring the food law into line with the drug law which requires that the drugs be proven safe as well as effective and was suggested by the White House Conference on Food Nutrition and Health. (Currently FDA is considering going in the opposite direction by seeking legislation to remove the requirement that foods that are imitations of real foods be exempted from being labeled as "imitation foods." Such a step could be disastrous both in quality of food and in information to the consumer.)

c. Attempting to develop a national nutrition policy which brings together what is known about food and health and creating an ongoing mechanism for the evaluation of the nation's food supply with a mandate for setting and implementing priorities and programs.

5. Congress should also establish or strengthen mechanisms for enforcing present and future food protection and improvement laws:

a. There should be a national system of surveys to locate birth defects and hereditary problems. No such system currently exists.

b. More food inspectors with higher standards of skill should be provided to police the food supply. For example, a program of fish inspectors similar to the meat inspection program should be implemented by Congress to insure the highest quality fish products.

c. A mechanism for the quick monitoring of television and other mass media advertisements should be developed to insure that these methods of communication are not used to disseminate information in violation of the law.

Each of these steps is only part of a much needed revision of the nation's food policy. They are suggestions provided as starting points for improvement. Many items of equal importance have been left unmentioned.

However, what is important is that the problems of food fadism and quackery to the extent that they are real and the problem of poor nutrition which seems to be widespread will only be effectively met by an overall re-evaluation of the government's food policy. Attempting to deal with one small part of it along with our recognition of its relation to the larger problem of the relationship between good food and good health could make the situation worse not better. That is what appears to have happened with FDA's probably well intended efforts in this direction over the past fifteen years.

I thank you for the invitation to appear at this hearing. Hope this statement has been of help to you in your efforts to ensure that the consumer of foods gets the highest nutritional value for his food dollar.

TO CONGRESSMAN LESTER L. WOLFF, CONGRESSIONAL HEARING, SEPTEMBER 8, 1970, NEW YORK CITY

The problem of fad diets, food myths and diet pills abuse will continue as long as we have unscrupulous businessmen and gullible people. It is very difficult to eliminate the unscrupulous operators and very costly. Strict laws and penalties have not eliminated the problem of illicit narcotic sales nor the quack healers. And since it is impossible to eliminate all the gullible people we can reduce their numbers so that it won't be worth while for the cheaters to operate.

It will require two measures to reduce the number of the gullible. First we must educate the public to eat food for enjoyment, for its good taste and flavor instead of the vitamin contents of what they eat. We must "induce" them to eat greater varieties of food and show them how they can be better

prepared. This can be done by the inter-governmental agencies, such as the Dept. of Agriculture, HEW, etc. by conducting extensive educational advertising campaign on how to utilize all varieties of foods, particularly vegetables and fruits. We should eliminate from our vocabulary the words vitamin, protein and other catch words of health diets. These words belong to the medical profession.

The second measure to be taken is against the high cost of foods. Vegetables and fruits cost much more than the meats in a menu. Green peppers cost 39 cents each off season and 12 cents in season—Lettuce over 25 cents a head, etc. Other vegetables and fruits are even prohibitive to look at. Only with the help of our government we can correct this. Let our government encourage and assist the food producers to go into joint venture partnership with Latin American businessmen and land owners. There are all types of climates between Maine and Magellan Straits where we can produce all varieties of vegetables, and also meats all year around at low cost.

The benefits of such projects are many. In the first place we can have certain foods which are of tropical or semi-tropical nature, produced more economically, and all year around in countries south of the Rio Grande. This may result in not producing certain fruits and vegetables in the USA. In that case our food producers will raise other types of fruits and vegetables which thrive better in milder climates, and ship to them to the Latin Americans and to others. They will be doing what many typewriter manufacturers have been doing—having their manual machines made abroad. Most of the lenses in our cameras are made in Japan, etc. The Latin Americans will not object to this since they will be exchanging one type of food for another, and in the meantime they will be increasing their food supplies to satisfy their own needy population.

Another advantage of such projects is to produce the same kind of foods, vegetables and fruits, in the milder climates in both the North and South American countries to have both continents enjoy abundant and fresh fruits and vegetables all year around at low costs. Also, if we had such joint venture operations with the South American countries the recent corn blight which is destroying corn crops in certain midwestern areas we would not be facing a shortage of corn and cost increase.

We can do the same thing with meat products. At the present there are American meat companies which have certain meats processed in South American countries and shipped here to be sold as their own. Fresh meats also can be shipped from Latin countries under such joint venture operations by adhering to all the United States sanitation and health rules and regulations to make their meats equal to our own standards.

In my opinion the American food producers will not object to such arrangements as long as they themselves will be partners with the South Americans. What difference does it make where they raise their vegetables and fruits, and cattle as long as they are partners and will share the profits? Of course, the Congress should arrange better tariff regulations for such food exchanges which are jointly owned. *We may even establish an inter American common market!*

The Latin Americans will also be happy with such arrangements. They have a lot of unused fertile lands and many unemployed with little to eat. They would rather have our know-how with some capital and ready market for their produce than millions of dollars in grants which rarely reach the man in the street. The peons and the poor farmers will not be serving the banana barons. They will regard us as their partners and customers.

When the public find all varieties of foods at very low cost all year around, and know how to prepare such foods delectably, they will not listen to any of the charlatans who sell diet pills and daily vitamins.

GEORGE HAIG.

STATEMENT BY ALCINE M. PANTON, DIRECTOR OF HEALTH AND SAFETY DIVISION OF THE COUNCIL OF BETTER BUSINESS BUREAUS, INC.

I am Alcine Panton, Director of the Health and Safety Division of the Council of Better Business Bureaus. Recently, the Better Business Bureau network underwent a structural reorganization. Previously, there existed 138 local Bureaus and the National Better Business Bureau, each one of which was a separate entity affiliated through membership in the Association of Better Business Bureaus International. On August 1st of this year, the National Better Business Bureau and the Association of Better Business Bureaus consolidated to form the Council of Better Business Bureaus, which is now the national voice of all Bureaus.

The Council of Better Business Bureaus is most pleased to have this opportunity to relate to this Committee some of our past and present efforts in combating food faddism and obesity quackery and the insight we have gained therefrom.

Overweight Americans, who number one in every five of the population, daily fall victims to one of the most lucrative forms of medical quackery. The promise of taking off excess weight through some way other than eating less has been parlayed into a multimillion dollar racket over the combined opposition of the Better Business Bureaus, the medical profession and the government.

Currently being offered to the public are an assortment of low carbohydrate diets, low fat diets, bulk formers, appetite depressants, magic diet plans, systems of easy, effortless exercises, massagers, exercise devices, waist-reducing belts, etc., all of which are purported to be the answer to the problems of the overweight.

In addition, diets are sold to cure arthritis, mental disturbances, hypoglycemia and a variety of other ailments. It may relieve the members of this Committee to know that for the mere pricing of \$6.98 you may purchase a diet labeled "controlled fasting" which offers freedom from: constipation, insomnia, sinus trouble, gum decay, rheumatic pain, gallstones, kidney stones, acne and skin blemishes, hemorrhoids, dandruff, and fear of heart attack and, if that isn't enough to sell you, the book will, once you have purged yourself, further explain how you may experience favorable and stimulating changes in your personality, and in general become possessed of a more commanding and radiant presence.

The dangers inherent in use of these diet books and products for self-diagnosis and self-treatment are quite obvious. Not only is the individual who adheres to one of these diets creating a potential hazard to his health by an imbalanced and nutritionally inadequate diet but delay in seeking competent medical treatment may further complicate any illness which actually exists.

Under the First Amendment authors are free to propound their diet theories and nothing should be done to actually prohibit the sale of such books. However, even though the contents of a book may be Constitutionally protected, the advertising which promotes it must meet the test of truthfulness. Advertising copy should make clear that a particular diet theory is merely the opinion of the author, particularly where it is at variance with the consensus of medical opinion. Where medical endorsement or clinical testing are claimed, substantiation should be available. Federal agencies charged with regulation of such advertising should be keenly aware of when that fine line between describing the contents of a book and

making actual performance claims for adherence to the author's theories is crossed. When the latter is the case, action should be taken as with false and misleading representations for any other product.

Let us consider several specific problems of obesity quackery. The greatest misrepresentation for obesity victims centers about the problem of specific diet composition, particularly the relative proportions of protein, fat and carbohydrate. Quack promoters lure the obese with various schemes which promise that an individual can lose 20, 40, 80 or more pounds without harsh or strenuous dieting, without starving himself, without giving up the food he loves to eat or without going on a diet at all. Naturally such schemes are appealing to the obese because the greater percentage of obese persons are in that condition because they cannot or will not restrict their diet.

In the past year, the Grapefruit diet sold in pamphlet form for up to \$3.00 throughout the United States and Canada has been much in vogue. Advertising claims that one can lose 10 pounds in 10 days while continuing to eat forbidden foods. The grapefruit supposedly acts as a catalyst which burns up the excess fat. However, this diet is merely another link in the long chain of low carbohydrate diets which included, among others, the Drinking Man's Diet, Airline Pilots Diet, Diplomats Diet, and the Air Force Diet. In these high protein, high fat, low carbohydrate diets the individual is encouraged to eat whatever he chooses so long as he observes the food classifications. The high fat intake allows a quantity of fried foods, something completely forbidden in traditional low calorie diets.

One of the real problems in this area is that these diets may in fact produce a prompt body weight loss. Continued adherence to such a diet could without medical supervision, be nutritionally inadequate and a potential hazard to one's health.

Dr. Frank Tullis, Professor of Medicine at the University of Tennessee, in a report on obesity, pointed out with reference to this type of diet, where the caloric balance is kept constant the change in body weight results from the effect of dietary nutrients on water balance. Several investigators have demonstrated that, at a given caloric level, body weight loss is greatest when most calories are derived from fat, next greatest when derived from protein, and least greatest when derived predominantly from carbohydrates. The critical factor, Dr. Tullis believes, is the effect of dietary carbohydrates on sodium balance and this in turn on water balance. As carbohydrate is decreased in the diet, urinary excretion of both sodium and water is dramatically increased and thus body weight is dramatically decreased. Thus the weight loss shown on the scales is not due to fat loss. It is well known that water loss is of a temporary nature and is quickly replaced as soon as the diet regimen is changed.

In March, 1969, the National Better Business Bureau published a Media Bulletin "Grapefruit Diet—Fact or Fancy" to advise advertising media and consumers as to the nature of this offering. As a result, many media refused to run the advertising. Unfortunately, some media did and still do run it.

The provision of guidelines to media relating to the acceptability of advertising is one of the major functions of the Better Business Bureaus. We have been performing this role in the area of obesity quackery over half a century.

In 1929, the National Better Business Bureau first spoke on obesity in a Bulletin directed to the various media. It provided basic information on the treatment of obesity so that those persons whose responsibility it was to determine the acceptability of advertising could better evaluate the claims made for products offered to cure obesity.

That discussion of reducing remedies surprisingly is still applicable today.

In 1949, the National Better Business Bureau included in its reference work *Do's and Don'ts in Advertising Copy* a seven-page section on the advertising of weight-reducing remedies. Many of the products discussed therein are still being sold today.

Since 1956, we have issued 57 Media Bulletins plus numerous press releases and articles, delivered speeches, participated in radio and television panel shows in an effort to educate the public as to the nature of specific products or general categories of products in the area of obesity quackery. In addition, local Better Business Bureaus throughout the country have not only further disseminated materials produced by us but have originated their own campaigns as well. But apparently all of this has not been sufficient. New versions of old products or diets continuously appear. Approximately seventy percent of our time in the Health and Safety Division is devoted to weight-reducing items. All of our efforts are not even stemming the tide.

In August 1957, the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations held hearings and subsequently submitted a report entitled "False and Misleading Advertising" (Weight Reducing Remedies) which dealt with the extent and effectiveness of enforcement actions by federal agencies in this field. At these hearings, Miss Maye Russ, then Director of NBBB's Food, Drug, and Cosmetic Division, suggested: Greater use be made of criminal prosecution by the Department of Justice against the promoters who repeatedly use fraudulent mail order advertising to exploit the public. We believe that vigorous criminal prosecutions might have deterrent effect which routine postal fraud orders do not have on such offenders.

Since most of these products are sold by mail order the Post Office is the agency most involved in prosecution. Miss Russ pointed out the delay which occurs even in those cases disposed of by a Postal fraud order, between the initiation of investigation and the issuance of a final order.

Today, 13 years later, I must reiterate Miss Russ' remarks, for the problems in this area have in no way diminished. To illustrate the type of situation to which Miss Russ and I are referring, let me recount for you in outline form the history of the "magic" diet pill for just the past five years. This does not include all of the diet pills which appeared on the market in these years—just the more notorious.

#### MYCONOL

Advertising first came to our attention—December 1964, NBBB referred to Post Office—February 1964, NBBB issued a Bulletin—September 1964, Post Office filed Complaint—February 1965, Fraud Order issued—March 1966, Time elapsed: 15 months.

Myron Wisotsky, the principal involved, was found guilty of mail fraud in September 1967, fined \$1,000, and three years probation. It was estimated Mr. Wisotsky took in \$300,000 on sale of these tablets.

#### PLACIDON (IDENTICAL TO MYCONOL)

First came to our attention—June 1965, Referred to Post Office—June 1965, NBBB issued Bulletin—September 1965, Post Office filed Complaint—June 1966, Affidavit of Discontinuance signed—August 1966, Time elapsed: 14 months.

#### AMA-TOL

First came to our attention—March 1967, referred to Post Office—April 1967, NBBB Bulletin issued—May 1967, Post Office complaint filed—July 1967, fraud order issued—November 1968, Time elapsed: 20 months.

#### DALIDEX

First came to our attention—March 1968, referred to Post Office—April 1968, Post Of-

rice complaint filed—May 1968, NBBB Bulletin issued—July 1968, fraud order issued—April 1969, Time elapsed: 13 months.

## BEL-DOXIN

First came to our attention—June 1969, referred to Post Office—June 1969, Post Office complaint filed—January 1970 (Opened Post Office Box in California while decision was pending), fraud order against California box—June 1970, fraud order against Peck Slip Station box—August 1970, Time elapsed: 14 months.

## WONDEREX

First came to our attention—December 1969, referred to Post Office—December 1969, Compromise agreement signed—August 1970, Time elapsed: nine months.

## ANAPAX

First came to our attention—June 1970, referred to Post Office—June 1970. To date complaint has not been filed.

With the exception of Myconol (Placidon), which was merely a vitamin pill, these products are basically some form methylcellulose which is said to engender a feeling of satiety by producing bulk in the intestine. Since the sensation of hunger originates in the stomach, they could not possibly be effective for this purpose. This fact has been stated by the Food and Drug Administration and reiterated in each of the Post Office cases.

One cannot help but be disturbed by the similarity of advertising for each of these products. The Hearing Examiner in the Ama-Tol case noted: "The advertising literature used in Myconol is so strikingly like that used by Ama-Tol that it could scarcely be attributed to coincidence. He did not, however, choose to pursue the matter further.

A reasonable conclusion to be drawn from this review is that Better Business Bureau efforts and Postal Fraud Orders have been ineffective in eliminating diet quackery. It remains a highly profitable enterprise with little, if any, risk to the entrepreneur.

Nonetheless, the Council of Better Business Bureaus will continue its campaign to educate the public in the hope that they will not be ensnared by wistful promises of the fad diets. Likewise, we will continue to serve media in providing guidelines for the evaluation of such advertising. At the same time, we look for assistance from the federal regulatory agencies in vigilant prosecution of the perpetrators of fraudulent schemes and to the copy acceptance departments of the various media for discretion and awareness of their responsibility to their readers.

## INTERNATIONAL COLLEGE OF APPLIED NUTRITION,

August 27, 1970.

HON. LESTER L. WOLFF,  
Member of Congress,  
Washington, D.C.

DEAR SIR: Your concern with the problems of fad diets, food myths, and diet pill abuse is to be commended and applauded. You are looking into problems of great national interest that have been the objective of the International College of Applied Nutrition and its members for over 30 years.

The International College of Applied Nutrition is dedicated to scientific advances derived from all endeavours toward nutrition and health of Homosapiens. You ask us for specific suggestions as to what government might do to solve these problems. Elaboration of our suggestions is not possible in this brief report. But we could give you the following concrete recommendations as to what government could do.

1. Government could encourage and promote free expression of ideas without special interest restrictions placed by government departments. Scientific achievement has not always come from established conventional institutionalized thinking. It is possible that some ideas expressed in the so-called "fad-

diets and food myths" may have merit. By permitting these ideas to be expressed freely and examined by scientific standards without harassment, their values may be proved or disproved.

2. Government could promote and encourage the exchange of ideas between agronomists, conservationists, nutritionists, animal husbandry and bio-chemical fields to hold scientific meetings amongst the profession as it pertains to these problems. The medical and dental professions need to be exposed to the scientific achievements of these disciplines as they are related to the problems of this hearing.

3. Government could allot financial support to organizations compiling information (in a computerized fashion), making available to the public all the varied information regarding total nutrition; from the soil to food and how it affects persons who eat it.

It is our understanding that the present policy of related governmental agencies concerned with control over use of drugs, food stuffs, pesticides, etc., is that an item must be proven harmful in order to restrict its use. We propose a better approach: Prove it SAFE for human use BEFORE allowing its mass production. Had this policy been in force when the members of ICAN endorsed it 20-odd years ago, DDT would not now be adding to the pollution problem.

4. The area of greatest abuse is one of ignorance and arrogance on the part of professional, academic and political people. Preconceived ideas and rigid stereo-typed thinking must be discouraged and one must consider that all factors are not known as yet. As an example, it took many years of research before a specific chemical was isolated as the cause of scurvy. We must encourage an open mind that perhaps there are unknown as well as the many known food factors removed by food processing, sterilization, and preservatives. Forced feeding by chemicals of crops and animals may, and probably does, affect human nutrition. Governmental agencies could help this situation by encouraging research into ALL fields of degenerative diseases. The use of natural foods and whole foods in this research would yield more specific scientific information. To repeat: some so called "food myths" might have merit, such as those advocated by vegetarians, health food "nuts", and those using whole foods as produced by nature without the pollution and manipulation of human beings. We must all recognize that there are plenty of "drug myths" being promoted.

5. Government could encourage the research, development, and use of naturally grown edible non-poisonous substances in the treatment and prevention of disease and the maintenance of health. Too much money has been directed to cure of specific disease entities such as heart disease, transplants, and cancer. Encouragement needs to come from the government to PREVENT these diseases. "It does little good to close the barn door after the horse is loose." Prevention is a much more difficult problem than treatment. Too little attention has been directed toward the effect of nutrition and the type of diets proven helpful to human pathological conditions. When a heart is so damaged as to need a transplant, it is questionable if a new healthy heart could survive on a similar dietary routine that damaged the original one.

6. Diet pills are used in the United States as a substitute for adequate complete nutrition. Because diets are loaded and accentuated with refined low-bulk, high caloric concentrated substances people overeat in nature's attempt to obtain adequate nutritional elements, both known and unknown. These include minerals (electrolites), vitamins, amino acids, balanced fats which yield essential fatty acids, unrefined carbohydrates, and various unknown substances found in whole complete foods. The physician is using

diet pills to decrease the patient's appetite assuming that the only thing that creates overweight is overeating. Thus they starve the patient, some even to death. The true picture is an entirely different story. Body weight, as shown in comprehensive studies by the late Dr. Michael Walsh, is influenced more by quality of food intake than quantity, as well as the individual's physical capacity to utilize the nutrients.

7. The government could encourage by grants and financial support nutritional and ecological studies beginning in grammar school and extending through college. An interesting and effective method of quickly spreading nutritional education amongst our important younger generation would be to promote our program of the Nutrition Science Fair. It could be a contest nationwide, at various school levels. Feeding animals proves value to the youngsters quickly. These tests graphically illustrate the good and bad results of wholesome versus refined, so-called "enriched" foods. ICAN's experiments on this line in Southern California made a dramatic impression on all who witnessed them. In conjunction with this approach, mental intelligence levels are greatly increased in direct proportion to adequate nutrition.

8. Government encouragement and financial support to low-profit-margin food industries such as date and fruit producers, dairy products, etc., would help them finance advertising and promotion of natural, wholesome food products. Unfortunately the profit ratio on good foods is so much less than on factory produced refined foods. Therefore advertising and promotion of inadequate foods is more successful than complete foods. Commercial interests create "food myths" concerning these inadequate foods, and unfortunately influence a great number of people. This increases greatly our medical and dental expense for the sick. How much better it would be to PREVENT illness rather than to pay expenses for chronically sick patients forever.

Depletion allowances could be given to farmers to allow proper remineralization of soil, thereby providing more nutritious products. This is far more important to the health of the nation than depletion allowances to oil producers for the sake of cheap gasoline.

Your committee and hearings can go on public record as recommending educational promotion and freedom of scientific expression as a solution to fad diets, food myths and diet pill abuse.

Thank you for offering our group an opportunity to express our opinions. We wholeheartedly wish you success, and shall gladly cooperate in working with you to alleviate these problems. There follows a postscript containing a brief summary explaining the International College of Applied Nutrition and its objectives.

Special Committee for the International College of Applied Nutrition:

ROBERT ELLIOT, MD,  
HAROLD STONE, DDS,  
EDWIN ARTHUR, BEChE,  
MRS. HAROLD STONE,  
Executive Secretary.

HUNTER COLLEGE OF THE CITY UNIVERSITY OF NEW YORK,

New York, N.Y., September 3, 1970.

To Lester L. Wolff, Member of Congress.  
From Rose Miranda, Ed. D., Chairman, Home Economics Department.

Fad diets have been with man since biblical times. These fad diets are usually based on unproven hypotheses and expertly glossed over facts that promise magical and quick solutions to dietary problems. If one fails, another is selected for trial depending on its level of popular appeal. Fad diets emphasize one particular food or group of foods and disregard dietary adequacy as reflected in the Recommended Dietary Allowances. Fad

diets impose a threat to the health and well being of the user, who often practices self diagnosis and self prescription, and too, an additional economic burden.

Currently the greatest area of abuse is concentrated around therapeutic food diets for the obese, cardiatics, arthritic, cancer victims and "health food buffs". The public chooses to spend unestimated millions for special "health foods", preparatory equipment and drugs while seeking the answers to their dietary problems. People prefer to discount scientific and professional dietary advice in lieu of quack promises that prey on their fears and vanity.

What can be done to correct this fad diet abuse? First the extent of the problem must be determined. How much and in what ways is money spent to support food and health fads? Then steps must be taken to expose and denounce this commercialized nutritional quackery.

Educators, food scientists, law enforcement agencies, and members of the public health team must develop an intimate interdisciplinary approach to reach and teach nutrition and health information to the public at the grass roots level. Thus the principle of reinforcement education could be applied on a continuing basis for people of all ages. Succinct but relevant information programs could be jointly prepared and presented at timely intervals via radio and television, as well as in newspapers, magazines and commercial leaflets.

It would be imperative, too, that more stringent control of "instant nutritionists" and their misleading information be exercised. Perhaps, there could be established some impartial review boards at national, state and local levels, mandated to control and denounce loudly misleading advertising and public statements.

Representatives of professional organizations, local law agencies and the food industry could be invited to set up store-front food and health information centers to provide personal and/or telephone service on a paid or volunteer basis.

It might be advisable to establish a list of those professionals willing to serve as consultants of speakers. This list could be filed in a centralized local health agency and made available to community groups seeking information. In this way, nutrition education programs could be initiated as needs arose.

Finally, since authorities agree that a diet of various common foods will provide all the nutrients essential to good health, specialty shops could be restrained from using the title "health food stores" and publicizing "health foods" per se.

There appear to be no recent statistics of the sum spent annually in support of nutritional quackery. It is obvious, however, from the plethora of popular diet publications and exotic fad foods available that misinformation concerning nutrition and health flourishes. Food faddists who provide support for the proliferation of nutritional quackery by pursuing bizarre diets may well be undermining their own health and the well being of their families.

#### UNIT PRICING PROTECTS CONSUMERS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. RYAN. Mr. Speaker, in the face of persistently rising food costs and deceptive packaging techniques, one of the most useful and frequently discussed aids to the consumer is unit pricing, a

practice which tells the shopper how much an item costs per ounce, pound, or gallon. This practice enables customers to know for sure whether larger sizes are really less expensive than smaller ones and to realize the added expense incurred when the price of a commodity remains the same, although the container has become smaller.

Unfortunately, unit pricing is not the norm. More often than not, customers are either deceived or forced to resign themselves to the impossibility of determining just where shopping is least expensive.

To remedy this situation and to enable customers to know the true cost of the product they buy, I have introduced H.R. 19126, which amends the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit prices of packaged commodities.

A recent article by Seth S. King which appeared in the July 27, 1970, edition of the New York Times describes the Benner Tea Co.'s institution of unit pricing in its supermarkets in Burlington, Iowa. Mr. King noted:

Though housewives seem to like the system, some retailers argue that it is costly and would eventually increase food prices. This is one of the arguments used by the New York State Food Merchants, which has obtained a court injunction that is blocking a New York City regulation requiring unit pricing.

In rebuttal to this added cost argument, Mr. King noted the comments of Benner executives:

Benner executives think the cost argument is ridiculous. They say that with the aid of a computer, which the chain leases anyway, they were able to figure the unit price for each of about 6,000 items, print small shelf labels for each item and pay for the labor of posting each label for a total cost to the chain of \$12,700.

I commend Seth King's article to my colleagues as a good explanation of the problem which my bill resolves, and as persuasive support for passage of unit pricing legislation.

The article follows:

#### UNIT PRICING TEST: BUYERS APPRECIATE CHANCE TO CUT FOOD COSTS

(By Seth S. King)

BURLINGTON, Iowa, July 26.—"You know, I found out some of the canned goods really are different in price, when you see the price broken down this way," said Mrs. Robert Hale. "I'd always bought Armour's Golden canned hams, for example. But then I saw the unit price and now I've switched to Dubuque, because I know they're cheaper."

"I've also found some of the larger sizes really aren't cheaper and I could do better buying two of the smaller ones," she went on. "I couldn't say that I've cut my food costs much that way, but even if it's only a little, I appreciate the chance these days."

Mrs. Hale, wife of the general manager of the J. I. Case Company (farm implements), was discussing unit pricing, currently the most talked about aid to the food consumer. Unit pricing tells the shopper how much an item costs per ounce or pound or gallon or yard.

#### TYPICAL REACTION

Talks with Burlington housewives who shop at the Benner Tea Company's two supermarkets in this old Mississippi River town indicate that Mrs. Hale's reaction is typical.

After six weeks of shopping with unit pricing, the housewives are still not sure about how much money they've saved, but they feel much better about what they've spent.

Other chains, under mounting pressure from consumer interests, have been experimenting with unit pricing to learn how much it costs and whether there is a real demand for it. But Benner, with 21 stores in Iowa, Illinois and Missouri, is believed to be the first chain to establish it on a permanent basis.

Though housewives seem to like the system, some retailers argue that it is costly and would eventually increase food prices. This is one of the arguments used by the New York State Food Merchants, which has obtained a court injunction that is blocking a New York City regulation requiring unit pricing.

Benner, however, says the costs are small. The chain also reports an increase in business, but a smaller increase than it had expected.

Housewives have always bought meat and fresh fruits and vegetables by the pound or ounce, and those prices are usually stamped on those items now. What Benner has done is extend this to every other item in the store.

Now, on the edge of the shelf beneath each item, there is a small tag showing its total price and the price per unit of measure.

With no more than a quick glance, a housewife can tell whether she can save a few cents by buying a bigger jar of peanut butter, whose per pound cost may be 40 cents compared with 44 cents per pound for a smaller jar.

Or she can tell, perhaps to her surprise, that a smaller jar of applesauce costs 20 cents a pound, compared with a larger jar at 21 cents. Or that two packages of paper towels, which appear to be the same size and which sell for the same total price, are actually different. The unit price of one is 3 cents a square yard, the other 4 cents. The first has 165 square feet in its roll, the second only 125.

Or she learns that the extra giant 10 pounds 11 ounce box of Tide she had been proudly lugging home costs 26 cents a pound, exactly the same as the 5 pound 3 ounce box beside it.

#### THEY DO THE FIGURING

"I noticed the ads about unit pricing, but at first I didn't pay too much attention," said Mrs. Josephine Fageol, wife of a lathe operator at J. I. Case. "But I've got five children and I have to count every penny."

"I suddenly realized," she said, "that by looking a little closer at those tags, I was sure of what I was buying. When I think of it, it was kind of frightening to go into a store and try to figure out which to buy. Now they do the figuring for me."

In talking with 12 other shoppers in the two Benner stores here, it was clear that interest in, or even knowledge about, the unit pricing plan was directly proportionate to how many people a customer had to feed.

Mrs. Judy Peterson, a bride of 10 months, said she paid little attention to it, and just came in "to buy what I have to buy quick."

Mrs. Hale, however, who feeds about seven people a day, counting grandchildren, said:

"I began to find out there was a big difference in some prices. For instance, I didn't realize I'd been paying more per ounce for a canned ham that I usually buy. Now I bring my daughters-in-law in here when they are visiting, and they have great fun checking out the prices. They're surprised, too, on a lot of items."

Mrs. Norman Johns, a frail woman trying to push a jammed grocery cart while four of her six children clung to parts of it, said she was particularly pleased with unit pricing. Her husband, an Air Force armorer, had just been sent to Vietnam and for the first

time in several years she did not have the advantage of shopping in an Air Force commissary.

"I'm not very good at figuring," she said. "So this helps me a lot. Like I'm thinking to change soap powders now. It might save a little, and that's really good for me now."

In embracing unit pricing, the Benner chain, headed by Charles C. Fitzmorris Jr., a former New York and Chicago advertising man, had one eye on aiding the price-conscious housewife and the other on a chance for more profit through the publicity that unit pricing might generate.

"The Government is already beginning to push it," said Philip Neally, executive vice president in charge of sales. "So we figured, let's be first and get the advantage of doing something the housewives might like."

Benner executives think the cost argument is ridiculous. They say that with the aid of a computer, which the chain leases anyway, they were able to figure the unit price for each of about 6,000 items, print small shelf labels for each item and pay for the labor of posting each label for a total cost to the chain of \$12,700.

The company, which sets the prices for all the corporate stores in its chain, makes about 200 price changes a week. These can also be posted through the computer, the company says, for about \$5 per store per week.

Mr. Neally said the company was a little disappointed that total sales in the last six weeks had increased only 4 per cent; the executive had been expecting a 10 per cent jump.

"But we show a 10 per cent increase in the number of customers going through our checkout counters," he said. "A good portion of that increase is probably just the curious, but we may keep a few of them."

#### TRU-PRICING

Mr. Neally said the company had no thought of passing on to its customers what he considered the modest cost of unit pricing, which Benner calls "tru-pricing."

"In the past we've spent as much as \$30,000 just advertising a free dish offer," he said. "On tru-pricing we're in first, and that's enough of a promotional advantage for us to pay for ourselves."

Aside from its effect on buying, unit pricing is already having some effects on merchandising, Mr. Neally said. He explained:

"For the first time more housewives are noticing the odd sizes of some packages and bottles. As prices have gone up, a lot of food companies have been reducing the size of their containers, just a mite, and keeping the same price.

"Now housewives are asking our managers questions, like why something comes in a 13.3-ounce jar instead of a pint. I'd expect that this is going to force companies to go back to more recognizable packages, like a full pound or a full quart."

Mr. Neally said the Benner retailers also believed that some of the largest of the economy packages, like Tide's biggest, would be discontinued after housewives found they really weren't saving anything by carrying out that much weight.

The Benner Company's competitors at the Eagles and Hi-V chain stores in Burlington concede that there was some talk about unit pricing among their customers at first.

"But we've shown no drop in trade because of it," said Marlon Stewart, manager of one Hi-V store. "Yes, the chain members have discussed the possibility of unit pricing. And the chain has use of a computer. But we don't think it's that important yet."

Mrs. Bill Carder, a mother of four, who said she had been shopping at one of the Benner stores for over three years, did not agree.

"I wouldn't say I'd change my buying patterns because of this thing," she said.

"But I sure feel better now because I go out of here thinking I've done the cheapest shopping I possibly could."

### THE PRESIDENT'S SPEECH AT KANSAS STATE UNIVERSITY

#### HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, the President of the United States spoke this afternoon to a university audience at Kansas State University. When he finished, his audience of 13,000 students, faculty, and friends of the university rose to give him a 10-minute standing ovation. Their response was eloquent testimony to the fact that Richard Nixon met the need of the hour for firmness and commonsense within a framework of respect for the law—that which Abraham Lincoln called "the religion of liberty."

It is worth noting, Mr. Speaker, that the violence which the President condemned is not limited by any means to streets and now in our skies. I say this not in alarm—because alarmism has never solved the most difficult problems we have faced—but in quiet conviction that decent Americans of every political persuasion must put their foot down on the question of violence at precisely the line that the President has drawn this afternoon. The genius of the Kansas speech is that it focuses unequivocally on this one issue: are we going to solve these problems by give and take, by due process, by the rule of law—or are we going to surrender to threat and counter-threat, to calculated acts of terrorism, and to the rule of violence which abhors the religion of liberty. Any American has the right to disagree with the President about how to solve the problems that face us—and the vitality of our political system over the years is based on the fact that our citizens have not hesitated to exercise that right. But we all have an obligation, if we are truly concerned about the future of this country, to respect "those decencies, those self-restraints, those patterns of mutual respect for the rights and feelings of one another" that must be preserved if freedom itself is to be preserved.

Mr. Speaker, I commend the President's speech to any of my colleagues who may not have read it, and at this point I insert it in the RECORD in its entirety:

#### TEXT OF AN ADDRESS BY THE PRESIDENT

At this great university, in this distinguished company, I cannot help thinking about the twists of fate—and of how we learn from them.

I think of the fans of Wildcat football here today who have known what it is to lose—and then who have known what it is to win.

I think back to 1936, when Governor Landon—who already knew what it was to win—learned what it was like to lose.

And I think too of some of the moments in my own career: as a football player who spent most of his time on the bench; as a candidate who knew the thrill, the great satisfaction, of winning—and then as a can-

didate who learned what it meant to lose.

Having won some and lost some, I know—as you know—that winning is a lot more fun.

But I also know that defeat or adversity can react on a person in different ways.

He can give up; he can complain about "a world he never made;" or he can search the lessons of defeat and find the inspiration for another try, or a new career, or a richer understanding of the world and of life itself.

When Alf Landon lost his race to Franklin Roosevelt, he was not a man to waste his life in brooding over might-have-beens. In the 34 years since then, the world has been transformed. Enriched by his experience, Alf Landon has continued to grow with it—until now he is one of the great elder statesmen of America, a man whose wisdom and common sense, and whose outspoken concern for the welfare of this nation, have inspired and aided generations that have come after.

Or take Kansas State and its football team.

Just three years ago the Wildcats had a dismal seven-year record of eight wins and sixty losses. But there was a dogged spirit here, a determination, a readiness to learn new ways—and when Vince Gibson came to the campus it was that spirit, that determination, that "Purple Pride" that he helped translate into the Purple Power of today.

As for myself, I doubt that I would be President today if I had not learned from the lessons of defeat in 1960 and 1962—and I hope that I can be a better President because of those lessons.

I cite these not only to suggest that we here today have something in common—but also because this pattern of playing by the rules, of losing some and winning some, of accepting the verdict and having another chance, is fundamental to the whole structure on which our liberty rests.

There are those who protest that if the verdict of democracy goes against them democracy itself is at fault—who say that if they don't get their own way, the answer is to burn a bus or bomb a building.

Yet we can maintain a free society only if we recognize that in a free society no one can win all the time; no one can have his own way all the time; and no one is right all the time. Whether in a campaign or a football game, or in debate on the great issues of the day, the answer to "losing one" is not a rush to the barricades but a study of why, and then a careful rebuilding—or perhaps a careful re-examination of whether the other fellow may have been right after all.

When Palestinian guerrillas hijacked four airliners in flight, they brought to 250 the number of aircraft seized since the skyjacking era began in 1961. And as they held their hundreds of passengers hostage under threat of murder, they sent shock-waves of alarm around the world at the spreading disease of violence and terror and its use as a political tactic.

That same cancerous disease has been spreading here in the United States.

We saw it three weeks ago in the vicious bombing at the University of Wisconsin, in which one man lost his life, four were injured and years of painstaking research by a score of others destroyed.

We have seen it in other bombings and burnings on our campuses, and in our cities; in the wanton shootings of policemen; in the attacks on school buses; in the destruction of offices, the seizure and harassment of college officials, the use of force and coercion to bar students and teachers from classrooms and even to close down whole campuses.

Consider just a few items in the news:

A courtroom spectator pulls out a gun, halts the trial, gives arms to the defendants, takes the judge and four other hostages, moves to a waiting getaway van—and in the gunfight that follows four die, including the judge.

A man walks into the guardhouse of a city park and pumps five bullets into a police sergeant sitting quietly at his desk.

A Nobel Prize winner working on a cancer cure returns to the cages of his experimental rats and mice to find them vandalized, with some of the animals running loose, some thrown out of the window into the sea, and hundreds missing.

A police patrolman responds to an anonymous emergency call that reported a woman screaming, arrives at the address, finds the house deserted but a suitcase left behind; as he bends over to examine the suitcase it explodes, blowing off his head and wounding seven others.

These acts of viciousness all took place in the United States—and all within the past five weeks.

America at its best has stood steadfastly for the rule of law among nations. But we cannot stand successfully for the rule of law abroad unless we respect the rule of law at home. A nation that condones blackmail and terror at home can hardly stand as the example in putting an end to international practices or tensions that could explode into war.

The time has come for us to recognize that violence and terror have no place in a free society, whoever the perpetrators and whatever their purported cause. In a system that provides the means for peaceful change, no cause justifies violence in the name of change.

Those who bomb universities, who ambush policemen, who hijack airplanes and hold their passengers hostage, all share in common not only a contempt for human life but also a contempt for those elemental decencies on which a free society rests—and they deserve the contempt of every American who values those decencies.

Those decencies, those self-restraints, those patterns of mutual respect for the rights and the feelings of one another, are what we must preserve if freedom itself is to be preserved.

There always have been those among us who chose violence or intimidation to get what they wanted. Their existence is not new. What is new is their numbers, and the extent of the passive acquiescence, or even fawning approval, that in some fashionable circles has become the mark of being "with it."

Commenting on the bombing three weeks ago at the University of Wisconsin, the Wisconsin State Journal recently said:

"... It isn't just the radicals who set the bomb in a lighted, occupied building who are guilty. The blood is on the hands of anyone who has encouraged them, anyone who has talked recklessly of 'revolution,' anyone who has chided with mild disparagement the violence of extremists while hinting that the cause is right all the same."

And I would add that what corrodes a society even more deeply than violence itself is the acceptance of violence, the condoning of terror, the excusing of inhuman acts in a misguided effort to accommodate the community's standards to those of the violent few.

For when this happens, the community sacrifices more than its calm, and more even than its safety. It loses its integrity and corrupts its soul.

Nowhere should the rule of reason be more respected, or more jealously guarded, than in the halls of our great universities.

Yet, as we know, at some of our great universities small bands of destructionists have been allowed to impose their own rule of arbitrary force.

Because of this, we face the greatest crisis in the history of American education today.

In times past we have faced shortages of classrooms, shortages of teachers, shortages that could always be made up by appropriations of money.

These material shortages are nothing com-

pared to the crisis of the spirit which rocks hundreds of campuses across the country today. And because of this, to put it bluntly, today higher education in America risks losing that essential support it has had since the beginning of this country—the support of the American people.

America has been rightly proud in the past of its enormous strides in higher education. The number of students in college today has doubled in the past decade. But at a time when the quantity of education is going dramatically up its quality is massively threatened by assaults which terrorize faculty, students and university and college administrators alike.

It is time for responsible university and college administrators, faculty and student leaders to stand up and be counted. Only they can save higher education in America. It cannot be saved by government. To attempt to blame government for all the woes of the universities is to seek an excuse, not a reason, for their troubles. If the war were ended today, if the environment were cleaned up tomorrow morning and all the other problems for which government has the responsibility were solved tomorrow afternoon—the moral and spiritual crisis in the universities would still exist.

The destructive activists at our colleges and universities are a small minority. But their voices have been allowed to drown out the responsible majority. As a result, there is a growing, dangerous attitude among millions of people that all youth are like those few who appear night after night on the television screen shouting obscenities, making threats or engaging in destructive and illegal acts.

One of the greatest disservices the disrupters have done, in fact, is precisely this: to reflect unfairly on those millions of students who do go to college for an education, who do study, who do respect the rules and who go on to make constructive contributions to peaceful change and progress in this country.

I would not for one moment call for a dull, passive conformity on the part of our university and college students, or for an acceptance of the world as it is. The great strength of this nation is that our young people, in generation after generation, give the nation new ideas, new directions, new energy. I do not call for a conformity in which the young simply ape the old or in which we freeze the faults that we have. We must be honest enough to find what is right and to change what is wrong. But at the same time we must take an uncompromising stand against those who reject the rules of civilized conduct and of respect for others—those who would destroy what is right in our society and whose actions would do nothing to right what is wrong.

Automatic conformity with the older generation is wrong. At the same time, it is just as wrong to fall into a slavish conformity with those who falsely claim to be the leaders of the new generation, out of fear that it would be unpopular—or considered square—not to follow their lead. It would be a tragedy for our young generation simply to parrot the policies of the past. It would be just as great a tragedy for the new generation to become simply parrots for the slogans of protest, uniformly chanting the same phrases—often with the same four-letter words.

Let us take one example that deeply troubles many of our young people today: the war in Vietnam.

Many of the slogans simply say we should end the war.

We are ending the war. The great question is how we end it, and what kind of peace we achieve.

A "peace now" that led only to a bigger and more terrible war later would be peace at too great a price.

As we look back over the 20th Century, we see that not yet in this century has America been able to enjoy a full generation of peace.

The whole thrust, the whole purpose, of this Administration's foreign policy—whether in Vietnam or the Middle East, or in Europe, or in relations with the developing countries or the Communist powers—is to meet our responsibilities in such a way that at last we can have what we have not had in this century: a full generation of peace.

That is why, in Vietnam, we are carrying out a plan that will end the war, and that will do it in a way that contributes to a just and a lasting peace in Vietnam and in the world.

There are those who say that this is the worst of times to be alive.

But we in America have a great deal to be proud of—and a great deal to be hopeful about.

If we open our eyes, if we look at all that for the first time in the whole history of man is becoming possible here in America, what do we see?

We see a natural environment that has been damaged by the careless misuses of technology, true; but we also see that the same technology gives us the ability to clean up that environment and restore the clean water, the clean air, the open spaces, that are our rightful heritage.

We see a nation now rich enough so that everyone willing and able to work can earn a decent living, and so that we can care for those who are not able to do so.

We see a nation that now has the capacity to make enormous strides in these years just ahead in health care, in education, in the creative use of our increasing leisure time.

We see a nation poised to progress more in the next five years, in a material sense, than it did in fifty only a short time ago.

We see that because of our wealth, because of our freedom, because of our "system," we can go on to develop those great qualities of the spirit that only decades ago were still buried by the weight of drudgery—and that we can do this not just for an elite, not just for the few, but for the many.

The question is: How shall we use our great opportunity?

Shall we toss it away in mindless disruption and terror? Shall we let it wither away in despair? Or shall we so prepare ourselves, and so conduct ourselves, that this will be looked back upon as the beginning of the brightest chapter ever in the unfolding of the American dream?

Making its promise real requires an atmosphere of reason, of tolerance, of common courtesy—with that basic regard for the rights and feelings of others that is the mark of a civilized society.

It requires that the members of the academic community rise firmly in defense of the free pursuit of truth—that they defend it as zealously today against threats from within as they have at other times against threats from without.

It requires that the idealism of the young—and indeed, the idealism of all ages—be focused on what can be done within the framework of a free society, recognizing that its structure of rights and responsibilities is complex and fragile and as precious as freedom itself.

The true idealist pursues what his heart says is right in a way that his head says will work. But the final test of his idealism lies in the respect he shows for the rights of others.

Despite all the difficulties, all the divisions, all the troubles that we have had we can look to the future with pride and with confidence.

As I speak here today on the campus of this great university, I recall one of the great sons of Kansas, Dwight David Eisen-

power. And I recall the eloquent address he delivered in London's historic Guildhall in 1945, at a ceremony in his honor after he had led the allied forces to victory in Europe.

On that day, to the huge assemblage that had gathered in his honor, made up of the officialdom of all Britain, he said: "I come from the heart of America."

Now, 25 years later, as I speak in the heart of America, I can truly say to you here today that you are the heart of America—and the heart of America is strong. It is sound. It is good. It will give us—you will give us—the sound and responsible leadership that he great promise of America calls for—and in doing so you will give my generation what it most fervently hopes for: the knowledge that your generation will see that promise fulfilled.

#### FOREIGN IMPORTS AND THE FOREIGN TRADE BILL

### HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. COHELAN. Mr. Speaker, there is an increasing concern over the effect of foreign imports in the United States. The most tangible manifestation of this concern is the foreign trade bill that is before the House Ways and Means Committee.

I will not comment on this bill which is still before the committee but my preliminary information suggests that the quota system that it imposes seems to go far beyond what is necessary to protect a few U.S. industries.

I am, Mr. Speaker, by temperament and experience, an advocate of free trade. This latest trend toward protectionism, raises some historical parallels that are of increasing concern. Although I am not by any standard a historical determinist, I do feel that a return to the concept of "Fortress America" would adversely affect not only our foreign policy obligations but our economic position, as well as the economic well-being of nations that are our allies.

It is for these reasons that I am intrigued by the recent Christian Science Monitor article by Richard Strout. Mr. Strout points out that the Smoot-Hawley tariff was justified in terms of saving U.S. industry and contributed to the depression of the 1930's.

I am including this article for the readers of the RECORD:

#### STRANGE RESEMBLANCE

(By Richard L. Strout)

WASHINGTON.—It is eminent economist Milton Friedman who is pleading for free trade today; way back when I was young it was eminent economist Paul Douglas, later senator.

There is a business slump now, and men are out of work and politicians reach instinctively for tariffs to reduce foreign competition. Well, back in 1929, there was an economic crash and politicians looked to tariffs, too.

The president then was Herbert Hoover. He had taken the unfortunate step in his campaign of authorizing Leonine Senator Borah to announce that if he (Hoover) were elected he would call a special session to increase agricultural tariffs. Hoover did not need Borah's help; he was a shoo-in without it. But with that assurance Borah

became one of his most ardent and influential spokesmen.

In 1968, Richard Nixon promised that if elected he would help textiles. "I have always been strongly in favor of free trade," he said in Merchandising Week, Oct. 4. He added that he sympathized with "temporary measures to protect certain industries." But earlier in a telegram to the New York Times (Aug. 22, 1968) he specifically promised to give protection to the textile industry. In addition to cotton textiles, he said "I will promptly take steps necessary to extend the concept of international trade agreements to all other textile articles involving wool, man-made fibers, and blends."

Now the promissory note is coming due. There's a business slump and unions join management in the demand for protection from foreign competition. In 1928, Hoover left the key in the lock of Pandora's Box. He never wanted high tariffs, I believe. He wanted only to aid farmers. But the bill passed by the House proposed tariff increases on 75 farm products, and on 925 manufactured products! Led by Paul Douglas 1,000 economists urged Mr. Hoover to veto. But Senate Leader Jim Watson (R) of Indiana declared, "If this bill is passed this nation will be on the upgrade, financially, economically, and commercially within 30 days, and within a year from this date we shall have regained the peak of prosperity." Note the date—1929.

Mr. Hoover signed the Smoot-Hawley tariff with six gold pens, June 15, 1930.

It is curious that historian Arthur M. Schlesinger Jr., in his "Age of Roosevelt" does not mention Borah's mischievous part in launching the highest United States tariff of all time. (Borah, consistent in his inconsistency, voted against it.) I have just finished the lively "The Shattered Dream" by Gene Smith, another and sympathetic record of the Hoover catastrophe. He dismisses the Smoot-Hawley Tariff Act in eleven words. And yet it was this attack on international trade coming just as the world collapsed into depression that brought instant retaliatory acts, and did much to prevent global recovery. Few acts of economic folly equal it. The end result of it in Europe was Adolf Hitler.

In Newsweek (Aug. 17) Milton Friedman pays his respects to the tariff bill now taking form in the House Ways and Means Committee, controlled by Democrats. It started with textiles with the green light from Mr. Nixon. It was natural enough to add shoes. Then other products were added.

It is not a tariff, but a quota act. Under a tariff, taxes are imposed and the revenue comes to the government. Under a quota the government gets no revenue; prices are kept high by exclusion. Consumers pay the higher prices and the producer pockets them. At a time of inflation it is an inflationary measure.

It should be quickly said that some other nations have instituted quotas and other trade restrictions that undercut international understandings not to raise tariffs. It should be said, also, that the U.S. cannot be expected to be patient forever.

But there is a strange resemblance between 1930 and 1970—the initial campaign pledge, the business decline stimulating restrictionists' demands, the tendency for the process to snowball once started, and the warnings of prominent economists. The U.S. is peculiarly vulnerable today with so many dollars held abroad that it would be disastrous if all our creditors handed them in at once at the teller's window and demanded gold.

Maybe conservative Milton Friedman is overheated. But he says:

"We have heard much these past few years about using the government to protect the consumer. A far more urgent problem is to protect the consumer from the government.

"We are a great nation, the leader of the free world. Yet we squander our political

power to appease the textile industry in the Carolinas!"

#### AUTOMOTIVE AIR POLLUTION CONTROL

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. EILBERG. Mr. Speaker, I have today introduced a comprehensive package of automotive air pollution control legislation.

The automobile is still the single greatest nationwide air polluter today. Its internal combustion engine emits great quantities of carbon monoxide, a poison which even in relatively small concentrations can deprive the human body of vital oxygen supplies. While fresh air contains less than one-tenth of one part carbon monoxide for each million parts of air, the air in our large cities today contains 100 times that amount largely thanks to the automobile which emits more than 70 million tons of this pollutant annually.

Each year, motor vehicles also emit some 13 million tons of hydrocarbons, a pollutant which contributes to the photochemical process that produces smog; some 8 million tons of nitrogen oxides, another ingredient of smog, and about 200,000 tons of lead particulates as a result of the use of leaded gasolines.

We have tried to cope with this type of pollution for years. Patterned on automotive emission standards which have been in effect in California since the early 1960's the Federal Government promulgated national emission standards. But although they have gradually become more stringent these standards have never called for the replacement, by a different type of propulsion, of the internal combustion engine. Antipollution devices were installed on passenger cars and eventually become mandatory for new diesel trucks as well. But with 90 million autos and 15 million trucks and buses on the roads, these measures have proven inadequate and much too slow in producing improvements. A briefing paper prepared last summer for the President's science adviser, Dr. Lee DuBridge, states:

There is strong evidence that the use of Federal standards geared to controlling the internal combustion engine will not result in the drastic inroads on the problem needed to safeguard public health. At best, the effect of present Federal standards will be to postpone in time the upward growth of pollution levels rather than to reverse the trend . . . These controls are far less than adequate to cope with a problem already well out of hand . . . There is no guarantee that the degree of control that is possible with the internal combustion engine will be adequate . . . The problem is already beyond reasonable bounds.

In addition to establishing national emission standards, Federal legislation has provided for testing and inspection of prototype automobiles—but not yet for testing of assembly line vehicles. It has provided funds for research and development of alternate propulsion and fuels.

But much of that effort is predicated on the retention of the internal combustion engine, as have efforts by the automobile companies to develop prototypes of electric, steam, and gas turbine engines.

The new Federal emission standards for 1971 call for a reduction of carbon monoxide and hydrocarbons by about three quarters from the emissions of these two pollutants from pre-1968, or completely uncontrolled, automobiles. But nitrogen oxides are not due to be controlled to any extent until 1973, and the first reduction in emissions of particulates not until 1975. In the meantime, the number of autos on our highways are steadily increasing in direct proportion to the growing numbers of people reaching driver's age.

It is time to turn to alternate, cleaner propulsion systems. It is time to promulgate legislation which will set emission standards that are attuned to the present pollution levels, and are based on the performance of a possibly somewhat improved internal combustion engine.

The large horsepower engines marketed today may not be able to meet these stringent standards. They burn more fuel and thus create unreasonably high levels of pollution. Therefore, they should be phased out by 1975.

The existing Federal program in research, development, and demonstration of prototype alternate propulsion systems is largely limited to the Rankine steam engine.

Automakers have developed several electric, steam, and gas turbine prototype engines, and the Federal Government need not duplicate these efforts. However, it does need to provide data on mass production technology for such new engines, together with cost analysis. An expanded Federal research and development program should address itself to this need, and part of the Federal automobile excise tax earmarked for this purpose in order to provide the necessary additional funds for a guaranteed period of time.

I am convinced that air pollution from automobiles can be reduced at a much faster rate if the bills I am sponsoring are implemented. I believe that assembly line vehicles must be inspected to insure that control devices are in working order. Existing California emission standards should be adopted on a nationwide scale as an interim measure. Emission standards should be established for used cars by 1972 by which time stringent standards should also be in force for fleet-owned cars. Leaded gasoline should be banned, and the composition of fuels regulated—not merely registered.

Lastly, Federal standards for rubber and asbestos emissions should be established. These less well-known pollutants have been proven to be hazardous to health. Rubber emissions originate primarily in auto tires and asbestos pollution is generated in the automotive brake system. Both can be reduced.

Mr. Speaker, I urge all Members to examine this package of legislation carefully with a view toward eventual implementation. For your convenience, I am herewith including the texts of the bills:

A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Low-Emission Vehicle Procurement Act".*

#### DEFINITIONS

##### SEC. 2. For purposes of this Act—

(1) the term "Federal-aid highway system apportionment" means an apportionment for a fiscal year to a State under one of the five paragraphs of section 104 (b) of title 23, United States Code;

(2) the term "Governor" means the chief executive officer of a State;

(3) the term "State" means a State, the District of Columbia, or Puerto Rico.

#### GRANTS

SEC. 3. The Governor of a State may elect to use all or part of one or more of any Federal-aid highway system apportionment for such State for a fiscal year for the purpose of reimbursing such State and its political subdivisions for the additional cost to such State and its political subdivisions (determined under regulations of the Secretary of Transportation) of purchasing low-emission vehicles (meeting standards prescribed by the Secretary) for their own use. The election authorized herein shall be made in such manner as the Secretary of Transportation shall by regulation prescribe, within sixty days after the Secretary of Transportation certifies to the Governor, pursuant to title 23, United States Code, the sums apportioned to that State for a fiscal year.

#### AMENDMENT TO TITLE 23, UNITED STATES CODE

SEC. 4. (a) Section 104 (e) of title 23, United States Code, is amended by inserting after "State highway department" the following: "and the Governor or chief executive officer of each State".

(b) Section 104(b)(5) of such title is amended by adding at the end thereof the following: "Rules, regulations, and standards adopted by the Secretary for estimating the cost of completion of the Interstate System and taking into account all previous apportionments shall prescribe a consistent and equitable procedure for taking into account amounts of apportionments which the Governor of a State has elected to use to carry out section 3 of the State Low-Emission Vehicle Procurement Act."

(c) Section 104 of such title is amended by adding at the end thereof the following new subsection:

"(f) No amount which the Governor has elected to use to carry out section 3 of the State Low-Emission Vehicle Procurement Act in a fiscal year shall be available for expenditure for Federal-aid highways under this title."

(d) Section 118(a) of such title is amended by striking out "On and after" and inserting in lieu thereof "Sixty days after".

#### EFFECTIVE DATE

SEC. 5. This Act shall take effect upon the first certification of Federal-aid highway system apportionments under section 104(e) of title 23, United States Code, following the date of enactment of this Act.

A bill to impose an excise tax on automobiles based on their horsepower and emission of pollutants, for the purpose of financing programs for research in, and Federal procurement of, low-emission vehicles

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 4061(a) of the Internal Revenue*

Code of 1954 (relating to motor vehicle excise tax) is amended—

(1) by striking out "the specified percent of the price for which so sold" in the matter preceding paragraph (1) and inserting in lieu thereof the following: "a percent of the price for which so sold equal to the specified percent determined under paragraph (1) or (2), plus (in the case of an article taxable under paragraph (2)) the percent determined under paragraph (3)", and

(2) by adding at the end thereof the following new paragraph:

"(3) (A) (1) An article taxable under paragraph (2) which when sold is a motor vehicle is taxable under this paragraph at a percent determined by adding the percent determined under subparagraph (B) to the percent determined under subparagraph (C).

"(ii) An article taxable under paragraph (2) which when sold is not a motor vehicle is taxable under this paragraph at 4.5 percent.

"(B) Each motor vehicle referred to in subparagraph (A) (1) is taxable at a percent, based on the brake horsepower of the engine of such vehicle, determined under the following table:

"If the brake horsepower is—	Then the percent is—
Not over 175.....	0
Over 175, but not over 275.....	0.5
Over 275, but not over 375.....	1
Over 375.....	1.5

"(C) Each motor vehicle referred to in subparagraph (A) (i) is taxable at a percent, based on the grams of carbon monoxide it emits per mile, determined under the following table:

"If the grams of carbon monoxide emitted per mile is—	Then the percent is—
Not over 11.....	0.
Over 11.....	¼ of 1 percent for each gram in excess of 11.

"(D) For purposes of subparagraph (C), carbon monoxide emissions of a motor vehicle shall be determined (in accordance with regulations prescribed by the Secretary or his delegate) on the basis of the standard tests conducted by the Secretary of Health, Education, and Welfare on vehicles of the same kind for purposes of determining whether such vehicles meet the emission standards prescribed under section 202 of the National Emission Standards Act."

(2) The amendments made by paragraph (1) of this subsection shall apply with respect to articles sold on or after the day after the date of enactment of this Act.

(b) Amounts received in the Treasury by reason of the tax imposed by section 4061 (a) (3) of the Internal Revenue Code of 1954 shall be paid into a separate account in the Treasury and shall be available for appropriation only to carry out section 212 of the National Emission Standards Act (as amended by section 2 of this Act) and to pay the amount by which the price of certified low-emission vehicles purchased by the United States in accordance with section 213(1) of such Act (as so amended) exceeds the price of similar automobiles which are not certified low-emission vehicles.

SEC. 2. The National Emission Standards Act is amended by renumbering section 212 as section 214 and by inserting immediately after section 211 the following:

#### "RESEARCH AND DEVELOPMENT

"SEC. 212. The Secretary shall conduct and accelerate research and development of propulsion systems for use in motor vehicles, other than those using internal combustion engines, which systems are technologically and economically feasible including, but not limited to, mass production methods and

techniques. Such research and development shall include cost analysis of mass production of such feasible propulsion systems, and such cost analysis shall be independent of those produced by manufacturers. Any knowledge and information resulting from research or development, including cost analysis, carried on under this section shall be public information.

"FEDERAL LOW-EMISSION VEHICLE PROCUREMENT  
SEC. 213. (a) For the purpose of this section—

"(1) 'Board' means the Low-Emission Vehicle Certification Board;

"(2) 'Federal Government' includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia;

"(3) 'motor vehicle' means any vehicle, self-propelled or drawn by mechanical or electrical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes;

"(4) 'low-emission vehicle' means any motor vehicle which meets the regulations prescribed under section 202(c) of this title.

"(b) There is established a Low-Emission Vehicle Certification Board to be composed of the Secretary of Transportation or his designee, the Secretary of Health, Education, and Welfare or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of the General Services Administration, and one member appointed by the President. The Secretary of Transportation or his designee shall be the Chairman of the Board.

"(c) Any member of the Board not employed by the United States may receive compensation at the rate of \$125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(d) (1) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

"(2) The Chairman may fix the time and place of such meetings as may be required.

"(3) The Board is granted all other powers necessary for meeting its responsibilities under this Act.

"(e) The Secretary of Health, Education, and Welfare shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this Act.

"(f) The Board shall certify any class or model of motor vehicles—

"(1) for which a certification application has been filed in accordance with subsection (h) of this section;

"(2) which is a low-emission vehicle as determined by the Secretary of Health, Education, and Welfare; and

"(3) which it determines is suitable for use as a substitute for a class or model of vehicles presently in use by agencies of the United States.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

- "(1) the safety of the vehicle;
- "(2) its performance characteristics;
- "(3) its reliability potential;
- "(4) its serviceability; and

"(5) its fuel availability.

"(g) Certification under this section shall be effective for a period of two years from date of issuance.

"(h) (1) Any party seeking to have a class or model of vehicles certified under this Act shall file a certification application in accordance with rules established by the Board and published in the Federal Register.

"(2) The Board shall publish a notice of each application received in the Federal Register.

"(3) The Board shall determine whether or not the vehicle for which application has been properly made is a low-emission vehicle in accordance with procedures established by it and published in the Federal Register.

"(4) The Board shall conduct whatever investigation necessary, including actual inspection of the vehicle at a place designated by the Board in the certification application rules established under this section.

"(5) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

"(6) Within ninety days after the receipt of a properly filed certification application, the Board shall reach a decision by majority vote as to whether such class or model of vehicle is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

"(7) The Board shall publish in the Federal Register, within ninety days after the receipt of a properly filed certification application, a report of its decision on such application which set forth with particularity the reason for granting or denying certification, together with dissenting views.

"(i) As soon as possible, but no later than January 1, 1973, only certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government.

"(j) For the purposes of this section any statutory price limitations shall be waived, and the procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase before purchasing any other vehicles for which the low-emission vehicle is a certified substitute.

"(k) This section shall take effect upon its enactment and the Board shall promulgate the procedures required to implement this section within ninety days thereafter."

A bill to amend the National Emission Standards Act to provide for the elimination of automotive air pollution

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emissions Standards Act Amendments of 1970".*

SEC. 2. Section 202 of the National Emission Standards Act is amended by striking out in subsection (b) thereof "prescribed under this section," and inserting in lieu thereof "prescribed under subsection (a) of this section" and by adding at the end thereof the following:

"(c) (1) In addition to standards prescribed under subsection (a) of this section, the Secretary shall, by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable, but not later than June 30, 1971, standards applicable to the emission of any kind of substance, from any class or classes of new motor vehicles propelled by any system other than one using an internal combustion engine, and new motor vehicle engines other than internal combustion engines, which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons,

and such standard shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution.

"(2) The regulations initially prescribed under this subsection shall be applicable (A) on and after January 1, 1975, to all new motor vehicles propelled by engines having 375 horsepower or more and to all new motor vehicle engines having 375 horsepower or more, (B) on and after January 1, 1976, to all such new vehicles and engines having 275 horsepower or more, (C) on and after January 1, 1977, to all such new vehicles and engines having 175 horsepower or more, and (D) on and after January 1, 1978, to all new motor vehicles and new motor vehicle engines. Amendments to any regulations prescribed under this subsection shall become effective on the effective date specified in the order promulgating such regulations which date shall be determined by the Secretary after consideration of the period reasonably necessary for industry compliance.

"(d) (1) In addition to standards prescribed under subsections (a) and (c), the Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable standards applicable to the emission of any kind of substance, from any class or classes of motor vehicles or motor vehicle engines sold, or offered for sale in commerce, other than a new motor vehicle or new motor vehicle engine sold or offered for sale to an ultimate consumer, which in his judgment cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the health or welfare of any persons, and such standards shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution. Standards prescribed under this subsection may be amended by the Secretary by regulation in the same manner as in the case of prescribing the initial standards. Standards initially prescribed under this subsection shall establish maximum levels of emission for at least the following: reactive hydrocarbons, carbon monoxide, and oxides of nitrogen. Standards first prescribed under this subsection shall become effective as of January 1, 1972, and subsequent standards or amendments to then existing standards shall become effective on the date specified in the order promulgating such regulations, which date shall be determined by the Secretary after consideration of the period reasonably necessary for compliance.

"(2) Whoever sells or offers for sale in commerce or introduces or delivers for introduction into commerce any motor vehicle or motor vehicle engine which is not in conformity with standards issued under paragraph (1) of this subsection shall be subject to a fine of not more than \$500 if he is not engaged in the business of selling motor vehicles or motor vehicle engines and of not more than \$1,000 if he is so engaged in such business."

SEC. 3. The National Emission Standards Act is amended by renumbering section 212 as section 217 and by inserting immediately after section 211 the following:

"RESEARCH AND DEVELOPMENT

"SEC. 212. The Secretary shall conduct and accelerate research and development of propulsion systems for use in motor vehicles, other than those using internal combustion engines, which systems are technologically and economically feasible including, but not limited to, mass production methods and techniques. Such research and development shall include cost analysis of mass production of such feasible propulsion systems, and such cost analysis shall be independent of cost analysis produced by manufacturers. Any knowledge and information resulting from research or development, including

cost analysis, carried on under this section shall be public information.

**"FEDERAL LOW-EMISSION VEHICLE  
PROCUREMENT**

"Sec. 213. (a) For the purpose of this section—

"(1) 'Board' means the Low-Emission Vehicle Certification Board;

"(2) 'Federal Government' includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia;

"(3) 'motor vehicle' means any vehicle, self-propelled or drawn by mechanical or electrical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes;

"(4) 'low-emission vehicle' means any motor vehicle which meets the regulations prescribed under section 202(c) of this title.

"(b) There is established a Low-Emission Vehicle Certification Board to be composed of the Secretary of Transportation or his designee, the Secretary of Health, Education, and Welfare or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of the General Services Administration, and one member appointed by the President. The Secretary of Transportation or his designee shall be the Chairman of the Board.

"(c) Any member of the Board not employed by the United States may receive compensation at the rate of \$125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(d) (1) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

"(2) The Chairman may fix the time and place of such meetings as may be required.

"(3) The Board is granted all other powers necessary for meeting its responsibilities under this Act.

"(e) The Secretary of Health, Education, and Welfare shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this Act.

"(f) The Board shall certify any class or model of motor vehicles—

"(1) for which a certification application has been filed in accordance with subsection (h) of this section;

"(2) which is a low-emission vehicle as determined by the Secretary of Health, Education, and Welfare; and

"(3) which it determines is suitable for use as a substitute for a class or model of vehicles presently in use by agencies of the United States.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

- "(1) the safety of the vehicle;
- "(2) its performance characteristics;
- "(3) its reliability potential;
- "(4) its serviceability; and
- "(5) its fuel availability.

"(g) Certification under this section shall be effective for a period of two years from the date of issuance.

"(h) (1) Any party seeking to have a class or model of vehicles certified under this Act

shall file a certification application in accordance with rules established by the Board and published in the Federal Register.

"(2) The Board shall publish a notice of each application received in the Federal Register.

"(3) The Board shall determine whether or not the vehicle for which application has been properly made is a low-emission vehicle in accordance with procedures established by it and published in the Federal Register.

"(4) The Board shall conduct whatever investigation necessary, including actual inspection of the vehicle at a place designated by the Board in the certification application rules established under this section.

"(5) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

"(6) Within ninety days after the receipt of a properly filed certification application, the Board shall reach a decision by majority vote as to whether such class or model of vehicle is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

"(7) The Board shall publish in the Federal Register, within ninety days after the receipt of a properly filed certification application, a report of its decision on such application which sets forth with particularity the reasons for granting or denying certification, together with dissenting views.

"(i) As soon as possible, but no later than January 1, 1973, only certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government.

"(j) For the purposes of this section any statutory price limitations shall be waived, and the procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase before purchasing any other vehicles for which the low-emission vehicle is a certified substitute.

"(k) This section shall take effect upon its enactment and the Board shall promulgate the procedures required to implement this section within ninety days thereafter.

**"STATUTORY STANDARDS**

"Sec. 214. (a) Notwithstanding any other provision of this title, the maximum level of emission from any new motor vehicle or new motor vehicle engine, expressed in grams per mile, with respect to reactive hydrocarbons, carbon monoxide, and oxides of nitrogen shall be as follows: Reactive hydrocarbons—2.2 for 1971, 1.5 for 1972, 1973 and 1974; carbon monoxide—23.0 for 1971 through 1974; oxides of nitrogen—4.0 for 1971, 3.0 for 1972 and 1973, and 1.3 for 1974. For the years after 1974, such levels shall be determined by the Secretary in accordance with this title but such levels shall not exceed those established herein for 1974.

"(b) Nothing in this section shall be construed to prohibit the Secretary from establishing for any year with respect to reactive hydrocarbons, carbon monoxide, and oxides of nitrogen emission standards establishing lower levels of emission than those provided in this section.

"(c) The Secretary shall conduct such inspections and investigations as may be necessary to enforce standards established under this title, including, but not limited to, (1) the inspection (continuously or periodically) of new motor vehicles and new motor vehicle engines and items of equipment necessary to conform such vehicles and engines to such standards, at the time and place of manufacture (including the assembly of parts of such vehicles, engines, or items of equipment), and (2) the inspection of new motor vehicles and new motor vehicle engines after such engines have been operated at least six thousand miles but not more than fifty

thousand miles. Any inspection of a new motor vehicle or new motor vehicle engine, after its sale to the ultimate purchaser, shall be made only if the owner of such vehicle or engine volunteers to permit such inspection to be made. If, as a result of any such inspection or investigation, the Secretary determines that any new motor vehicle or new motor vehicle engine is no longer in conformity with regulations prescribed under this title because of any defect in such vehicle or engine, the manufacturer of such vehicle or engine, shall furnish notification of such defect to the owner of such vehicle or engine within a reasonable time after such manufacturer has been notified of such defect by the Secretary. Such notification to the owner shall contain a clear description of the defect, a statement of measures to be taken to repair such defect, and a commitment of the manufacturer to cause such defect to be remedied without charge.

**"FLEET OPERATIONS**

"Sec. 215. After January 1, 1972, if a person is engaged in any business, commercial, industrial, or other activity which results in any year in such persons' operating, directly or indirectly, ten or more motor vehicles, each such motor vehicle without regard to age or condition, must produce a level of exhaust emissions of not more than 5 gram per mile of reactive hydrocarbon, 11 grams per mile of carbon monoxide, and .75 gram per mile of oxides of nitrogen. Violations of this section shall be subject to injunction and the penalties provided in section 204 and 205 of this Act in the same manner and to the same extent as is provided therein for violations of paragraphs (1), (2), and (3) of section 203(a) of this Act.

**"RUBBER AND ASBESTOS STANDARDS**

"Sec. 216. No later than January 1, 1972, the Secretary shall, acting under and in accordance with the authority given him by this title, prescribe maximum levels of emission of rubber and asbestos from motor vehicles and motor vehicle engines."

Sec. 4. (a) Subsection (a) of section 210 of the National Emission Standards Act is amended to read as follows:

"(a) The Secretary may by regulation designate any fuel (which, for purposes of this section, means only fuel intended for use in the transportation of any person or thing) or fuel additive, and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or fuel additive may sell or deliver it unless the manufacturer of such fuel or fuel additive has provided the Secretary with the information required under subsection (c) of this section and unless such fuel or fuel additive has been registered with the Secretary in accordance with subsection (c) of this section."

(b) Section 210 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as subsection (c), (d), (e), and (f), respectively, and by adding after subsection (a) the following new subsection:

"(b) The Secretary may, on the basis of information obtained under subsection (c) of this section or any other information available to him, establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare, or impair the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this title) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. For the purpose of carrying out such standards the Secretary may prescribe regulations—

"(A) prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive; or

"(B) limiting the composition or chemical or physical properties, or imposing any conditions applicable to the use of, such fuel or fuel additive (including the maximum quantity of any fuel component or fuel additive that may be used or the manner of such use)."

(c) The subsection of section 210 herein redesignated as subsection (c) is amended by striking out "For purposes of this section, the Secretary shall" and inserting in lieu thereof "For the purpose of establishing standards under subsection (b), the Secretary may require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or fuel additive or the effect of such use on the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this Act) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. If the information so submitted establishes that toxic emissions or emissions of unknown or uncertain toxicity result from the use of the fuel or fuel additive, the Secretary may require the submission within a reasonable time of such scientific data as the Secretary may reasonably prescribe to enable him to determine the extent to which such emissions will adversely affect the public health or welfare. To the extent reasonably consistent with the purposes of this section, such requirements for submission of information with respect to any fuel additive shall not be imposed on the manufacturer of any such additive intended solely for use in a fuel only by the manufacturer thereof. Among other types of information, the Secretary shall"; by inserting in clause (2) "the description of any analytical technique that can be used to detect and measure such additive in fuel," after "above."; by striking out in such clause "to the extent such information is available or becomes available."; by striking out "clauses (1) and (2)" in the second sentence and inserting in lieu thereof "the provisions of this subsection"; and by striking out "such fuel additive in such sentence and inserting in lieu thereof "such fuel or fuel additive."

(d) The subsection of section 210 herein redesignated as subsection (d) is amended by inserting between the first and second sentences the following new sentence: "The Secretary may disseminate any information obtained from reports or otherwise, which is not covered by section 1905 of title 18 of the United States Code and which will contribute to scientific or public understanding of the relationship between the chemical or physical properties of fuels or fuel additives and their contribution to the problem of air pollution." The first sentence of such subsection is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)".

(e) The subsection of section 210 herein redesignated as subsection (e) is amended (1) by adding "or subsection (b)" after "subsection (a)"; and (2) by striking out "\$1,000" and inserting in lieu thereof "\$10,000".

(f) The amendment made by subsection (e) (2) of this section shall be effective with respect to any fuel or fuel additive to which a regulation issued under subsection (a) of section 210 of such Act or a standard established under subsection (b) of such section, as amended by this Act, applies.

(g) Notwithstanding any of the amendments made by this section, after January 1, 1971, no person shall process, blend or produce in any way any gasoline containing any component of lead in excess of 3 grams per gallon, nor may any such gasoline be imported into the United States. After June 30, 1971, no person shall process, blend or produce in any way any gasoline containing

any component of lead in excess of 2 grams, nor may any such gasoline be imported into the United States. After June 30, 1972, no person shall process, blend or produce in any way any gasoline containing any component of lead in excess of 0 grams per gallon, nor may any such gasoline be imported into the United States. Whoever violates this subsection shall forfeit and pay to the United States a civil penalty of \$1,000 for each gallon of gasoline processed, blended, produced, or imported in violation of this subsection. Such penalty may be recovered in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may, upon application, remit or mitigate any such forfeiture.

## RESULTS OF PUBLIC OPINION POLL

## HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. COLLIER. Mr. Speaker, today I released the results of a public opinion poll sent out in August to the residents of the 10th Congressional District of Illinois. Final tabulations show that 24,400 people from the townships of Maine, Proviso, Leyden, Riverside, River Forest, and Oak Park, Ill., participated in the poll.

The questions were chosen on the basis of major interest reflected in controversial national issues including several dealing with pending legislation. Other questions were included in the poll since they deal with issues which will undoubtedly be decided in the next session of Congress.

Results of the poll are as follows:

PUBLIC OPINION POLL RESULTS  
(Answers in percent)

1. President Nixon has requested strong anti-crime legislation. Do you favor the following provisions?

(a) Allowing Federal officers with a warrant to enter private residences without knocking when evidence points to illegal narcotics. Yes—71; No—28; Undecided—1.

(b) Giving judges authority to detain a defendant, charged with a serious criminal act, without bail prior to trial if they feel that it is unwise to release the defendant. Yes—85; No—14; Undecided—1.

2. Do you believe President Nixon's decision to send troops into Cambodia was justified? Yes—69; No—27; Undecided—4.

3. Do you believe that the Administration program of Vietnamization of the war in Southeast Asia is moving rapidly enough? Yes—42; No—53; Undecided—5.

4. Should the U.S. increase the sales of planes and armament to assist Israel? Yes—44; No—49; Undecided—7.

5. Do you favor an all-volunteer military system to replace the draft? Yes—60; No—37; Undecided—3.

6. Would you favor a proposal to return ten percent of all Federal tax monies to state and local governments for use as they deem necessary? Yes—59; No—34; Undecided—7.

7. Financially, what should be done about the space program?

(a) Continue at the present level—38.  
(b) Increase—12.  
(c) Decrease—49.  
No Opinion—1.

8. Do you think that the emergency powers of the President should be expanded to

deal with strikes affecting health, safety, and transit on a regional as well as a national basis? Yes—72; No—26; Undecided—2.

9. Do you believe Congress should make it mandatory to cut off federal aid to students found guilty of felonious acts while attending a university? Yes—90; No—9; Undecided—1.

10. Do you favor automatic adjustments in Social Security benefits to cover increases in the cost of living? Yes—89; No—10; Undecided—1.

## A DEPRESSING CHRONICLE

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ASHBROOK. Mr. Speaker, the Orlando Sentinel in its issue of August 30, 1970, carried a review of William Gill's revealing book, "The Ordeal of Otto Otepka," by the Pulitzer Prize winning author, Allen Drury. As is generally known, Mr. Drury has authored a number of best sellers including the popular "Advise and Consent," which explored the labyrinthine ways of Washington politics fictionally. His reference to the former State Department security officer as "a symbol whose story deserves reading by every citizen puzzled and concerned by the often inexplicable twists and turns of American foreign policy," deserves especial notice coming from a source so conversant with Federal intrigue. Mr. Drury closes his review of this depressing chronicle with:

Read it and weep for patriotism, which sometimes has tough going along the banks of the Potomac.

Fortunately, the adamant resolve and dedication of Otto Otepka prevented the State Department from carrying out its vendetta and the sordid tale remained for the masterful pen of William Gill to bring it to public attention. Fortunately, too, the talents of Mr. Otepka are being utilized as a member of the Subversive Activities Control Board, an adjunct of the Justice Department whose basic function is controlled by that Department. If information appearing in the press is correct, the SACB might well have a major future role to play in providing the American public with needed information concerning the various groups creating havoc in our Nation today.

I insert at this point in the RECORD the above-mentioned Allen Drury review of "The Ordeal of Otto Otepka," by William Gill, appearing in the Orlando Sentinel of Sunday, August 30, 1970:

BOOKS IN BRIEF: WEEP FOR PATRIOTISM

(By Allen Drury)

("The Ordeal of Otto Otepka," by William Gill, Arlington House, 459 pages plus appendix, \$8. Reviewed by Allen Drury.)

With a mass of effective detail and a shrewd insight into the mentality which still in major degree dominates the State Department, William Gill has done a masterful job of describing the defiance, and the subsequent punishment, of a man who thought Communist subversives should be weeded out of the American policy-making process.

As Gill's dramatic account of Otepka's ordeal makes fully apparent, this was a some-

what naive belief in the context of the Kennedy Administration in which Otepka began to defy the coterie in control of the department; the Johnson Administration in which the coterie tried to drive him in disgrace from public service; and the Nixon Administration, which has given him a modest little pat on the back and very quietly shunted him into the background where he has very little to do that can embarrass anybody.

But Otto Otepka, an expert in security and subversives control who made the mistake of sincerely trying to rid the department of individuals known to be hostile to the United States, is a symbol whose story deserves reading by every citizen puzzled and concerned by the often inexplicable twists and turns of American foreign policy.

The twists and turns are not inexplicable in the context of those who wish to subvert and destroy the Republic. The only thing that is inexplicable—though Gill does his brilliant best to make it explicable as he examines the twists and turns of the Otepka case—is why certain Americans in high places fight like fury every attempt to expose and remove those who wish to undermine their own country.

The book begins with a classic scene: Otto Otepka, deputy director of the State Department's Office of Security, and as such its operating head, confronted by Secretary of State Dean Rusk and Attorney General Robert Kennedy, in the opening days of the Kennedy Administration, with a demand that he give security clearance for a high appointive post to a man whom Otepka had refused clearance in 1955 and again in 1957.

The man had a long record of association with known members of the Communist Party; members of his immediate family had been, and apparently still were, active couriers for the party; the CIA had dropped him from a sensitive contract with a private organization; and Air Force Intelligence ("A bunch of jerks!" in Bobby Kennedy's gentle phrase) had declared him a security risk and refused him clearance.

Otepka told Rusk and Kennedy he too would refuse clearance. They dismissed him with obvious annoyance.

Very soon, instead of being named to an appointive position that would have required a full FBI field check and confirmation by the Senate, their friend was appointed to President Kennedy's personal staff at the White House with the title of "Deputy Assistant to the President for National Security Affairs."

Soon after that the president appointed him chairman of the State Department's powerful Policy Planning Council. There he remained until President Johnson succeeded to office and called him back to the White House as his top adviser on national security matters. He also headed the staff of the National Security Council, "to which, a decade earlier," as Gill relates, "he had been denied a security clearance in merely a consultant-advisory role."

His name was Walt Whitman Rostow, and from Otepka's stubborn refusal to give him clearance at the request of Rusk and Robert Kennedy, dated the steadily escalating persecution of Otepka by his superiors in the Department of State. The persecution grew rapidly as Otepka continued to oppose unsuccessfully the free-swinging issuance of arbitrary "emergency clearances" which Rusk granted to several hundred individuals with very suspect security records so that they could enter employment in the department.

It was, as Gill relates, a long and tortuous persecution, which had all the pleasant side-effects such things do in Washington: the tapped telephone wires, the spying, the reading of correspondence, the steady stripping away of official duties and prerogatives, the removal from security duties, the fabrication of phony evidence on which to base charges of crime, and finally the banishment to a tiny

office in a minor State Department building where he had no secretary and had to share a telephone with someone else.

But Otepka did not resign under the pressure. In time, those who were out to get him decided they must find something more drastic. Their move was to charge him with conveying classified documents, relative to subversives in the department, to the Senate internal security subcommittee.

There were also charges that he had been "responsible" for the "mutilation" of four official papers. He was also accused of "conduct unbecoming an officer of the Department of State" for testifying before the subcommittee.

The charge of mutilating official documents, which if proven could have resulted in a total of 24 years in federal prison and fines up to \$16,000, Otepka was later to characterize as "a cheap gangland frame-up" by the State Department "to place me under charges for crimes it knew I never committed."

In due course, after months of harassment and anguish, Otepka was cleared of all charges; also in due course, when President Nixon entered the White House, Otepka was quietly appointed to the near-moribund Subversive Activities Control Board.

The appointment brought vindictive attacks by such publications as the New York Times.

But he was confirmed by the Senate, and there Otepka remains today, having been given the sop of appointment to a board which does virtually nothing and is far removed from the gradually dying battle in the State Department against those who would weaken and ultimately destroy the country.

It is an instructive tale in how things really work in Washington when the powerful band together to get those who place loyalty to country above loyalty to a rose-colored refusal to admit what communism is really up to.

Gill has documented it down to the last sly twist and turn of communism's friends, apologists and/or outright helpers.

Read it and weep for patriotism, which sometimes has tough going along the banks of the Potomac.

#### VIETNAM EXCHANGE RATES AND LAND REFORM

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. MOSS. Mr. Speaker, I was most interested when the House Select Committee on U.S. Involvement in Southeast Asia issued its report early in July. I read it carefully from the perspective of having investigated U.S. aid programs in South Vietnam for the past 5 years as chairman of the House Foreign Operations and Government Information Subcommittee. I found myself in complete agreement with certain comments in the report and complete disagreement with others.

For example, the committee's statement that "the present official exchange rate is totally unrealistic" is most accurate and should be a matter of great concern to the entire Congress. The committee went on to say:

Failure to devalue the piaster has helped to stimulate a flourishing black market in the currency. The U.S. aid furnished at the official rate (of exchange) results in an indirect subsidy of the government of South Vietnam. Likewise, it penalizes American

military and civilian personnel who must exchange at the official rate and thereby are forced to subsidize the government.

My colleague from New York, the Honorable OGDEN R. REID, who is the ranking minority member of the Foreign Operations and Government Information Subcommittee, and I recently wrote a joint letter of protest on this matter to Secretary of State Rogers. The text of that letter follows:

AUGUST 6, 1970.

HON. WILLIAM P. ROGERS,  
Secretary of State, Department of State,  
Washington, D.C.

DEAR MR. SECRETARY: This joint letter to you is written in the spirit of helpful cooperation in solving a major problem which has plagued our economic and military assistance effort in South Vietnam for many years.

That problem is the inequitable rate of exchange which our Government and citizens in Vietnam must pay to obtain piasters. On the governmental side, it means our already overburdened taxpayers must pay more than three times what our aid should really cost. America can no longer endure this subterfuge. Our country is faced with record deficits in a decade which urgently requires funds for pressing domestic problems to deal with poverty, pollution and many other needs. In turn, our soldiers and civilians serving in Vietnam are almost forced to become dishonest because of the wide gap between the official exchange rate and the real value of the dollar in the black market. How can anyone expect them to pay a dollar for something which in reality costs only 25 cents? We submit this has become an issue of the first magnitude in a moral sense.

On June 25, 1970, the House Committee on Government Operations unanimously recommended the United States should take a firm stand in pressing for a more equitable exchange rate. A copy of the report is enclosed for your personal reference.

We now have reason to believe that an understanding may have been reached between the South Vietnamese and U.S. governments to a new exchange rate of 235 piasters to the dollar.

Mr. Secretary, if this unofficial report is true, that figure is not enough. It should be—at the very minimum—in the same mathematical ratio approved in the last change in the exchange rate effected in 1966, that is, at least three-fourths of the black market rate. The black market rate for many months has been in the vicinity of 400 piasters to the dollar, sometimes more, sometimes less. By the 1966 precedent, any new legal exchange rate should call for approximately 300 piasters to the dollar. That rate would still be concessional in nature by 25 percent. A sound argument even could be made that a new exchange rate should be 358 piasters to the dollar based on the actual piaster spread between the special accommodation and black market rates existing in 1966. As you may recall, a devaluation changed the exchange rate to the accommodation level at that time.

The failure to adjust the exchange rate since 1966 has cost U.S. taxpayers hundreds of millions of dollars and fostered serious and pervasive corruption in the Saigon Government. In addition, some Americans who otherwise would have remained honest men and women have been affected. This should not continue. There must be a quarterly evaluation to make certain the exchange rate is equitable as possible at all times in the future.

Mr. Secretary, we feel it only fair to inform you that we intend to make this letter public Sunday, August 9. The unfortunate developments we have carefully observed and studied over the years make it imperative

that the American people know all of the facts about this vital issue before another serious error in judgment is an accomplished fact and not merely a possibility.

Sincerely,

JOHN E. MOSS,  
Chairman.

OGDEN R. REID,  
Ranking Minority Member.

Mr. Speaker, while I agree with the select committee's conclusion on the unrealistic rate of exchange, I most vigorously take exception to the comments which it made on the newly adopted land reform program in Vietnam. I feel it was not only inaccurate but misleading.

Therefore, I requested an evaluation from one of the foremost American experts on land reform, who I find concurs with my opinion. I requested his views on that section of the report referring to land reform and he sent me the following letter, which I hope all Members of the Congress will study:

HON. JOHN E. MOSS,  
Chairman, House Foreign Operations and  
Government Information Subcommittee,  
Rayburn House Office Building, Wash-  
ington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a commentary on the "land reform" section of the report of the Select Committee on United States Involvement in Southeast Asia, may I offer the following:

The report shows an almost total misunderstanding of the nature and function of the land reform program. This is underlined by the failure even to deal accurately with basic facts concerning the program. The statement in the first sentence, for example, that previous land reform programs have "reduced maximum holdings to about 100 acres per person" is not accurate. The legal retention limit is 100 hectares, which is 247 acres, plus 15 hectares of automatically-allowed ancestor worship land (the regulations require that the claim for this amount of ancestor land be automatically allowed if made). Thus the total legal retention limit is 115 hectares, or 284 acres, nearly three times the amount stated in the report. This is also approximately 50 to 70 times the amounts allowed to be retained under the highly successful democratic land reform programs of Japan, Taiwan and South Korea. Moreover, in South Vietnam, many landlords retained more than the legal limit by making phony transfer to relatives and strawmen as they could easily do under the weak regulations adopted to implement the earlier land reform program—I have encountered landlords who openly admitted holding well over 1,000 acres. It should be made clear that South Vietnam, which has one of the highest proportions of tenant farmers in the world (equaling or exceeding the proportion in pre-revolutionary Russia, China or Cuba) has never previously had a land-reform program of significant scope.

Also inaccurate is the statement in the second sentence of the report concerning the amounts of land to be retained. This is an inaccuracy which, moreover, appears to affect the discussion of the second paragraph, rendering it almost meaningless in relation to the law as actually passed. The maximum holding that may be retained by a landowner who rents out to others, with respect to such rented-out land, is zero; it is this "zero retention limit" on rented-out land which helps make the new law so drastically simple to administer. Concerning land which is not rented out but which was self-cultivated as of April 1969, the landowner is allowed to retain 37 acres, wherever that land may be located in the country (actually this is a

very minor provision since there are virtually no families which themselves cultivate as much as 37 acres). The recipients of land under the program can receive a maximum holding of three hectares (approximately 7.4 acres) per recipient cultivating family in the Delta, and one hectare (2.47 acres) in the Central Lowlands and other portions of the country, according to the law. However, regulations for implementing the law which were promulgated at the beginning of June provide that recipients who presently farm more than the three hectare and one hectare amounts will be allowed to continue farming them and treated for all practical purposes as the owner during the initial period of enforcement of the law. This is done in order to simplify further the administration of the land reform program, by effectively confirming the ownership rights of every tenant farmer family with respect to precisely the size and shape of the tract they are presently farming. Thus the law avoids any need for the carrying out of surveys, the movement of families, or the shifting of the dikes which form the highly visible present boundaries of the tracts as actually farmed.

Beginning with the report's misapprehension of even the most basic facts about the program and how it works, it is not difficult to see how the Select Committee could make the statements in the final three paragraphs of the land reform section of their report; these statements, however, apparently have to do with the imaginary land reform program of Transylvania, or some other principality, and bear no relationship that is discernible to the program being undertaken in South Vietnam.

The entire discussion of the second paragraph would be seen to be wholly irrelevant if the Select Committee members had been accurately apprised of the fact that in all cases the first priority for land distribution will go to those who are presently farming the land. Thus, in every case, what the law will do is precisely to respect the present patterns of cultivation. It will give full and secure ownership rights to each family with regard to exactly the tract of land that that family is in fact currently cultivating. The inadequacy of land records to reflect all transfer of ownership does not raise any problem for the recipients of land under the law—who will be determined solely by reference to these actual patterns of cultivation.

If the Select Committee had operated from a correct premise, it would be clear that they need have no concern over any "great dissatisfaction on the part of the people." (Parallel, massive land-reform programs have, of course, helped to gain widespread popular support and to "revolution-proof" regimes in Mexico, Bolivia, Japan, South Korea, Taiwan and Iran.) The inadequacy of the land records poses a problem solely with respect to landlords' ability to establish their right to a particular amount of compensation for a particular tract of land. The landlords, far more than the tenants, know how to protect their interest in the administrative in-fighting and certainly had no difficulty in doing so under the earlier land reform program of President Diem. While much smaller in scale, and benefitting only one-tenth of the tenant farmer families, the payment arrangements under the Diem program still offer a useful pilot test for what is likely to happen with respect to landlords' ability to establish their right to compensation.

Moreover, contrary to what is stated in the third paragraph of the report, under no proposal would the majority of compensation for the program come from the United States. Most of the compensation would be paid by the South Vietnamese Government itself, and there would be a definite ceiling on the U.S. contribution, which would at its maximum

be no more than approximately two days' cost of the war: to the extent the South Vietnamese Government determines to take an expansive or liberal view towards landlord claims, the incremental payments would be coming out of their resources. All present indications from the Vietnamese side as well as the practice followed under the Diem land reform are that the Vietnamese administrators will not be likely to be favorably disposed towards allowance of excessive claims. These can, of course, be avoided by the elementary mechanism of insisting that a particular piece of land be paid for only once.

The third paragraph also errs in suggesting that the program was pushed by Washington. It was President Thieu who picked up the ball and ran with it all the way, while Washington followed and supported. He did this out of an elementary sense that his regime must obtain and deserve the active support of the peasantry if it is to survive, politically or militarily. If the Select Committee had prepared itself on the subject with such prominent background materials as Elizabeth Pond's in-depth reports in the *Christian Science Monitor* on the Thieu government's decision to move strongly on land reform, they would not have made this error.

There is a fundamental fact to be kept in mind, which the report ignores in its almost total confusion over how the program will work: what the report refers to as "the people" will universally be receiving the land that they presently till. A majority of the cultivated land in the country will change ownership. It will pass into the hands of the nearly one million tenant-farmer families—constituting six million people out of a total population of 17 million—who are presently tilling that land. In this fundamental fact inheres the prospect for massive shifts in the political and military allegiance of the peasantry towards the Saigon government which led the *Washington Evening Star*, for example, on March 25, 1970, editorially to characterize the land reform program as "the best news to come out of Vietnam since the end of the Japanese occupation."

The Select Committee was so wholly ignorant of the facts of the program that one cannot even consider their concluding paragraph as meaningful, or come to grips with it in a specific way. The most frightening thing about this report, in its treatment of land reform, is that one must necessarily conclude that one of three things was true in this aspect of the Committee's work: either (1) they were selectively exposed to presentations on the subject of land reform which were not only biased, but which were factually largely inaccurate; and which represented the viewpoint of only a tiny minority of the American Mission; or (2) they were exposed to both inaccurate and accurate presentations on the subject, and selectively chose to discuss and emphasize only those viewpoints which have proved to be inaccurate and representative of only a tiny fringe community in the Mission hostile to land reform; or (3) they were given accurate information, but so misunderstood and misinterpreted it that the result was what is published in their report.

Any of these three possibilities raises, I think, fundamental questions about the adequacy and usefulness of the entire report, but it is clear that the land reform section, at least, is inaccurate and inadequate to a degree verging upon irresponsibility.

Sincerely,  
ROY L. PROSTERMAN,  
Professor of Law, University of  
Washington Law School, Seattle,  
Wash.

CRIME: THE NEGLECTED  
BATTLEFIELDS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. COHELAN. Mr. Speaker, the problems of crime and crime prevention have been debated and studied for many years. In spite of this effort the incidents of serious crime continue to mount precipitously. The usual governmental answer to this situation has been limited funding for more adequately trained and equipped police.

While few would gainsay the need for more adequate police protection, the single-minded obsession on this aspect of crime prevention leaves out some vital components of the criminal justice system.

On August 12, 1970, I placed in the RECORD, the Urban Coalition's report on LEAA—Law Enforcement Assistance Administration. This report stated that according to its surveys, LEAA had focused almost exclusively on police and police equipment. After reading this report, I became convinced that our attempts to reduce crime were not broad enough. On August 12, I stated that the weakest links in the criminal justice system were, and are, inadequate corrections institutions that breed recidivism and overburden courts that encourage crime because there is little possibility of a fair and speedy trial.

In a recent article by Alan Otten these two problems are explored again. I commend this article to the readers of this RECORD:

[From the Wall Street Journal, Aug. 20, 1970]

CRIME: THE NEGLECTED BATTLEFIELDS  
(By Alan L. Otten)

WASHINGTON.—The nation's newspapers one day last week featured two seemingly unrelated stories in adjoining columns. Chief Justice Warren Burger had made an urgent plea for top-to-bottom improvements in the nation's court system, and prisoners were rioting against dreadful conditions in New York City's Tombs prison.

The two stories complemented each other perfectly, though, for the courts and correctional system remain vastly neglected battlefields in the war against crime. Moreover, until a great deal of thought, effort and, unfortunately, money are devoted to these two battlefields there won't be too much progress in that war.

This message is hardly a new one. Justice Burger, making his plea at the American Bar Association convention, recalled that Harvard Law School Dean Roscoe Pound had similarly called for court reform in a speech to the ABA exactly 64 years earlier. As for corrections, the Presidential-appointed Wickersham Commission in 1931 deplored archaic prison conditions as crime-inducing rather than crime-correcting, in language almost word for word like that used by President Johnson's crime commission in 1967.

It's not difficult, of course, to recognize just why so little action has occurred in these two areas over the intervening decades. For many years, the nation simply wasn't very concerned about crime. Then, when crime did become a top concern, it was almost inevitable that officials would try to deal with it by tough new anti-crime laws and by beefing up police departments. Police were, after all, the

visible frontline troops in the anti-crime fight, the men to give the most bang for the buck, the ones who had been complaining most vocally of public neglect.

And so the great bulk of anti-crime thought went into new police methods and approaches, and the great bulk of recently rising anti-crime outlays went for more cops, higher pay, special training, new and sophisticated equipment. Corrections and courts got only stray thoughts and odd dollars.

OUTDATED PRISONS

Certainly the neglect is not for want of knowing the problem. Quite clearly, the nation's prison system is hopelessly out of date, both physically and philosophically. Sixty-one of the larger prisons were opened before 1900, and 25 of these are more than 100 years old. Jails and prisons are incredibly overcrowded. Young prisoners and first offenders are often confined with hardened criminals, to be attacked and molested, to be taught more sophisticated crime. Prison staffs are small, poorly paid, inadequately trained. Guidance and counseling are notably inadequate. Vocational training is either non-existent or obsolete, training prisoners for types of jobs no longer there.

In short, instead of rehabilitating criminals, the jails and prisons breed tougher ones. Two-thirds of all released prisoners will commit another crime, usually a more serious one.

Asking Attorney General Mitchell last November to look into 13 specific ways to improve the Federal correctional system, President Nixon noted that repeater rates are even higher for persons under 20 than those over 20, and declared that "there is evidence that our institutions actually compound crime problems by bringing young delinquents into contact with experienced criminals." Asserts Rep. Abner Mikva, a Chicago Democrat deeply interested in the problem, "The way jails today corrupt rather than correct. I'm not sure we wouldn't make more progress against crime by doing away with them completely."

Other correctional activities today are no better. Work-release and school-release programs, group homes, halfway houses and similar efforts are still far too scarce. The Washington Star last week reported that 95 District of Columbia convicts were in jail, even though judges had officially assigned them to halfway houses, because there were no houses to take them. Probation and parole systems are similarly spotty across the nation. Caseworkers are ridiculously overloaded, unable to exercise any real supervision over their charges; a brief interview once or twice a month is the best most of them can manage.

The court system is similarly antiquated. Judges are overworked, the job of the good ones made infinitely harder by elderly colleagues who won't retire but don't carry their share of the load. They are buried under mountains of paperwork, the product of administrative procedures still back in the 19th century and of a dreadful dearth of trained court administrators. More significantly, the number of cases steadily soars as drug offenses and other law violations increase, as more cops arrest more people, as new legal aid efforts contest charges.

Dockets become ever more jammed, and the time between arrest and trial and sentencing steadily lengthens. Bail procedures are crazily complex. Rarely does a judge have any pre-trial background information on the accused. Plea bargaining is increasingly common—the prosecutor and defense attorney negotiating on the plea to be entered and the sentence to be passed, with the judge a more or less passive onlooker. New York Mayor John Lindsay told the ABA convention last week that of 18,000 prisoners in

his city's jails, 8,000 were awaiting trial; twenty new criminal judges, a 30% increase, had made no appreciable dent in calendar delays.

And with the courts and correctional institutions in such a mess, it's practically inevitable that almost everyone involved with them quickly loses respect for the whole criminal justice system, seriously aggravating the already huge crime problem.

NEED FOR NEW FACILITIES

If the problems are relatively clear, so are many of the answers. Federal, state and local governments must engage in a massive construction program of new correctional institutions—up-to-date and specialized facilities, local and regional, for juveniles, alcoholics, drug addicts and other special types of offenders. These new facilities must have first-rate diagnostic services, excellent treatment programs and counseling, relevant job training.

Far more effort must be made to keep prisoners closer to home, to develop open-prison and work-release programs, to operate halfway houses and other highly-supervised alternatives to prison. New efforts are needed to help suspects between arrest and trial—pre-trial counseling, programs for conditional work release without trial. Special attention must be devoted to juvenile offenders, with large specially trained staffs, with the use of foster homes or group homes to remove youths from unfavorable family or neighborhood situations, with community treatment of juveniles and other special rehabilitation programs.

Far more and better trained professionals are needed at every level—from prison guard to prison psychologist to parole worker—and more use of paraprofessionals and volunteers. Better research is needed in dozens of areas.

As Justice Burger said, the courts need more judges, more businesslike procedures, specially trained personnel to handle the administrative load. They need more prosecutors and more defense lawyers to get earlier and speedier trials, perhaps night and Saturday sessions.

Judges need other kinds of help, too—to provide detailed information on prisoners coming up for trial, to study sentencing practices in other jurisdictions, to give other helpful background data. Perhaps most importantly, several major types of cases should be completely removed from the criminal courts, switched to administrative or other non-judicial bodies: Routine drunkenness cases (one-third of all arrests are for drunkenness), drug addiction, prostitution, gambling.

Happily, there are finally a few small signs of progress. Mr. Nixon's November directive to his Attorney General, ordering work in 13 specific correctional areas, is one bit of evidence. The American Bar Association, in response to a speech last year by Justice Burger, has set up a special commission to enlist public support for improvements in local correctional systems.

While Federal funds under the so-called Safe Streets Act are still going preponderantly into police work, there has been a significant increase in spending on corrections, both in actual dollars and in the percentage of the total funds—up from 14% in the year ending in June 1969 to about 27% in the year ending June 1970. A recently passed House bill to extend the act would require at least one-fourth of all future outlays to go for correctional facilities and probation work, and would increase to three-fourths from one-half the Federal share of the cost of new facilities.

A number of state and local governments are increasing their own spending on corrections and the courts, and some are carrying on interesting experiments with detoxification centers, special drug treatment programs, pre-trial release without bail, job

training for young offenders between arrest and trial, broader community involvement in rehabilitation programs. A new court management institute in Denver will train people to ease the administrative load on judges. There seems to be an initial open-minded reception for Justice Burger's proposal for a special Judicial Council that would study ways to use the courts better, including ideas for removing types of cases from court jurisdiction.

#### FRIGHTENING COSTS

Progress still comes far too slowly, though. The costs involved frighten many away from any action at all. A Prisons Bureau study headed for Mr. Nixon's desk, for example, proposes 166 new Federal correctional institutions, at a cost of \$700 million, while needed state and local institutions would require billions more. The cost of training thousands of more correctional workers, of more court help, of better-paid prison guards, are all substantial.

Governments at all levels still find it politically more appealing to put scarce tax dollars into more dramatic anti-crime work, such as more cops or fancier equipment. Mr. Nixon, for instance, asked Mr. Mitchell for a progress report on the 13-point program by mid-May; the report still hasn't appeared. The Justice Department has been conspicuously unenthusiastic about the House provision reserving one-fourth of Federal funds for corrections. Any specific proposals to remove certain types of cases from the criminal courts are sure to be highly controversial.

Yet continued delay in dealing with all these problems not only raises questions about likely progress in the entire war against crime but means that even greater outlays of money and far more drastic solutions will likely be needed whenever the nation does finally turn its attention to them. Construction costs rise steadily for prisons or halfway houses just as they do for homes or office buildings. The shortage of trained workers will grow steadily more acute. The research and experimentation questions will multiply.

It should be painfully apparent that arresting more and more people will do little good if they are then committed to an excruciatingly jammed judicial system and a dismally debasing correctional system. The nation cannot be truly considered serious about fighting crime until it devotes dramatically more imagination, effort and dollars to these two neglected battlegrounds.

#### A BRITISH JUDGE SAYS "STOP"

### HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BURTON of Utah. Mr. Speaker, freedom of speech is obviously a precious right, but I feel that no one should have the right to intrude on the rights of others. A short time ago, Justice Melford Stevenson, of Great Britain, faced this problem squarely when he sentenced six Cambridge University students to jail terms ranging from 9 to 18 months. These students went on a rampage in a hotel to disrupt a particular campaign that they didn't approve of, terrified a lot of guests and did about \$6,000 worth of damage. I think that this account, as described in a Christian Science Monitor

editorial of July 14, 1970, should receive the attention of my colleagues. The punishment in this case was severe, but the offense was grave and I think the case may have an exemplary effect. The editorial follows:

#### A BRITISH JUDGE SAYS "STOP"

The name of Mr. Justice Melford Stevenson may not yet be known to many Americans, but it has suddenly become known the length and breadth of Britain. For this judge of the Hertfordshire Assizes has just sentenced six Cambridge University students to jail terms of from nine to 18 months. The students stormed into a hotel where a Greek Week holiday promotion campaign was under way, terrified guests and did £2,000's (\$5,600) worth of damage.

In sentencing the students (two others were sent to borstal correction institutions), Mr. Justice Melford Stevenson made a telling and valid remark: "I must repeat that this case has nothing whatever to do with peaceful demonstrations; still less has it anything to do with political views, however firmly held."

To this all who believe each individual has a right to express his views; but who equally believe that this must be done peacefully and considerately, will say amen. However stern these sentences were, and none can deny their severity, their aim was to help eradicate one of today's worst social plagues, the belief that anyone has a right to trample on the rights of others merely because he thinks he has something to say or something to complain about.

Such a view is absolutely without justification in a law-abiding, democratic society. It is the failure on the part of far too many college and university administrations to quash this erroneous viewpoint years ago which has led so many great American institutions of higher learning to the brink of anarchy. It is the failure on the part of city administrations to move against this type of demonstrator quickly enough and vigorously enough which has ended in the kind of wild-animal destructiveness visited on Harvard Square this spring.

Some in Britain say that the severity of these sentences will be counterproductive. We do not believe it. An identical type of exemplary punishment was meted out several years ago (and then loudly applauded by those now protesting the Cambridge sentencing) in the case of white rowdies who attacked nonwhite immigrants in London's Notting Hill section. Those sentences had a telling and constructive effect. Those against political and ideological rowdies, as at Cambridge, can serve peace and order equally well.

Cases and countries differ. Justice must always be tempered with wisdom and mercy. Mere vindictiveness must be avoided. But a decent respect for others' rights and safety must be maintained. Not a few American judges might well reflect on Mr. Justice Melford Stevenson's forthright act.

#### UNITED NATIONS AND WORLD COUNCIL OF CHURCHES TERRORISM

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. RARICK. Mr. Speaker, the Governments of Rhodesia and South Africa have taken a dim view of the announce-

ments by the World Council of Churches to contribute to terrorist organizations and that the United Nations Committee on colonialism is considering similar illegal contributions.

This is indeed a strange code of ethics for organizations extorting money while hiding behind a veil of "peace."

Perhaps it was the subsidized friends of these two international agitators who bombed the Rhodesian Information Office and the Portuguese Embassy here in Washington on August 29 of this year.

Our Government has been silent as to even an official expression of regret to the Rhodesians, perhaps in fear of political repercussions from the tools of the United Nations and the World Council of Churches.

Mr. Speaker, I include several news accounts and reports from the Rhodesian and South African Governments as follows:

[From the Rhodesian Viewpoint, Sept. 14, 1970]

#### WORLD COUNCIL OF CHURCHES TO AID TERRORISTS

#### RHODESIAN AND BRITISH CHURCHMEN CALL RESOLUTION INTOLERABLE

The New York Times of September 4 reported an announcement by the World Council of Churches that it would allocate \$200,000 to various groups "that fight racism, including African guerrillas." The executive committee of the council made the decision.

The "Special Fund to Combat Racism", according to the report, "will benefit 18 groups which will receive \$2,500 to \$20,000 each. The beneficiaries include four groups fighting in Angola against the Portuguese. Other recipients include four groups in Southern Africa. Two Rhodesian organizations are numbered among these—the Zimbabwe African National Union and the Zimbabwe African Peoples Union. (Both these organizations are banned in Rhodesia and are known to send terrorist bands into that country from neighbouring Zambia in attempts to subvert, maim and kill Rhodesians. They have close links with communist China and Soviet Russia respectively)

#### SHARP REACTION FROM RHODESIA

In a roundup of opinion on the decision by the World Council of Churches, of which many of the Rhodesian churches are members, the reaction was one of shock and dismay, according to reports in the Rhodesia Herald on September 5.

"Anglican (Episcopalian) leaders", stated the report, "dissociated themselves from the action and said the Churches here must now consider carefully whether they can preserve any links with the World Council of Churches. 'The allocation of money to organizations pledged to use force against Rhodesia was incompatible with the Gospel they preached', said the Bishop of Mashonaland, Rt. Rev. Paul Burrough and the Vicar General of Matabeleland, Canon Humphrey Pugh.

#### AGAINST CHRISTIAN TEACHING

"The President of the Rhodesian Christian Council, Rev. Andrew Ndhlela said that if the World Council of Churches had spare funds to help overseas people the money should be used for Church projects. Expressing his personal opinion he added that the World Council's actions did not seem to accord with the Christian teaching of peace and harmony among nations.

In Britain, according to Rhodesia's national Sunday Mail, the Bishop of Peterborough, Rt. Rev. Cyril Eastaugh condemned the decision by the World Council of Churches as "intolerable. I think", he is

quoted as saying, "It will cause people to reflect on whether the churches in this country (Great Britain) should continue their membership. The money contributed is given by lay people. I am sure they don't want their contributions diverted to support political—and sometimes violently political—movements.

Mr. Patrick Matimba, former leader of the Zimbabwe National Party, said in London that the grants to African guerrillas amounted only to 'buying the leaders' in the case of the Rhodesian organizations."

[From News from South Africa, Sept. 11, 1970]

**STRONG REACTION TO CHURCHES COUNCIL DECISION: CAPE TOWN**

"The decision of the World Council of Churches to contribute to Communist organizations and terrorists is, to put it mildly, shocking. It is of course regarded in a very serious light and it cannot be tolerated that money is collected and contributed in South Africa and sent out of the country for this purpose", said the South African Prime Minister in a statement last week.

This statement followed the announcement by the World Council of Churches from Geneva that it was making grants to guerrilla groups in southern Africa.

"I am glad that the reaction which has already come from certain church leaders who are associated with the World Council of Churches and I make an earnest appeal to member churches to think seriously over the matter and consider their participation and take a clear attitude on the affair".

The South African Press Association reports that according to the Archbishop of Cape Town, the Most Rev. R. Selby-Taylor, the South African churches were almost sure to withdraw from the World Council of Churches if it is confirmed that that body had undertaken to give financial aid to certain guerrilla organizations.

The Right Rev. Leslie Stradling, Anglican Bishop of Johannesburg, said: "It is quite intolerable that money can be given in the name of religion to subversive movements of this kind. I should think we would wish to withdraw our support to the World Council and we may well no longer be able to belong to it—though we would very much regret this".

**LEGAL TEAM ON S.W.A. ISSUE ANNOUNCED: CAPE TOWN**

The United Nations Security Council had decided to ask the International Court of Justice to give an advisory opinion on the following question: "What are the legal consequences for stages of the continued presence of South Africa in South West Africa, notwithstanding a previous Security Council resolution?"

The Minister said an advisory opinion differed from a judgement of the Court in contentious proceedings, because the former was strictly advisory in character and had no binding force, whereas the latter bound the parties.

The fact that in 1967 South Africa had withdrawn its consent to the Court's compulsory jurisdiction, was not relevant in the case of an advisory opinion since the question of the Court's jurisdiction over states was not applicable to advisory opinions. The Government had in the circumstances, decided to make a written submission to the Court and to send a legal team to represent the Republic.

The Minister of Foreign Affairs, Dr. Hilgard Muller, announced in the House of Assembly last week that the Government had decided to send a legal team to represent the Government before the World Court at The Hague which has been asked for an advisory opinion on South West Africa.

Dr. Muller said South Africa's legal team would be led by Mr. E. M. Grosskopf, SC., of Cape Town. The other members of the team were Advocate J. D. Viall, law advisor of the Department of Foreign Affairs, Advocate R. F. Botha, MP., of the Pretoria Bar (part-time), Advocate H. J. O. van Heerden of the Bloemfontein Bar and Professor M. Wieggers of the University of South Africa. Mr. D. P. de Villiers, who had led the previous team would also be consulted.

**SOUTH AFRICA MAY CUT DUES TO UNITED NATIONS: CAPE TOWN**

South Africa will withhold a 'proportionate share' of her annual contribution to United Nations' coffers if the UN makes funds available for 'illegal purposes', the Minister of Foreign Affairs, Dr. Hilgard Muller, said in the House of Assembly last week.

Dr. Muller—who said this had been done in the past—made it clear that what he had in mind was the support of any 'liberation movement' active against South Africa, Rhodesia and the Portuguese territories. "We shall not contribute a single cent towards these wild ventures, be they directed against us or other states," he said.

In a special statement during the debate on his vote, Dr. Muller criticized the United Nations for encouraging terrorism and sabotage. He singled out the Committee on Colonialism—"which avails itself of every opportunity to sow hatred and discord among the peoples of southern Africa".

His statement also made clear South Africa's anger at attempts to involve the United Nations' specialized agencies in aiding terrorists. It suggested that South Africa might also consider any such help from specialized agencies as cause to withhold part of her annual contribution.

[From the Rhodesian Viewpoint, Sept. 14, 1970]

**RHODESIAN INFORMATION OFFICE BOMBED**

About midnight on August 29 a bomb exploded at the Rhodesian information office, breaking windows in the buildings and in neighbouring houses, a similar incident occurred at the Portuguese Embassy some fifteen minutes earlier, no-one was injured.

The Associated Press reported receiving two telephone calls directing attention to a letter in their mailbox. A file card was discovered containing the following message:

"We are an African people and we are at war with all nationalistic institutions, organizations and governments, etc. that conduct and lend support to exploitation and oppression of African people around the world. Angola, Mozambique, Zimbabwe shall and will be freed. The Revolutionary Action Party."

According to newspaper reports a State Department spokesman said that an expression of apology and regret would be prepared for the Portuguese Government. No statement was expected to be made to the Rhodesian office, which is regarded as a private organization by the State Department.

**MAYOR WASHINGTON EXPRESSES REGRET**

It can be confirmed that no communication, written or verbal, has been received from the State Department. Mayor Walter E. Washington of the District of Columbia called at the Rhodesian Information Office on Sunday morning to express his regrets for the incident. Many expressions of "shock and outrage" have been received from wellwishers.

Commenting on the occurrence, Mr. Kenneth H. Towsey, director of the Rhodesian Information Office, was quoted in the Washington Evening Star as saying: "We are not used to playing our politics quite so exuberantly. It's somewhat ironic really that Rhodesia is supposed to be an explosive situation, but we were never so explosive as this."

**AMERICAN LEGION HEARS PAT HOWARD ADDRESS**

**HON. ED EDMONDSON**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. EDMONDSON. Mr. Speaker, it was a great privilege for me to attend the recent American Legion Convention in Portland, Oreg., and to observe the very genuine efforts being made by our Legionnaires to solve many of the problems facing our Nation at the present time.

One of the finest speeches during the convention was delivered by Mrs. R. Michael Howard, the former Patricia Ann Turner of Muskogee, Okla., and the winner of the 1962 National High School Oratorical Contest. In her remarks to the National Americanism Commission of the American Legion, Mrs. Howard sets forth the important steps which must be taken to bridge the gap between the generations in our country, and how the vitality and energy of youth can be channeled to greater productivity and improvement of the society in which we live.

I commend Patricia on her outstanding address, and include the text of her remarks in the RECORD for the benefit of my colleagues:

**ADDRESS BY MRS. R. MICHAEL HOWARD**

The world watched in awed admiration when the United States put a man on the moon last July and again November. They were fantastic feats involving an incredible number of coordinated machinery parts and human movements. Most Americans watched the moon feats on their TV's and listened to the checklists and countdowns with fascinated pride. "All systems go" became the expression for progress and achievement. But by and large the moonshots were the feat of middle-aged Americans. The astronauts, the engineers and even the news commentators are all well over thirty years. Their age is symbolic.

For one group of young Americans, the moonshot was the ultimate irony. Some of the United States' brightest college students scorn the walk on the moon as an exercise in futility. "All systems go" is the war cry of a middleclass technology for which they have the utmost contempt. "The System" is their enemy, and they see the brightness of its success through the bitter darkness of its failures.

With these words Paul J. Weber, professor of political science at St. Louis University speaks of the crisis on the American campus—the alienation and revolution of today's youth.

The U.S. is in a time of unrest with few recent parallels. Shock waves of disruption are buffeting America in 1970. On campuses, antiwar violence brings bullets and bayonets. Lives are lost. Buildings go up in flames. Effects of student protests were felt this spring from coast to coast.

Antiwar turmoil was just one disruption. Labor strife, racial violence, the mounting terror of crime, concern about pollution are all areas of high tension. America hears the youthful vocabulary of "pot", the "establishment", "grass", the "generation gap", and shouts from its youth to "tell it like it is"—and the "silent majority" labels the youth "hippies", "extremists", "communists" and declares they're tired of the "tyranny of spoiled brats." But where does this get us?

Where are we going? Who are these strange people who reject one of the greatest achievements of mankind and look cynically upon one of America's proudest moments? What's going on inside America? What's bothering today's youth?

Americans have historically proclaimed "a house divided against itself cannot stand"—but are having little success in mending this rift between generations which if allowed to continue can trigger the falling apart of the greatest nation in the world. The time has come to talk, to listen, and to care! We must declare a halt to this tug-of-war between generations in order to regenerate the respect necessary for national survival.

In the next few moments let's look at today's youth, at the turmoil, the establishment and the generation gap. Let's decide what is going on and why and what must be done to deal with it.

You know . . . we Americans find it ever so easy to categorize individuals and their thinking. We attach labels and are content to delve no farther into their meanings.

But you . . . as members of the Americanism Commission of the American Legion—realize we cannot just label and write-off the dissent upsetting America's younger generation. You above all others must seek to understand to deal effectively with the students through your youth programs.

I must first admit I do not classify myself as a member of the "younger generation". Actually those of my age group now seem to find themselves between the two groups. We see value in what the youth are saying, but were raised by traditional parents, were affected by World War II and are old enough to have families of our own. This presents quite an interesting outlook.

In talking with you let me say now—I am stating merely what the young people think and plan to make no personal judgment as to whether they are right or wrong. Yet it is extremely necessary for you to understand them.

In the past few weeks I have talked with many young people—not with the extremists, for these are indeed a minority—but with the so-called average high school and college student who is puzzled with our society and crying to be heard. I believe the true revolutionists are not our greatest concern—these groups are so split among themselves they in time should defeat themselves. Our major concern must be those young people who believe in our country and want to preserve its freedom and ideals but are confused and alienated by the hypocrisy and double standards they see in the establishment. They believe in America—but an America of reason . . . holding fast to that which is good and rooting out that which is not so good.

John Gardner, while serving as Chairman of the National Urban Coalition, stated . . . "We have taken more seriously than any preceding generation the American commitment to respect each individual and the American promise for opportunity for all. That is part of our problem. We are in the process, often painful, of taking seriously values we have long professed."

Gardner speaks of the individuals who are the future leaders of our country. These are the youth with whom you must find a way to communicate.

Now let's look at the current situation and see what is going on. According to the myths, "the dissenter is typically bearded, dirty, long-haired and totally undisciplined. He is 'alienated' from society, influenced by Marxist ideas, a user of drugs and a sexual libertine. Deeply frustrated and unhappy as an individual, he is a failure who cannot find a place in the American system and therefore rejects it." This myth has some truth—yet it is a terrible oversimplification which

ignores the objective issues the dissenters are raising. We too often get so "psyched-up" about our problems, we waste a lot of energy just worrying about them without ever really accomplishing anything productive.

To begin with, not all American students, or even a majority, engage in an active dissent or protest. American youth remains basically reformist rather than revolutionary. A recent survey conducted by Daniel Yankelovich, Inc. and appearing in *Fortune Magazine* stated that 88% of the nation's young people agree at least in part that there are legitimate channels for reform that should be used before attempting disruptions. There are 2200 college or university campuses in the United States. On most there is very little protest. Even at the larger schools where potential protesters seem to congregate, the majority of students remain curious on-lookers. However, although only a minority of students are involved in active protest, a great many more are sympathetic to the radicals' goals if not their means.

There are several terms to the current upheaval of ideas that it will be necessary for you to understand to work with young people. We hear much talk about students rejecting the establishment . . . but what is the establishment? Does it exist? At a recent conference of student leaders from U.S. and 36 foreign countries meeting in Williamsburg, Virginia, students were asked just what is the establishment? Among their answers were . . . "the establishment is not a concrete thing. It is largely social customs. It refers to the status quo particularly in the economic sense . . . it includes institutions such as schools and churches . . . those that are hard to change.

It is the system . . . the total "American way of life" which exists on two levels: the ideal and the real. The establishment is something that says: "Conform!" The students however did agree that there must be an establishment—without it there would be chaos. . . . However the establishment must be subject to change.

Another term about which we hear daily is the "generation gap." It is really a people or understanding gap . . . a gap in communication between generations whereby neither side is thought to listen to or understand what the other is thinking.

In the current anthology *Natural Enemies: Youth and the Conflict of Generations* Arnold Toynbee writes . . . "the rising generation never sees life with the same eyes as its elders—not even in times and places in which society is relatively static. But in present-day America, and in most of the rest of the World too, the breadth of the generation gap is abnormally wide."

I believe the most accurate term for this lack of mutual understanding between generations is that of a "respect" gap . . . an almost complete lack of respect between generations. The dictionary defines "respect" as "to feel or show honor or esteem for". It is a truism that *People don't rebel against the things they respect.*

A college graduate of a year ago was talking with me recently about his dissatisfaction with his current job. When asked why he was unhappy he pointed out that he did not respect the manager under whom he was working. I asked him why . . . what this man had done to make him feel this way. . . . After a few moments thought he answered . . . "He shows weaknesses in areas where I expect my superior to show strength." Notice he did not say "He shows weaknesses where he should show strength" . . . but "Where I expect him to show strength." Such is the situation in the current generation crisis. Young people expect the older generation to meet certain standards of strength. They have come to the conclusion that their elders do not show this strength and that a double

standard is present which they now refuse to honor.

Last June the National Commission on the Causes and Prevention of Violence issued a 3600 word statement on student disruptions which concluded . . . "Students are unwilling to accept the gaps between professed ideals and actual performance. They see afresh the injustices that remain unremedied." A young radical, Linda Morse of Berkeley, Calif., writes that "We're taught concepts like democracy and brotherly love all our lives—by our parents, by the Church, in school civics courses. The values themselves are beautiful, but then you look around and see that practically no one—certainly not the people who run this country—ever acts on these principles."

Today's youth view the older generation as a mass of contradictions. Young people are tired of watching their parents say one thing and do another. A father tells his son he must obey the laws because those who do not are punished . . . he then "pulls strings" to have his own traffic violation reduced. Parents speak of supporting the country and doing their part . . . and seek ways to cheat on their income tax returns.

News Analyst Paul Harvey recently said . . . "Today's youth—these keen-minded idealists—are finding faults with our 'isms'—Americanism, the Constitution, the American ideals. But they are missing the target. They are unhappy with the maladministration of our country. . . . they do not understand why we send troops 6,000 miles away to fight Communism, but ignore the Communist threat 90 miles off our coast in Cuba. We must begin to interpret our 'isms' in the manner in which they were intended."

A new idealism is pervading America . . . youth is turned off by the hypocrisy and moral complacency of its elders. The American dream can now mean little to them . . . they cry out "tell it like it is". Radical young are engaged in a campaign to press the nation to live up to its historic moral and political commitments.

In his recent study *Young Radical*, Dr. Kenneth Keniston, Professor of Psychology at Yale Medical School, observes . . . "However radical the tactics proposed to attain them, the basic values of the young radical are ancient and familiar; the only startling fact is that he takes these values seriously and proposed that American society and the world set about implementing them."

Such thinking has created a large number of cultural drop-outs in our society. They have rejected the system simply by refusing to worry about its problems, abide by its rules or accept its values. They reason . . . the only way you get freedom is by deciding that you're free. If you fight authority, you acknowledge it, you give it power. If authority is ignored, it doesn't exist anymore.

Dr. Keniston further points out that *distrust* seems to be the primary symptom of the alienated. They believe that attachment to a group entails the loss of individuality.

Those students who have refused to "drop out" have a unity of their own. Psychologically, one of man's basic needs is the need to belong. A person wants to feel a part of something . . . wants to be included. In doing so he seeks those with whom he has common interests and beliefs. Because of this basic need America has become a nation of joiners. We join a civic club, the PTA, a fraternal organization. Today however new groups are being formed by the young. They are banding together to fight the Vietnam war . . . to fight pollution. . . . to work for the betterment of mankind. They are fighting for their particular beliefs . . . they are united. . . . they are the youth of America.

But what created this new-found brotherhood of the young? What factors of the

American culture made it necessary . . . and what are they banding together to overcome?

First, the American culture today is composed of a vast number of various self-interest groups. The presidential election campaign of 1960 was the first in which national security, military pride, and national power were not a major issue. Prior to this time . . . with the end of W.W. II . . . the advent of the Korean conflict and the space race . . . voters were interested in either military leaders as candidates or issues involving our national prominence. But in the campaign of 1960 domestic issues for the first time came to the forefront.

For the first time we admitted we had problems at home . . . we were told about the humanitarian needs of our minorities . . . the deprivation of our poor. The need to herald these causes immediately took hold. Previously we had been one large self-interest group with a great desire to be a dominant world power. For a change we decided to worry about new problems and new issues. Immediately self-interest groups sprang forth throughout the country. There's the committee to accomplish this . . . the panel to alleviate that. Yet we have become so divided by our own self-interests we no longer consider the overall picture.

A second very obvious force in student thinking is the taking for granted of prosperity. Today's youth are a generation that has never known hardship . . . they've never known depression . . . they were not faced by the Hitler-Japan-Mussolini threat that today's parents went to war against. The affluence of our society certainly is an important factor in the changes we have seen. Many young people have more opportunity to think about youth problems . . . If they are from middle-class homes or better, they see a great contrast between their lives and those of the less privileged. This has become their cause.

A Harvard student Steve Kelman in his new book *Push Comes to Shove* surprisingly states, "The university sanctuary is a protective womb that shelters us from the natural shocks outside, in what we call on campus 'the real world'. The laws against liquor and drugs do not apply to us. Only visionaries could conceive of the leisurist future society where the general population could enjoy the 'work week' we have. The oppressed student class can't talk to anyone over 30 because older people are no longer idle, have no more time to brood."

In a recent letter to the editor in the *Oklahoma City Times* an irate citizen more bluntly expressed the same view when he says to the youth, "You have to follow your leaders like sheep. But the silent majority has no one but our president and vice-president because we are too busy trying to make a living and pay our taxes so you can go to school to protest."

On one hand the older generation has not been trying to live up to the dictates of our heritage and ideals, but on the other . . . youth have little conception of what the "real world" is like. This is why the younger generation selects the age of 30 for the breaking point in the generation gap. They feel that by this age . . . individuals are taken in by the system. And yet President John Lederle of the University of Massachusetts cleverly pointed out in a commencement address this spring that "the notion that only youth has the answers to our problems is reduced to absurdity when a student revolutionary wakes up on the morning of his 30th birthday."

We must make the youth understand the system now . . . its opportunities and its limitations. Our forefathers designed our rules of government to allow for interpretation and change. Change is necessary for survival.

From the poem "Famous Men" by Arthur Guiterman we are told:

"The past's a scroll whereon great truths are found.

But not a chain by which men's feet are bound."

The customs, conventions, and beliefs of mankind are the products of the trial-and-error experience of the race through many centuries. It has been said that "mankind is wiser than any man."

Perhaps the greatest criticism youth has of the older generation today is that of over-reaction. Young people see this to be characteristic of their elders in two main areas.

The first area is that of cultural ideas of the young. Teenagers tend to condemn the adults overconcern with appearance as a distorted sense of value. Adults view the social and cultural aspects of youth as contrary to the traditional dictates of society. We must be reminded however that youthful defiance of accepted standards or traditions is not altogether new. Let me read you something . . . "The children now love luxury. They have bad manners, contempt for authority, they show disrespect for adults. They contradict their parents, chatter in front of company, gobble down food at the table, and intimidate their teachers." Sounds modern enough doesn't it? And yet it was written by Socrates in the fourth century before Christ.

The young people of today wear long hair, short skirts, sandals or no shoes, are often unkempt in their appearance, and vibrate to the beat of rock groups by such profound names as the "Electric Eel" and the "Credence Clearwater Revival." As far out as their dress, hair and culture may seem—we must ask ourselves . . . is it really harmful? No more so really than the racoon coat, flapper dress and shouts of "twenty-three skiddoo" were to another generation. The older generation today is probably no more shocked by youthful dress and behaviour than were the parents of the youngsters in the 1920's were by theirs. Traditionally youth must go a little farther than what is accepted—they feel an urge to be different—to be noticed—and their cultural ideas are their way of achieving this individuality.

One of the top radical organizations in the country today is using this peculiarity of youth to achieve its goals. This is the Students for Democratic Society, more commonly known as the SDS. Founded in 1962 at Port Huron, Michigan, it seeks to create agitation on both the high school and college campus.

In a series of articles in the PTA Magazine, FBI Director J. Edgar Hoover talked about the creeping infection that is beginning to invade the high school. He pointed out that the "job of radical is not to lead the youth. It is to find young leaders and help make them radical."

At the high school level the SDS approach is to stir up as much dissatisfaction as possible in the student body on "within-the-school" issues. Mr. Hoover states that "the SDS realizes that these young people are not proper revolutionary material. The vast majority couldn't care less for slogans about fighting 'imperialism' and 'warmongers.' It is the immediate, at-hand student issues inside the school that 'turn the kids on' . . . issues such as dress regulations—(how short a skirt a girl is allowed to wear or how long a boy's hair should be), cafeteria service, disciplinary rules."

These are the issues that the SDS seeks to exploit. "If a student is suspended for wearing his hair too long or using drugs or abusing a teacher, the SDS says this shows that you, the student really means nothing in this high school. The school is part of a wicked, corrupt Establishment that is trying to turn you into a robot. These rules are simply designed to make you part of the 'system.'"

To combat this agitation the older generation must realize what it is up against. They must remember how they felt and thought when they were young and quit over-reacting to the youthful dress and appearance. Only then will they be able to help the youth across the gap to becoming a responsible, thinking citizen.

Earlier I mentioned there are two areas in which the youth feel adults are over-reacting. The first was that of condemning youth's codes of appearance and social behavior.

The second area in which young people believe adults should react differently is in terms of the social and political issues they feel are important. The young people say . . . when we disapprove of what our government is doing—we are trying to improve our country. Yet the older generation reacts with flag-waving and patriotic display rather than trying to understand our views. This criticism should be of prime importance to The American Legion.

The Williamsburg Congress of Student Leaders last year dealt with the topic of American nationalism as viewed by today's youth. Among the statements of those attending were . . . "A certain amount of national pride is good. Young people are against excessive nationalism" . . . "A person who believes in 'my country' right or wrong really isn't much of a person. He's just a follower, a plastic person following blindly." "Part of the problem with nationalism is that you no longer want to lose face. It then becomes a bad thing to admit you're wrong because of the so-called 'national interest'. So instead of going back and correcting your mistakes, you're drawn even further into your mistakes because now you're trying to prove that you really didn't make them."

Young people want to take seriously the rights they enjoy under a free form of government. They believe, however, the nation has come to the point that any criticism of our government's ways is viewed as unpatriotic. They declare they are as patriotic as anyone—but want to be able to change what is wrong. Young people believe that flag-waving does not make one patriotic any more than wearing long hair and sandals makes one a hippie—or going to church makes one a good person.

At this point which side is right or wrong is not the key issue.

Today's young people do not know the soaring sense of national pride and determination you felt as you fought for our country. Here again they have not known war as you have—they have not sacrificed for their country. While you hope that they will never be called to defend us against an aggressor, you must try to instill in them the feeling of pride you maintain.

If "waving the flag" is "turning them off" . . . perhaps you should tone down your approach for awhile—at least in working with the youth—use a low-key approach to gain understanding—and then gradually rebuild to the level at which you choose to portray your national pride.

Here again . . . only when the two generations come together and are really sincere in seeking understanding will the immense problems facing us begin to diminish.

The older generation can no longer sit apart declaring they are right and the young must obey. We are past the point of hoping for things to change. Now we must act.

We hear much criticism today of the news media and the coverage given to campus disruptions. Yet unless the older generation can provide some news to be reported—the situation will remain as it is. You know . . . the main trouble with the so-called "silent majority" is that they are "silent".

Reuven Frank, President of NBC News, stated recently "News records change. To be news it must happen; it may not merely exist."

This is what the silent majority must do in order to voice its ideas. It cannot merely exist and wait—it must act. But it must be careful how its acts and the methods it uses. Senator Edward Kennedy in addressing the graduating class of Mount Holyoke College in the Spring stated "The silent majority is unacceptable. In these times to do nothing, to be silent, not to inquire, not to challenge, is to abdicate citizen responsibility."

In terms of the youth programs of The American Legion—action must be taken also.

You have within your reach a group of members who can communicate with the young and can encourage them to understand your beliefs.

I refer to the younger members of The American Legion—the veterans of the Vietnam Conflict. Your efforts to enroll these young men have been outstanding. Your National Membership Director, J. Lloyd Wignall tells me that as of January 1970 The American Legion had 300,000 Vietnam veterans.

It is not enough, however, only to get these important names on your rolls. You must use them to further the interest of the organization.

These men are closer to the high school and college students—why not use this to your advantage. These men have served—they are patriotic—and they will be influential representatives to work with the young.

I believe more publicity and promotion is needed for the programs as well. You recently doubled the scholarship amounts offered in the Oratorical Contest. Students must be made aware of this. This contest is unique in what it offers.

I read recently where an Oklahoma boy had won a national contest sponsored by an organization such as The American Legion. First prize nationally was \$2,500—compared to the \$8,000 you offer. What better way to teach the young about their heritage than to get them to enter this contest—one in which there is a chance of winning a full college scholarship.

The Boys State and Boys Nation programs you sponsor can be used as a forum for talk and understanding. Here again your Vietnam veterans can be instrumental in achieving effective communication between two age groups.

You must now move forward realistically. The kids say "tell it like it is"—if you will listen to them with an open mind—they will gain respect for you and you for them—and eventually they too may be brought to understand the love you have for your country and why we must be prepared to defend and preserve it. Once more—it all boils down to that one important word "respect"! Yet until this respect is restored between generations we would do well to remember the words of the German poet Goethe. . . . "If one treats a person as if he were what he ought to be and could be, he will become what he ought to be and could be."

We hear so much talk about the young and the old . . . yet at the age of 75 a prominent American General said: "Nobody grows old by merely living a number of years. People grow old only by deserting their ideals. Years may wrinkle the skin, but to give up interest wrinkles the soul."

"The strength of this country lies in the physical, moral and spiritual strength of her people—people who have a sense of what is right and what is wrong. The strengths we possess individually we possess collectively as a nation. And these are strengths that lurk in the commonest American."

It is up to us . . . you and me . . . The drive to restore respect in America must begin now. We must be able to maintain strength, honor, integrity, and wisdom to preserve our way of life. We must keep in mind that the music of freedom will be made, not by hollow men leaning together,

but by the voluntary cooperation of individual soloists.

In the words of the English poet John Donne, "No man is an island entire of itself. Each man is a piece of the continent, a part of the main. And therefore never send for whom the bell tolls, it tolls for thee."

#### AMERICAN VETERANS COMMITTEE'S 1970 PLATFORM

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. RYAN. Mr. Speaker, the American Veterans Committee's 1970 platform, which consists of three major portions—veterans and Armed Forces affairs, national affairs, and international affairs—is the praiseworthy document of an organization with an extremely commendable record of public concern, sincerity, and intelligence.

Included among the projects undertaken by the American Veterans Committee are a Pilot Advisory Commission for New Veterans, formed in New York State, which seeks to provide educational, job and other counseling to returning veterans. In addition, a long established legal aid project assists any veteran, whether an AVC member or not, with his VA claims to obtain a review of his discharge. This past March, the committee held the first national conference on "The Human Rights of the Man in Uniform," and an international conference is envisaged to be held within the next couple of years.

The platform of the American Veterans Committee is too long for me to discuss in detail. Therefore, I will include it in the CONGRESSIONAL RECORD with these remarks. However, I could call particular attention to some of the resolutions.

The American Veterans Committee, in its resolution on military justice, "condemns the actions of the military services in response to recent demonstrations, expressions of dissent against military policies, and stockade incidents, which have resulted in placing charges against these individuals for the most serious offenses possible."

The committee, in its resolution on military expenditures and domestic needs, urges:

That the military budget be substantially cut and such funds be used in domestic programs.

That any savings from a cut-back in Vietnam expenditures be used for domestic rather than be transferred to other military purposes.

That we actively pursue the SALT talks and any savings resulting from an arms limitation treaty be diverted to domestic needs.

That a more effective scrutiny be given new and untried weapons systems which would put a heavy financial strain on the defense budget in future years.

That significant cuts be made in the size of our armed forces and supporting civilian personnel especially in our forces stationed in bases throughout the world, without impairing our national security.

The committee, in its resolution on Southeast Asia, states:

The people of Vietnam have suffered severely for too long a time from controversies that had their genesis in colonialism and in ideological conflict which most of this tortured people would surely prefer to solve through peaceful means.

The people of the United States, particularly the underprivileged, have also suffered severely because of the war. Urgently needed domestic programs have either been reduced or postponed. In addition, our country has become divided and many of our people have lost faith in the viability of our democratic processes.

Among the measures proposed by the committee in its resolution on Southeast Asia is passage of the amendment to end the war—the McGovern-Hatfield amendment—of which I am a cosponsor in the House.

The American Veterans Committee, expressing the voice of men and women who have served in the Armed Forces, speaks out loud and clear, continuing to live up to its motto, "Citizens First, Veterans Second."

The 1970 platform of the American Veterans Committee:

PLATFORM OF THE AMERICAN VETERANS COMMITTEE, ADOPTED JUNE 26-28, 1970, WASHINGTON, D.C.

#### VETERANS AND ARMED FORCES AFFAIRS

The American Veterans Committee has constantly reiterated, since its founding, its fundamental belief that rehabilitation and integration of veterans into the community is the proper scope and purpose of a veterans program. The achievement of economic security for veterans through sound economic planning for all citizens rather than through special grants or favors to veterans is basic AVC policy.

#### 1. Compensation

For many years, AVC has pointed out the need for a thorough review and reappraisal of this Nation's policies on veterans as follows:

1. We oppose bonuses and general pensions as being class legislation and unrelated to the real needs of individual veterans and tending to set veterans apart from their fellow citizens.

In the matter of benefits, two basic standards should be applied.

a) For death or disability incurred in military service: Are the benefits sufficient to provide a decent standard of living for the veteran, his family or survivors?

b) For all veterans: Are the benefits so designed as to enable a readjustment from military service to civilian life with a minimum economic loss?

Since benefits are a Federal responsibility, uniform standards of administration and compensation should be applied nationally without regard to race, creed, color, sex, or national origin.

#### 2. Draft

AVC recognizes the necessity for the United States to maintain adequate military forces in present world circumstances. It also recognizes the citizen's obligation to military service and recognizes a selective service system as an appropriate model of raising military manpower. We object, however, to the inequalities of the draft system as presently administered, especially the deferment of students, the lack of uniform guidelines and the lack of fair representation of the citizenry, especially for minority groups, on the draft boards.

#### 3. Reserve programs

The world we live in, with its emphasis on speed of operation and technical su-

periority, demands standing Armed Forces of sufficient size, training and equipment and organization to be effective immediately for defense and counter attack. It is apparent that the Regular Armed Forces must remain our first line of defense. They must be of sufficient size and mobility for deployment anywhere on the globe within a minimum of time so that we may continue to provide, when necessary, those forces needed for collective security under our international obligation in peripheral conflicts occurring in the strategic localities of the world.

AVC believes that the National Guard is ill-fitted to serve both roles which it is currently called upon to play. One role is that of assisting civil authorities in the United States in peace-time. Forces suited for that role should primarily consist of military police, possible infantry, with some supporting units (medical, signal, QM, etc.). The other role is that of forming a part of our highly complex and sophisticated Armed Forces with guided missiles, high mobility, heavy weapons and requirements for intensive technical training.

AVC regrets that the steps taken to integrate the National Guard have, so far, been far from adequate. While an office has been established in the National Guard Bureau to deal with equal opportunities, neither the staff nor the influence of that office are sufficient for the purpose.

Regretably, while the percentage of minority group members in the regular Armed Forces is and remains relatively high, the percentage in the National Guard is low and has remained low despite certain recruiting efforts. We cannot afford to have a polarization within the Armed Forces as between the National Guard on one hand and the Regulars on the other. While the domestic peacetime tasks which the National Guard is called upon to perform tend to involve minority group civilian populations, the troops involved should not present the appearance of an army of occupation.

While a National Guard remains a part of the structure of our Armed Forces, incentives should be provided so that a larger number of minority group personnel with active duty experience will choose to enter and remain in the National Guard.

AVC is opposed to any policy whereby the Armed Forces award discharges other than honorable to reserve personnel based upon the political or other activities in which these individuals may participate following separation from active service under the draft.

We believe that the conditions of discharge should be based solely upon the military activity and efficiency of the reservists.

#### 4. Benefit dollar

AVC believes that provision should be made to maintain automatically the purchasing power of the benefit dollar and upward adjustments be made annually in accordance with the Bureau of Labor Statistics, Consumer Price Index.

#### 5. Civil service

AVC believes that veterans point preference in the civil service be limited to the initial appointment only, and that no person should receive a position unless fully qualified to perform the duties involved.

We oppose the principle of granting absolute preference to veterans in state and local civil service.

#### 6. GI bill

AVC applauds the passage of a permanent G.I. Bill of Rights as a responsible means of enabling servicemen and women to return to civilian life with facility and ease at the end of their service and become useful and productive members of their communities. We also applaud the recent passage of legislation improving the benefits provided through the G.I. Bill of Rights.

However, we feel that benefits are not yet in line with the World War II and Korean

War G.I. Bills and the current cost of living. Unfortunately, many existing programs remain unavailable to veterans because of the financial stress they now entail, or are available only at great sacrifice. This is particularly true in the area of educational programs.

AVC urges the Congress to further adjust benefits to match current costs of living and education.

The G.I. Bill of Rights should be administered in such manner as to guarantee the absence of discrimination.

#### 7. VA hospitalization

AVC urges that treatment of non-service-connected disabilities in VA hospitals be continued on a space-available basis, but that such treatment be charged at the full cost, if a patient has the means to pay for such service; certificates that a veteran is unable to pay should be investigated thoroughly to determine the true ability to meet the cost of hospitalization. Further that terms of coverage of all prepaid medical associations, plans and companies be amended by action of the legislatures, supervisory bodies or membership, so as to provide payment to VA hospitals for non-service-connected treatment on the same basis as payment to private voluntary and public hospitals.

#### 8. Unification

AVC notes with satisfaction that the process of unification of the Armed Forces has been making progress. AVC commends the actions hitherto taken in this regard and urges that the Department of Defense continue these efforts vigorously.

#### 9. Discrimination—Foreign and domestic

We maintain that no assignment of any military personnel should be made whether within the United States or overseas, for consideration on grounds of color, religion, ancestry or national origin.

Our goal is to insure that no member or employee of the Armed Forces, and no dependents of such person shall be subject to discriminatory treatment, on or off base within the United States or outside the United States, on the grounds of color, religion, ancestry, or national origin, and that the power, including the economic power of the United States be consciously used to further this objective.

#### 10. Information service

We owe the men of our armed services the best possible training to equip them for the rigors of modern combat under the most adverse conditions of weather, terrain, supply and enemy action. We further believe that an orientation program be instituted in order to acquaint the prospective draftee, at the time of registration, with all the rights, privileges, benefits and special training he and his family will be entitled to if and when he is inducted into the Armed Services.

#### 11. Jurisdiction over ex-servicemen and civilians accompanying the Armed Forces overseas

We believe that the ex-servicemen, military dependents, and civilians accompanying the armed forces abroad should not escape punishment for serious offenses committed while in such status, but should be tried before civilian courts. By serious offenses we mean crimes of the same degree of seriousness as felonies at common law.

#### 12. Awards and benefits

All laws of the United States pertaining to the granting of military medals or decorations, military disability retirement or compensation, dependents and survivors benefits, veterans benefits (including benefits to dependents or survivors), or other special benefits to military personnel or their dependents on the basis of wartime service of such military personnel shall apply in like manner to service performed in such areas and dur-

ing such period as proclaimed by the President where combat or combat conditions exist and the United States forces to which such person is attached are either engaged in the combat, engaged in military operations designed to carry out any treaty or other international obligation of the United States.

13. AVC notes that legislation has been enacted which expedites the naturalization process of servicemen and ex-servicemen and which allows noncitizen widows of servicemen who die while on active duty to be naturalized without penalizing them for the death of their husbands.

The problem of aliens in the armed services being sent overseas before their naturalization is complete, even though no prior period of residence is required, persists. AVC urges that, either, following the precedent, set in former Section 702 of the Nationality Act of 1940, provision be made for such persons to be naturalized while outside the United States, or that the services adopt a ruling whereby service personnel in process of Naturalization, who are not themselves contributing to the delays involved, will not be sent overseas until the naturalization process is complete.

(First 3 resolutions below carried over from 1969 Platform.)

#### RESOLUTION ON MILITARY JUSTICE

AVC strongly condemns the actions of the military services in response to recent demonstrations, expressions of dissent against military policies, and stockade incidents, which have resulted in placing charges against these individuals for the most serious offenses possible.

AVC has always recognized that a proper balance must be maintained between the demands of the military to maintain order and discipline and the rights of servicemen as they are guaranteed by the Bill of Rights. However, the possible deterrent effects of harsh punitive charges and sentences must not be allowed to be the sole factor in determining the reaction of military authorities to such incidents. The rights of servicemen must be protected just as much as the rights of civilians if the system of military justice, about which serious questions as to its procedures have been raised, is to command confidence.

AVC urges the military services to treat in a restrained and judicious manner these offenses, to retain confidence in the system of military justice.

#### RESOLUTION ON ADMINISTRATIVE DISCHARGE

While AVC favors in principle the legislation now pending in Congress which is designed to:

- 1) Provide the statutory framework for the administrative discharge process.
- 2) Insure that those whose administrative discharge is proposed are given a fair hearing, have access to counsel who are members of the bar, have the right to have witnesses called on their behalf and are given other safeguards.

AVC also calls for the amendment of the legislation now pending so that the so-called "General Discharge under Honorable Conditions" will be treated as the mildest form of punitive or less-than-honorable discharge. Military personnel faced with the prospect of being awarded a General Discharge under Honorable Conditions should be given safeguards which substantially approach those now proposed for the lesser forms of discharge. The oft-repeated contention of the military services that the "General Discharge under Honorable Conditions" is merely another form of Honorable Discharge is not borne out by the experiences of those whose service has been so stigmatized, and the existing power of a single commander to impose a General Discharge must be curbed.

AVC further calls for the deletion from those copies of discharge certificates which

are to be exhibited to prospective employers and others of references to service regulations which reveal the reason for discharge, if such reason can reflect on the individual. If it is necessary to delete the reason for discharge from all discharge certificates in order to prevent adverse comments to be drawn from the absence of an indication of the reason, then AVC supports deletion of all reasons for discharge.

#### RESOLUTION ON NAMING OF A VA HOSPITAL

AVC supports the bill introduced by Congressman Bingham, H.R. 745 to rename the VA hospital in Jackson, Mississippi as the Medger Evans Hospital.

#### RESOLUTION ON EMPLOYMENT PROBLEMS OF RETURNING VETERANS

The problems of the returning veteran in our nation's capital are made even more severe by the lack of a representative local government to meet his needs. Therefore, Be It Resolved:

That the Senate Subcommittee on Veterans Affairs be requested to investigate and correct these serious and glaring hardships which leave most veterans unemployed, untrained for a new position, restricted to the ghetto, frustrated and disillusioned.

#### RESOLUTION ON D.C. CHAPTER RED CROSS

The D.C. Chapter of the Red Cross has been seriously deficient in its treatment of the returning veterans. The AVC D.C. Chapter is requested to investigate this problem and to recommend action to the National Board.

#### RESOLUTION ON ADVANCED ALLOWANCE FOR RETURNING VETERANS

Be it Resolved: In order that the disadvantaged Vietnam era veterans have an opportunity to attend a college or technical school without due hardship, he should be given his G.I. Educational Benefits Check in August, prior to the commencement of the school year, rather than receiving his check in November which is the current procedure. This forces many veterans into debt and hardship, and also keeps many veterans from applying for benefits which they have earned by their military service.

We strongly urge passage of S3657, the Veterans' Educational Assistance Advance Allowance and Work Study Program.

#### RESOLUTION ON A CONFERENCE ON RETURNING VETERANS

One of the severest problems a veteran faces today is the abrupt transition from the battlefield to civilian life. In 1970 the problems he faces are far more difficult than those faced by veterans in 1945 and 1952. This is of concern to the nation as well as to the Veteran and his family.

Therefore, Be it Resolved: That the National Board be directed by the convention to make every effort to call a conference on the returning veteran in the same manner and fashion as its outstanding Conference on the Human Rights of the Man in Uniform. To such a conference should be invited not only veterans and veteran groups, but also other civilian groups who are affected and interested in this transition.

#### RESOLUTION ON "ATROCITIES AND SILENCE"

As Veterans of savage and bloody wars, we are shocked and ashamed at the reported atrocities committed by both sides in the war in Southeast Asia. In addition, we are convinced that incidents such as that in My Lai could not have been prevented from coming to public attention for two years if a considerable number of officers in senior positions had not been determined to keep the matter secret. AVC calls for whatever action may be necessary to make sure that members of the Armed Forces who take it on themselves to call the attention of the Congress and the people to any such incidents are effectively protected from reprisals and

that 'conspiracies of silence' are explicitly, severely punished quite apart from the incidents themselves.

#### RESOLUTION ON RELIGIOUS FREEDOM

The AVC supports the principle of freedom of religion in the armed forces. Religious observance should be neither denied nor compelled, nor exploited for non-religious purposes.

The AVC recognizes the propriety of providing chaplain and chapels, so that military personnel are not deprived of the right to worship as they see fit.

Instances have recently come to light, in which chapel attendance has been made compulsory in service academies. In other instances, armed forces chaplains have been used to indoctrinate service personnel on military, political, and religious matters. The AVC deplores such practices and urges that they be discontinued promptly.

#### RESOLUTION ON MILITARY EXPENDITURES AND DOMESTIC NEEDS

It is well established that the needs of our domestic economy are so critical that they cannot be met at the existing level of federal expenditures. The problems of pollution, hunger, poverty, living conditions in our cities and rural areas, public safety, and other domestic needs, require massive infusion of federal funds not available in the present budget.

Our inflated military budget has taken badly needed public funds from our domestic programs. AVC believes that the present military establishment can be cut, especially our Forces stationed in Bases throughout the world, without sacrificing our National Security, and that the requirements of domestic programs should have at least as high a priority as our military requirements.

We therefore urge:

That the military budget be substantially cut and such funds be used in domestic programs.

That any savings from a cut-back in Vietnam expenditures be used for domestic rather than be transferred to other military purposes.

That we actively pursue the SALT talks and any savings resulting from an arms limitation treaty be diverted to domestic needs.

That a more effective scrutiny be given new and untried weapons systems which would put a heavy financial strain on the defense budget in future years.

That significant cuts be made in the size of our armed forces and supporting civilian personnel especially in our forces stationed in bases throughout the world, without impairing our national security.

#### RESOLUTION ON CIVIL RIGHTS IN THE DEPARTMENT OF DEFENSE

The American Veterans Committee, in Convention assembled:

1. Welcomes the action by the Department of Defense in focusing attention on Civil Rights by appointing a Deputy Assistant Secretary whose sole function will be Civil Rights.

2. Regrets that racial strains have increased rather than diminished in recent years.

3. Reminds those concerned with military-related costs that the cost of racial friction (lost man-hours, reduced combat effectiveness, added cost of burdens on the military justice and military confinement systems, lower efficiency by those alienated) is many times—greater than the cost of a Civil Rights staff large enough, well funded enough, and sufficiently well backed to do an effective job.

4. Urges the Secretary of Defense to strengthen the Office for Civil Rights, Department of Defense, in personnel and in funds to the point at which it will have a real impact.

5. Points out that among reserve and National Guard personnel with the obligation

or the opportunity to serve short tours of active duty, are many with particular expertise in the civil rights area and urges that these skills be better utilized.

6. Recalls that AVC has, throughout its history, worked closely with the Department of Defense in the civil rights area, on projects such as the tour of Southern Military bases by AVC leaders in 1960 and the Audit of the National Guard undertaken in 1963.

7. Offers whatever services it can render in this area to the Department of Defense.

#### RESOLUTION ON THE DRAFT

AVC reaffirms its position on the draft as stated in our platform and as presented in detailed testimony before the House and Senate Armed Services Committees in 1967.

AVC also continues to deplore the lack of Congressional action for specific reforms of the draft law which have received wide public support, and which were endorsed by AVC, which are urgently needed.

Further;

1. AVC reiterates its position against a mercenary army, and will seek to testify before the "President's Commission on an All-Volunteer Armed Forces."

2. AVC supports provisions which will enable students who have begun their studies to delay their active duty until they have reached a reasonable point of completion of these studies, but which will not exempt them from service. In this connection, AVC suggests that consideration be given to an adaptation of the Enlisted Reserve Corps program used during World War II.

3. AVC reiterates the positions it has previously taken concerning the improvement of the legal rights of draftees, composition of draft boards, system of selection, etc.

4. AVC agrees with the recent Supreme Court decision whereby total conscientious objection need not rest exclusively on a religious basis, but may instead be based on sincere philosophical or ethical views.

AVC asks for a uniform implementation of the new principles enunciated and urges that consideration be given to ways in which sincere selective conscientious objection can be recognized.

#### RESOLUTION ON NON-DISCRIMINATION IN THE MILITARY MEDICARE PROGRAM

While AVC was greatly encouraged by the decision of June 10, 1968 of the Department of Defense to coordinate its efforts in achieving non-discrimination in the Military Medicare (CHAMPUS) Program with the Title VI enforcement effort in medical facilities being conducted by the Office of Civil Rights at HEW . . .

AVC regrets that the plans for coordination have not been implemented (except with regard to some eight hospitals), due to the failure of the Department of Defense to authorize a very minor item of reimbursement to HEW.

Calls upon the Department of Defense to implement its policy and to launch coordination effort so long delayed.

We regret that, one year later, the policy adopted in 1968 has not yet been implemented.

We call on the Secretary of Defense to inform us by when we can expect progress in this area.

#### NATIONAL AFFAIRS

AVC stands for the Bill of Rights as a living force animating the political life of our Nation and as a firm limitation on the arbitrariness of government.

AVC stands for the Bill of Rights as a guarantee of our freedom to speak, to assemble, to believe, and to dissent without fear from the conformities of the day.

AVC stands for equality for all, regardless of race, color, ancestry, national origin, religion, sex or age, and for the constitutional guarantees of such equality.

AVC stands for just legislative represen-

tation of the people of the United States, the States and their subdivisions, without poll taxes or other property qualifications for voting, with equal weight for each vote, and on a geographically fair basis, within the framework of the Constitution of the United States.

AVC stands for a policy of gainful, full employment and security for all, as outlined in the Employment Act of 1946.

AVC stands for responsible, efficient, and honest government and for the merit system in government employment.

AVC stands for a government possessing and willing to exercise all powers necessary to bring about a solution of our national problems.

AVC supports the active intervention of government, primarily of the Federal Government, in the economy and the general welfare of our country to stimulate and provide employment to improve the physical condition of our cities and towns, of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our country to stimulate and provide employment to improve the physical condition of our cities and towns, of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our people.

AVC supports a tax policy based on ability to pay and opposes regressive sales and excise taxes.

AVC stands for the recognition of equal rights for labor and management and for improved social benefits of employees.

AVC supports an educational system and a public health system which will give the American people, and America's youth in particular, the knowledge, skills, and training, and the physical and mental health and stamina, to continue their forward march toward America's democratic fulfillment.

#### *Government and liberty*

#### I. The Nation's Freedom—the Bill of Rights

1. We affirm the basic right of all Americans to due process of law, the right to counsel and to freedom from unlawful search and seizure. We oppose all efforts to suppress freedoms to believe, speak, write, assemble, criticize, and dissent.

2. A. We urge strong and consistent enforcement of existing laws and regulations which will insure to the citizens of the United States and of the several States the full measure of their privileges and immunities of due process of law and the equal protection of the laws guaranteed to them by the Constitution, regardless of race, color, ancestry, national origin, religion of sex, or wage, and urge the national, state and local governments to enact such further laws, ordinances and regulations as may be needed further to insure these ends.

B. We believe in the principles of the separation of church and state.

C. We favor freedom from censorship of newspapers, magazines, radio, television, motion pictures and other media by the Post Office, Customs Bureau, police departments, and other units of government as well as by private pressure groups.

D. We oppose the use of wiretapping and electronic and other forms of eavesdropping devices whether by private individuals or Government officials, elected or appointed.

E. We urge protection by Federal law of all members of the Armed Forces from physical violence because of race, color, ancestry, national origin or religion.

F. We urge making lynching a Federal crime, as well as making provisions for compensation to the families of lynching victims.

G. We favor Federal legislation making it a crime to bomb or to conspire to bomb

school, church and other public and quasi-public property.

3. A. The right against self-incrimination. No inference should be drawn in regard to guilt in any legal proceeding of any person solely because he exercises this right.

B. The right to travel. The right of an American citizen to travel abroad should not be arbitrarily abridged by the Federal Government.

#### II. The Nation's Government

1. Freedom of information: The right of the people to full knowledge of government affairs must not be abridged, except where disclosure would imperil the national security or where disclosure would, without substantial public benefit, encroach on the right of the individual to personal liberty or freedom.

2. Congress: We urge proper changes in the rules of the Congress of the United States which will make it possible for the majority of the members to vote cloture or closed debate on legislation after a reasonable period, and which will make merit, not tenure alone, the standard to be used in the selection of committee chairmen.

We urge changes in the House and Senate rules to require recorded votes on all actions to facilitate this procedure, we urge that electronic voting machinery be provided.

3. Federal-State Relations: We favor strict Federal standard-setting and enforcement in all federal grants in aid.

4. State and local government: We urge reapportionment within the States consistent with the principle "one man-one vote."

5. The Federal civil service:

A. Apart from discharges based on reorganization of Government activities or reduction in force, Government employees should be discharged only for cause and through due process of law. The employees should be presented with a written statement of charges, have the right to a hearing before an impartial board. He should have the right to present evidence, be confronted with adverse witnesses, cross-examine witnesses, and receive a transcript of the hearing free of charge. Action toward his separation from the Government service should be taken only on the basis thus made.

B. The rights granted to veterans in the Veterans Preference Act in regard to discharge procedures and appeals should be extended to all Government employees except those in probationary status.

6. District of Columbia: We urge that the District of Columbia receive, by legislation or by constitutional amendment where the matter cannot be handled by legislation:

A. The right to local self-government and;

B. The right of elect Senators and Representatives in Congress;

C. An equitable annual Federal contribution in lieu of taxes.

#### *Economic security*

#### III. Basic Economic Policy

1. We continue to support the Employment Act of 1946 which states it is the policy of the Government to create and maintain "conditions under which there will be afforded useful employment opportunities including self-employment for those able, willing and seeking to work and to promote maximum employment, production, and purchasing power."

2. To insure the interest of the consumer, we urge Congress to establish a Department of the Consumer, to be headed by a secretary of Cabinet rank.

#### IV. Monetary Policy and Tax Policy

1. Monetary policy: We urge the establishment of Federal capital budget for reimburseable public works appropriations and to improve the accounting and budgetary operations of the Government.

2. Tax policy:

A. We urge elimination of special provisions in the internal revenue laws which are discriminatory in nature. As blatant examples, we point to the favored tax treatment of the extractive industries, the restricted stock options for corporate executives, the retirement income credit, the preferred tax treatment of profits on stock market transactions, and the dividend exclusion and credit provision.

B. We also call for an end to the abuse of the deductibility of business expenses to finance luxurious travel, vacations, and entertainment for business management, professional men and sales executives.

#### V. The Urban Crisis

AVC from its inception has been vitally concerned about the urban crisis, and we recognize the urgency of effective action to overcome the conditions which have caused it. These are many-faceted, including a shortage of jobs, of homes, of services, of educational incentives, of recreational opportunities. They also include environmental pollution and the citizen's increasing inability to influence or even participate in city government by democratic means. Many of these evils are most concentrated in the slums.

The concept embodied in the Model Cities program, of strengthening local government and the people it serves to solve these problems, offers a sensible approach to solution of the urban crisis itself. AVC urges expansion of this demonstration program to all communities which may benefit from it, with adequate financing for both the development of local plans and the federal programs which are expected to contribute to their implementation. We intend to be vigilant, that the focus remains, under the new program guidelines on the disadvantaged in the cities.

Citizen participation in the planning and administration, as provided for in Model Cities, Community Action and other programs, is the democratic means of assuring that resources intended to help the disadvantaged are not bargained away without the consent, or at least the understanding, of the poor themselves. We urge the Congress to retain its requirements for citizen participation and extend them to additional programs which the federal government supports. We urge also that provision be made and funds be allocated for independent planning staff and facilities for citizens' groups and commissions.

An important aspect of the urban crisis is housing. Physical reclamation of the slums requires the provision of housing for those who now inhabit the slums, at rents or prices which are fair and which they can afford to pay. To bring this about, we favor flexible use and adequate funding of the variety of programs now in use, including rent supplements, eased purchase credit, reduced interest costs. We also recognize that it will be some time before the private housing industry will be able to play a significant role in such low-return activities, and we therefore call for the widest variety of public investments in housing, such as traditional public housing, turnkey housing, direct interest-free loans and leased housing. And we need serious thought about new approaches.

Beyond the creation of the necessary housing, our government must assure that access to housing is assured regardless of the race, color, creed, national origin, age or size of family of the prospective user. We call for vigorous enforcement of the Fair Housing provisions of the Civil Rights Act of 1968, which was a start toward elimination of the ghettos.

We also recognize that the urban crisis is affected by the rural crisis which has long been apparent but ignored. We therefore demand that the scantily-funded rural counterpart programs be revitalized and used toward stabilizing the life of our rural citizens

in the countryside where they prefer to live instead of forcing them to migrate to the cities, often to be engulfed by the slums.

#### VI. Conservation and Development of Natural Resources

We accept as a cardinal principle of conservation policy that the natural resources of this land are given to us in trust for the people of this and subsequent generations. The benefits of these resources must be distributed widely and equitably and a share thereof must be preserved for future citizens.

Through comprehensive and coordinated national and regional planning and development, wise use, and enlightened conservation, this can be done. The very nature of the problem requires that Government play a major and controlling role in assuring that conservation.

1. Department of Natural Resources. We propose the organization of the Department of Natural Resources. Such a new department should provide for regionally decentralized opportunities for program formulation and execution, while clearly placing federal responsibility for resources development within the framework of a single agency. The regional multi-purpose concept may require that specific localities or projects be reserved or developed for one or more preferred use.

#### 2. Water and Air Conservation:

A. We reaffirm our strong support of comprehensive multi-purpose river basin development and urge the accelerated application of this principle to our river basins.

B. We similarly favor regional planning by the States and metropolitan areas as well as area redevelopment.

C. We urge the Federal Government to undertake the planning and construction of multi-purpose water and power projects similar to the one provided in the Tennessee Valley. Their very scope requires government development and precludes the short-term piecemeal operations of private interests.

D. The conservation and development of adequate fresh water supplies to meet expanding needs for domestic agricultural, industrial, wildlife and recreational uses, and the protection and improvement of water quality, especially in relation to accumulated pesticides and other contaminating matters, are of increasingly urgent concern.

3. Energy resources conservation. We call for:

A. The maximum feasible development of our only renewable energy resource hydroelectric power including Federal construction of multi-purpose power dams and other waterpower, irrigation, flood control and navigation works using standards of feasibility and repayment schedules for such projects based upon their reasonably expected service life.

B. A continuation and acceleration of the Federal programs to develop and stimulate development of effective processes for the utilization of our immense reserves of oil, natural gas, shale and coal.

C. We urge a major increase in the scope and speed of air pollution prevention measures.

D. The development of atomic energy (both fission and fusion type) for power and other peaceful purposes.

#### 4. Recreation and Wildlife:

The expansion in the demands for outdoor recreation opportunities requires that we add to our national park system and increase the recreational developments on our national forests, public lands, reservoirs and seashores.

We endorse legislation to control billboard erection in scenic areas. Urban planning and redevelopment should include provision for open spaces and outdoor recreation areas.

#### 5. National Land Reserve.

We support the concept that our remaining public lands constitute a "National Land Reserve" to be administered for the benefit of the public with appropriate safeguards for future generations.

#### 6. Pesticide Control.

We urge careful consideration and close supervision of pest control programs in recreational, farming, and urban areas.

#### VII. Agriculture

American agriculture is increasingly the victim of the owners of the new machines, themselves investors rather than farmers. Hired workers are displaced from jobs, and farm lands are being concentrated in fewer hands as farmers themselves are displaced.

AVC calls for a four-part approach to the resulting problems:

1. A reduction of subsidies to industrialized agriculture, those now being paid in proportion to production or for practices which, like some in other industries, are a normal part of the business;

2. New approaches to two problems of the sub-marginal farmer and the farm laborer, recognizing that their plight is closely related to that of the underemployed urban worker and is only in part agricultural.

3. Strengthening the economic family farm through greater attention to credit, service and marketing needs;

4. Providing for rural people the whole range of educational, cultural, recreational, health and other opportunities already accessible to dwellers in metropolitan areas.

#### VII. Labor

We urge:

1. Periodic updating of the provisions of the Fair Labor Standards Act to insure the coverage of maximum numbers of categories of workers and a realistic and decent Federal minimum wage.

2. Enactment of laws for the full disclosure of the administration of pension and health and welfare plans, whether administered by unions or management or jointly by both. Federal law should follow existing Federal securities legislation and State laws such as that of the State of New York for the exemptions contained in the latter.

#### IX. Social Welfare

As veterans concerned with the social welfare of all citizens we urge:

1. Federal standards to increase unemployment insurance benefits, more realistic eligibility standards and lengthening of the period for which benefits are paid.

2. Development of a strong and unified child welfare program with the Department of Health, Education and Welfare.

3. Development of Federal services and grants-in-aid for the prevention and control of narcotics addiction, based on the premise that drug addiction is a disease to be treated.

#### X. Education

1. We recognize that "in the quality of education lies the fate of freedom itself." We urge the provision of educational opportunity for every American to the limits of his capacity, and the identification of the talented among us in order to challenge them to their highest achievement.

2. To improve and extend existing scholarship and loan programs for college and university students.

3. To extend scholarship and exchange programs for study by Americans abroad and by nationals of other countries in the United States.

4. To appropriate adequate Federal aid to communities impacted by Federal programs.

5. We oppose the use of public funds whether as grants or loans to non-public elementary and secondary schools.

#### XI. Public Health

We urge:

1. Increased Federal expenditures for research in the prevention and care of illness.

2. Expansion of medical insurance and group medical care plans, including a plan for national health insurance.

3. Expansion of public health facilities and services hospitals and nursing homes, without regard to race, color, ancestry, national origin, religion or sex.

#### XII. Indian Rights

We oppose revocation of commitments entered into by treaty between the U.S. Government or the Government of any state and the various Indian tribes.

We support all efforts (1) to safeguard Indian lands and resources from exploitation and expropriation in violation of treaty rights and (2) to make the Indian tribes capable of supporting themselves from the proper development of their resources.

We support adequate health and educational services for the Indian tribes capable of supporting themselves from the proper development of their resources. We support adequate health and educational services for the Indian reservation as well as training in modern industrial and management skills to enhance the opportunities for better living and the ability of the Indian tribes to manage their own affairs.

We also support social services to those Indians who desire to live outside their tribal reservations so as to assist them in adapting themselves especially to urban living and to protect them against discrimination and hostility in their new environment.

#### RESOLUTION ON CLASS LITIGATION

Class action litigation, by which law suits brought for all injured or damaged parties against manufacturers of unsatisfactory products, have proved highly effective in protecting the interests of consumers. AVC supports legislation which would authorize such suits on the initiative of consumers without waiting for action by the Federal Trade Commission or the Department of Justice.

#### RESOLUTION ON FEDERAL GOVERNMENT LABOR MANAGEMENT RELATIONS

The American Veterans Committee views with hope the growth of labor management relations for those in public service.

AVC urges that the President or Congress act quickly to change the requirement in the Executive Order covering labor management relations in the Federal Government that charges leave to those representing Federal employees in contract negotiations while their management counterparts are paid for work at the same bargaining table.

#### RESOLUTION ON THE SUPERSONIC TRANSPORT APPROPRIATION

The American Veterans Committee opposes the proposed appropriation for the Supersonic Transport. The money is more urgently needed for critical domestic needs, and our sense of priorities should use such money to fight hunger, poverty, and pollution, rather than transport a few hundred people a few hours quicker to their destination. Our country cannot afford the noise and air pollution that would result from such transportation. The anticipated economic benefits will not offset those disadvantages.

#### RESOLUTION ON THE STRUGGLE FOR AN INTEGRATED SOCIETY

For the first time in over twenty years, the President of the United States and his Administration are retreating from the goal of an integrated American society.

Noting the barriers to integration, they extend their sympathies to those who resist change toward full equality for our ethnic and racial minorities. In turn, some leaders among those minority groups see as the only alternative to victory in the struggle, a retreat into separation or to revolutionary doctrines. We understand their feelings, but we can not agree that the cause is lost.

The long years of discrimination against our minority groups will not be remedied without constant attention and effort from all concerned Americans.

Therefore, we call on all people to take their stand for equality of opportunity NOW, when the situation is so lacking in promise but when commitment in this cause is most needed.

All Americans need this encouragement. Those who oppose an integrated society must understand that the full weight of the Federal Government will again be used to assure the full implementation of our constitution and civil rights laws.

#### RESOLUTION ON LEVELS OF VIOLENCE

Whereas The increased prevalence of mass protest demonstrations has produced a reaction on the part of law enforcement agencies and officers; and

Whereas In many places across the country the reaction has deliberately been given a force far beyond that needed to maintain peace, given the nature of the participants' own strength, and

Whereas It has become obvious that whatever the intent of the political officials or of the law enforcement agencies, including the state-service National Guard units which were called in, enough of the men involved were without sufficient training to maintain their own discipline; and

Whereas Even when law enforcement agencies have people in custody and totally without defense, they have often acted with cruelty, unnecessary roughness, and primitive vindictiveness, absolutely contrary to the American professions of fair play and punishment only for crimes, and then only after conviction and to a degree related to the seriousness of the offense; and

Whereas Enough dissenters have used open violence in their protests to give the appearance of grave immediate danger to our lawful ways of life creating an atmosphere for counter-violence; and

Whereas Similar breakdown of the American standards of behavior has been revealed increasingly in police forces, correctional institutions and the armed forces, leading to damage, personal injury, and even death, particularly to members of minority groups.

Now Therefore Be It Resolved, That AVC condemns the use of violence and deliberate incitement to violence by any of our citizens; and be it further

Resolved: that AVC condemns the use of broad and deadly forces by law enforcement agencies, civil and military, against our own citizens and be it further

Resolved That AVC demands that the Justice Department devote an adequate fund to training police forces and correctional institution staffs so that they will be able to do what is necessary to maintain domestic tranquility, and no more, and be it further

Resolved That the U.S. Community Relations Service develop guidelines for objective evaluation of police and related misconduct, so that an end can be brought to it, and be it further

Resolved That AVC urges all public figures to heed the injunction to "lower our voices" as a step toward lowering the level of violence abroad in the land.

#### SENSE RESOLUTION

AVC reaffirms its support of a constitutional amendment that would provide for the direct election of the President and Vice President by popular vote.

#### INTERNATIONAL AFFAIRS

We the members of the American Veterans Committee, believe that in international affairs the objective of the United States is the maintenance of peace. All else aside, the world must avoid the holocaust of nuclear war. Within that framework our foreign policy, like our domestic policy, must be oriented to enhance the welfare of the individual, be he black, white, brown, or yellow, so that he may eat and sleep in safety, live his life under government of his choice and realize to the fullest extent possible the measure of his aspirations.

#### I. The United Nations and World Government

The United Nations continues to be man's best hope for peace. American support to the United Nations must be an essential part of

our foreign policy. The authority of the United Nations must be progressively strengthened in a process which sees the selective yielding of the prerogatives of national sovereignty in a manner that will enhance the fundamental freedoms and the well-being of all the peoples of the world.

Recognition of the rule of law principle in international relations is an essential of action in reinforcing the United Nations role in the maintenance of peace and security. Appropriate means must be found to widen the area of internationally accepted standards and American compliance therewith. Prompt repeal of the Connally reservation by the United States Senate would be a step in this direction.

We believe that there must be an acceleration of progress in the ratification of existing international human rights conventions by the United States. Where necessary, enabling national legislation should be enacted to bring our laws into conformity with these conventions. United States action in this respect has been grossly inadequate and has hindered a greater assertion of American leadership which is required.

We regard the integrity and independence of the Secretary General's office as expressed in the Charter crucial to the existence and growth of the United Nations. We shall oppose any attempt which seeks to weaken the powers of this office.

We favor encouragement and aid to the formation of supranational authorities of a regional nature consistent with the U.N. Charter and of treaty arrangements which limit the sovereignty of the participating nations in order to secure mutual advantages, such as the European Common Market, Euratom and others. The United States should further encourage and support European initiatives through the European Economic Community, Euratom, the Council of Europe, or otherwise to create, consolidate and strengthen institutions which may lead to a politically stable and prosperous European entity.

We fully support the enlargement of the peace-keeping function of the United Nations. The use of peace-keeping forces by the United Nations should be supported financially on an obligatory basis by all members of the United Nations. The allocation of military forces on a standby basis should be encouraged and established systematically through the creation of a permanent planning mechanism in the United Nations.

We favor the ultimate establishment of democratic world government.

#### II. World Veterans Federation

We point with pride, and pledge our continued support to the World Veterans Federation, a world-wide organization of former fighting men whose activities are a remarkable example of the kind of private international co-operation on which lasting world peace and justice can be built.

#### III. Nuclear Testing and Disarmament

Complete elimination of nuclear weapons testing and establishment of international controls on this most dangerous weapons technology should be the goal of American foreign policy. Our world finds itself in the unique and unenviable position where one generation can make life on earth unlivable for another generation.

The adoption by the United Nations of a non-proliferation Agreement is a significant advance despite the reservations of some member states. The United States as the foremost nuclear power, must move forward in this regard by ratifying the Agreement as rapidly as possible.

The new initiatives by the United States and the USSR to begin negotiations toward the limitation of offensive and defensive nuclear ballistic missile systems is an important next step. United Nations action to convoke meetings of the five nuclear powers—

Britain, France, the Soviet Union, China and the United States is further movement toward the desirable goal of creating controls of these awesome weapons. Only by showing their good faith can the nuclear powers induce other states to forego development in this most dangerous area, lower international tension, and avoid the allocation of needed resources to essentially destructive and wasteful ends.

Complete and total disarmament is the ultimate summum bonum, but this is an objective remote in time and immediate achievement is not feasible. Efforts toward that goal, nonetheless should be made by the United States and should be encouraged in other nations. Mankind can never reach its true destiny if it must continue to allocate so high a percentage of its resources to forge the weapons of war.

#### IV. The United States and its Allies

Inevitably differences will arise between the United States and its Allies, but there are differences which can be resolved around the conference table. In its negotiations the United States should seek no more than the rights and privileges of a willing partner.

The North Atlantic Treaty Organization was formed in a world considerably different from the world of today. It is time for the NATO Nations to reassess the objectives and reformulate the NATO role. Its continued organization and operation should reflect its changing purpose.

In Latin America, the United States has uneasy allies, but allies nonetheless. We must bend every effort to erase the image of the United States as a prosperous, patronizing, and paternalistic benefactor. It should be the objective of the United States foreign policy to create instead an image of a United States that wants to be a good partner, as well as a good neighbor, in helping the peoples of Latin America work out their own destinies.

The United States should, at every turn, encourage the United Nations or the Organization of American States to be the forum in which to resolve differences and disagreements among or with our Latin American neighbors. We must show by word and deed that we have no desire to impose our own form of government or way of life upon any country of Latin America. At the same time we must make it clear that we will honor a call for help by any Latin American country whose existence and destiny is being threatened by external foreign directed activity.

#### V. The United States and the World

The twentieth century is the era of the developing nations of Latin America, Africa, and of Asia. The United States must stand ready to help these nations and peoples, if they seek our help, to establish their way of life and direct their own destinies.

The forum of the United Nations must be held open to them in their efforts to develop responsible independence, and the services of the specialized agencies should be placed at their behest.

Our era is characterized by an ever-widening gap between the social and economic bases of the developed countries and those of the developing countries. This decline in the relative position of the developing countries, accompanied as it is by a population explosion, can lead to dangerous world tensions which could threaten world peace because of increased violence and disorder. New means must be found to close this gap through mobilization of efforts on a world-wide basis, including increased economic assistance from developed countries and greater self-help from the developing countries. The United States must be prepared to make greater contributions to the United Nations' efforts in this field, through other multilateral arrangements, and through bilateral aid. The goal of allotting 1% of the gross national product to this end as set by

the United Nations is not unreasonable and well within the means of the United States.

United States foreign aid to developing countries should be utilized at points of greatest potential. In providing bilateral aid the United States should give priority to those countries which can make the most rational and productive use of such aid. In measuring the efficacy of United States aid, due weight should be given not only to economic considerations but also to the nation-building process including the strengthening of democratic institutions and the consolidation of efforts on a regional basis. The United States should use its financial and economic resources to help the people of weak and developing nations achieve self-government, and should, if requested, provide economic help to prevent them from engulfment or encroachment by foreign powers seeking to impose their own ideologies, disciplines or governments.

Only when asked and only when it is clear that armed force is necessary to thwart a takeover by powers inimical to the welfare of a weak and developing nation should the United States furnish military assistance. In these circumstances the United States should stand ready to give military aid to such a country to oppose imposition of an external power, and should make it clear that its military effort is directed toward that objective alone.

#### VI. Soviet Union and Communist China

The years have shown that coexistence with the Union of Soviet Socialist Republics is not only possible, but is also a necessity if the world is to remain at peace. This must be our *modus vivendi* for the foreseeable future. Every step should be taken to enhance, improve, and expand the spheres of coexistence whether by more frequent cultural exchanges, increased travel by United States citizens to the Soviet Union and the satellite countries, expanded trade beyond the Iron Curtain, or others. If we follow this policy and practice we shall find the areas of agreement becoming wider and the differences, narrower. The inevitable result, where people meet people, is that the government of the Soviet Union will no longer be able to insulate the Russians from the ways of the free world and disregard the yearnings of the Russian citizenry—which we believe to be the same as ours—for a world at peace and for good will to other peoples of the earth.

Communist China is the riddle wrapped up in the enigma that Russia used to be.

Any and all avenues that help us learn more about it or initiate exchange of ideas, must be explored. The forum of the United Nations is one primary means of increasing our knowledge. It should no longer be denied the Communist Chinese. We would not, however, deprive Nationalist China of its place in the United Nations.

#### VII. World Trade

The path to world peace through world trade is long, tortuous, and not always clearly marked. The United States should take the lead in, where possible, and encourage, where not, the movement toward freer trade among nations. Countries must export as well as import and stabilizing adjustments will have to be made. Where hardships are visited upon domestic industries, some form of temporary relief should be provided. AVC endorses the Trade Expansion Act of 1962 and urges its continued implementation by negotiations and agreements.

#### VIII. The Example of America

Events beginning with World War I and continuing in the post World War II world we live in have thrust upon the United States a position of power and responsibility it can neither avoid nor minimize. That position inevitably generates envy, jealousy, and hos-

tility by less fortunate peoples of the earth. It is the difficult, but essential task of the United States to wear its mantle of world leadership gracefully, to use its power cautiously, and to exercise its responsibility wisely, striving to make the right decisions in order to preserve world peace and to enable the peoples of the world to work out their destinies in the atmosphere that accords the individual his basic human rights and permits him to achieve the fullest measure of self-expression.

#### RESOLUTION ON THE STRATEGIC ARMS LIMITATION TALKS

The fate of the world rests on the Strategic Arms Limitation Talks. Only if we seize the present opportunity will we be able to ward off a new spiral in nuclear competition. Failure would heighten the balance of terror and increase the possibility of nuclear war. Failure would result in increased arms expenditures, not only in our country, but throughout the world at a time when resources are critically needed throughout the world to combat poverty, hunger, and pollution.

Basic to a meaningful arms limitation treaty is a halt to the deployment of multiple independently targetable re-entry vehicles (MIRV) and the ABM system by the United States and the Soviet Union. For this reason AVC hails the overwhelming expression of the U.S. Senate in adopting S. Res. 211, which called for pursuing an agreed limitation of both offensive and defensive strategic weapons, and the proposal by the President for an immediate suspension by the U.S. and the U.S.S.R. of further deployment of all offensive and defensive nuclear strategic weapons systems subject to national verification and other appropriate measures of observation and inspection.

AVC urges the President to implement S. Res. 211. We further recognize that the impending deployment of MIRV and ABM system will complicate the SALT negotiations immeasurably. We, therefore, urge our government to halt further deployment for an interim period while the negotiations are taking place, and call upon the Soviet Union to do likewise.

#### RESOLUTION ON SOUTHEAST ASIA

The toll of human and material destruction wrought by the continuing conflict in Vietnam is repugnant to all people who are determined to pursue humanitarian objectives and to stop the process of killing and of destroying of property as avenues for settling disputes. The people of Vietnam have suffered severely for too long a time from controversies that had their genesis in colonialism and in ideological conflicts which most of this tortured people would surely prefer to solve through peaceful means.

The people of the United States, particularly the underprivileged, have also suffered severely because of the war. Urgently needed domestic programs have either been reduced or postponed. In addition, our country has become divided and many of our people have lost faith in the viability of our democratic processes.

AVC therefore welcomed the initiation of the peace talks in Paris as a means of resolving the bloody conflict in Vietnam. Unfortunately, despite a progressive narrowing of the political differences on many matters which divided the two sides, the Paris negotiations are at an impasse and have been overshadowed by an increase in the size and barbarity of the war.

New initiatives and directions are imperative. To bring peace and stability to South East Asia and restore a healthier social political and economic climate at home, AVC urges that:

1. The de-escalation of the conflict and the withdrawal of United States military personnel be accelerated.

2. Serious steps be taken towards a political rather than a military settlement of the war, including the immediate appointment of a high ranking United States representative to the Paris Peace talks who is authorized and empowered to negotiate a settlement and the presentation of specific proposals for such a political settlement.

3. The Congress of the United States adopt and the National Administration implement the McGovern-Hatfield Amendment to S.R. 609 (The Military Procurement Authorization Bill), the essence of which is the withdrawal of U.S. Military personnel from Vietnam be completed no later than June 30, 1971, unless Congress, by joint resolution, approves a finding by the President that an additional stated time period is required to insure safety of personnel during the withdrawal period.

4. Long range programs for the political and economic development of Vietnam should proceed under the auspices of the United Nations to which the United States should pledge economic and other support. The following specific objectives should be sought:

- a. Self-determination through free elections;
- b. Internationally guaranteed protection of minorities and dissident political factions;
- c. Neutralization of Indochina;
- d. Establishment and support of massive relief programs for victims of the war;
- e. The adoption of a comprehensive land reform program to give the Vietnam peasant a stake in the future of his country.

#### RESOLUTION ON ARAB-ISRAELI CONFLICT

1. The withdrawal of the United Nations presence in the Middle East in 1967 was the significant event that led to the intolerable condition which now exists there. Therefore until international peace keeping and diplomatic procedures, administered by the United Nations, such as the Gunnar Jarring Mission, are re-established, no meaningful solution will be found to this dilemma.

2. AVC believes that the only way a lasting and stable peace can be achieved in the Middle East, favoring all countries, is by means of negotiations between Israel and the Arab countries, through and with the participation and assistance of the United Nations. In the interim, in view of the massive military support furnished to the Arab countries by France and Russia, the United States should sell air craft and other weapons to Israel, in order to maintain a balance of power in that area.

3. AVC supports the three-month proposal pending U.N. re-entry into the situation.

#### RESOLUTION ON HUMAN EXISTENCE

In view of the increasing threat to Man's continued existence on this planet, by reason of growing world-wide pollution and the population explosion, AVC calls for intensive international action through the United Nations for greater co-operation among nations for environmental preservation and population control.

#### RESOLUTION ON GENOCIDE CONVENTION

For over 20 years the United States has failed to ratify the International Convention against genocide, originally promulgated by the United Nations Commission on Human Rights under the chairmanship of Eleanor Roosevelt, and which has been ratified by virtually all other nations in the world. Today, at last, this agreement which has been supported by all administrations since its promulgation should be actively supported by the U.S. Senate.

#### RESOLUTION ON HUMAN RIGHTS

The world celebrated Human Rights Year in 1968. But the "celebration" was less of an achievement than the urgency to commit ourselves even more strongly to the eradica-

tion of violations of the rights of men throughout the globe.

These violations continue. A list of them would be tragically long, but we point with special shame to the unending oppression of the black majority of South Africa by the White minority; to the reprehensible anti-Semitism of the government of the Soviet Union which both limits the freedom of its Jewish citizens within that country and prevents them from emigrating; and to the abandonment of free political debate within a growing number of Latin American countries and Greece.

Just as our Government must continue to promote greater human freedom within our own country, so do we call on it to do all within its power to vigorously encourage and work for an end to the deprivation of human rights, wherever it occurs.

#### STATEMENT ON THE MIDDLE EAST

### HON. EUGENE J. McCARTHY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Thursday, September 17, 1970

Mr. McCARTHY. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a thoughtful expression of judgment and policy on the Middle East.

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

#### STATEMENT ON THE MIDDLE EAST— SEPTEMBER 8, 1970

The construction of numerous new missile sites by Egypt in the cease-fire zone has, after several weeks of hesitation, been acknowledged by the United States. This violation of the terms of the cease-fire not only raises the most serious questions about the long-term objectives of the Soviet Union and the United Arab Republic, it also directly challenges the American role as peacemaker in the Middle East. Israel agreed to the cease-fire only on the assurance of the United States that this acceptance would not be used to weaken her security, already endangered by the massive Russian presence in Egypt. Israel's democratically elected government put the case to its own people with great candor, stressing the risks entailed by the cease-fire and the American assurance. Yet today, Israel's position has been weakened by the Egyptian and Russian exploitation of the truce, and America's credibility has been placed in doubt.

We believe it to be the moral responsibility of the United States, as well as in our national interest, to keep faith with Israel and to maintain the substance of the cease-fire. We also believe that failure to do so contradicts the purposes of the American initiative and dooms in advance the hopes for a settlement. How can Israel—or indeed the Arabs—rely in years to come on such assurances as the United States can offer and such mechanisms as we can help create and sponsor if we cannot or will not insure a 90-day stand-still? For this, after all, is what the world needs and what the United States especially is in a position to promote—not simply 90 days of respite, but a lasting peace. The Russians may or may not want this; the Arabs and Israelis have not by themselves been able to find it. We call, therefore, on President Nixon and the administration to take prompt steps to restore the essential military balance between Israel and Egypt to that obtaining at the start of the cease-fire. Without such redress, there can be no fruitful negotia-

tions, no believable guarantees, no stable frontiers, and thus no peace in the Middle East.

#### SIGNATORIES TO STATEMENT ON THE MIDDLE EAST WITH INSTITUTIONAL AFFILIATIONS FOR IDENTIFICATION ONLY

Kenneth Arrow, Professor of Economics, Harvard University.

Marvin Bernstein, Professor of Politics; Former Dean, Woodrow Wilson School, Princeton University.

Cyril Black, Princeton, New Jersey.  
Zbigniew Brzezinski, Professor of Public Law and Government; Research Institute on Communist Affairs, Columbia University; Former Member, State Department Policy Planning Council.

William P. Bundy, Visiting Professor of International Studies, MIT; former Assistant Secretary of State.

Abram Chayes, Professor of Law, Harvard University; former Legal Counsellor, Department of State.

Karl Deutsch, Professor of Government, Harvard University; President, American Political Science Association.

Paul Doty, Mallinckrodt Professor of Biochemistry, Harvard University; Consultant, National Security Council.

John Kenneth Galbrath, Paul M. Warburg Professor of Economics, Harvard University; former Ambassador to India; former National Chairman, Americans for Democratic Action.

Leslie Gelb, Senior Fellow in Foreign Policy Studies, Brookings Institution; former Acting Deputy Assistant Secretary of Defense.

Morton Halpern, Senior Fellow in Foreign Policy Studies, Brookings Institution; former Senior Staff, National Security Council; former Deputy Assistant Secretary of Defense.

Stanley Hoffman, Professor of Government, Harvard.

Irving Howe, Professor of English, City University of New York; Editor, *Dissent* Magazine.

H. Stuart Hughes, Curney Professor of History and Politics, Harvard University; former National Chairman, SANE.

Samuel Huntington, Professor of Government, Harvard University.

Carl Kaysen, Director, Institute for Advanced Study, Princeton; former Assistant to President Kennedy.

Martin Kilson, Professor of Government, Harvard University.

David Landes, Professor of History and former Director of Middle East Center, Harvard University.

Arthur Link, Edwards Professor of American History, Princeton University.

S. M. Lipset, Professor of Government and Sociology, Harvard University.

Hans Morgenthau, Distinguished Service Professor and Director, Center for the Study of American Military and Foreign Policy, University of Chicago.

Martin Peretz, Assistant Professor and Chairman of the Board of Tutors in Social Studies, Harvard University.

Theodore Rabb, Associate Professor of History, Princeton University.

Edwin Reischauer, University Professor, Harvard University; former Ambassador to Japan.

Henry Rosovsky, Professor and Chairman, Department of Economics, Harvard University.

Arthur Schlesinger, Jr., Albert Schweitzer Professor of the Humanities, City University of New York; former Assistant to President Kennedy.

Robert Solow, Professor of Economics, MIT.  
Fritz Stern, Seth Low Professor of History, Columbia University.

Edward Teller, Professor of Physics at Large, University of California; Member,

United States Air Force Science Advisory Board.

Richard Ullman, Professor of Politics and Public Affairs, Princeton University.

Michael Walzer, Professor of Government, Harvard University.

Jerome Wiesner, Provost, MIT; former Special Assistant to the President on Science and Technology.

#### IT'S GREAT TO BE AN AMERICAN

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ZWACH. Mr. Speaker, in these days, when we are hearing so much criticism of our country and its institutions, it is most refreshing to read a newspaper editorial such as appeared in the August 13 issue of the *Clara City Herald*, in our Minnesota Sixth Congressional District, "It's Great To Be an American."

I like this editorial particularly well because the editor, Kermit Swanson, is a young newspaperman, following in the steps of his father.

Mr. Speaker, with your permission, I would like to share this editorial with the thousands who read the CONGRESSIONAL RECORD by inserting it herewith:

#### IT'S GREAT TO BE AN AMERICAN

It is not unusual today to hear good Americans complain: "I love my country BUT there's a lot wrong with it. Our foreign policy is terrible. . . . Washington is filled with socialists (or opportunists, or reactionaries) . . . our youths are losing all sense of responsibility. . . . I wouldn't send my son to fight in Vietnam and lose his life if our government doesn't care enough to let him know what he's fighting for and doesn't have a policy to win . . ." etc, etc.

True, there are things that are "wrong" in America . . . but not nearly as many things that were "wrong" 200 years ago, or 300 years ago, or even 50 years ago. This country is still the greatest nation ever known to man; in terms of human, individual freedom; in terms of opportunity; in terms of material wealth; in terms of our spiritual heritage; by any number of yardsticks, America excels. This is still a country where one can dream and make his dreams come true. Dangerous days? Certainly—but no more dangerous than the new frontiers that were faced and overcome by the pioneers. The colonists were few and they were poor; but they were brave and they were courageous. They fought for independence when the odds were against them and they won. The United States became rich in men and women who could see the beauty of this land, who let it touch their hearts and fire their imagination and who made it an even greater land.

We haven't changed that much in the past 200 years. Being an American is still the richest privilege to be conferred to anyone. The riches are still here, the goodness is still here. Yes, there are improvements to be made—but nothing is wrong with America that can't be fixed.

Our land is too great for hatred, for vandalism, for despair. The time has come for loyal Americans to stand up for this country, for its constitution, for its flag. Whatever may be right or wrong at the moment, it is still our country—a country that is every bit worth fighting for, and if necessary, dying for.