

EXTENSIONS OF REMARKS

TRANSITION FROM A WARTIME
TO A PEACETIME ECONOMY

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. FREY. Mr. Speaker, we are presently in a transition from an inflated, overheated, wartime economy to a more stable, balanced, peacetime economy. The success of our Vietnamization program among other things, has enabled us to reduce both the amount of our defense spending and the size of our military. This has also resulted in a reduction of the number of people employed in the defense industry. Our desire to solve the internal problems of this Nation, have resulted in a shift in our national priorities. For the first time in 20 years we will spend more—41 percent—on human resources than on defense—37 percent. While we must maintain a defense capability second to none, I believe all Americans are pleased with this shift in our priorities. No one likes the hardships caused by the shift from a wartime to peacetime economy. However, no American wants high defense spending and employment at the cost of American lives.

In yet another area, space cutbacks have been severe. In fiscal year 1966 we spent \$5.9 billion on space. Since that date the budget has declined each year until fiscal year 1971, when the administration budget request was \$3.33 billion. Unemployment in the space industry has fallen from 420,000 in 1965 to 200,000 by the end of the Johnson administration. Today we have approximately 150,000 space workers. This peaceful program has resulted in more technological progress and benefit to man on earth than any other like program in our Nation's history.

The fact remains, that whatever the reasons, employment and job opportunities for engineers, scientists and technicians in the research and development fields of defense and space have fallen, and these great teams we have put together are being destroyed. The destruction of our research community represents a critical loss of talent to this Nation, and if not stopped will mean the loss of economic and technological progress for this country.

Thousands of these economic casualties of our defense and space industries have given unselfishly of themselves in the past years. In my district, for example, thousands of space workers have worked around the clock, 7 days a week, at the peak of our space program to achieve this Nation's most challenging goal—putting a man on the moon. As we all know, they were successful, and the course of history has been changed. The same can be said of many of the individuals in the Nation's defense industry. We

must turn this drive, this dedication, this know-how into other areas to conquer the problems that exist. What tremendous opportunities exist in the field of health research, environmental research, and oceanography—just to name a few.

Legislation I recently introduced is directed to converting these scientists, technicians and engineers from defense and space, to such new and challenging fields. The bill, titled the "Conversion Research and Education Act of 1970," provides for retraining in preparation for these job opportunities. The bill calls for a total of \$450 million to be authorized over a 3-year period, for specific programs of education research and assistance to small business firms. One hundred million dollars would be provided the first year, \$150 million the second year, and \$200 million the third year. The National Science Foundation is assigned the task of sponsoring research on conversion and of developing and administering retraining programs. The Department of Commerce, through the Economic Development Administration, is assigned the responsibility of sponsoring retraining programs for management personnel. The Small Business Administration has the responsibility of assisting small business firms in achieving conversion, by providing technical grants, loan guarantees and interest assistance payments. Furthermore, the Advisory Committee of Industrial Scientists and Educators is established to help shape and guide the program.

The transition from a wartime to a peacetime economy is a hard one. We have an obligation to those who have already given so much. There is no question that these engineers, scientists and technicians need our help. There is also no question that our country needs their help.

ALLEGHENY AIRLINES' OUT-
STANDING GROWTH

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 30, 1970

Mr. SCOTT. Mr. President, it gives me great pleasure to invite the attention of Senators to the outstanding achievement of Allegheny Airlines under the guidance of its president, Mr. Leslie O. Barnes. During the month of August 1970, Allegheny Airlines exceeded 100,000 boardings at the Greater Pittsburgh Airport. This is the first time in the history of that airport that any airline has even approached this figure. The remarkable growth is due, in part, to Allegheny's continuous reequipping to jets and improved service to its market. Allegheny's fine accomplishment is, indeed, noteworthy.

PRESIDENT'S TRIP ABROAD VERY
TIMELY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's trip to Western Europe and the Mediterranean is an extra effort to strengthen the structure for peace and to give further impetus to an era of negotiations. That his trip could not have been more timely is pointed out in the following editorials from the Cincinnati Enquirer, the Miami Herald, the Portland Oregonian, and the Wichita Eagle:

[From the Cincinnati Enquirer,
Sept. 19, 1970]

MR. NIXON ABROAD

There can be no doubting that President Nixon's forthcoming visit to Spain, Yugoslavia and Italy is a move calculated to demonstrate the United States' continuing concern not only for the Middle East, but also for the Mediterranean.

In more nearly orthodox days, it was sufficient for a great power to "show the flag"; that is, to dispatch a few naval vessels to an actual or potential trouble spot to demonstrate the great power's close interest and attention.

The U.S. flag, of course, is already visible in the Mediterranean in the form of the Sixth Fleet. But so, unhappily, is the Soviet flag. Indeed, the emergence of Soviet power first in the Middle East and then in the entire Mediterranean is one of the most disquieting developments of the last several years.

In pressing outward toward the Mediterranean, the Soviet Union is realizing a dream that had its origins in the days of czarist Russia. It is possible also that the Russians have been misreading aspects of the continuing domestic debate about the U.S. role in Vietnam. If the United States doesn't care about the future of Southeast Asia, as some of President Nixon's critics contend it shouldn't, perhaps it will be similarly uninterested in the future of the Mediterranean, and if Americans are unwilling to assume risks to keep Vietnam free, maybe they will be similarly unwilling to take risks in behalf of its nominal allies in Southern Europe. Or so the Russians may be imagining.

President Nixon's visit to one of the world's most powerful naval concentrations can help to right such faulty impressions.

His trip to Spain underscores the recent renewal of the agreement that permit the maintenance of U.S. bases on Spanish soil. And the visit to Italy serves as a reminder of continuing U.S. support at a time when Italian Communists have been growing in strength and influence.

Just as significant as any of the other points on the President's travel plans will be his visit to Yugoslavia. Like his earlier visit to Romania, Mr. Nixon's journey to see President Tito helps to underline the basic ideological differences that divide the Communist world. Marshal Tito's long-standing friendship with Egypt's President Gamal Abdel Nasser makes the Yugoslav stop doubly significant.

Mr. Nixon's ventures at personal diplomacy

have been strikingly successful and productive in the past. None had stakes more far-reaching than this one.

[From the Miami Herald, Sept. 17, 1970]

**MR. NIXON'S TRIP ABROAD IS TIMELY—
AND NECESSARY**

President Nixon's projected second visit to Western Europe and the Mediterranean in little more than a year has been long rumored and is scheduled now for Sept. 27. The timing, the itinerary and the strategic purposes could not be better.

Mr. Nixon's ports of call include Yugoslavia, the second Communist country he will have visited; Spain, which is an anxious host desirous of membership in NATO; the Vatican, which has interceded in the Palestinian hijackings; Britain, which has a new government and, most significantly, the U.S. Sixth Fleet which has brought the American presence to the Mediterranean.

These calls are more than state visits. They are, as the White House puts it, "an effort to strengthen the structure for peace and give impetus to the President's efforts to bring about an era of negotiations."

We beg to put it in even simpler terms. In times past Presidents have gone abroad to end wars. In this instance a President will journey to try to prevent one.

The focus of that effort is the Middle East. It is drifting ominously toward war born of monstrous intrigue and headless frustration.

The Suez ceasefire, from which Egypt has taken leave, is about to come apart. Both sides now stand reliably accused of breaking the terms of agreement worked out by the United States which, willy-nilly, is in up to its hips.

In Jordan King Hussein has had to put the military in power and impose martial law to end the threat of civil war. He may not succeed against a powerful, Chinese Communist-oriented faction of the Palestine refugees which managed to seize one Jordanian town, and then other measures will be needed to preserve Jordan as a buffer state.

The Jarring mission again is aborted. One design of the terrorists who still hold 55 hostages from airplane hijackings was to frustrate the very peace negotiations which the United States had arranged, and it must be admitted they have succeeded so far.

All of his other visits aside (and each is important), the troubled waters of the Mediterranean are Mr. Nixon's greatest challenge as he must immerse his country in their problems. His presence there, and not coincidentally on the deck of a U.S. warship, should drive home the gravity with which this country regards a threat to world peace and its own security.

"Negotiations," of course, are Mr. Nixon's long suit. His country must assure him that he leads from power, morally and physically.

[From the Wichita Eagle, Sept. 21, 1970]

ON TO BELGRADE

There will be those Americans, no doubt, who will assail President Nixon for his decision to visit Tito in Yugoslavia during his upcoming European trip.

The scrupulous can find much to object to in Tito. What he's running in Yugoslavia is hardly a democracy, though it's far freer than most countries in the Communist world, and its independence from Moscow for many years has lent it a rather special place in the world.

The fact is that Tito is an extremely pragmatic, shrewd and skillful leader. He fancies himself to be the strongest man in the so-called "Third World," the nations that have

not chosen up sides in the power struggle between the United States and Russia.

Many of the things he will have to say to Mr. Nixon probably will not be flattering to the presidential ego or sense of national pride. But they will be expressions—and probably candid ones—of a point of view that deserves to be heard.

It seems probable that Mr. Nixon may learn more from his visits with Tito than he will on most of the other stops on his trip. And since learning apparently is his purpose, it's hard to find any sound reason why he shouldn't make a stop in Belgrade.

[From the Portland Oregonian,

Sept. 18, 1970]

STICK AND SOFT SPEECH

The pre-jet showing of the flag on battle-ships to demonstrate a nation's interest in and refusal to be dealt out of various parts of the world has been supplemented in recent years by globe-girdling journeys by heads of states or other high-ranking officials. Kings, queens, presidents, prime ministers, commissars and special envoys criss-cross the oceans and the continents to engage in "exchanges of views" with their counterparts, to make speeches, to be photographed and televised and to issue communiques that say little or nothing. Sometimes the visits are in the nature of admonitions not to get out of line. Sometimes they are simply the good-will missions they purport to be.

President Nixon's forthcoming trip to Italy, Spain, Britain and Yugoslavia, with possibly a stop or two elsewhere, appears to have both "big stick" and "speak softly" aspects. The challenge issued to the West by the Soviet Union's buildup of power in the Mediterranean unquestionably influenced Mr. Nixon's decision to visit that area. His review of the U.S. Sixth Fleet exercises and visit to the NATO southern headquarters at Naples will underline the powerful presence of U.S. and allied forces in that area. By visiting Francisco Franco, the President will point up this country's renewed military agreement with Spain where the Russians are attempting to gain a foothold.

But Mr. Nixon's main purpose no doubt is the one stated by a White House spokesman: "To strengthen the structure for peace and to give impetus to the President's efforts to bring about an era of negotiations." The peace structure is rapidly crumbling around the Mediterranean.

The visit with Marshal Tito of Yugoslavia could be a replay of Mr. Nixon's highly successful stop-over in Romania a year ago, where enthusiastic crowds greeted capitalism's most prestigious representative in what the Kremlin considers its special preserve. But Tito represents much more than an opportunity to needle the Soviets. He is a close friend and adviser of President Gamal Abdel Nasser of the United Arab Republic. He could play an important role in getting the Middle East peace effort back on the track. Aging Marshal Tito is pictured as eager to end his independent career as a peacemaker whose efforts will culminate in a state visit to Washington.

Commentators in Washington point out that there will be a political fallout beneficial to the President and the Republican Party in the November congressional elections from the highly publicized trip. His visits to Italy and to Pope Paul VI may draw some Italian-American and Catholic voters from the Democrats.

However, Mr. Nixon must be credited primarily with attempting by his presence and persuasion to rescue the U.S.-instigated peace effort from obvious threat of failure. All Americans should wish him well.

**CAN WE CONTINUE TO LIVE UNDER
THE PRESENT TRADE AGREEMENTS?**

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. DENT. Mr. Speaker, since the trade bill will soon be coming before the House, I thought the attached broadcast by Ed Wimmer, vice president and public relations director of NFIB—National Federation of Independent Businesses, Inc.—Covington, Ky., would be of interest to the Members of the House.

I believe it pretty well answers the question, "Can we continue to live under the present trade agreements?" It is my belief, and many others, that we cannot:

WORLD EXPORT-IMPORT CRISIS SEEN IN U.S.
FOREIGN TRADE POLICY

AMERICANS SUPPORT SLAVE LABOR; DENT SEES
"BLUEPRINT OF DISASTER"

Few threats to this country are more menacing than the present destruction of one industry after another by the worst foreign trade policy this country has ever had, and which no other country in the world would think of adopting.

There probably is no subject that is more steeped in blind selfishness, international humbug, public misinformation, and biased press reports than the controversy over whether or not this country ought to save itself from submergence in a sea of low wage, low taxed, subsidized imports, or assert ourselves as a leader in bringing order out of a pending world-wide trade upheaval.

Hon. John Dent (M.C., Pa.), whose colleagues have tabbed him as the "most eloquent and most informed member of Congress on foreign trade policy," believes as we do, that no trade is good trade that isn't fair and free, and profitable to all parties engaged in any exchange of goods and services, whether domestic or foreign. In a recent speech on the floor of the House, during a debate on requests for more money for the International Monetary Fund, World Bank, International American Development Bank, and the Asian Development Bank, in which he was joined by H. R. Gross (M.C., Iowa), and other members of Congress, Mr. Dent declared:

"For goodness sake, is there someone in this government who has a blueprint in some dusty hall, with a little light which only shines now and then; a blueprint of the United States pinpointed for destruction? I say this because no one could make the mistakes we have been making without a blueprint."

Following his battle on the floor of the House, the Pennsylvania firebrand appeared before the hearings of the House Ways and Means Committee on tariffs and trade proposals, which were held from May 11 to June 25, 1970, under the brilliant Chairmanship of Wilbur Mills (M.C., Ark.). Under his guidance and the questioning of other members of the Committee, a story of trade policies that are carrying us toward a "Pearl Harbor" of job and industry destruction that will make the holocaust of Honolulu look like a sputtering Japanese firecracker if it is ever fully understood.

Fears of such possibility are unquestionably held by a growing number of both conservatives and liberals in the House and Senate, and there is a deep uneasiness de-

veloping in other areas of government that the glut of some importers, both American and foreign, who are enriching themselves on job and industry destruction in the United States, will do anything to continue our present policy.

There also are extreme pressures being put on Congress by influential people in the State Department, and the free trade or no trade editorial pressures of major newspapers are so great that many who now favor trade restrictions, could change their vote.

This would be a tragedy, for another year of what some areas of the economy are suffering, could result in a shambles of joblessness and empty factories that could haunt us to our graves.

In my own testimony, under letters to the Japanese government urging it to take steps to protect themselves by showing a concern for the unhealthy marketing conditions they are creating, I tried to point out that if they fail to cut back on their drive to absorb one American market after another, they will be committing a form of 'harki-kari'. We reminded the Japanese government that America had built up their economy after the war from which they could not have recovered by themselves, and that they are now using our know-how, our machines and aid, to bring serious trouble to both our nations.

They showed no sign of heeding our appeals or the appeals of our own government, but indicated instead that they were about to take an even bigger share of our automobile sales, television business, transistors, woollens, sewing machines, toys, shoes, tape recorders, jewelry, watches, dishes, linens, plywood, tile, glass—you name it.

Speaking for his own state of Massachusetts, Congressman James Burke noted that "55 shoe factories had closed in 1969," and that "77,000 workers had lost their jobs in the textile industry." Mr. Burke spoke of more than 50 umbrella manufacturers who had quit business, with one of the only two that are left, tottering on the verge of bankruptcy. This Massachusetts legislator and member of the Ways and Means Committee, wanted to know what happens to these workers, especially those trained in handcraft and operation of machines who are over 50 years of age, and who will receive only 52 weeks of severance pay. Mr. Burke asked one of the witnesses appearing before the Ways and Means Committee:

"We are faced with competition from Korea where children are paid 6¢ an hour. Women 7¢, and men 10¢ an hour for a 10-hour day. We have exported our technology overseas, and American investors are sending their money overseas to produce goods to ship back here to put their own company workers out of jobs. Where do you think this kind of policy is going to end?"

Phil H. Landrum, (M.C., Georgia), another member of the Ways and Means Committee, remarked:

"The way textiles are coming in from Japan, by the end of this year we will have bought an equivalent of over 4 billion yards—against less than a billion yards in 1962. North Carolina has reported 1300 textile people out of work, and South Carolina announces another 1,000; so I am asking, what do we do with these people?"

No single voice in Congress, of course, comes up with a more amazing array of facts and figures than Congressman John Dent who has long supported a trade policy that is both free and fair, and balanced according to wages, taxes and overhead of the exporting and importing countries. I have quoted Mr. Dent many, many times, and the wrathful indignation he shows over what is happening to American workers and employers, has won him the respect and admiration of his most vigorous opponents.

During his testimony before the Ways and

Means Committee, Mr. Dent piled evidence upon evidence, and listed such statistics as one button manufacturer left in the United States, and importing 90% of its buttons.

Mr. Dent pounded on the loss of 90% of transistor sales to the Japanese. He said that Japanese car sales were up 40% in sales in April of this year as against April of last year, while American car sales were down 10%. In steel, in which the Japanese are now number one in the world, he noted that our workers are paid more in fringe benefits than Japanese workmen receive in wages, and he wanted to know if anyone would be so naive as to believe that the Japanese would kill off the jobs of their people and pay indemnities to employers. He asked:

"When we get through paying for welfare and relief and compensation to jobless workers and factory owners, and when we add up all of the taxes that are lost and the purchasing power of our jobless workers which is gone, I wonder what we are really paying for foreign goods?"

Listen more to the gentleman from Pennsylvania:

"Wherever Aluminum is going overseas. They have just shut down their last plant in Chillicothe, Ohio. Westinghouse has just given up making TV sets because they cannot compete. Zenith has already laid off another 3200, and are making their sets in Tlapan with 22 cents an hour labor. At Arnold, Pa., 650 glass workers have lost their jobs since 1967, and many are of an age where retraining or finding other jobs is almost impossible. What we have done is to subsidize the foreign glass makers with our jobless Americans and empty factories, and glass people say there will be no flat glass business in the United States in another year if relief is not forthcoming."

Noting the threats of retaliation that are being voiced on all hands, if we try to protect our workers and industries, Mr. Dent denounced this as "intimidation," which he said were threats that would never be carried out.

He asked: "What can you do to harm a community in Pennsylvania like Arnold where there isn't a factory chimney sending out smoke? Oh, yes, they have pure air all right, but they have 8,000 fewer tax dollars to work with to keep up their schools and other needs. . . . Ten years ago the milk ranchers came before my committee and said what was going to happen. It has happened; even some of the biggest are killing their milk and burying them because the foreign competition has buried their chances to produce at a profit."

"Are we going to sell our high wage products to 15 cent an hour Hong Kong workers? What can we sell the Japanese in finished products when they won't let us enter their markets; where they are able to meet their own needs. So, say what you will, but when I walk into a Hong Kong factory and find 5500 workers earning \$30 a month for a ten-hour day, making products for Fairchild cameras to be shipped over here in foreign-flag boats, to be sold in competition to their own \$3.35 an hour labor products, made in their own plants in New Jersey, I ask you again and again, what is it leading to? Fairchild, like all the rest, say they cannot compete with Japan in any other way, and the story is the same with tractors, and we have lost our typewriter business, computers are going, furniture, pianos, and what will happen when we don't have any watchmakers, for example, to work on precision instruments—in case of another war?"

A few hours before I sat down to write this broadcast I spoke to the New York State Watchmakers convention, and they admitted the extreme difficulty in hiring trainees, and one of the officials said that in a very short

time almost everything sold by jewelers and watchmakers, and used by them in their work, will be foreign produced. In my talk I challenged them to ask the president of the Bulova Watch Co. why he is having 40,000 Accutron watches per month made in Japan, and why he made the public statement that "the future belongs to big business", when all trends in Congress and in the law enforcement agencies and the trend developing in the labor unions and in public opinion, and even in the White House, are for a breakup of the giants and a return to the Jeffersonian ideal of economic and political liberty as set forth in the Declaration of Independence, the Constitution, and the Bill of Rights.

Ladies and gentlemen, every time we weaken an independent business, and it is the independents who are being knocked out by our foreign and domestic trade policies, and our lack of positive action to end all monopolistic combines and practices, we weaken the Jeffersonian ideal and take ourselves further in the direction of the destruction of all those ideals incorporated in the above three documents.

We do not dare give our markets away. We do not dare consider anyone's job or anyone's business as being expendable in the name of free trade—that isn't free at all. I say to you that we have to look directly into the eyes of youth, and we have to face up to the racial issue, the Indian problem, the monopoly problem, the threat of fiscal bankruptcy, and all threats of retaliation from other countries if we adopt a free and fair trade policy without our guts caving in or our hearts quivering. We have been treating effects instead of causes as long as we dare, and our failure now to support the drive for a free and fair trade policy, and to prove to all nations that if the American market goes down, the rest of the world goes down with it, could end us up neck deep in chaos.

There is no chance whatsoever for a free trade policy to work when some nations are as far apart in their standards of living and their wages and tax rates as the United States is with most of the countries shipping goods across our borders, and when you take into consideration the fact that no other nation considers its businesses expendable in the interest of foreign trade, you have a situation where a country like the United States dooms itself to oblivion.

When the war in Vietnam comes to an end we may even have North Vietnam on our list of relief clients, and certainly there will be demands from all Asiatic nations that have depended upon the Vietnam war for their prosperity; and I ask you, how are we going to meet any of these needs, or the needs of our own people, or proceed with our urban renewal and transit programs, and air pollution plans, and solve the racial problem and Indian problem, and at the same time prove to the world that capitalism—democracy is their last best hope if we do anything more to harm this God-blessed country?

Ladies and gentlemen, I could go on for hours quoting one startling set of figures after another, some provided by Mr. Dent, by Congressman Gross, and Mr. Burke, and scores of others, and from testimony of both big and little companies that would prove beyond any shadow of doubt that we are fast becoming a have-not nation in one industry after another, and that if we cannot find some way to protect our industries, I ask you what will we be celebrating on July 4, 1976, the 200th Birthday Anniversary of our Republic?

People must be made to see that when we lose the sale of a million pairs of shoes, we also lose the wages, the bank deposits, the community contributions, the taxes, the machine and supply sales, the typewriters, elec-

tric light bulbs, hide business, and even a 7-to-1 dollar turnover and profits that the domestic production provides. Add to these material values the spiritual values that accompany them, and you will see that a wrong foreign trade policy won't even keep the sweat shops of Korea or the low wage factories of Italy supplying us with goods, because we will have too few workers who will be able to buy goods at Korea's prices, low as they might be.

Our National Federation of Independent Business is not just a voice of the individual enterpriser or a voice against monopoly and a voice for free and fair trade, but it is a voice that calls upon you to never lose sight of the fact that America possesses a greatness that makes her capable of not only meeting whatever domestic challenge she confronts, but the challenge of being a beacon light for the rest of the world.

As a capitalistic, free, private, competitive, independent enterprise country, and as a country also dedicated to the proposition that all men, whatever their race, color or creed, should be provided with an opportunity to find their place in a free society without the yea or nay of any other man, or WHY the need of turning to government for food, clothing and shelter.

If the cards are placed face up in this battle for an international trade policy that reasonable men can support, we can get back on the road to a genuine understanding among all the people as to what really constitutes the best possible trade relations between nations. Maybe an Assistant Secretary of the Treasury, Eugene T. Krossides, put his finger on much of what is happening in the controversy over foreign trade, when he said that the Treasury's anti-dumping investigation was taking, in some cases, as long as two years.

He said:

"If it takes that long to determine whether American industry is the victim of foreign dumping, the patient may very well die while the facts are being ascertained. When the doctor is asked to diagnose an illness, the purpose is to effect a cure—not to provide the coroner with a documented summary of the reasons for the patient's death."

My opinion is, that when Barron's Weekly, a highly respected publication, said in a recent story, that "tariffs and quotas benefit only a few;" that we ought to take a good look at the agreement of the President two years ago to maintain the then low import duty on glass, and Barron's ought to be asked if a loss of 2800 out of 8200 glass workers is just hurting "the few".

Because the health of the nation is geared to the health of agriculture, advocates of no tariffs and no quotas might check the testimony of Congressman John Zwach (Minn.) who testified that in 1969, 40% of all dairy imports came into the United States under no quota protection, and that beef imports in 1969 comprised 7.5% of total beef consumption by the American people. He came to the defense of domestic mink ranchers who, he said, had dropped in number from 7200 to 2400 in 1969, and it was the American mink rancher who originated and built up this kind of business. I wonder if anyone in this audience has even thought about mushrooms having an effect on American agriculture or the jobs of American workers; yet, millions of pounds are coming in from Taiwan where John Dent said he saw Taiwan children standing on boxes so they could perform their 64-an-hour labor in a Taiwan mushroom canning factory.

When Americans buy products produced under such conditions they are supporting slave labor, and what better reason for this Congress to now take steps to end the slave labor threat to American enterprise, and to do all we can to help correct such deplorable working conditions wherever they prevail.

Ladies and gentlemen, thanks for listening.

POSSIBLE SOLUTION TO CULEBRAN ISSUE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BENNETT. Mr. Speaker, on September 29, 1970, I introduced the Culebra Resettlement Act, House Joint Resolution 1387, to assist in resolving the problem of how to be entirely fair and in fact generous with the residents of Culebra, while at the same time solving the needs of the Navy for a target complex on this Puerto Rican island. The bill was discussed in detail by me in a speech recorded in the CONGRESSIONAL RECORD on page 34204. It would leave it up to the people of Culebra as to whether they would approve the plan.

Basically, it would give substantial dollar benefits to the individuals who reside there in addition to the values coming as a result of sales or condemnation of their properties; and would provide certain resettlement benefits as well.

When one looks at the prospects of the young people of that island, even if the Navy abandoned its use of the area, one cannot be encouraged for the Culebrans. The island is without reliable water supply, without adequate sewage, without substantial payroll opportunities, without adequate schooling, without a hospital, and so forth. On other islands, these and other facilities are available, not very far distant from this island. Regrettably, these benefits for the younger generation, as well as the older ones, are apparently not ever going to be available on Culebra. The island is just not large enough to support them; nor will its population apparently ever be able to support them.

If the bill yesterday submitted and today printed hereunder should be approved for the Culebrans, they would seem to have everything to gain, particularly for their youth. But it is up to the Culebrans to make their wishes known. The bill reads as follows:

H.J. Res. 1387

Joint Resolution to establish the Culebran Commission for the purpose of resettling the inhabitants of Culebra

Whereas, the Navy, for the defense of the United States, needs the entire islands of Culebra for training purposes,

Whereas, the people of Culebra, because of their long occupancy (some for generations), have special reason to appeal to the United States for sympathetic consideration and treatment, and

Whereas, there are other areas in Puerto Rico (including adjacent islands) in which the probability of lifting living standards would be enhanced: Now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Culebran Resettlement Commission Act of 1970.

DECLARATION OF POLICY

SEC. 2. Congress hereby declares that the prompt and equitable relocation and reestablishment of persons, business, [and farmers] displaced as a result of the acquisition by the United States of the island of Culebra (for the purpose of training naval

personnel and other related activities), is necessary to insure that a few individuals do not suffer disproportionate injuries as a result of an action necessary for purposes of national defense. Therefore, Congress determines that relocation payments and advisory assistance should be provided in accordance with the provisions of this Act to all persons so displaced, whether or not such displacement occurs after the enactment of this Act.

PLEBISCITE TO APPROVE PLAN

SEC. 3. The effectiveness of this Act shall be conditional on the approval of the resettlement plan described herein by the qualified electors of Dewey, Culebra, in a plebiscite called for the purpose of approving said resettlement plan. Approval shall be by a majority of the qualified electors voting in said plebiscite, which shall be conducted in accordance with Puerto Rican law.

ESTABLISHMENT OF COMMISSION

SEC. 4. There is established a commission to be known as the Culebran Resettlement Commission (hereafter referred to in this Act as "Commission").

DUTIES AND POWERS OF COMMISSION

SEC. 5. (a) In order to make the island of Culebra available to the United States Navy for the purpose of training personnel and other related activities and in order to provide for the fair, expeditious, and comfortable resettlement of the inhabitants of such Island, it shall be the duty of the Commission to make certain relocation payments and to provide assistance to displaced persons in accordance with the provisions of this Act.

(b) For the purpose of assisting in the [acquisition] construction of a new home, the Commission shall make available—

(1) \$10,000 to each displaced person who is the head of a household and maintaining his principal place of residence on the island of Culebra on the effective date of this Act, and who was also maintaining his principal place of residence on Culebra on October 1, 1970, and

(2) \$5,000 to each displaced person maintaining his principal place of residence on the island of Culebra both on the effective date of this Act and on October 1, 1970 [who is not a head of or a member of a household].

(c) Upon the filing of an application in such form and in such manner as the Commission shall require, the Commission shall pay to any displaced person who is entitled to payment pursuant to section 5(b)(2)—

(1) the fair market value of any real or personal property taken by the United States in connection with the development of the island for the use of the United States;

(2) the reasonable value of any business loss sustained by such person as a result of the development of the island for the use of the United States, and

(3) such other moving and relocation expenses incurred by such person in connection with his removal from the island, if application therefor is made within the one-year period beginning on the date he ceases to maintain a residence on the island.

(d) (1) The Commission shall provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order—

(A) to determine the needs, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

(B) to assure that, within a reasonable period of time, there will be available, to the extent that this objective can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the Com-

mission for decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to places of employment;

(C) to assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations;

(D) to supply information concerning the Federal Housing Administration Home Acquisition Program under section 221(d)(2) of the National Housing Act, the Small Business Disaster Loan Program under section 7(b)(3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons; and

(E) to inform displaced persons of appropriate [Federal] programs and services relating to job training, job placement, guidance and counseling, and any other program, project, service, or training which may be of assistance to them in relocating.

(e) Within the one-year period beginning on the effective date of this Act, the Commission shall determine how many inhabitants of the island of Culebra wish to relocate [in one or more groups] as a group in the same community. If a significant number wish to relocate as a group, the Commission is authorized to employ urban planners, architects, and other appropriate personnel for the purpose of developing [one or more] [an] attractive community[s] at [an] appropriate relocation site[s] [at such location (or locations)] as those wishing to live in groups select].

(f) In accomplishing its functions under this Act, the Commission shall utilize the facilities, personnel, and services of any Federal, State, or local governmental agency having an established organization for conducting relocation assistance programs.

(g) The Commission shall confer with other agencies and departments of the United States to determine if any lands in Puerto Rico or adjacent islands [under the jurisdiction of the United States can be used for the purpose of resettling the residents of Culebra] can be declared excess [surplus] for the purpose of [(1)] resettling the residents of Culebra [or (2) selling such lands to obtain funds to defray the expenses of resettling such residents].

(h) Upon request made by the Commission, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent to the Commission in the performance of its function, and

(2) to furnish to the Commission such information, suggestions, and estimates as the Commission may determine to be necessary or desirable for the performance of the function of the Commission.

(i) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

(j) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(k) To carry into effect the provisions of this Act, the Commission shall establish such policies and is authorized to make such rules and regulations as it may determine to be necessary to assure—

(1) that the payments authorized by this Act shall be fair and reasonable and as uniform as practicable; and

(2) that a displaced person who makes proper application for a payment authorized for such person by this Act shall be paid promptly after a move, or, in hardship cases, be paid in advance.

(l) The Commission may make such other rules and regulations consistent with the

provisions of this Act as it deems necessary or appropriate to carry out this Act.

MEMBERSHIP

SEC. 6. (a) The Commission shall be composed of nine members:

(1) two to be appointed by the President of the United States.

(2) two Senators to be appointed by the President pro tempore of the Senate from different political parties.

(3) two Representatives in Congress to be appointed by the Speaker of the House of Representatives from different political parties.

(4) two to be appointed by the Governor of Puerto Rico.

(5) one shall be the present mayor of the island of Culebra.

A vacancy in the Commission shall be filled in the same manner as the original appointment was made. Members shall be appointed for the life of the Commission; however, a vacancy shall occur in the case of a Senator or Representative in Congress at such time as he ceases to be a Member of Congress.

(b) (1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive \$100 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional compensation on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) Quorum.—Five members of the Commission shall constitute a quorum.

(d) Chairman.—The Chairman and Vice Chairman of the Commission shall be elected by the members of the Commission.

DIRECTOR AND STAFF OF COMMISSION

SEC. 7. (a) The Commission shall have a director who shall be appointed by the Commission.

(b) The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(c) The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

AUTHORIZATION

SEC. 8. There is authorized to be appropriated such sums as may be necessary to carry out this Act.

REPORT

SEC. 9. Not later than December 31 of each year the Commission shall submit a report to each House of Congress and to the President describing its activities and making such recommendations with respect to legislative or other action as it deems appropriate.

DEFINITIONS

SEC. 10. As used in this Act—

(1) the term "person" means—

(A) any individual, partnership, corporation, or association which is the owner of a business;

(B) any owner, part owner, tenant, or sharecropper who operates a farm;

(C) an individual who is the head of family; or

(D) an individual not a member of a family.

(2) The term "family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

(3) The term "displaced person" means any person who moves from real property as a result of the acquisition or reasonable expectation of acquisition of such real property, which is subsequently acquired, in whole or in part, by the United States in connection with the acquisition of the island of Culebra by the United States, or as the result of such an acquisition by the United States of other real property on which such person conducts a business or farm operation.

(4) The term "business" means any lawful activity conducted primarily—

(A) for the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public; or

(C) by a nonprofit organization.

(5) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(6) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government and any corporation wholly owned by the Government.

(7) The term "State agency" means a State highway department or any agency designated by a State highway department to administer the relocation assistance program authorized by this chapter.

CERTAIN RIGHTS AND REMEDIES

SEC. 11. Nothing in this Act shall be construed to prohibit any person from exercising any right or remedy available to him under law with respect to any action of the Commission in carrying out this Act.

THE LATE HONORABLE CLIFF DAVIS

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. McMILLAN. Mr. Speaker, I am certain every Member of this House was saddened when they learned of the passing of our good friend, Cliff Davis.

I was sworn into the 76th Congress with Congressman Davis and was sitting next to him when the Puerto Ricans shot up the Congress and Congressman Davis was one of the unfortunate Members who was severely injured during that shooting.

However, I am happy to say he was completely recovered from this injury when he recently passed away.

I always enjoyed working with Cliff Davis and he was one of the few oldtime orators left in this country.

This country is better off by Cliff Davis serving as a Member of the U.S. Congress and his service to the State of Tennessee and our country will be greatly missed.

My sympathy and best wishes go to Mrs. Davis and the entire family.

UNVEILING OF CIVIL WAR PLAQUE IN MIDDLETOWN, MD.

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BEALL of Maryland. Mr. Speaker, on September 13, 1970, in Middletown, Md., in the Sixth Maryland District, a commemorative plaque was unveiled in tribute to the hundreds of men who died or were hospitalized within the walls of the Evangelical Lutheran Church Zion which, during the Civil War was an Army hospital. At that time, the dedicatory address was given by one of Maryland's most distinguished citizens. The speaker for this occasion was new two-term Governor and two-term mayor of Baltimore, the Honorable Theodore N. McKeldin. Governor McKeldin is one of the most reknown public speakers in America and I include his dedicatory remarks in the RECORD:

I am gratified by the honor you have done me in inviting me to speak on this occasion, but I am sobered by the responsibility it imposes upon me. To speak any light and foolish word in a sacred edifice dedicated to the worship of God more than a hundred years ago would be a sacrilege at any time; but on this day, when we are gathered for the unveiling of a marker commemorating the greatest tragedy in the history of our nation, to speak without due regard to the significance of the event would be not sacrilege, only, but also an insult to the memory of men who within these walls suffered and died for the right as God gave them to see the right.

From September 14, 1862, until late in January, 1863, formal worship in Zion church was suspended and the building was used as a military hospital for the wounded at the battles of South Mountain and Antietam as well as smaller engagements between those two great collisions.

Some have held that the building was desecrated by being converted to that use, but I think they are wrong. To relieve the pain of suffering humanity is to worship God, by deed instead of by word, for has not the Son of God told us that "Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me?" No, Zion Church was not desecrated by that use. On the contrary, it was sanctified a second time, for to show mercy to man is to serve God better than by any amount of fasting and prayer.

It was the destiny of this church to stand in the midst of that part of Maryland that not once but repeatedly, was scorched by what Winston Churchill called "the red-hot rake of war." Thus it has a special significance for all the rest of the State as a land of song and story, of ancient sorrow and of solemn pride. Although my own family lived at the eastern end of the state, my father's father was killed at Monocacy and lies buried at Antietam, and there is hardly an old Maryland family that has not some ties of memory binding it to the region where—

Clear in the cool September morn,
The clustered spires of Frederick stand,
Green-walled by the hills of Maryland.

We do well to cherish the great heritage of our history. We do well to mark for posterity every spot once lighted by the splendor of some heroic deed. But if we stop with that, we do well—but not well enough. The greatest inheritance may be,

and almost certainly will be misused if it falls into the hands of unworthy heirs. This is true if the heritage consists only of money, but it is doubly true when it consists of wealth of mind and spirit.

It is sad, but true that there are people who find in the annals of history nothing more than an excuse to rake up old grievances, to rekindle burnt-out hatreds, to cultivate, like careful gardeners, passions whose only product is the dead-sea fruit of agony and loss. Consider the situation of Ireland today, rent asunder by the same quarrel that, two hundred years before Antietam, made the River Boyne run red with fraternal blood.

But does it lie in our mouths to criticize Ireland? Are we not at this moment in grave danger of repeating the same folly? The shattered bodies that were borne into this building a hundred and eight years ago wore, some of them blue uniforms, the others gray uniforms, but we know now that all alike were victims of the same great error, the error of believing that violence can settle a problem with which reason alone can cope. The institution of legalized slavery was indeed an evil that the fires of war burnt out, but the abolition of slavery served only to uncover the greater problem, the one that we have not solved yet, the problem of making sure that the color of a man's skin shall not be used as an excuse for depriving him of life, liberty, or the pursuit of happiness, rights that we assert were given by the Creator, not to any ethnic stock, but to every human being.

That problem was not and never can be solved by war, or by any form of violence. I do not know that it can ever be solved completely this side of the Millennial Dawn, but I know and you know that we can go a great deal further toward solving it than we have gone as yet. I agree with those who hold that man can never be perfected in this world, but I also agree with those who hold that while man can never be made perfect, he can be made a great deal better than he is at present.

But it cannot be done by violence. I am no pacifist. I am aware that evil exists in the world and that it is characteristic of evil to resort to force, which must be crushed with counter-force. But even the archangel Michael, captain of the host of heaven, when he hurled the Great Dragon into the bottomless pit, did not solve the problem of evil on earth, although he acted at the command of God.

What arrogance it is, then, for mortal men to assume that we can do what the archangel could not, or at least did not do by the power of the sword! Under certain conditions the sword can clear the way to the establishment of a just and lasting peace, but the actual work of establishment and maintenance can be done by reason alone.

To establish and maintain the peace is the responsibility that lies upon our generation. Twenty-five years ago the last great barriers to world peace were broken down and swept aside by men who were worthy successors to those who died at Antietam to break down the barriers of disunion and slavery. We are not called on for any such sacrifice; but we are called on, in Lincoln's words, "With malice toward none, with charity for all . . . to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

I wish that I might in honesty assert that we are doing everything within our power to discharge this responsibility, but I am doubtful. This is not the time nor the place for accusations and recriminations, even if I were disposed to make them, which I am not. I believe that the heart of America is in the right place. I believe that the vast majority of our people are sincerely desirous of doing exactly what Lincoln told us is our duty. I believe that as we look upon this

plaque our most profound emotion is the feeling that "it must never happen again."

But while I never doubt our will, I am apprehensive of our wisdom. This nation has laid upon it the same task that it had when Lincoln spoke, but it is in a very different position, and it is not reasonable to believe that we can accomplish our task by the same means that would have been effective in his time.

Then we were one nation among many, some of which were, or at least were believed to be, greater and more powerful nations. At that time the American uniform was never seen on foreign soil except for a handful of naval and military attachés serving in our embassies. Today we are, with one possible exception, the supreme military power in the world, and our legions are stationed around more than half the circumference of the globe. Every man and every nation has its duties; but just as the duties of Simon Peter, a fisherman of Galilee, were not the duties of Augustus Caesar in Rome, so the duties of a relatively minor republic of 1870 are not the duties of an imperial power in 1970. The goal is the same, the maintenance of a just and lasting peace, but the ways of approaching it are bound to be different.

This is confusing to learned historians and highly trained political thinkers, so it must be doubly confusing to the man on the street. If we are perplexed and uncertain, that is no disgrace—or, if it is, the disgrace is shared by the most powerful minds among us. But if we are plagued by honest doubt as to the selection of ways and means, there can be no excuse for doubt about the task. It is to establish peace, just and therefore lasting peace, first among ourselves and then with all nations.

How far we are from either goal needs no emphasis by me. You have only to look at any daily newspaper to see that there is as yet no peace among ourselves, still less with all nations. What force can accomplish has already been done. The heroes who lie at Antietam did their part. So did those who lie in American military cemeteries from Okinawa to Malta. Never mind them. The question is, what are we doing to finish the work to which they gave the last full measure of devotion?

I cannot answer that question by laying out a program, either foreign or domestic. We have officials, elective and appointed, to whom that task is assigned. Your task and mine is not to invent, but to judge the programs that are presented. We should approach them all with suspicion, for it is not given to the wisdom of man to devise a perfect governmental policy, foreign or domestic. The criterion is not, "Is it perfect?" but, "Does it, in spite of some imperfections, yet tend, on the whole, to achieve not merely peace, but just and lasting peace?"

If the answer to that is yes—even somewhat doubtfully yes—it is a program worthy of support. It makes not the slightest difference which party proposes it, or who thought of it first. The question is as to the policy, not as to the men behind it.

But to make a reasonable judgment we must have the facts—of, not every small detail, or even some large ones that must be affected by the rate of development of the program—but every fact that affects the program's character as an achiever of just peace. If the voter is denied the facts, or if they are falsified, and he makes a bad judgment, the fault is not his, but he must nevertheless pay his share of the penalty that is visited on all voters for making bad judgments.

It follows that it is a prime obligation of every official framer of policy, foreign or domestic, to give the voters true and complete information touching every fact necessary to the formation of a correct judgment. No consideration of national security relieves the official of this obligation, for democracy

cannot operate successfully unless the voters are truthfully informed about every project on which they must pass judgment. There simply is no national security where self-governing people are defrauded of the possibility of making correct judgments because they are denied the truth about their real situation.

The ordinary voter has neither the time nor the information necessary for the formulation of policy, and it is folly for him to attempt to work out details. But it is his duty to hold policy-makers to strict accountability for giving him the whole truth about any point on which he is required to make a decision. Otherwise self-government becomes a fraud and, if it becomes a fraud, we may rest assured, will soon become a failure. We owe it to our predecessors to see that this does not happen. We owe it to the men whose labor and genius established this republic. We owe it to those whose toil and thought have guided it safely through nearly two hundred years. Above all, we owe it to those who have laid down their lives to defend it when it was assailed by force and violence. For we should prove ourselves unworthy heirs, we should be recreant, we should be forsworn if we, in this holy place, twice dedicated, first to the glory of God and next to showing mercy to man, did not, here and now, "highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; that government of the people, by the people, for the people shall not perish from the earth."

SOVIET THREAT

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. HICKS. Mr. Speaker, the chairman of the Committee on Armed Services, Mr. RIVERS, delivered in the House what is inevitably one of the year's major pronouncements on the condition of our national security.

What he said about Soviet military strength is indisputable. Day after day, month after month, we on the Armed Services Committee hear and see evidence—not hearsay, not opinion, but hard irrefutable evidence—of the scope and nature of the Soviet buildup. It exists, just as Chairman RIVERS detailed it for us Monday.

I was gratified that he went into detail especially on the comparative navies of the Soviet and the United States, for the deterioration of our Navy has long been a major concern of mine.

Less than 2 weeks ago the Secretary of the Navy announced the retirement of 58 more ships, including the attack carrier *Shangri-la*. This brings to 286 ships the number of vessels scheduled for retirement since January 1969.

These 286 ships should be retired. Many of them should have been retired years ago, for they have outlived their usefulness.

But they must be replaced, and this is simply not happening. The fault does not lie with the Congress. You will recall that last year, at the urging of Chairman RIVERS, the Armed Services Committee increased the administration's Navy

shipbuilding budget request by \$1 billion in the military procurement authorization bill. And the administration said that if the money were appropriated, it would not spend that money.

The Congress knows now the situation of our Navy. The Navy certainly knows. I just wish that somehow the White House would understand that we are rapidly becoming a second-rate seapower, that control of the seas is vital to our national security, and that it is absolutely essential that the Navy be rebuilt.

We need not replace those retiring vessels on a ship-for-ship basis, for modern vessels pack more wallop than the older ones and we could do with fewer ships. But we must have those modern, powerful vessels and we must begin now, since we cannot begin yesterday when we should have.

I am most desirous, as we all are, of reducing unnecessary spending on defense. But I am also desirous of maintaining our national security at levels sufficient to protect the country.

I hope every Member of this body, and of the other body, studies Chairman RIVERS' remarks. I hope every American gets his message. It is one of the most important we will hear from anyone, any time.

NEWS ITEM SAYS WILLIAM & MARY COLLEGE TO LOWER STANDARDS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. SCOTT. Mr. Speaker, I recently read a news item indicating that the Secretary of Health, Education, and Welfare was endeavoring to require that the College of William & Mary, one of the oldest educational institutions in the country, lower its standards if necessary to increase the number of black students and faculty.

While I would not have our colleges or universities in any way discriminate against a person because of his race, I do think it is basically wrong and without legal sanction for any Government agency to propose the lowering of academic standards in order to obtain the admission of a greater ratio of students or faculty of any racial group.

I am inserting a copy of a letter to the Secretary of Health, Education, and Welfare, Elliot L. Richardson, requesting to be advised whether or not the news account is accurate. Certainly, I hope that it is not. The letter is set forth in full for your information.

HON. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education,
and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I read a newspaper article in the Richmond Times-Dispatch to the effect that your department had demanded of the College of William and Mary that there be a substantial number of black teachers and students included in the faculty and student body, even if the college has to change its admission standards.

My three children are all graduates of the

College of William and Mary, and I was born in the community of Williamsburg where the college is located. Therefore, you can understand my concern that no action be taken by the federal government which would in any way lower the standards of that college. While I am not suggesting any return to segregation, I feel that the lowering of standards is untenable at a time of maximum demands for educated citizens. I might point out that William and Mary is the second oldest college in the country and is well known for its high academic standards.

I certainly hope that this news account is erroneous; but, if not, it will prompt me to introduce legislation, which I believe the Congress will approve, prohibiting action by any federal agency to reduce the academic standards of any colleges or universities in the country.

I am sure that you can understand the basis for my concern in this matter, and I would appreciate receiving your comments at your earliest convenience.

With kind regards.

Sincerely,

WILLIAM L. SCOTT,
Member of Congress.

ROSH HASHANAH

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. KING. Mr. Speaker, the sacred Hebrew holiday, Rosh Hashanah, denoting the Jewish New Year, commences Wednesday evening.

It is this year especially fitting that the Congress identify with Americans of the Jewish faith. A certain universality of Rosh Hashanah, a time of special prayer for spiritual renewal and rededication, is indicated.

The Jewish people are understandably concerned about the forces of totalitarianism and aggression that are arrayed against the State of Israel. We are aware of the turbulence and human tragedy in the Middle East.

It is important that the Jewish community, as it assembles in thousands of synagogues and temples to pray for the brotherhood of man under the fatherhood of God, be reassured that the Government is striving to safeguard peace in the area of the Holy Land.

Our President is now abroad in pursuit of peace. He is mindful of the current relevancy of the great spiritual values that emerged from the land of Israel. I wish to identify with the President's innovative moves to defend peace and to help the brave people of Israel provide for the perpetuation of freedom. This Congress can take pride in the timely enactment of legislation that would provide Israel with the means of defense.

Rosh Hashanah marks the year 5731's arrival as recorded by the ancient Hebrew calendar. This is an occasion for introspective review of the last year. It is also a time to seek divine guidance for spiritual renewal as people seek to grow and live more fully in the coming year. Regardless of our personal religious persuasion, we could learn much from such self-examination as a people.

A NATIONAL LAND-USE POLICY FOR OUR ENVIRONMENT

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. McCARTHY. Mr. Speaker, the year 1970 marks a major transition in our history. We have plunged into a new decade and are well into the last third of this century. The first results of our national census show how our population has grown and where it is located. The early census results also suggest the limits of population growth for the remainder of this century—perhaps 100 additional Americans by the end of the century—and the areas of the country where this growth is expected to take place—in the urban corridors.

Our census does not reflect the tensions of our society, the polarization reflecting the dissatisfaction of those excluded from the American dream, the search for stability by a majority that are hard pressed to maintain a modest standard of living. Nor does our census reflect the concern of millions of Americans about the destruction of our land, our rivers and lakes, and the air that we breathe.

We live in a period of transition. In the year 1970 we face a number of problems as a nation that test our ability to survive. We must maintain a nuclear peace, end a protracted and difficult war in Indochina, manage our economy so that it is not plagued with unemployment or inflation, heal the wounds of racial discord, and preserve and enhance our environment. Each one of these problems tests our democratic form of government, taxing to the utmost both our leaders and our citizens. Each one of these problems by itself is more than enough for our society to handle in one generation. Some ask whether our society, or for that matter any society, can meet the challenges posed by a number of these problems at one time.

I, for one, believe that we can. To do so, we will have to make our National, State, and local governments more responsible and more responsive. It is not enough to drift with the tide. It is not enough to follow the time-tested paths of the past. We cannot afford the luxury of inaction, the gratifications of partisan bickering, or the indulgence of ignorance. Wornout and irrelevant gestures that do not serve our purposes must be swept aside. We must harness our energy and exercise our will as a nation if we are to survive.

It has been with this thought in mind that I have examined the many problems of our environment to see what must be done. I have singled out a number of problems that I believe deserve national support. I have already spoken on the subject of air pollution control, perhaps the single most serious environmental problem that we face right now. I would now like to single out the area of land-use planning as one of the most important environmental issues that we face today.

I believe that land-use planning is central to a host of environmental problems ranging from air pollution and water pollution to urban blight, noise pollution and the beauty of our surroundings. What was once only a problem in the crowded cities of our Nation has become a problem for vast stretches of our country. It has become commonplace to point out that more than half of our population lives in urban areas today. It is commonplace but it is also highly relevant that most of our population of 300 million in the year 2000 is expected to live in these same urban areas. Population density in certain urban corridors—Boston to Richmond, Buffalo to Chicago, San Diego to San Francisco will soar in the next 30 years. Unless we take steps now to determine how these corridors are developed, we will find that the quality of life as we know it now will decrease.

Who among us is not familiar with the destruction of property value that can take place when a community suddenly grows from a quiet residential area to a commercially urban corridor. Who among us is not familiar with the loss of a beautiful stretch of woodland or a small lake to the developer. In pointing to these changes I am not saying that existing patterns of land use will not change. Rather I am saying that this change should increase the quality of our lives, not decrease it.

Land use in America has long been a matter of unplanned action, one in which an individual, an industry, or the Government developed the land in any way it saw fit. This has caused damage to our Nation, damage that we have yet to fully appreciate. Strip mining has scarred our hills. Abandoned buildings dot the cores of our deteriorating cities. Major airports and major highways are built next to homes, destroying the quiet that originally drew homeowners. Highways slash through invaluable parkland for the lack of a better route. New manufacturing plants spring up next to residential communities without thought to their impact on the neighborhood. Prince Georges County, Md., and Rockland County, N.Y., win the title as the fastest growing areas in the United States and begin to lose their attraction as pleasant places to live. Erie County, N.Y., where my district is located will witness a major population increase during the next 30 years. The homeowner in these areas can rightly ask whether this growth will destroy the values that he sought when he moved into the area.

Each one of these counties and its towns and cities are struggling with a host of environmental problems, urban-suburban sprawl, population distribution that does not match local resources, misuse of resources and pollution in all its forms. It is increasingly evident from studies conducted by the Public Land Law Review Commission and others that these problems can only be met by initiating a comprehensive, planned program of land use for public and private, for federally and State-owned lands within the United States. The formulation of a national land-use policy is a

necessary and vital step in the task of making our communities more attractive places to live.

Several bills embodying national land-use policy have been introduced in Congress. Rather than introduce a new bill, I am joining Senator HENRY JACKSON of Washington and Representative ROGERS MORTON of Maryland in introducing a land-use bill that establishes the Federal Land and Water Resources Council as the center for national land-use policy. I am not sure that a new agency may not be needed for this purpose. But in order to discuss the concept of land-use planning, I introduce a similar bill today.

I believe that there is strong support for this measure on the part of those who recognize the need. President Nixon has endorsed the concept in the first report of the Council on Environmental Quality. The National Governor's Conference has also endorsed the concept. I hope that those concerned with the environment will join in supporting this legislation.

This bill amends the Water Resources Planning Act and calls for the formulation of a national land-use policy that would incorporate all ecological, environmental, esthetic, economic, and social factors. It would serve as a guideline in making specific decisions affecting a pattern of growth and development of Federal lands and provide a framework for the development of interstate, State, and local land use. This would be carried out by an enlarged Land and Water Resources Council with responsibilities to administer Federal grant-in-aid programs, to review all statewide land-use plans for conformity to the provisions of the titles of the legislation, and to issue biennial reports on national land-use policies, trends, projections, and problems.

The bill further provides that the Council earmark land-use planning grants to an appropriate State agency designated by the Governor of each State to carry out an inventory of the State's land and related resources. It calls for the State agency to collect and analyze all information and data relating to population characteristics, migration trends, and densities. Briefly, it also calls for an analysis of problems that might arise from placing utility corridors, locating new communities, commercial development, and heavy industry for the next 50 years.

The bill makes several provisions for exchange of information between Federal, State, and local agencies; however, the real heart of the bill is the Federal guidelines and requirements with which the State agency is to conduct its inventory and organizational development. First, within a 3-fiscal-year period the State land-use plan must identify the portions of the State subject to the statewide land-use plan. Those not subject to the plan shall include: "land which is located within the boundaries of any incorporated city which has exercised land-use planning and authority." Second, identification of areas where ecological, environmental, geological, and physical conditions dictate that certain types of

land-use activities are incompatible and undesirable.

Third, identification of those areas "whose highest and best use, based upon projected State and national needs, on statewide outdoor recreation plans required under the Land and Water Conservation Fund Act and upon other studies, is recreationally oriented, best suited for natural resource, heavy industrial and commercial development, where transportation and utility corridors are or should, in the future, be located, and which areas furnish the amenities and the basic essentials to the development of new towns.

After the 3-year inventory period there is provision within the bill for planning grants for those State agencies who meet further requirements. They are:

First. The agency must have the authority necessary to implement the statewide land-use plan.

Second. The agency's authority shall include but need not be limited to authority to acquire interests in real property if deemed necessary under the statewide land-use plan; authority under the State police powers, to place restrictions on the type of land-use activities which may take place in areas designated for special use under the statewide land-use plan, and authority to call public hearings and other public participation, including granting the right of appeal to aggrieved parties in connection with an area subject to special use or restriction under the statewide land-use plan.

Along with these central requirements, the bill provides for extensive Federal and State coordination. Approval of land-use plans submitted to the Council by a State agency must include the solicitation of views from Federal agencies principally affected by such plans. The bill further stipulates that—

All federal agencies conducting or supporting public works activities in an area subject to a state land-use plan shall make such activities, unless there are over-riding considerations of national policy which require departures from the plan, consistent with the approved plan of the state for the area. State and local governments submitting applications for federal assistance for activities in areas subject to state land-use plans shall indicate the views of the state land use agency as to the relationship of such activities to the approved plan for the area. Federal agencies shall not approve proposed projects that are inconsistent with the plan.

These are the major provisions of the bill that I am introducing today.

I cannot stress to you more the urgency and need for comprehensive land-use inventories and plans. As the California Environmental Quality Study Council progress report of 1970 cites, private lands are literally being swallowed up by large corporations and land speculators in anticipation of quick price increases. Subdivisions, ill-conceived and ill-planned have blighted large areas of the most fertile agricultural land in California. Unless there is some ordered, directed land-use program with authority to implement standards of "highest priority" use of land, judiciously administered by an authority higher than the private developer, there is little hope for a naturally balanced environment such as we know it today.

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The proposed legislation has some weaknesses. The essential question of a clear-cut distinction between Federal and State jurisdiction in the planning process is still unresolved. On the one hand, the Federal Government says that it is the States' job to carry out a suitable land-use plan for the State, with priorities determined by the State as to what land is to have the highest and best use as recreational, industrial, or as transportation corridors, et cetera, while, on the other hand, the Federal Government says that any incorporated city with only the most rudimentary of planning must not be included in the State plan. The wording concerning the State-city role in the planning process is simply not satisfactory. Not only would this wording rule out coordinated planning efforts with cities and States, but it would rule out the possibility of any meaningful statewide plan. How can a State make a meaningful land-use plan when the cities are excluded, yet so in need of comprehensive, coordinated planning?

Much can be said for the bill, nevertheless. Any Federal legislation that calls for 50 new State agencies to submit 50 comprehensively drawn inventories of State lands with a statement of priorities as to the land's "highest and best use" is both ambitious and innovative. By the Federal Government simply acting to demand inventories many, many more questions and answers will be discussed within the States. In addition, since land management legislation of zoning standards, subdivision standards, industrial permits, right-of-way permits, and so forth, have rested with States, it is fair to assume that reform in these practices will be proposed within State legislatures as well as proposals outlining the relationships between cities and State planning jurisdictions. This would be further encouraged by use of the sanctions in the bill. It should not be forgotten that with the State land-use agency under the designation and authority of the Governor, some Governors may find such an authority within their interests and push for much more comprehensive authority for the agency in implementing the land-use policy.

In conclusion, there are several points to bear in mind concerning this proposed legislation. First, the bill is rudimentary in terms of the whole issue of planned land use. It does not provide procedures or assurances that projected population increases will be properly distributed which is the key concern for the future. The bill does not adequately provide for correct and effective cooperation between State and city governments in land-use policy formulation. The bill, nonetheless, is timely and fundamental. It is timely because the public is just now beginning to open its eyes to the pressing question of effective land use. The information from the State inventories alone will open many new avenues for further improvement. With the information, the public too can properly focus its attention on the issue. The bill is fundamental because we are entering an era when we will have to allocate our natural resources, and preparations must be made now to insure that the land, our greatest resource, is properly used.

REPRESENTATIVE ANNUNZIO'S EFFORTS FOR SMALL BUSINESSMEN PRAISED

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. KLUCZYNSKI. Mr. Speaker, the Subcommittee on Small Business Problems in Smaller Towns and Urban Areas, of which I am chairman, just returned from conducting hearings in Chicago on crime and crime insurance. It is my opinion, as well as that of my colleagues on the subcommittee, Representative WILLIAM L. HUNGATE, Representative FRANK HORTON, and Representative DANIEL E. BUTTON, that the hearings produced some very valuable testimony on this important subject.

The hearings included testimony from Ralph Metcalf, alderman from the city of Chicago; Deputy Chief of Detectives Walter Karlblom; Paul Zimmerer, director of the Mayor's Committee for Economic Involvement; Robert Dwyer, regional director for SBA; and many other fine and distinguished witnesses.

The committee heard some very frightening testimony from small businessmen who outlined the horrible system of extortion practiced by street gangs on neighborhood stores. One very courageous businessman, Wilson Alexander, told the committee of his personal experiences with robberies, burglaries, and extortion. The subcommittee was very impressed by the testimony and feels there is a great need to assist the small businessman in this area. I feel that Representative FRANK ANNUNZIO's bill now included in H.R. 19100, the Housing Act of 1970, should receive full consideration and approval by the House.

I feel that perhaps the most important testimony was that of my dear friend and colleague, Representative FRANK ANNUNZIO. He made some very impressive remarks reflecting a sincere desire to further the cause of the small businessman. It is well known that Mr. ANNUNZIO has labored long and arduously on the problem of the impact of crime on small business. He is truly a champion of the small businessman. In the interest of sharing the every enlightening statement of Mr. ANNUNZIO, I would like to insert it at this point in the RECORD:

STATEMENT OF HONORABLE FRANK ANNUNZIO

Mr. Chairman, Members of the Subcommittee, as one who is vitally concerned about the problems of small business, particularly the insurance problems, I appreciate the opportunity to testify before this distinguished subcommittee today and to give you my thoughts on crime insurance.

Let me begin, not on a pessimistic note, but rather on an optimistic note. Yesterday, the Banking and Currency Committee agreed to report H.R. 19100, the Housing Act of 1970. Title 7 of that legislation contains the Urban Property Protection and Reinsurance Amendments of 1970. This title contains all of the provisions of H.R. 13666, the so-called crime insurance bill that I introduced on September 8, 1969. Quite simply, it will enable small businessmen to purchase crime insurance directly from the Federal Government at any time the premium for such insurance through the private market exceeds 175 percent of the so-called manual or average rate.

Mr. Chairman, at first glance a 175 percent rate may seem like a great amount, but, as I am certain you have found out in your hearings, rates for crime insurance that are 500 and 600 percent above manual are not uncommon.

Within a few weeks, the House of Representatives will have an opportunity to vote on the crime insurance package while, at the same time, the Senate is considering legislation that contains many of the features of my bill with two major exceptions. My legislation would allow the Government to write not only crime insurance on a direct basis, but basic property coverage if such coverage is not available within the 175 percent range. In addition, my bill would go into effect immediately. The Senate bill does not provide for basic property coverage and has a year delay in its effective date.

Mr. Chairman, we cannot wait another year, nor can we ask the small businessmen of America to wait for another year. Each day that we delay in granting relief to small business sees another group of small businessmen close their doors.

Quite clearly, Mr. Chairman, something must be done if small business is to survive in our major cities. I do not come here as a prophet of doom or gloom, but I do feel quite certain that unless crime insurance, at reasonable costs, is made available to small businessmen, the time is not too far off when there will be no small businesses in our inner cities. The trend has already begun and it is time now to take action.

I first began work on this problem in 1967, when I introduced the Small Business Protection Act to provide for a study to determine the best ways that small businessmen could protect themselves from criminal acts.

I do not contend that the study is the solution to the crime problem but rather that it does set out areas of investigation where a majority of efforts should be concentrated in solving the problem. I am unhappy that the study devotes too much space to the statistical side of crime against small business and not enough space in telling the small businessman how to safeguard his property from hoodlums and vandals.

I sincerely hope, Mr. Chairman, that your Committee will not fall victim to the statistical syndrome that seems to arise whenever the question of crime is raised. At this point, we do not need studies to show that crime is, indeed, a problem to small businessmen. We can learn this by picking up a newspaper from any metropolitan city. In fact, in many cities, the crime rate has risen to such an extent that the newspapers do not have enough space to devote to crime stories but, instead, must summarize the crime news on a "boxscore" basis, much the same way the statistical aspects of baseball games are reported.

Mr. Chairman, I do not want to go into psychological reasons for the crime increase nor do I wish to attempt to affix the blame for the problem. We have heard a great deal about who is responsible for controlling crime. I do know one thing though. It is not the small businessman who is responsible for the crime rise; it is not the small businessman who can crack down on the increase of crime; but it is the small businessman who is paying for the effects of criminal acts. If there were an innocent victim of crime, it is the small businessman of our country.

Mr. Chairman, when I introduced my crime study bill in 1967, I did so in hopes that it would cause the insurance industry to do something about making crime insurance available to small businessmen. When I introduced the study bill, a member of my staff received a telephone call from an insurance executive inquiring whether the bill contained any provision for a direct program of government insurance. The insurance executive was told that the bill did not contain

such a provision but that if insurance was not made available that my next step would be in that area. The insurance executive assured my staff member that would not be necessary since the insurance industry was ready to come to grips with the problems and to find ways to help the small businessman.

That was more than three years ago, Mr. Chairman, and we still have not seen any progress on the part of the insurance companies.

Mr. Chairman, recently the Department of Housing and Urban Development published its long-awaited study on "The Availability of Crime Insurance and Surety Bonds in Urban Areas." The Annunzio bill provides a workable solution to the problem of crime insurance in our urban areas, while the plans put forth by the Federal Insurance Administrator represent nothing more than protracted delays in solving the problem.

For instance, the plan put forth by the Federal Insurance Administrator would require the States to make crime insurance available at reasonable rates in urban areas by August of 1971. If this was not done, the Insurance Administrator would withdraw the Federal riot reinsurance coverage in those States. I do not feel that this will solve the problem and, of course, it will not guarantee that crime insurance will be made available since States may be willing to do without riot reinsurance, particularly if we have gone through a long period without any major riots in our cities.

The Insurance Administrator suggests that following this, he could order that crime insurance be made available under the so-called FAIR plans, a suggestion that I made in 1968 as an amendment to the Urban Property Insurance Act. However, in an earlier part of his report, the Insurance Administrator suggests that the inclusion of crime insurance in FAIR plans is not the answer. If crime insurance can be offered within the FAIR plans in those States which do not comply with the 1-year edict of the Federal Insurance Administrator, why is it that such coverage cannot be made available immediately. In short, if such a method of providing coverage is a good idea at one time, it is a good idea at all times, or, if it is a bad idea at one time, it is always a bad idea.

Mr. Chairman, if I felt the suggestions made by the Federal Insurance Administrator would provide meaningful solutions to helping people obtain crime insurance, I would endorse the report wholeheartedly, but in the language of our current younger generation, the report is "a cop out." It does nothing more than buy time for the insurance industry in the hope that those of us who want to provide solutions to the problem will back off and shift our attentions to some other area.

It has been suggested that my bill will cost the Government money. I do not accept this premise, but even if Government funds are expended on the program, think of the money that is lost in tax revenues to city, county, State and Federal governments each time a small businessman goes out of business because he cannot obtain insurance.

Last week, President Nixon asked Congress for more than \$20 million to provide armed guards on overseas airline flights. The supplying of armed guards has been hailed as probably the best means of protecting the lives and property of airline passengers, and I support this request for funds. But, Mr. Chairman, most of the people that we are talking about in these hearings will never have enough money to be able to afford the luxury of an airplane trip to a foreign country, and we should consider their problems with as great speed as we do the problems of hijacked airplanes.

Mr. Chairman, in April of last year, Congressman Moorhead and I conducted hearings on the insurance problem here in Chi-

cago. We were amazed at what we uncovered. Huge areas of the city were redlined by the insurance industry and denied insurance coverage. Homeowners had their insurance policies dumped into the FAIR Plan, where their premiums were sometimes as high as five and six percent of what they formerly had been paying. In other cases, hundreds of homeowners had their insurance policies cancelled for no apparent reason. I am certain that your Subcommittee has found that many of these practices still exist.

In conclusion, Mr. Chairman, let me point out that unless a program of direct Federal insurance, such as that contained in my bill, is enacted, the insurance problems that you have uncovered here in Chicago will only worsen and that the ghost towns that are tourist attractions in the West may well have a new rival in the inner cities of America.

Mr. Chairman, once again let me thank you for the opportunity to appear here today and commend you and your Subcommittee for taking an interest in this problem.

NIXON AND THE WORKINGMAN

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. CHAMBERLAIN. Mr. Speaker, beginning on Thursday, the Republican National Committee will sponsor a 3-day conference of Republican heritage groups. Nationality leaders from all over the United States have been invited to this meeting. According to Rogers C. B. Morton, chairman of the Republican National Committee:

This is in accordance with the President's wishes that a permanent forum for the nationalities be set up within the Party—so that ethnic Americans may have the greatest possible access to the Nixon Administration, and the opportunity to involve themselves in the democratic process.

I applaud my party for this recognition it is bestowing upon our ethnic citizens. This reflects the deep commitment of the Nixon administration to giving the nationalities full access to and representation in the Nation's Government. Recently, for example, 29 Americans of nationality background were appointed to advisory councils within the Small Business Administration, and a Polish-American leader, Al Majewski, was nominated as an alternate delegate to the 25th session of the United Nations General Assembly.

But these are only symbolic gestures which stand for the far more important substantive expressions of concern the Nixon administration has for the welfare of our nationality members.

The Democrats claim that they have the support of labor and the workingman, but they campaign on issues that are contrary to the tradition and beliefs of these very people. Democrat candidates and commissions belittle the influence of pornography on our children, advocate abortion, take wishy-washy stands on campus violence, and use middle-class suburban neighborhoods for their school and housing experiments.

It is the Nixon administration which should be lauded as taking the needs of

the workingman into consideration through such measures as its stiff anti-crime bill, the formation of a special Presidential panel to study the financial crisis of the Nation's nonpublic schools, its special efforts to bring ethnic Americans into the administration, and its determined efforts to bring inflation under control.

WHO SPEAKS FOR ETHNIC AMERICA?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ZWACH. Mr. Speaker, I would like to call to the attention of my colleagues an article appearing on the editorial page of yesterday's New York Times. Entitled, "Who Speaks for Ethnic America?" it is an angry and forceful statement of the grievances felt by ethnic Americans—ridicule of their customs and heritage, near-poverty income levels, threatened neighborhoods, lack of services.

It is sad, but true, that Miss Mikulski's charges are well founded. During the last decade, during the Democratic administration, the problems of other minorities were the primary focus of the Federal Government and the ethnics were written off as "bigot," simply because they felt that they, too, needed and were rightly entitled to the benefits that America has to offer.

It is high time that this situation is changed. Fortunately, the Nixon administration shares in this concern for the problems of ethnic Americans. Ethnic Americans have been appointed to responsible positions within the Government. The Republican National Committee, this very week, is holding a conference involving delegates from 30 States, to focus on the needs of our nationality groups and ways they can use the political process to get those needs met. Finally, I must commend the Nixon administration for its administrative efforts and for the numerous legislative proposals submitted to Congress which, if implemented by the Democrat-controlled Congress, will go a long way toward meeting the needs of ethnic Americans as well as all Americans.

The article follows:

[From the New York Times, Sept. 29, 1970]

WHO SPEAKS FOR ETHNIC AMERICA?

(By Barbara Mikulski)

The Ethnic American is forgotten and forgotten. He is infuriated at being used and abused by the media, government and business. Pejorative epithets such as "pigs" and "racists" or slick, patronizing labels like the "silent majority" or "hard hats" are graphic examples of the lack of respect, understanding and appreciation of him and his way of life.

The Ethnic Americans are 40 million working class Americans who live primarily in 58 major industrial cities like Baltimore and Chicago. Our roots are in Central and Southern Europe. We have been in this country for one, two or three generations. We have made a maximum contribution to the U.S.A., yet received minimal recognition.

The ethnics came to America from the turn of the century through the twenties, until we were restricted by prejudicial immigration quotas—65,000 Anglo-Saxons to 300 Greeks. We came looking for political freedom and economic opportunity. Many fled from countries where there had been political religious and cultural oppression for 1,000 years.

It was this working class which built the Great Cities—constructed the skyscrapers, operated the railroads, worked on the docks, factories, steel mills and in the mines. Though our labor was in demand, we were not accepted. Our names, language, food and cultural customs were the subject of ridicule. We were discriminated against by banks, institutions of higher learning and other organizations controlled by the Yankee Patricians. There were no protective mechanisms for safety, wages and tenure. We called ourselves Americans. We were called "wop," "polak" and "hunky."

For our own protection, we formed our own institutions and organizations and clung together in our new neighborhoods. We created communities like "Little Italy" and "Polish Hill." The ethnic parish church and the fraternal organizations like the Polish Womens' Alliance and the Sons of Italy became the focal points of our culture.

These neighborhoods were genuine "urban villages." Warmth, charm and zesty communal spirit were their characteristics. People knew each other. This was true not only of relatives and friends but of the grocer, politician and priest. The people were proud, industrious and ambitious. All they wanted was a chance to "make it" in America.

Here we are in the 1970's, earning between \$5,000-\$10,000 per year. We are "near poor" economically. No one listens to our problems. The President's staff responds to our problems by patronizingly patting us on the head and putting pictures of construction workers on postage stamps. The media stereotypes us as gangsters or dumb clods in dirty sweat-shirts. The status of manual labor has been denigrated to the point where men are often embarrassed to say they are plumbers or tugboat operators. This robs men of the pride in their work and themselves.

The Ethnic American is losing ground economically. He is the victim of both inflation and anti-inflation measures. Though wages have increased by 20 per cent since the mid sixties, true purchasing power has remained the same. He is hurt by layoffs due to cutbacks in production and construction. Tight money policies strangle him with high interest rates for installment buying and mortgages. He is the man who at 40 is told by the factory bosses that he is too old to be promoted. The old job is often threatened by automation. At the same time, his expenses are at their peak. He is paying on his home and car, probably trying to put at least one child through college.

In pursuing his dream of home ownership, he finds that it becomes a millstone rather than a milestone in his life. Since FHA loans are primarily restricted to "new" housing, he cannot buy a house in the old neighborhood. He has no silk stocking lawyers or fancy lobbyists getting him tax breaks.

He believes in the espoused norms of American manhood like "a son should take care of his mother" and "a father should give his children every opportunity." Yet he is torn between putting out \$60 a month for his mother's arthritis medication or paying for his daughter's college tuition.

When the ethnic worker looks for some modest help, he is told that his income is too high. He's "too rich" to get help when his dad goes into a nursing home. Colleges make practically no effort to provide scholarships to kids named Colstiani, Slukowski or Klimka.

The one place where he felt the master of his fate and had status was in his own neigh-

borhood. Now even that security is being threatened. He wants new schools for his children and recreation facilities for the entire family—not just the token wading pool for pre-schoolers or the occasional dance for teen-agers. He wants his street fixed and his garbage collected. He finds that the only thing being planned for his area are housing projects, expressways and fertilizer factories. When he goes to City Hall to make his problems known, he is either put off, put down or put out.

Liberals scapegoat us as racists. Yet there was no racial prejudice in our hearts when we came. There were very few black people in Poland or Lithuania. The elitists who now smuggly call us racists are the ones who taught us the meaning of the word: their bigotry extended to those of a different class or national origin.

Government is further polarizing people by the creation of myths that black needs are being met. Thus the ethnic worker is fooled into thinking that the blacks are getting everything.

Old prejudices and new fears are ignited. The two groups end up fighting each other for the same jobs and competing so that the new schools and recreation centers will be built in their respective communities. What results is angry confrontation for tokens, when there should be an alliance for a whole new Agenda for America. This Agenda would be created if black and white organized separately in their own communities for their own needs and came together to form an alliance based on mutual issues, interdependence and respect. This alliance would develop new strategies for community organization and political restructuring. From this, the new Agenda for America would be generated. It could include such items as "new towns in town," innovative concepts of work and creative structures for community control.

What is necessary is to get rid of the guilt or phony liberals, control by economic elitists and manipulation by selfish politicians. Then, let us get on with creating the democratic and pluralistic society that we say we are.

NIXON CHANGING POLITICAL CLIMATE OF THE NATION AND THE WORLD

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ADAIR. Mr. Speaker, despite occasional criticism from scattered sources, it is growing more and more obvious that the moral stature of President Nixon is growing both at home and overseas.

Less than 2 years ago, the President hardly dared leave the White House—except to fly to Texas.

Today President Nixon appears in public in our great cities and on our campuses.

Today he dares mingle with the crowds of Rome.

And today he dares show American naval power as a peacekeeper in the Middle East.

Mr. Speaker, through his courageous and imaginative leadership, President Nixon is changing the political climate of the Nation and the world.

He is taking us surely down the road toward peace in Vietnam and the Middle East and, just as important, toward peace in our cities and on our campuses.

KENT STATE—ANOTHER VIEW

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. WYLIE. Mr. Speaker, sometime ago I received a letter from Miss Nancy Bonifield, a student at Kent State University, who resides in the congressional district I represent. The letter, which was sincerely written by a thoughtful young lady, impressed me. Miss Bonifield suggests that I have received many letters such as hers, which I have, but none which expressed another view so poignantly.

She suggests that her views be made known to the public, and I include them herein to that end:

DEAR REPRESENTATIVE WYLIE: I, as a member of the silent majority, am writing this letter to express my views, because I am tired of remaining silent and letting a minority rule. I am asking you, in turn, to let these views be known to the public and the outspoken minority.

I am a freshman at Kent State University, completing my third quarter through correspondence work with my professors. I don't like this type of education at all. I don't feel I can properly learn the course material this way. But, I am forced to either finish my courses in this manner or drop them, all because of the violent actions of a few militants.

The reason many people resort to violence for action is because they cannot accomplish anything with letters or peaceful assembly. Nobody listens to them then. If letters and other peaceful actions were given more attention, I don't feel we would be experiencing the violent revolutions on our college campuses today.

Although the initial shock is over, I am still very upset and disgusted with the events at Kent State in early May. It is so tragic that just a few radicals can close down not just one university, but dozens of them. What bothers me even more are the reasons that these radicals give for their actions. They say they want to end the war in Vietnam. They think by rioting and demonstrating that they will show the men overseas that they care and think about them. But, according to many servicemen, this is not so. My brother is currently serving his second year in Vietnam. In his last letter he told us what he thinks of the campus demonstrations.

"I will say that I am very much in agreement with what President Nixon is doing and I am very displeased with the reaction it is getting in the states. Those students may not realize it, but they are doing as much harm to the American effort over here as the VC or the NVA troops we are fighting. The Communists now make very little propaganda of the war itself. They concentrate on anti-war movements in the States and they are very good at it. I heard about the riots at Kent on a Communist radio broadcast from Radio Hanoi before it even got on the news over here. If you had no other source of information, you would think the United States was in a state of turmoil and civil war itself. And this is the picture of America that the rest of the world gets all because of a bunch of ignorant kids. I have no higher opinion of them than the people we are fighting over here. If a few of them get killed that's too bad. But maybe the rest of them will open their eyes and see what they are doing. If they could see only a frac-

tion of what some of the guys over here have seen, I don't think they would be rioting against what we are doing here. We can hardly turn on a TV or radio or even pick up a newspaper without hearing of major riots and it is really beginning to be a drag on the morale of the guys over here. Some of them have even resorted to just not listening to the radio or TV and not reading newspapers."

Two other GI's reported similar stories in the *Columbus Citizen-Journal* on Monday, May 18, 1970. Cpl. Vancil Johnston and Cpl. Kris were both agreed that "It is demoralizing to read about our underprivileged counterparts vandalizing campus buildings, manhandling institution leaders, and generally making fools of themselves." They both reported that nearly all of the men in Vietnam or destined for Vietnam after training are angry or disgusted with the campus riots and demonstrations.

What I feel needs to be done, is for the silent majority to organize against this minority and try to make them see that they are hindering, not helping, the men overseas. All they have managed to do by rioting is deprive thousands of fellow students of an education and deprive four others of life.

I feel the main problem to deal with is a communication gap between the government and the students. With more communication between the two, the youth will place more confidence in the actions of the government, and this is very necessary for a cooperative society.

Well, I am sure you have received many letters similar to this one. Now, just tell the world about them so they will know that the silent majority wishes to remain silent no longer.

Thank you.

Sincerely yours,

NANCY BONIFIELD.

THE PRESIDENT'S TRIP ABROAD

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. RHODES. Mr. Speaker, President Nixon's trip abroad, like his others, is proving to be not only a personal success but also a success for American diplomacy and foreign policy.

The importance of his trip is clearly seen in the decision by President Tito to remain home in order to meet with President Nixon, rather than go to the funeral of President Nasser.

I think it is safe to predict that the outcome of that meeting will be a further strengthening of the feeling of friendship the peoples of Eastern Europe feel for the United States.

I think it is safe to predict also that out of it will come agreement that most of the people of the world will continue to work diligently for peace in the Middle East.

Mr. Speaker, President Nixon is a man who does not hesitate to take the bold steps necessary to move the world and our Nation away from the brink of war and to do it in such a way that America's prestige in the world is enhanced in the process.

We are indeed fortunate to have such a leader in these times of peril.

AGNEW SPEAKS FOR ROUDEBUSH

HON. DURWALD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. HALL. Mr. Speaker, Vice President Spiro T. Agnew, recently journeyed to the State of Indiana to speak on behalf of the Honorable RICHARD L. ROUDEBUSH, a candidate for the office of U.S. Senator from that State.

As usual, the Vice President had much to say, and said it candidly and forthrightly. I offer the text of his remarks and commend them to your attention.

The speech follows:

[From the Indianapolis Star, Sept. 24, 1970]
AGNEW EXPLAINS WHY VOTERS SHOULD BACK ROUDEBUSH

Following is the text of the speech made last night in Indianapolis by Vice-President Spiro T. Agnew.

From a national standpoint, a paramount issue of this election is whether President Nixon will be given a Congress that he can work with, a Congress that will move vital legislation now stalled in committee.

From Indiana's viewpoint the paramount issue is whether Hoosiers will be represented in the United States Senate by a man who reflects the thinking of the majority of the people of this state.

I submit that Dick Roudebush passes this test with flying colors—and that his opponent flunks it in every respect.

In his 10 years in the House of Representatives Roudebush has established a solid reputation for fiscal responsibility and once earned a "Watchdog of the Treasury" award for his interest in seeing that taxpayers got a dollar's worth of value for every dollar spent.

His opponent, the present senior senator from Indiana, has established a notorious reputation as one of the biggest spenders in Congress. In the 91st Congress alone, he has sponsored or co-sponsored legislation which would ultimately cost taxpayers over \$22 billion a year. In short, if he could get all this legislation through it would be a bigger drain on the United States Treasury than the annual interest on the national debt.

And these are just bills on which the cost can be tabulated. He has sponsored or cosponsored 26 other bills in the last two years with open-ended spending authorizations. In other words, there is no way of determining what they ultimately would cost.

VOTES FOR DEFENSE

Congressman Roudebush has been one of the Presidents' strongest supporters in his efforts to end America's involvement in the war in Southeast Asia while supporting and training the South Vietnamese to fight for themselves. He has been equally stalwart in voting for the defense of this country.

His opponent not only voted against the administration's efforts to establish an antiballistic missile defense but also has proudly voted with the radical-liberals of the Senate in their unsuccessful attempts to cut off funds for the war in Vietnam and pull out American troops in a way that would surely sow the seeds of future wars. Surely, this is not the thinking of the great majority of the people of Indiana.

The views of this little band of obstructionists and isolationists also stand in marked contrast on a subject troubling all residents of this state and all of America—campus violence and irresponsibility.

Congressman Roudebush has stated that if a person burns down a building, or otherwise destroys property—whether on a campus or elsewhere—he is no longer a demonstrator, he is a lawbreaker, and ought to be treated as such. And he did not arrive at this opinion today.

Let's contrast this with the views of his opponent, who has taken a stand with the radical-liberals on the side of permissiveness.

On March 6, 1968, the senior senator from Indiana voted against a bill which would make it a Federal crime to incite riot or civil disorder when it obstructs interstate commerce.

Two years later—in the Congressional Record of March 17, 1970—two years after campuses throughout America had been rocked by violence and destruction—the senior senator from Indiana said:

"At times, when reading of the reaction to student dissent, I have the impression that the members of the over-30 generation have declared war on youth."

NO WAR ON YOUTH

My Indiana friends, the President and I are members of the over-30 generation. We have not declared war on youth. On the contrary:

1. At Kansas State University last week, you saw how thousands of fine young people showed the whole nation that they stood united behind the President of the United States. You saw on television how these students felt about the minority who shouted epithets at their President.

2. At Saginaw, Mich. last week, I saw a group of young prima donnas yell the filthiest obscenities imaginable at a gracious lady who was running for the Senate—and then I saw the overwhelming support of the young people there make itself felt, drowning out the shouts of the minority.

It would not be fitting for anyone outside Indiana to tell you how to vote. But my friends, your choice in November boils down to this:

Through your senior senator, the people of Indiana are now telling the nation: "We want more and more Federal spending, and we do not care if it means higher prices and higher taxes."

Is that what the people of Indiana really want?

Through your senior senator, the people of Indiana are now telling the nation: "We do not want a missile defense that the President considers necessary for American defense, and we are willing to take our chances with national security."

Is that what the people of Indiana really want?

Through your senior senator, the people of Indiana are now telling the nation: "We want a man like William O. Douglas on the Supreme Court, not strict constructionists like Haynsworth or Carswell."

Is that what the people of Indiana really want?

VIETNAM PULLOUT

Through your senior senator, the people of Indiana are now telling the nation: "We support the moratorium of last year that called for the immediate pullout of all American troops, and we oppose the President's program of orderly withdrawal that will prevent a future war."

Is that what the people of Indiana really want?

Through your senior senator, the people of Indiana are now telling the nation: "When campus radicals and student militants present their list of nonnegotiable demands, we should placate them and plead with them and blame ourselves for their unrest."

Is that what the people of Indiana really want?

My friends, I believe that the people of Indiana reject that permissive, weak-kneed,

short-sighted, free-spending approach of your senior senator 100 per cent.

I believe he represents some people in Berkeley, Calif., some people in Madison, Wis., and some people at Columbia University in New York—and he does not represent the views of the people of Indiana.

You are entitled to a new senator who will really represent you in the United States Senate—and Dick Roudebush is that man.

Just the other day, a man who represents a different philosophy came here to Indiana to speak for Dick Roudebush's opponent, the present senior senator from Indiana.

He spoke at a dinner firmly closed to the press and public, so nobody can be sure exactly what he said. But he handed out a statement that said this: "Surely with our military involvement in Vietnam ended, our voice for peace in the Middle East would be stronger and more influential."

Can you follow that kind of reasoning? This man would have you believe that if we cut and run in Asia, if we break our commitment there and sell out our allies, if we say loud and clear that America's word is no good—that, by some magic, we will stand tall and firm elsewhere in the world?

In my view, and in the view of the great majority of Americans, that sort of topsy-turvy reasoning is absolute poppycock. But your present senior senator has not repudiated it in any way, and we must assume he agrees with it.

SET VIETNAM ON FIRE

But that is not the half of it. This foreign policy adviser to the Indiana senator went on to condemn the American effort in Vietnam in these words: "We helped to set this country on fire, and we must help to put it out."

Do you, my friends in Indiana, believe that the United States invested the lives of more than 40,000 men in South Vietnam to "set that country on fire"? Do you believe that we went in there for some imperialist reason—or for any reason other than to help stop communist invasion?

I don't believe you do—and yet, until he repudiates the view of his far-out foreign policy adviser, the picture of the United States as the spreader of fire and destruction in the world is the image of your country held by the senior senator from Indiana.

Let me take note of a final, almost ludicrous, charge that was made by your senator's New York adviser.

Everyone in this room, everyone watching on television tonight, know how the President has been fighting to get stronger anti-crime and anti-drug legislation out of a reluctant Congress. He has sent 14 important crime bills to Congress, and 13 of them are still languishing in committee, effectively blocked by a minority of radical-liberals.

Does the senator's adviser and fund-raiser apologize for this? Does he urge Congress to get moving on the President's anti-crime program? Hardly. In a flip-flop that would do credit to a circus aerialist, he says this: "The President—the President, mind you—has failed to provide adequate Federal aid to local anti-crime and anti-drug activities."

Now, this total turn-about of the truth is revealing. You know and I know, that for the past six years, your senior senator has done everything in his power to stop the bills that would help the peace forces against the criminal element.

You know and I know he has voted against the kind of judges who would correct the imbalance that has tipped the scales of justice against the victim of crime.

"HARTKE THE COP"

But now, here it is election time, and he realized he has been terribly out of step with the needs and desires of the people of Indiana. And so now, like a phoenix rising from the ashes, you can expect to

see a refurbished image of your senior senator. The man who makes his television commercials will try to sell you "Hartke the cop."

He won't be alone in this little charade. All across the country you can see senators facing election joining the Come-Lately Club on crime and disorder. Senator Kennedy is reversing his field, and instead of calling for commissions to study the chances for amnesty for draft-dodgers, he is ringingly denouncing what he calls, "campus commandos." Senator McGovern, just the other day, stopped cooing like a dove and started roaring like a lion: he condemned—quote, "foolish and destructive tactics" and "obnoxious patterns of conduct," which, he said, "threaten all that is decent in our society." Welcome aboard, George. It is about time.

It is a little like the story that was told during the French revolution, of the man racing to catch up with a parade. When someone asked him where he was going, he replied, "I must get to the front, for I am their leader."

With the breath of the voters hot on their necks at election time, it is understandable that some senators adopt a wholly new attitude toward disruptive tactics by some student radicals.

These politicians seem to think that by adding a soupçon of finger-wagging to their mixture as before, they can thoroughly dissociate themselves from the consequences of their previous tolerance.

Where were the voices of Muskie and McGovern, of Stevenson and Humphrey, of Hart and Hartke, when the radical leaders were making their threats of violence only a year or two ago?

Their voices were hushed, at best; now, hardly a day goes by that one or the other of these men is not out on the stump denouncing violence and condemning the bomb-throwers and book-burners.

Certainly they are sincere in this. Each one of these men is genuinely appalled at what he sees in our streets and on our campuses. But no purpose is served by politicians trying to outdo each other in their public abhorrence of violence; the come-latelies do not make up for lost time by the extent of the vituperation they now heap on campus terrorists.

CAUSE OF VIOLENCE

The important thing is not how loudly they denounce violence today, but how deeply they understand the cause of possible violence tomorrow.

If the cause of violence were the war or the draft, then all those who dissent on the war or the draft would be violent. Of course, the vast majority are not disorderly at all; therefore, we cannot permit a few to claim the war as a moral base for their violence.

The cause of violence is partly in the mental makeup of a relatively few misfits and partly in the way society reacts to their threats.

Unfortunately, in the recent past, many politicians, many college administrators and many sincerely non-violent dissenters reacted wrongly. They caved in to threats; they let themselves be coerced; they tried to appease the most militant.

But they never really understood—and many do not yet understand—the nature of the threat. Many of these militants do not want accommodation; they do not want progress within the system; they do not want compromise. They want confrontation, anarchy, hatred, overthrow.

That is why I have been saying, for some time now, that a person who commits a criminal act should be dealt with as a criminal, and not as an idealist listening to some higher moral law all his own. Until recently, this position was labeled as "repression" by the people who now cannot wait to throw

the book at those who carry out their threats.

To those previously indulgent politicians who are now on election eve, swelling the ranks of the hardliners on violence and crime, let me interject this note of caution: You are not signing up on a voyage that lasts only until Election Day. The American people will hold you to your new commitment against the indulgence that leads to violence for the duration of this period of disorder—and beyond.

ZEAL NEW-FOUND

And do not believe, concerned now as rightly you are in this political season, that the American people will regard your new-found zeal as anything more than new-found.

My friends, the people who have proven themselves to be consistently wrong do not deserve to be your leaders.

When a man has proven himself to be wrong about national defense; wrong about orderly withdrawal from Vietnam; wrong about crime, and wrong about the mood of the American people—he deserves to be given the time in retirement to think about his mistakes.

We live in a marvelous country. We live in a country that truly reflects the consent of the great majority governed. In Dick Roudebush, my friends, you have a man who will truly represent the views of the great State of Indiana. You have a man who will help the President curb inflation, who will help the President end a war with honor, who will help the President turn back the wave of crime, who will help the President overcome the tide of permissiveness that has afflicted all our lives.

You have a President who comes from Middle America and is proud of his roots. I hope you will send a senator to Washington who will help him carry out the mandate Indiana gave him just two years ago.

Let us turn away from the nay-sayers and the obstructionists, and turn toward those affirmative men who have a greater vision of America. Let us take pride in the values that build this nation, and show respect for the working men and women who are building it today.

A man from Indiana, who bore his party's standard in a national election, gave the reasons why he believed in this country:

"Because we hate no people and covet no peoples' lands;

Because we are blessed with a natural and varied abundance;

Because we have great dreams, and

Because we have the opportunity to make those dreams come true."

MISSILES IN CUBA AGAIN

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. LUJAN. Mr. Speaker, just 9 short years ago the Soviets made their first thrust of raw military power into our hemisphere by building and equipping missile bases in Communist Cuba. To the everlasting credit of President Kennedy, the United States was swift and firm in its insistence that the missiles be removed.

We all recall the later statement of Secretary of State Dean Rusk that America and Russia stood "eyeball to eyeball" in that confrontation, and we remember the relief and pride felt by the American

people when the Russians backed down and the missiles were removed.

Today, according to intelligence reports, the will and determination of the United States is again being tested, and again we have Russian missiles being moved into Cuba. The only possible targets for these missiles are the cities of the United States.

I suggest, Mr. Speaker, that this unwarranted, unprovoked, and reckless military gesture by the Soviets is just as unacceptable to America today as it was 9 years ago. Yet there are those in Congress who would have us stand idly by while this threat to the peace of our hemisphere goes unchallenged.

I suggest, sir, that the responsibility to respond to this challenge lies with the Congress, and I hereby go on record as one who has no intention of permitting this aggressive intrusion to continue. America cannot live with this new Soviet threat at our doorstep. Let us serve immediate notice on the Russian leaders that we will take whatever action is necessary to effect the removal of these threatening instruments of war from our hemisphere.

MEETING THE NURSE SHORTAGE

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. GROVER. Mr. Speaker, in recent months we have heard a great deal about the health crisis in America and the shortage of health manpower. A most interesting and constructive approach for meeting the shortage of nurses has been developed and implemented by a proprietary hospital located in the Second Congressional District of New York—Brunswick Hospital Center, Amityville, N.Y.

The job training program for licensed practical nurses was developed by Dr. Benjamin M. Stein, the owner of Brunswick Hospital Center, one of the largest proprietary hospitals in the United States. Dr. Stein deserves special recognition for his efforts to meet the critical shortage of nurses in Suffolk County, N.Y. and I would like to bring to the attention of my colleagues the following article about the Brunswick Nurse Training program which appeared in the September 20 edition of the New York Times:

NURSING PROGRAM SOUGHT IN SUFFOLK—HOSPITAL FIGHTING OBSTACLES TO REGISTERED AIDES

(By Dudley Dalton)

AMITYVILLE, L.I.—A few years ago, Mrs. Mildred Williams was scrubbing floors in a hospital here. Today, she is in the same hospital, but she has exchanged her housekeepers' uniform for that of a licensed practical nurse.

Mrs. Williams says she might still be performing housekeeping duties in the hospital had it not been for Dr. Benjamin M. Stein, the owner of the Brunswick Hospital Center, one of the largest proprietary hospitals in the country. The hospital employs Mrs. Williams and 1,000 other people, many of them from

the local black community, who care for the patients in the 570-bed facility.

Like most hospitals, Brunswick has been faced with a shortage of nurses, but Dr. Stein was unwilling to wait until the state could establish a training program that would meet the needs of his and other hospitals.

He believed that there was a wealth of talent within the local community, women who were performing menial tasks in the hospital and others who could not afford to go to regular nursing schools.

PROGRAM INITIATED

The answer, he thought, was to set up a nursing program that would permit the women to work in the hospital during the day and go to school at night, with the hospital covering most of the tuition costs.

That was more than seven years ago and at least four of those years were spent in trying to overcome obstacles and resistance on the part of Federal, state and local officials.

First, Dr. Stein, tried to set up a program through the public schools, but the schools said that they were not equipped to participate in such a program.

Finally, with the help of John J. Grimes, director of occupational education of the Board of Cooperative Educational Services, and Dr. Gordon A. Wheaton, superintendent of the Third Supervisory District of Suffolk County, Dr. Stein was able to set up a night nursing program at the Lewis A. Wilson School of Nursing in Huntington.

The program was drawn up by Dr. Stein with the assistance of Miss Louise Kreppel, supervisor of health occupations of the Board of Cooperative Educational Services.

DAY AND NIGHT CHORE

Women participate in the program work at Brunswick during the day in a variety of jobs and then go to the Wilson nursing school at night. The student nurses, both from Brunswick and elsewhere, spend part of the program getting practical nursing experience at the hospital under the supervision of school personnel.

After completing the two-year program, the students take the state license examination to qualify as licensed practical nurses.

Licensed practical nurses work as team members with physicians, registered nurses and other health personnel in caring for the sick and in promoting community health.

The pay differential between a housekeeper at Brunswick and a licensed practical nurse is less than \$1,000 a year—the housekeepers' annual salary is more than \$5,000 and the licensed practical nurse makes about \$6,000. However, a registered nurse makes about \$9,000 a year.

There is very little that practical nurses cannot do in the hospital, but supervisory positions, which are required by the state, are reserved for registered nurses, who have more training.

TEST PROGRAM CHARTED

It is in this area that Dr. Stein, and his chief assistant Jules L. Stein, his nephew, have been devoting their attention since the practical nurse program got under way and he is running into the same roadblocks.

After many months of work, Dr. Stein, again working with Mr. Grimes and Miss Kreppel, drew up a proposal for an experimental program in nursing education that would lead to a degree in registered nursing.

The report argued that the traditional three-year program for such nurses was neither necessary nor desirable, noting that schools of practical nursing had successfully implemented registered nursing programs as adjuncts to the practical nursing courses.

It was also noted that the cost of traditional nursing programs was often prohibitive, an argument that Dr. Stein emphasizes repeatedly when discussing the proposal.

ALTERNATIVE IS OFFERED

In the licensed nursing program that is being operated through Brunswick, the hospital pays 50 per cent of the tuition cost the first year and 75 per cent the second. The percentage was set up in this manner to insure that the women involved cared enough to invest in their own education.

In Dr. Stein's opinion, many of the women in the poorer communities surrounding Brunswick would be attracted to such a shared tuition nursing program if they could be assured of making a decent living while going to school.

The only alternative, Dr. Stein said, is quitting work entirely and going on welfare. The women would then go to school through manpower programs.

But he argues that to force a person to better himself through welfare robs that person of his dignity and does not provide a sufficient income.

When the proposal was submitted to the State Department of Education last year it was rejected with the comment that the educational services board could best make a contribution by "working jointly with community colleges offering associate degree nursing programs."

Dr. Stein argues that the hospitals do not need nurses with associate degrees; they need registered nurses who can care for the sick in the operating rooms, intensive care units and elsewhere."

"We don't need registered nurses three or four years from now," Dr. Stein asserted. "We need them today. We don't need nurses who are highly trained medical specialists; we need nurses who can care for the sick."

INDUSTRIES IN AUGUSTA, GA.,
WORK TO END POLLUTION

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. STEPHENS. Mr. Speaker, the Augusta Chronicle-Herald is currently publishing a series on the methods being used by industries in the Augusta area to combat pollution. The following article describes how the Babcock & Wilcox Co., has successfully dealt with air pollution created by its Albion Kaolin Department in Hephzibah, Ga. They use a vacuum system to collect the fine, white kaolin dust. This keeps it from escaping into the atmosphere. Although the procedure is costly, some of the kaolin dust can be reused.

We are all concerned with reducing air pollution, and what is being done at the Hephzibah plant is a fine example of how one industry has virtually eliminated pollution and also protected the health of its employees. Therefore, I have asked that the article from the Augusta Chronicle-Herald be inserted in the CONGRESSIONAL RECORD:

B&W TAKES A GIANT STEP IN AIR POLLUTION
CONTROL

(EDITOR'S NOTE.—This is the Environmental Decade. The next 10 years could be the most important that this nation—and the world—ever faced. The No. 1 problem facing us is pollution of our two main life sources—air and water—without either of which we wouldn't be here. Much of the hue and cry today concerns industrial pollution, although there are other areas causing

pollution. Many industries are trying to clean up their mess, but even with the Space Age technologies man has developed, it still takes time and money. This article is the first of a series designed to inform Sunday Chronicle-Herald readers just what Augusta area industries intend to do, and are doing, in the battle against pollution)

(By Bill Baab)

HEPHZIBAH, GA.—It used to be that much of the Hephzibah area faced a "White Christmas" every day, no thanks to a layer of fine, whitish particles spewed forth from the nearby stacks of the Babcock and Wilcox Company's Albion Kaolin Dept., or "mine," as local residents know it.

Workers around the plant, many of them from Hephzibah, could hardly tell if the sky was blue, or if it was cloudy, because the dust obliterated those details. Also, they were breathing more than their fair share of the dust—inhaling it deep into their lungs.

"We were certainly messing up our neighborhood by blowing this dust out our stacks," says Fran Lide, manager of the Albion Department. "You can call what we've now accomplished a community project."

By simply throwing a switch, Babcock and Wilcox has demonstrated its concern about air pollution and for the environment. When that switch finally clicks into place, 99 per cent of those dust particles will be sucked into a huge vacuum cleaner-like facility and not emptied into the atmosphere to settle where the winds might blow them.

The new system, known simply as a dust collector, recovers about \$20,000 worth of products that can be re-used. Maintenance costs run almost that much, however, so the company really is getting little financial return for its quarter of a million dollar outlay.

But it should receive an "A-Plus" in human relations for ridding the Richmond County air of at least one more pollutant.

The Albion Department is located in the heart of the kaolin belt which stretches from Aiken, S.C., to Macon, Ga. While other areas are producing the product, Lide says 90 percent of the kaolin used in the United States comes from this belt. The Albion plant processes about 200,000 tons of kaolin annually and its "mine" produces about 20,000 tons per acre.

An impromptu tour of the plant last week by John Anderson, director of public relations; John Mayer, production manager at the Albion Dept., and Lide for the writer and Mike Kelley, administrative assistant to the vice president in B & W's Washington office, was very impressive to say the least.

It was Mayer who demonstrated the effectiveness of the new air pollution control system. One moment the stacks were belching thick clouds of whitish dust; in a matter of seconds after his command to throw the switch, little was visible except the fleecy white clouds suspended in the bright, blue sky.

Mayer also conducted us to the site of the latest kaolin mining operations. Huge, earth-moving equipment and draglines stood like toys in Albion's version of the Grand Canyon. "One problem we face is the fact that the kaolin is sometimes located 80 to 100 feet below layers of sand and red clay and we must dig through all of that before we can begin mining it," Mayer says.

As he spoke, massive dump trucks loaded with this "overburden" were roaring up and down the steep grades, while in a comparatively smaller area, a power shovel was loading a grayish-white clay—the kaolin—into other waiting trucks.

Naturally, all of this work is leaving huge, gaping holes in the earth's surface and many times, springs are struck and small ponds are formed.

But Babcock and Wilcox is not letting this land go to pot.

"A recent state law ruled that anyone has to have a license to mine," says Lide. "There's a Georgia requirement that you must submit a plan to reclaim the land—to put it back into some good, productive use after you're done with it."

"Our company is in complete agreement with this law—as a matter of fact, we have submitted our plans to put this particular land back into use for wildlife," Lide says.

This land reclamation isn't going to be the work of a few months, or even a few years. More likely, it will be a perpetual job, but even Rome wasn't built in a day.

FEDERAL CIVILIAN EMPLOYMENT,
AUGUST 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the August 1970 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, AUGUST 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of August was 2,939,645 as compared with 2,980,351 in the preceding month of July. This was a net decrease of 40,706, due primarily to seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of August totaled 2,901,850. This was a net decrease of 40,667 as compared with employment reported in the preceding month of July. Employment by months in fiscal 1971, which began July 1, 1970, follows:

Employment, July 1970:	Decrease
2,942,517	-1,595
Employment, August:	
2,901,850	-40,667

Total employment in civilian agencies of the Executive Branch for the month of August was 1,710,559, a decrease of 18,856 as compared with the July total of 1,729,415. Total civilian employment in the military agencies in August was 1,191,291, a decrease of 21,811 as compared with 1,213,102 in July.

The civilian agencies of the Executive Branch reporting the largest net decreases were Commerce Department with 4,546 (reflecting a decrease of 4,934 in temporary employees involved in taking the Nineteenth Decennial Census), Post Office Department with 3,936, Veterans' Administration with 2,983, Treasury Department with 2,031 and Interior Department with 1,156.

In the Department of Defense the largest decreases in civilian employment were reported by the Navy with 8,993, the Air Force with 6,138, the Army with 3,851 and Defense Supply Agency with 2,573.

Total Executive Branch employment inside the United States in August was 2,684,700, a decrease of 45,249 as compared with July. Total employment outside the United States in August was 217,150, an increase of 4,582 as compared with July.

The total of 2,901,850 civilian employees of the Executive Branch reported for the month of August 1970 includes 2,532,709 full time employees in permanent positions. This rep-

resents a decrease of 12,576 in such employment from the preceding month of July. (See Table 2 of accompanying report.)

The Executive Branch employment total of 2,901,850 includes some foreign nationals employed abroad, but in addition there were 102,673 foreign nationals working for U.S. agencies overseas during August who were not counted in the usual personnel reports. The number in July was 102,991.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of August totaled 30,958, an increase of 41 as compared with the preceding month of July. Employment in the Judicial Branch in the month of August totaled 6,837, a decrease of 80 as compared with July.

DISADVANTAGED PERSONS

The total of 2,939,645 reported by the Committee for August includes 47,282 disadvantaged persons employed under federal opportunity programs, a decrease of 19,329 over the preceding month of July. (See Table 4 of the accompanying report.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during August 1970, showing comparisons with June 1969 and the budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	August 1970	Estimated June 30, 1971 ¹
Agriculture.....	83,425	82,513	85,300
Commerce.....	25,364	25,341	26,700
Defense:			
Civil functions.....	31,214	29,865	31,000
Military functions.....	1,225,877	1,110,102	1,110,010
Health, Education, and Welfare.....	102,941	103,305	105,100
Housing and Urban Development.....	14,307	14,554	16,000
Interior.....	58,156	59,097	61,100
Justice.....	35,106	38,599	39,100
Labor.....	9,723	10,221	10,800
Post Office.....	562,381	566,301	585,000
State.....	24,658	23,471	23,400
Agency for International Development.....	15,753	14,202	14,400
Transportation.....	60,386	64,729	70,300
Treasury.....	79,982	85,878	93,500
Atomic Energy Commission.....	7,047	6,906	6,900
Civil Service Commission.....	4,970	5,192	5,500
General Services Administration.....	36,176	35,895	36,800
National Aeronautics and Space Administration.....	31,733	30,226	30,600
Office of Economic Opportunity.....	2,856	2,348	2,500
Panama Canal.....	14,731	14,476	14,900
Selective Service System.....	6,584	6,609	6,500
Small Business Administration.....	4,099	3,928	4,100
Tennessee Valley Authority.....	11,987	12,787	13,300
U.S. Information Agency.....	10,500	9,931	10,100
Veterans' Administration.....	147,606	148,837	150,200
All other agencies.....	26,200	27,396	28,900
Contingencies.....			15,000
Total.....	2,633,762	2,532,709	2,597,200

¹Source: As projected in 1971 Budget Document; figures rounded to nearest hundred.

MODEL CITIES PROGRAM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. SCHMITZ. Mr. Speaker, an article in today's Wall Street Journal concerning the model cities program is highly

disturbing in light of certain information which has recently been brought to my attention. This article states that, "The Secretary, Mr. Romney, will eliminate, in a group of selected cities, all Federal review of the local use of model cities money except those reviews required by law." This is to do away with what is termed overregulation.

Besides the obvious and often noted defects of this type of welfare program several incidents which have recently occurred suggest that this program is not overcontrolled but, in fact, not controlled tightly enough. The aspect of control to which I refer is that which sets and administers guidelines for the type of personnel to be employed by the agency and subsidiary organizations. The process and criteria of selection utilized in hiring people to work in this effort will determine whether the program is just generally detrimental to the economy and counterproductive in the long run or whether it is actively revolutionary.

Over the weekend of September 5, the Black Panther Party had a plenary session in the city of Philadelphia to prepare for a full "Revolutionary Peoples Constitutional Convention" which they are planning to hold here in Washington on November 4. They have decided to go into direct competition, it seems, with the Center for the Study of Democratic Institutions to see which group can come up with the most absurd revision of our Constitution. Although they will have to go a long way to top the paucity of thought and absence of any recognizable mental grasp of reality embodied in the center's effort, if anyone can come forth with a greater collection of gibberish it will be the Panthers.

Twenty-two persons on their way to attend the Panther gala from East St. Louis, Ill., were arrested on the outskirts of Philadelphia on assorted charges having to do with possession of firearms. These people all claimed to be members of something called Model Homes, Inc., which is part of the East St. Louis model cities program.

In Denver, one Lauren B. Watson, formerly an organizer and leader of the Black Panther Party from 1967 to 1969, has been named interim administrator of a part of that city's model city program, which goes under the name of Resident Participation of Denver, Inc. Resident Participation, Inc., helps to spend around \$30 million in Federal and local funds.

These are but two examples of what is most probably a much wider trend. The people bent on overthrowing the legally constituted Government are making use of money extracted from the taxpayer by the legally constituted Government to do it. This must be corrected. Not only are subversives not being dealt with by the courts, but they are being further encouraged by the Federal Government providing them with a financial base of support for their operations.

A Federal grand jury in Chicago is currently investigating a \$927,000 grant to several Chicago street gangs made by the OEO. Unless the model cities program is more tightly controlled than the OEO in terms of grants and employment practices, the same thing is going to happen.

Many of my constituents are highly incensed that their taxes are going to support criminally subversive elements in our society.

The article from the Wall Street Journal follows:

MODEL CITIES PROGRAM TO BE A KEY ELEMENT IN ADMINISTRATION'S NATIONAL URBAN POLICY

(By Monroe W. Karmin)

WASHINGTON.—After more than a year of intensive review, the Nixon Administration has decided to adopt the Model Cities program as a major element of the national urban policy it is developing.

Formal blessing of the Model Cities concept—a plan inherited from the Johnson Administration to eliminate urban blight—will come at a press conference scheduled for today by Secretary Romney of the Department of Housing and Urban Development and Secretary Richardson of the Department of Health, Education and Welfare.

In embracing Model Cities as a "key component" of urban strategy, however, Mr. Romney will announce a series of experiments in selected cities designed to gradually reshape the program to the Nixon Administration's liking—a process that isn't without its political implications.

Among other things, the experiments will permit some cities to begin planning citywide rehabilitation that goes beyond previously chosen model neighborhoods. As many of the original model neighborhoods were black slums, the citywide planning concept will enable the Nixon team to extend the hope of future benefits to other minority groups, such as Puerto Rican, Mexican-American and white poor. The Administration, as a political strategy, wants to show a concern for all underprivileged groups, not just black.

Another group of cities will be allowed to test a merger of the antipoverty program's community-action agencies with the Model Cities program's city demonstration agencies. This could be the forerunner of a more extensive incorporation of the antipoverty community organizations under the HUD umbrella.

The Nixon team is changing the character of the Office of Economic Opportunity, the agency created by former President Johnson to conduct the "war on poverty," from an operating agency to an experimental laboratory. Gradually, it may be phased out, as those of its programs that are deemed meritorious are spun off to other Federal departments.

Tough performance standards will be set in some "weak sister" cities to see whether this approach stimulates the laggards to measure up. The standards also would permit the Nixonites to drop those cities that didn't measure up, even with special technical help from Washington.

There are currently 147 cities in the program, all of which were chosen by the previous Democratic Administration. Politics being what it is, the Republicans would like the opportunity to select future participants, and dropping "weak sisters" on the basis of prescribed performance standards is one way of creating room. So far, three of the original 150 selected cities—North Little Rock, Ark.; Danville, Ky.; and Bradford, Pa.—have been knocked out of the program.

In all, some 12 to 18 Model Cities will be selected for Nixonian experimentation at an estimated additional program cost of \$45 million. The program, however, won't receive added funding above its current \$575 million annual level; instead, the \$45 million will be picked up from funds reserved for, but not used by, the "weak sister" cities that either are knocked out of the program or are lagging behind.

Mr. Romney isn't expected to stress, at his press conference, the political aspects of the

Model Cities experiments. Rather, he'll emphasize that the program, now that it is an accepted method of dispensing aid to the cities, needs to improve its delivery of Federal funds by cutting bureaucratic red tape.

For support, the Secretary can draw upon the recent report of President Nixon's Task Force on Model Cities. The task force said the program, though conceived as a device to provide local communities with more freedom to decide how Federal funds should be used in their poor neighborhoods, has failed to "fully live up to its promises" because it "has been both over-regulated and under-supported."

Though Mr. Romney, for budgetary reasons, isn't prepared to do anything about the under-support, he will announce a major procedural change to remedy the over-regulation. The Secretary will eliminate, in a group of selected cities, all Federal review of the local use of Model Cities money except those reviews required by law. Now, some six to 10 separate review procedures are required before a city can qualify for money to carry out projects included in its Model Cities plan. It's hoped the change will reduce this to one review.

The Model Cities program gives a bonus to cities that plan comprehensively to eradicate blight in a chosen target neighborhood by using Federal aid programs as well as state and local funds and programs. For the bonus money, the effect of the Romney change will be to test the bloc grant approach that the Administration favors; that is, once a locality's plan is approved by HUD, it will receive the bonus money with the Federal review coming after, not before, the money is spent to insure that the plan submitted was followed.

As for regular (or "categorical") Federal grant-in-aid programs, Mr. Romney will announce that Mr. Nixon will use the power of the White House—in this case, the Domestic Affairs Council headed by Presidential adviser John Ehrlichman—to enforce his mandate that various Federal departments and agencies cooperate with the Model Cities program by giving priority to money requests for projects included in Model Cities plans.

The Federal bureaucracy being what it is, this may be difficult to carry out. Under President Johnson, an interagency task force was created to perform a similar function, without notable success except for the performance of the Department of Health, Education and Welfare. However, those close to the Model Cities program consider the Domestic Affairs Council a more effective mechanism.

SHORT, LONG-TERM SOLUTIONS TO FUEL CRISIS ARE AVAILABLE NOW

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. HATHAWAY. Mr. Speaker, a short article entitled "Scarcity of Energy" appears in this month's issue of Science magazine, a publication of the American Association for the Advancement of Science. It was written by Philip H. Abelson, the periodical's editor, and argues to the conclusion that chief among other possible answers to the Nation's long-term problems in satisfying its needs for energy is the necessity for our becoming more prudent in the use of energy. I ask that Mr. Abelson's contribution appear at the conclusion of my remarks.

Again relative to a long-term solution to our energy problems is an editorial presented September 15 on New York City's WCBS-TV, calling for congressional approval of Senator RANDOLPH's proposal to create a National Commission on Fuels and Energy. Such a commission, argues the editorial, could "help provide the over-all fuel planning we need, to make sure that when the Nation enters the next century, all systems are go." I request that this material, too, be permitted to appear in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Mr. Speaker, long-term approaches to preserving and expanding our Nation's sources of energy are laudatory and, if we are to effectively supply the amounts of energy our people and their businesses and institutions will require 5 or 10 years from now and beyond, most necessary. But an energy crisis is already here. We are already experiencing its brutal effects.

And so today, Mr. Speaker, I would like to concern myself not so much with the long-term plans we will require tomorrow as with the answers we need today for a present, very real problem. The scope of the problem is represented by the Massachusetts school districts of Dover-Sherborn, Sharon, and Wrentham, and by school districts throughout the Northeast, which may have to send their students home several months or, perhaps, weeks from now because they can get no bids to supply heating oil for their school buildings. The scope of today's problem is also represented by New England hospitals and municipalities, which are presently without assurance of the availability, at any price, of enough residual oil to see them through the winter. And it is represented by the many hundreds of northeastern U.S. factories, which, in order to conserve power for residential use, may be forced to shut down for certain periods, thus causing unemployment for many thousands of New England workers.

On top of all this, fuel industry officials are saying they might not be able to supply adequate amounts of fuel to keep New Englanders warm in the months ahead unless sharp hikes are permitted in oil, gas, and coal prices. Without the price increases, we are instructed, there just would not be enough "incentive" in the industry to prevent fuel shortages.

A public which has already been paying artificially inflated prices for more than a decade under a system ostensibly aimed at protecting the security of our fuel supply from external forces now faces twin internal threats of another 10-percent jump in the price of fuels and serious fuel shortages.

An editorial appearing in the September 24 edition of the Boston Globe asserts that the fault lies in "the spuriousness of the national security argument and the bankruptcy of the oil-import system." And I agree. The editorial goes on to say this:

Of course, the situation is not entirely the government's fault. The petroleum industry apparently underestimated potential demand for its product, natural gas is in short

supply, the Middle East war has produced a worldwide shortage of tanker capacity, nuclear power generation has not increased as fast as had been expected, and the pollution issue has complicated the entire situation, both at sea and in the air.

Yet charges of misfeasance, malfeasance, and nonfeasance seem fairly to lie against the government in this situation, and, in particular, against the Nixon Administration.

The misfeasance was in buying the phony oil industry argument on national defense in the first place. The current crisis proves that the quota system failed to guarantee a domestic emergency supply. What it did was and is to protect the price of petroleum products against competition.

Malfeasance is an adequate description of the President's shelving of his cabinet task force report and the inclusion of a freeze-in of the oil quota system in the trade bill now before Congress. The report recommended phasing out of the quotas.

And nonfeasance is about the kindest thing one can say about the unresponsiveness of the Federal authority in a situation which threatens inconvenience, hardship and even, perhaps, health hazard to this region of the country.

Mr. Speaker, there are two relatively simple steps which can provide great assistance in solving New England's energy crisis, on both short- and long-term bases.

First, the President can, and I fervently urge that he does, unilaterally lift the quota on No. 2 home heating oil, which is currently required not only for residential heating, but also for industrial use, as a low-polluting additive and as an alternative to less expensive but extremely scarce residual oil.

It has been illustrated clearly and frequently in the past several years, most recently by the President's own task force, that the existing mandatory import controls on home heating oil are arbitrary and artificial, and that their inflexible administration, instead of serving a real or in any way legitimate national purpose, unreasonably, unjustly, the people, businesses, and industries of New England.

This year, with the shortage and price pressures greater than ever before, continued avoidance of Presidential prerogative could mean winter price controls and fuel rationing for the people of the Northeast.

Permit me to add with regard to this first suggested solution, that a number of us in the New England delegation have joined in a letter to the White House requesting that the President personally meet and discuss with us what we have chosen to call "the unresolved New England fuel oil crisis." I ask that the text of this letter, sent today to the conclusion of my remarks.

Second, Mr. Speaker, the House of Representatives can, and I recommend that it does, remove from the pending Trade Act of 1970 the freeze on oil-import quotas, a provision which would make it more difficult than ever for American consumers to rid themselves of a system which now, even in its "unfrozen" state, costs between \$5 and \$7 billion annually.

In Maine, as in other New England States, fuel costs are especially high. The average Maine family of 4, because

of its heavy reliance on home-heating fuels and the existence of oil-import quotas, must pay \$104 a year more than the national average to keep warm. That puts the average cost per Maine citizen \$17 over the national average.

I think the Representatives of the unfairly burdened American consumer should have a separate opportunity to this extremely costly provision.

I also believe it is both relevant and important to urge that the President's refusal to follow the recommendation of his task force on oil imports, should not be permitted to offer a basis for denying him or some future Chief Executive the option of canceling the quotas and possibly instituting in their place a tariff system on foreign oil. Any system that allows, indeed fosters, such obviously detrimental effects as the ones I have briefly outlined should not be frozen into law.

Therefore, I call upon my colleagues to move for a full and open discussion of the oil-import question when the trade act comes to the floor of this House in November. An immediate and a long-term solution to our growing fuel crisis are contingent on our doing so.

SCARCITY OF ENERGY

(By Philip H. Abelson)

The United States is now faced with serious short-term and long-term problems in satisfying its needs for energy. In the short-term, there is a scarcity of fuels that meet antipollution regulations; in the long-term, we are faced with depletion of our petroleum and natural gas reserves.

The major air pollutant from stationary sources, SO₂, comes largely from the thermal electric power plants. About 57 percent of the fuel for such plants is coal that typically contains 2 to 3 percent sulfur. To diminish air pollution, a number of cities, including New York, have adopted regulations that require in effect that fuels have no more than 1 percent sulfur. The result has been a curtailment of the use of coal in such cities, for only limited amounts of coal with 1 percent sulfur or less are available.

In an effort to comply with the regulations, many utilities have switched to fuel oil. This year the demand for residual fuel oil has already risen sharply but supplies have not increased correspondingly. The United States makes little residual fuel oil. More than 90 percent of the needs of northeastern United States are derived from foreign sources. Most comes from Venezuela, which produces high-sulfur oils that must be specially treated. Although new refining units have recently been installed, their capacity is not sufficient to meet demands. Another source is the low-sulfur oils of Africa, but their availability is limited by production cutbacks in Libya and by a worldwide shortage of tankers created partly by these cutbacks and partly by Syria's refusal to permit reopening of the Trans-Arabian pipeline. As a consequence of these developments, the cost of residual fuel oil in New York has already increased by more than 50 percent.

Faced with a shortage of oil, some utilities have attempted to turn to natural gas as an alternative. They have found that large supplies of this fuel are not available. Many gas companies are fearful about their ability to supply all the needs of their present customers this winter.

Somehow we will muddle through this present shortage—if necessary, by relaxing somewhat the antipollution regulations. However, the long-term energy problem will require more substantive actions. Not only is

the United States depleting its reserves of petroleum and natural gas, but it is not moving decisively to fill the gap. About 74 percent of our total energy requirements are met by oil and natural gas. Importing our total supply of these products would at present cost us about \$20 billion a year. We cannot afford such an adverse contribution to the balance of payments. Nor can we permit ourselves to become subject to economic or political blackmail.

Some intermediate-term relief could be obtained by granting higher prices to gas producers and by opening additional areas of the continental shelf. However, there is little visible evidence that higher prices could bring out substantial amounts of either oil or gas, and additional drilling of the continental shelves would increase our environmental problems.

The longer-term solutions to our energy problems involve becoming more prudent in the use of energy. The solutions also demand the skillful employment of coal and atomic energy. In principle, all our energy needs could be met for a long time with coal. This raw material could be processed to yield sulfur-free fuel, liquid hydrocarbons, and methane. In practice, however, the development of the use of coal is limping along and is underfinanced. A few hundred million dollars a year devoted to research, development, and demonstration plants could be the most valuable expenditure the government could make.

WCBS-TV EDITORIAL: FUELS POLICY

The survival of the crew of the crippled Apollo 13 spaceship last April taught us a lesson in courage. But it also taught us a lesson in planning, particularly in the planning of scarce fuels.

For the success of that space rescue was largely due to the precise management of dangerously low reserves of fuel—rocket propellants, food, oxygen and other consumables. We all remember the breathless calculations of just how much fuel was left in the service module, just when to switch to battery power, just when to burn the precious supply of lunar-module propellant for the homeward thrust.

There is a lesson in all this, because the problem of conserving fuel now faces another kind of spaceship—the planet Earth. And it particularly faces the planet's largest consumer of fuels, the United States. By the end of the century, the average American is expected to be consuming four times as much energy as he is consuming now. The resultant drain on our fuel resources will be enormous. More petroleum will be needed in the next 15 years than has been consumed in all the years since oil was discovered. Our uranium reserves may be used up in another two decades under present methods of generating nuclear power.

And coal, while still plentiful in the ground, has become scarce because mining facilities are inadequate to meet the demand, pushing coal prices up 50 percent this year.

Now, our situation is not so desperate as that of the Apollo 13, but the nation still can learn from the astronauts a secret for wise fuels management. For our problem is that America's different fuels are looked after by many different agencies all chasing after different aspects of the fuels problem. What the astronauts had, and what we don't have, is Mission Control—that is a single central authority for planning the optimum use of fuel resources. We need such central planning for production, research, development, consumption and environmental impact.

That is why this station supports a bill recently introduced by Senator Jennings Randolph, Democrat of West Virginia, to create a National Commission on Fuels and Energy. Such a commission, we believe, could help provide the over-all fuel planning we

need, to make sure that when the Nation enters the next century, all systems are go.

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, D.C., September 30, 1970.

HON. RICHARD M. NIXON,
President of the United States,
The White House,

DEAR MR. PRESIDENT: We, the undersigned members of the New England Delegation, respectfully request the opportunity to personally meet with you at your earliest convenience to discuss the unresolved New England fuel oil crisis.

It is our firm conviction that the presently proposed governmental efforts to relieve our grave fuel oil shortages are still insufficient to avert what we see as an impending crisis of major proportions, threatening the health and safety of our New England constituents.

We do not believe that, at this late stage, the oil industry alone can solve our problems. The government must act. The frost is on the pumpkin in New England, with a long and arduous winter soon to follow. Continued fuel oil shortages will result in unheated homes, in school closures, in factory lay-offs, and even partial paralysis of the New England economy—none of which is tolerable to us. We encounter new emergency situations day by day.

Your report from the Chairman of the Council of Economic Advisers and the Director of the Office of Emergency Preparedness states that, "if the measures taken today together with the initiatives of industry fail to avert a crisis, we shall not hesitate to resort to any additional actions necessary." We assert that we cannot wait for critical conditions to intensify and emergencies to appear before taking action.

The justifiable anxiety of New Englanders due to the existing inadequate supplies requires redress. Consequently, we wish to convey to you our sense of urgency and concern. We ask for an immediate meeting to discuss these critical matters.

TESTIMONY OF ARTHUR GOLDBERG IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 262

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BRASCO. Mr. Speaker, on September 21, the Communications and Power Subcommittee of the Committee on Interstate and Foreign Commerce held hearings on House Concurrent Resolution 262, legislation which I had introduced protesting the treatment of ethnic, racial and religious groups by the television and motion picture industries. At this time, I would like to include in the RECORD the testimony by Arthur Goldberg in support of this legislation:

We are a nation of immigrants. Ever since Christopher Columbus left Genoa in the 15th Century, on the voyages that would eventually bring him to the shores of the New World, men and women from every part of the world have been drawn to this continent in search of freedom, and liberty, and peace.

There are no citizens of this land whose roots are not deeply imbedded in the soil of a foreign land. And no citizen of this country may rightfully claim to be more of an American than any other simply because his immigrant ancestors arrived in this country from one particular part of the world, or

were members of any particular faith, or came to this country at some early stage of its development.

And because we are all equally American, our common immigrant background has created in this country history's most successful pluralistic society—an amalgum of cultures and creeds the likes of which the world has never seen.

It is, therefore, a matter of great seriousness that Italo-Americans, who are among our country's most valued and loyal citizens, have been unfairly and inaccurately portrayed in all its many television and motion picture presentations.

Italo-Americans are honored members of the American community. They have made significant contributions to the American culture—in politics and government, in the arts, in commerce, and sports, and in the fullest range of American life.

But more important, even than any of the vast contributions made by Italo-Americans to the public life in this country, is the influence of Italo-American family life upon our culture. The warmth and loyalty of Italo-American families is a matter of great pride—justifiable pride—to Italo-Americans. The values instilled in the children of Italo-American families—honesty, loyalty, and above all faith, have served generations of Italo-Americans and all Americans well. And I think these values ought to be taken to heart by all of us.

What our country needs in these difficult times is not television and the movies portraying any ethnic group in such a way as to draw aspersions to it. We need to recognize and emphasize the positive values of all our citizens. Italo-Americans have a lot to be proud of. And I think America has a lot to be proud of in its Italo-American citizens.

EXPLAINS VOTE ON MILITARY PROCUREMENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 30, 1970

Mr. EDWARDS of California. Mr. Speaker, for the record I would like to explain my vote on the military procurement conference report passed by the House yesterday. While the bill has much merit in that it gives the President a free hand in supporting Israel, I cannot, in good conscience, vote for \$20 billion for military procurement knowing that the disproportionate share of Federal revenue going into the Indochina war and building American armed might is the principal cause of our current inflation and economic stagnation. Nor can I vote for these funds knowing that our national priorities have led President Nixon to veto the education bill and appropriations for housing, urban renewal, veterans' medical needs, and other independent agencies.

My vote is primarily a protest for a reordering of those priorities so that our domestic social and economic problems can receive a reasonable share of the Federal tax dollar. It makes no sense for the President to ask for these kinds of funds for defense and at the same time veto the housing bill because it contains \$1 billion or one-twentieth of the military appropriations which would be used for housing and other domestic needs.

While the bill contains some improvements in that it restricts the provision which enables the President to support mercenaries in Indochina, I find that the improvements are not enough to make it palatable. If one believes that the ABM is a mistake, then it makes no difference if the number of sites has been cut back to four sites instead of eight. And the gift of \$435 million to special interests to build ships which the President did not even request is difficult to understand.

In closing, let me quote from "The Report on Military Spending" prepared by the Military Spending Committee of "Members of Congress for Peace Through Law" dated July 9, 1970:

Of major significance . . . is the fact that military spending is not only the major cause of inflation but is itself a major victim in terms of increasing the cost of its own operations. The Indochina War and our continued role in it is a major contributor to the inflationary problems in particular sectors of our economy.

THE CORPS OF ENGINEERS AFTER 195 YEARS

HON. HOWARD W. ROBISON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 30, 1970

Mr. ROBISON. Mr. Speaker, one of our key governmental bodies recently celebrated its 195th birthday, and yet that anniversary brought with it perhaps the lowest degree of public affection this particular organization has before enjoyed. The Corps of Engineers has recently become a villain to most conservationists and, given the nature of the Corps' past contributions, such a role is a most uncomfortable one for it. I would note that the Corps now recognizes the need to respond more vigorously to public concern over the environment, and perhaps much of the criticism leveled against it is currently unfounded.

I would submit that past sins in the environmental area are not good indicators of the current sensitivity of any agency toward such matters, for whatever period of accounting there is to be can only begin—fairly—with our recent awakening.

I submit, for the RECORD, excerpts of remarks made by Stanley R. Resor, Secretary of the Army, which explore the past environmental record of the Corps and put it in proper perspective:

THE CORPS OF ENGINEERS

On the occasion of the U.S. Army Corps of Engineers' 195th Anniversary celebration in Washington, D.C., Secretary Resor discussed the Corps' sensitivity to environmental questions. Following are extracts from his comments:

"Throughout its history the Corps has reacted to the water-related needs of the country. At first these needs were basically to provide water transportation and to protect people from national disasters. Over the years the Congress has expanded the Corps' program by adding, one by one, to the purposes to be served by water resource programs. The latest addition was the current concern for the quality of the environment.

"But long before this the Corps was brought squarely into the business of en-

vironmental preservation through protecting against natural losses. Examples are the works to preserve fish and wildlife, the release of stored water for natural parks, beach erosion control, and the Corps' aesthetic design program.

"You are showing the way toward a balanced development of our resources in harmony with preservation of outstanding natural values. In this light the new criteria for issuance of permits for construction and for refuse disposal affecting the navigable waters of the United States reflect the broad public interest as defined by recent legislation.

"During the past year we have seen more and more grassroots political activity supporting preservation of our natural environment and opposing pollution. In this connection, the Corps, along with other governmental agencies, has sometimes come under attack. Many of the critics are public-minded citizens who have developed an honest concern for the degradation of the living area. Not all of them have a complete understanding of the role of the Corps, or of the issues at stake.

"Your chief and your districts have made commendable efforts to answer criticism with reason, make corrections as required, and proceed wherever possible to conserve and develop our valuable natural resources.

"To a considerable extent, many of the criticisms being leveled at the Corps, to the degree they were ever valid, related to an organization which no longer exists. If in the past the Corps ever was insensitive to certain environmental questions, that insensitivity reflected, in large measure, the views of political leaders and much of the American population. It took us many years as a Nation to realize that our natural resources are not unlimited. It has taken time to adjust our public policy accordingly. The Corps always recognized to some degree that environmental issues must be fully developed as part of the total assessment of the pros and cons of a particular project. Under General Clarke and his predecessor, General Cassidy, the Corps has begun to demonstrate even greater sensitivity in environmental matters.

"I believe that meeting the challenge of the environment is by far the greatest task in the years ahead. It will not be easy. There is no simple way to quantify the value of a river in its natural state, or to calculate the point at which the present demands of commerce put too heavy a tax on the future, or recreational development becomes despoliation.

"Striking a balance will require complex analysis and sensitive judgment. We cannot assume that any use or alteration of natural resources is necessarily a change for the worse. For it may actually enhance quality of life. But we also cannot respond blindly to pressures to construct, dredge, and fill, or we will not serve the public interest and will be swept away in a flood of public resentment.

"Where many claims compete for our limited natural resources, we must move cautiously and use every analytical tool we have in recommending when to act, how to act, and when we should stay our hand. We must give much more emphasis to social and aesthetic values. We must obtain much more public involvement in the decision-making process, for shortrun efficiency is not the primary objective.

"What is needed now is a technology which systematically minimizes environmental disruption. You have demonstrated the ability to adopt to new circumstances. The twentieth century environmental challenge presents you with your stiffest test yet in applying that ability to the current needs of society.

"The most encouraging fact is that the Corps is willing and able to do a better job,

and is constantly being encouraged to do so. General Clarke, Mr. Jordan, Under Secretary Beal, and I all have a strong personal interest in, and commitment to, sensible environmental policies. We have unlimited confidence in your ability and dedication.

"The happiest aspect of this Anniversary celebration lies not in past accomplishments, distinguished as they may be. Rather, it is in the fact that the future holds the most difficult challenges yet, and that we know that the Corps of Engineers will rise to whatever is required of it. For that, the Nation is grateful; and the beneficiaries will be not just the citizens of today, but generations of Americans yet to come."

AMBASSADOR PHILIP M. KLUTZNICK ON THE VALUES OF MAN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. PUCINSKI. Mr. Speaker, recently I paid tribute to Mr. and Mrs. Louis Perlman, of Chicago, who have been awarded the B'nai Brith Annual International President's Medals for their outstanding contribution to mankind.

Mr. and Mrs. Perlman were honored at a banquet in Chicago recently and I would like today to place in the RECORD the remarks of Ambassador Philip Klutznick who was the principal speaker.

Mr. Klutznick was introduced by Mr. Ray Kroc, founder and chairman of the board of McDonald's Corp. Mr. Kroc made an inspiring introduction of Ambassador Klutznick and I shall put both Mr. Kroc's introductory remarks and Ambassador Klutznick's address of that evening into the RECORD.

Mr. Klutznick's speech was one of the most timely pronouncements of our time and I believe those of us so deeply concerned with the behavior of man would do well to read his address.

I call particular attention to the philosophical statement of Mr. Klutznick in which he said:

Those of us who have a history cannot leave destiny to chance.

Mr. Klutznick has hurled the challenge at all of us as Americans and I believe this speech belongs among the most inspiring documents of our time.

Mr. Ray Kroc's introduction follows and after that the speech by Philip M. Klutznick, honorary president of B'nai Brith and former Ambassador of the United States to the U.N. After the speech Ambassador Klutznick presented the President's medal to both Mr. and Mrs. Perlman. This is the first time that two people—a husband and wife—received two President's medals at one time.

Mr. Klutznick's remarks follow immediately after Mr. Kroc's introduction:

REMARKS OF MR. RAY KROC

The B'nai Brith is the world's oldest and largest Jewish Service Organization. It is now completing its 126th year of service to humanity. B'nai Brith has established an enviable record of service, not only for its own people, but for people of all races, creeds and color. Many of our nations and yes, world leaders have come from the ranks

of this great organization. The Youth Programs have graduated men and women who are currently leaders in communities across the free world. We are extremely proud to have in our community a young man who has been acclaimed one of the world's great leaders—his talents have been sought and utilized by President Roosevelt, President Truman, President Kennedy, President Eisenhower and President Johnson. He has served his nation and his people with great, great distinction. It is a personal pleasure and a privilege to present the Honorable President of B'nai Brith and the former Ambassador of the United States to the United Nations economic and social council—the Honorable Philip M. Klutznick.

REMARKS BY PHILIP M. KLUTZNICK

We have two splendid people to whom we pay honor. But, I don't think you honor people by continuing to repeat the things that each of them did. You pay the greatest honor to them by drawing experiences out of their lives and their living wisdom to illustrate a purpose to the life that they live and perhaps thereby give meaning even to your own life.

As I thought about Anita and Lou and today's occasion and last night when we met with the B'nai Brith Youth Commission, I kept thinking of an experience that I alluded to on one or two prior occasions. Shortly after the six-day war, Ethel and I found ourselves in Israel. We were in Jerusalem in July and one of my dear friends and a friend of quite a few people who are here—Dr. Moshe Davis of Hebrew University came over to have breakfast with me at an entirely unacademic hour of 7:00 A.M. We were staying at the King David. It was a beautiful day—one of those gorgeous days that you get in the Holy City and Moshe came in on time. Together we went out to the patio—a little balcony at the King David Hotel that faced the Old City. Breakfast came in and Moshe put on his yarmulke to make his prayer. After he finished praying, and we sat there together in complete awe looking out over that magnificent scene, he turned to me and he said, "Phil, how wonderful it is to look out at this city and to find yourself between history and destiny."

And indeed, as we looked out at the old city with everything it stood for, and then looked to the right and to the left and saw the new city and everything it promised, we were having breakfast as he said—between history and destiny. And, I kept thinking of it tonight. I started in the B'nai Brith Junior Organization when it was the A.Z.A. of the B'nai Brith, when eight other boys and I, forty-six years ago, organized the second chapter in the place called the Heart of America—Kansas City, Missouri. It is history I remember tonight. It was the second chapter—I later became the second Aleph Godol, which means President—I later became the second Grand Aleph Godol which means the Grand President of the AZA as Sam Beber remembers, I later succeeded him and became the Second President of the Supreme Advisory Council. This is my history. Since I was second all the way through so I had to try harder. And tonight—I have to try harder to prove to you that those of us who have this history have a responsibility for destiny. We cannot leave it to chance. And I regret to observe from what I hear and what I see suggests that in our scales of priorities we may be leaving that destiny to chance.

It has been a pleasant evening but now I want to get serious—I want to get terribly serious! At one time in my life when I was reasonably young I served in the government in Washington for the first time. I met a man by the name of Luther Gulick, alive to this day and probably one of the outstanding authorities on public administration then and now in our country. I remember him now because I saw him only ten days ago. As we

were nearing the end of World War II this man of profound perception wrote an article that I remember as I stand here tonight. Among the things he said was that as he looked upon the post-war America, a nation of people hungry for things not for values, but for things. And he was right. The thing that I never knew was—how right Luther Gulick was and for how long he was going to continue to be right. From the time we were saved by the strength and courage of our young people, our wealth and our capacity to survive the early tragedies of World War II, we have indeed been a nation whose distinguishing characteristic has been an extraordinary hunger for things.

The other day I picked up the Saturday Review. My friend Norman Cousins who, when he has the time, writes an editorial which bites and bites deep, wrote one a couple of weeks ago on this same subject. He entitled it the Intermediate Battlefield and if you will indulge me, I will read and paraphrase it.

He described the world that a mature person should see as he looks at it today. He sees energies and resources of nations being diverted into ever larger ways of expunging or cheapening human life—he sees people preoccupied and swollen with meaningless satisfactions—he sees concepts of brotherhood and social justice held up by society as its guiding ideal, but he finds that his own efforts to act on behalf of these concepts will put him in conflict with that same society. This man feels that people react to youth—in terms of superficialities—hair or beard or clothes—or in the case of girls, absence of facial paint, or fancy hairdress and not in terms of the things that scar youth's vision—and tear at their very gizzards.

This very perceptive able reviewer of our days concludes with these words: "the overriding questions put to us by youth have to do with basic values—whether we are concerned about conditions that make life on earth possible—whether we recognize the need to make people more important than things. Whether we are intelligent enough—we who rule this world, to make the world whole." And he says, the easiest way to close the generation gap is to address ourselves to these questions and to put our dominant energies into developing a sane design for living. That's what we are here for tonight. We are really here to decide whether as mature people we are ready to give up this fight for things and whether we are prepared to join the young people who are teaching us the way to search for a sane design for living.

Two days ago I was in Washington attending a meeting on the governance of Universities. It was a closed session, brought together by the rather prestigious organization known as the Committee for Economic Development, made up of leading businessmen, and outstanding academic figures. It was an extraordinary meeting exploring what was to happen to the university of tomorrow in light of the attitude of the youth of today. I listened to one of the brilliant new type Presidents of the university make what he considered to be an earthshaking observation. He said, in the 1970's more than 50% of all U.S. youngsters eligible for college will be enrolled in colleges. The sophisticated audience was obviously impressed with the sheer enormity of the conclusion. At no time in the history of the world has a country ever had 50% of its youngsters eligible for college able and enabled to attend college. Even though they were impressed with it, I couldn't help but lean back and say to myself, my goodness, the Jewish community of the United States has closer to 80% of the youngsters that were eligible to attend college, going to college. America is changing rapidly before our eyes. It is not a generation gap which I deplore. A generation gap is a very normal thing. Why should my children think like I think?

But there is a generation revolution, not a gap. What was once a gap has become so great it is now a chasm. The chasm is created by a number of conditions which have been taking place before our very eyes which I think we fail to understand or recognize. The importance of the C.E.D. conference was that it was trying to put its finger on these conditions.

One of the speakers enumerated six conditions which he felt made the difference. First, there is a continuing increase in population accompanied by increased wealth. Secondly, there is a demand that we must reorient our priorities of national living. Third, there is an increasing dependence upon knowledge as a gateway to life. There was a time when you could get a good job without having gone to school. There is a time coming when you won't be able to get a job unless you have gone to college. Fourth, there is an increasing specialization. Everybody seeks a specialty. But, there is beginning to develop a demand that the specialist be something more than a specialist—that he be able to relate his specialty to the world of which he is a part. Fifth, there is a loss of anonymity for the colleges and universities. They are now serving so many, they are beginning to be a public utility. Everybody is looking at them. They can no longer hide under the guise that there is a special mystery to knowledge, because nearly everybody is seeking knowledge. And finally, there is an erosion of authority throughout our society. As knowledge increases, there is an obsolescence of the past. A different set of values emerge. And as the revolution in communications continue to erode authority will continue to erode.

Whether you believe all six of these propositions, or you believe only some, you must conclude we are living in a very dangerous and challenging world. We must begin to take a different look at our young people or what we think we built for tomorrow will disappear before tomorrow comes. Eleanor Roosevelt said in her last book, "Tomorrow is now." Now is when the decisions are being made that will either confirm the possibility of a future of glorious consequence or the tragedy that comes when the gap between generations becomes a chasm of disappointment.

I have talked in general terms. Let me be more particular. When in the State of Illinois we witness a debate between the Governor and the Mayor of Chicago as to who has the responsibility to see our young children get what they need in education, it is a tragedy of supreme importance. I do not take sides in this argument for it is not a debatable question. Our children must have the educational opportunities that the day demands whether the state provides them or the city provides them. When I view the Federal scene and find a long period of time elapsed during which scholarships for college youngsters are deferred; when there is a cutback in these days in the monies we spend for social and economic development of our own country; where I see an absence of priority for the things that build the educational and intellectual strength of the nation, while we literally kill ourselves as we face the tragedy of getting out of an expensive war and continue to justify 80 billion dollar defense budgets; then, I say, we are in danger of destroying our culture and our society.

And, I don't like the percentages that I read of those who like what we are doing. The youngsters of today will not take a world where we play the game with the risk of war instead of devising a new game where we take risks for peace.

But we are here under the auspices of B'nai B'rith and what I have said in shorthand about our nation, I must repeat with even greater regret about my people. There is no people who have a greater commitment to cultural and educational values than our

own. And yet when I look about me and I recognize the priorities we ourselves have placed on the training of our young people, on making it possible for them to live the kind of life that they must live tomorrow, I am saddened by what I see. Nearly five years ago I spoke on the subject of priorities in the American-Jewish community of tomorrow. I suggested that there were only two major priorities; one, was the inescapable priority of making certain that the people of Israel are secure and can progress. This is an inescapable priority not only for Zionists but for all Jews wherever they were. We cannot rest until this is assured. In this presence I am delighted to say that I read what Congressman Pucinski wrote on that subject recently when he returned from Israel. He pointed out the fact (going beyond what I had suggested a few years ago) that there is, as I believe, a major and continuing responsibility on the United States of America as the leading Western power to see that a country dedicated to freedom and to liberty continues to live and prosper. I want to compliment Roman for having said it and having said it so well.

But Israel itself is but a myth if the Jewish people of the world themselves don't continue to live as Jews and as responsible citizens.

The reports from the Council of Jewish Federations and Welfare meetings just a few days ago in Boston was both an elevating and depressing report. It announced that the Jews of America for all of the various causes and purposes in the last thirty or more years raised three billion, nine hundred million dollars. The largest part of these funds went to meet overseas need in Israel and throughout the world. Let me now quote from the release: "About one billion, three hundred million in these thirty years was allocated to local Jewish services (I want you to hear the order) such as hospitals, health, family, child care, aged, education, culture, youth services and Jewish National service agencies and overseas agencies received about 27 million dollars.

The time has come when this kind of priority has to change. It is important to take care of sick people—but how much more important is it to take care of well people so that they don't become sick. There has been a complete overturn on the American medical scene. What is happening in the field of helping our youth and what is happening to our educational causes that in a report of this character, they are at the bottom of the totem pole? Permit me to cite two examples out of real life to illustrate what is happening.

A few years ago (there are a few ladies here who I think were present) I was invited to speak to a teach-in about the outlook of the Jewish community of the future. In the question period a lady stood up and told us about her daughter and son who were at a certain university where they will not go to the Hildel foundation because the Rabbi was not very good. She then asked why we do not spend more money and get a good Rabbi. She felt we get some assistance because there were 3,000 Jewish youngsters at the school but all that the Rabbi takes care of is those few who want to study and not those who want to play.

She was probably completely correct. The Rabbi was probably not the most distinguished Rabbi in America. A distinguished Rabbi would never have gone to work for what we were able to pay him, unless he had an extraordinary dedication to young people, which I think this Rabbi had—he couldn't take care of 3,000. I don't know of a Rabbi who all alone takes good care of a congregation of 500, let alone 3,000 youngsters. I told her the only reason her youngsters don't get what they need is because her community and others did not give one cent to any of this activity. This was a fact. We do a little

better in Chicago these days. We have had a minor revolution. Today we are the second most important community in America in terms of what we give to Jewish education. Yet, what we give to Jewish education is 50% less than what we give as a community to two hospitals. We are just not looking at the priorities of today's living. We are living in the past. We of the establishment deserve the challenges that we are getting from young people because we are responding very badly to their needs and the needs of today and tomorrow.

I give you one more incident and then we go to the occasion which brings us together. Many people who are worried about young people who are in what is called the New Left. A Zionist oriented organization also was very much worried about the attitude of the New Left. A very bright young man made a terrible charge that the Israelis were like the Nazis. So this Zionist organization sent him to Israel to see for himself. When he came back he affirmed his prior views. They made a miserable mistake in sending him in the first place. This was probably a young man who never had an understanding of the history of his people. Murder in the pogroms at the turn of the century in Russia meant nothing to him, he had never lived through the holocaust. How could he possibly appreciate that, of the Israelis who were fighting to stay alive, half had been virtually dead once before. How does one relate a conclusion in modern days to a history that is unknown.

We who are the establishment still wonder why our children become New Left. In most cases we do not give them the opportunity to have intelligent opinions of their own. We don't expose them to these things early in life. We don't expose them to all of the rich background of their own law and their own people and their own history. We just do not give them a chance for intelligent options. Then when they disappoint us we really have no one to blame but ourselves. If we don't quickly reorient our sense of values in the things that we do—whether in the nation or in the community—we are destined for even greater disappointment.

That is why we are here, because some of us believe that these are not idle words. We live in the freest opportunity to be a whole person that is afforded to anyone in the world, and we believe that we, who are the establishment have an obligation not to tell youth the kind of life youth lives tomorrow, but to at least give youth the chance to be exposed to reasonable options so the decision is an intelligent one.

And that is why you people have come here. But I must give you a note of warning. I want to hang a little crepe because crepe hanging might be the best thing one can do on occasions such as this. We who are in business and who meet payrolls which is a traditional way of saying you are in business, know that inflation is something that has eaten away the very heart of our capacity to either meet our payrolls or maintain our profits at the same level.

Yet, when we look at public life, we expect some miracle to take place there. We expect our Rabbis to work for less because they are Rabbis, even though their families starve. We expect our Jewish youth workers, our social service workers, not to expect as much of an increase as the construction workers, which is my business, but, at least a 6% or 7% that overcomes the eating away of the value of their dollar. How can they teach and how can they preach when they have families in need?

So with all your efforts, the best we will do in 1969 and 1970 is to stand still. With 300 universities asking for more service; with hundreds of localities wanting more youth service (I shall not take the time to discuss the condition of the high schools) we will stand still in 1969 and, if we are lucky, in 1970. The time has come—when

those of us who believe in the future—have to corral and put together a union of forces in a national determined effort—combine the youth services with the seminaries, which teach those who teach our children, with the Jewish Centers, combine the American Association of Jewish Education with the Foundation for Jewish Culture and mount a campaign in the Jewish community for education and for our young of at least 35 or 40 million a year—such a major effort will at least counterbalance the weight of completing campaigns for funds and adjust the differential which is now working so adversely to the interest of our youth. This I suggest is No. 1 in the things we must do if we intend to listen to the young people who are so ably represented here tonight. Unless we do, as a nation, and as a people, the tragedy that will follow will not be the fault of the young people but the fault of those of us who hold the power.

My friends, I turn now to the pleasurable part of this engagement. I had arranged with President Wexler unknown to our guests of honor to drop in here tonight and to present the President's medals to our guests of honor. At that time his wife was desperately ill and we hoped and prayed that her recovery would permit his presence. As many of you know she has since passed away and Bill can't be here, so it has fallen to me to finish the third of my functions as a substitute.

A word about the President's Medal. It was conceived in 1953. Its purpose, extremely limited, to pay tribute to people who, in or out of B'nai B'rith, Jewish or not Jewish, who by a significant contribution to the welfare of our nation or our people justified this singular recognition. As the then President of B'nai B'rith, I requested the creation of that medal. It was authorized. The first man to receive it was Bernard Baruch, whose father was a member of the B'nai B'rith and he as well a member of the B'nai B'rith his whole life. Some of us who are here tonight who were there that night, had the feeling that we were putting the medal around the shoulders of a nobleman as he stood erect and as Eleanor Roosevelt, his lifetime friend, stood next to him.

I recall the occasion two years later when one of the great figures of our history, now retired, Chief Justice Earl Warren, honored us by receiving this medal. I met Earl Warren first when he was County Attorney of Alameda County, and when his closest advisor and closest friend was the advisor of our AZA Chapter in Oakland, California. And that night, as on other occasions since, whenever I have met him, we have talked about it—Nathan Harry Miller, who, until his death, kept in good order the accounts and the records of the Chief Justice. Other people of that quality have received this medal. But there have been those within the organization, few in number, who, because of a singular devotion to a cause, or because of years of service or a combination of both have been selected from among their peers to be honored. I shall not name them.

Everybody has told you about Anita and Lou—I can only say one thing about Anita. She is a Susan B. Anthony of the B'nai B'rith. She believes in the status of women. I met her when she believed only in the status of girls and when she solicited me to join her in committing an historic act, something that never happens in social life, the elimination of an organization by its own act. When the Supreme Advisory Council, which only took care of the boys, voluntarily agreed to go out of business so the B'nai B'rith Youth Commission could be born, this was an act of self destruction that few, if any, Jewish organizations have committed since time began. It would not have happened ex-

cept that this advocate of women's rights, superior in her advocacy, destroyed the defenses of the then President of the Supreme Advisory Council. If Sam Beber had been President, I am sure he could have resisted her, I couldn't, so together we joined in burying an organization and in creating a greater one. She has been consistent, persistent in her belief that first a woman was created and then a man.

I honor her even though she caused me to lose an office. I walked away from my responsibility when I recognized that because of her advocacy we had done an injustice, in the B'nai B'rith—at least woman came second if not first. Throughout all of Anita's work, when Lou was building this business—including the franchises that he hasn't given to us yet—Lou and her family have been her staunchest supporters. When Lou made his fortune and before that, he started distributing it in little pieces and in bigger pieces of himself and of his where-with-all. No two people have ever been more like a mortise and tenon. They have fitted together singularly well so that it would have been impossible—absolutely impossible—to give a medal to one without giving a medal to the other. So on the genius of President Wexler, he decided we will give them two. The two really should have been one, but he feared that if it were one, we would not know who to hang it on. So it is a tribute to the B'nai B'rith; it is a tribute to the cause for which they both work; it is a tribute to the concept of oneness, without which the world cannot progress; and above all, it is living testimony to the sense of priority that I have labored to suggest here tonight. Therefore, on behalf of the President of B'nai B'rith, I am about to commit an act which is unprecedented—I don't know who should come first—so I give these priceless medals to both at the same time.

OUTSTANDING CENSUS OF MONTANA

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. OLSEN. Mr. Speaker, I would like to acknowledge receipt of the 1970 census report for the State of Montana—the first 1970 census report to provide the official count of the population for my State. The population count for Montana was 694,409, a gain over 1960.

The report also contains the official population counts for each county, each county subdivision, each incorporated place, and each unincorporated place of 1,000 or more persons. A further classification by urban and rural residence is also provided.

I commend the Bureau of the Census for making this valuable information available promptly.

Taking the census is an enormous task, requiring the most careful planning and coordination to complete. The results are of vital importance to all persons. Much planning, many decisions, and a clear vision of the path into the future depend upon accurate census statistics. I know that the census information for Montana is accurate and will be widely useful for Montana residents.

I am certain of its accuracy and completeness because the census in Montana

was enumerated by Montanans employed by and working directly with the Census Bureau. My sincere congratulations go to those census takers. They worked with quiet steadfastness and loyalty despite all obstacles—including unusually heavy, spring snowstorms.

Their efforts provided Montana with an outstanding census.

THE PRESIDENT'S COMMISSION ON OBSCENITY AND PORNOGRAPHY SERVES NO USEFUL PURPOSE

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. NIX. Mr. Speaker, the President's Commission on Obscenity and Pornography will finally issue its report today with all the fanfare that can be given to a fraudulent product produced by a Commission armed with 2 million tax dollars.

It is a biased report. It is a report based on faulty human sex experimentation. It is faulty experimentation because the individuals who would submit to this kind of thing for money are not typical Americans. Therefore judgments cannot be made as to the normal American based on experimentation with exhibitionists.

Today, Chairman DULSKI of the House Post Office and Civil Service Committee will introduce bills which will deal with the problem of obscenity.

Senator MANSFIELD has introduced a bill that has been enacted by the Senate.

These bills deserve our immediate attention.

With the need to adjourn in mind it will be necessary for me to reschedule our hearings for mid-November 17, 18, and 19. At that time we will consider not only appropriate legislation but what bearing the studies of the President's Commission on Obscenity have on the subject.

The methods and motives of the Commission are important to our considerations. Their recommendations that our laws be repealed and Supreme Court cases upholding those laws be in effect reversed are a direct attack on the public's right to protect itself from obscenity.

This Commission's work is so bad that both of our political parties are agreed on its worthlessness.

There have been White House comments to the effect that the work of the Commission is the sole responsibility of President Johnson. In order to clarify the record, I will submit certain letters from the only Nixon appointee to the Commission, Mr. Keating, to various White House staffers warning the White House of the mess in the Commission. These letters were ignored.

I think we have to get to work and avoid recriminations which will only benefit the smut peddlers and their advocates. I hope that these letters will clear the air.

The letters follow:

CITIZENS FOR DECENT LITERATURE,
Los Angeles, Calif., September 17, 1969.
The Honorable RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

Sir: June 13, 1969, you honored the undersigned by naming him as your first appointment to the Presidential Commission on Obscenity and Pornography. I attended the first meeting of the eighteen-member Commission on August 14. My seventeen fellow Commissioners were appointed by President Johnson.

I understand your Administration, of which I am an ardent supporter, to take the position that pornography and the pornographers must be stopped. The value and need for such a position requires no explanation, as the deluge of pornography has sickened and saddened every decent American. Mr. President, it is my duty to report to you that while the Presidential Commission is an instrument which could very well effect your desires for a decent America, it is not, and with its present constituency, it cannot be. With the exception of Otto N. Larsen, Irving Lehrman, Morton A. Hill, Thomas C. Lynch, Catherine A. Spelts, and Winfrey C. Link, the Johnson appointments, who were appointed to serve "at the pleasure of the President," should be immediately terminated and replaced. A new Commission should promptly install a new Staff.

I must advise you that unless these recommendations are followed forthwith, your Administration will be tarred with the failure of a Presidential Commission which you did not appoint and over which you have absolutely no control.

There are many, many excellent, experienced persons in this country who could be placed on this Commission to cause it to serve effectively and expeditiously. Men such as Melvin Anchell, M.D., experienced author and psychiatrist; Rabbi Robert I. Kahn; Don Cortum, M.D.; Alan Ameche; Archbishop Paul F. Leibold; Hobart Lewis; and Jenkin Lloyd Jones, to name a few.

Respectfully,

CITIZENS FOR DECENT LITERATURE, INC.
CHARLES H. KEATING, Jr.

THE WHITE HOUSE,
Washington, September 26, 1969.

Mr. CHARLES H. KEATING, Jr.,
Citizens for Decent Literature, Inc.,
Los Angeles, California.

DEAR MR. KEATING: The President has asked me to reply to your letter of September 17. He very much appreciates your having accepted the task of serving on the Commission on Obscenity and Pornography. You may be assured the staffing of this Commission is receiving our continuing close attention.

Many thanks for taking the time to write us.

Sincerely yours,

PETER M. FLANIGAN,
Assistant to the President.

CINCINNATI, OHIO, October 13, 1969.
Mr. PETER M. FLANIGAN,
Assistant to the President,
The White House,
Washington, D.C.

DEAR MR. FLANIGAN: If it is in order, I would very much like to come to Washington to discuss with you the membership and chairmanship of the Presidential Commission on Obscenity and Pornography.

Perhaps the enclosed letter from the Executive Director of the Commission will interest you.

I shall be pleased to meet at your convenience.

Cordially,
CITIZENS FOR DECENT LITERATURE, INC.
CHARLES H. KEATING, Jr.

COMMISSION ON OBSCENITY AND
PORNOGRAPHY,

Washington, D.C., September 29, 1969.
Mr. CHARLES H. KEATING, Jr.,
1811 Provident Tower,
Cincinnati, Ohio.

DEAR MR. KEATING: Your assumption, communicated in your letter dated September 17, that I am advocating a position regarding the control of obscenity and pornography is not correct.

I came to the Commission with no experience in the realm of obscenity and pornography and with neither preconceived ideas about the extent of the problem nor opinions concerning appropriate and desirable solutions to the problem. These facts were made clear to the Commission members when I was being interviewed prior to accepting appointment as Executive Director of the Commission; they apparently deemed this objectivity to be desirable.

Since joining the Commission, I have taken especial care to heed the Congressional injunction to make recommendations only "after a thorough study," and have deliberately refrained from drawing even tentative conclusions about desirable action before the Commission's studies are completed. I am genuinely sorry if my attempts to maintain objectivity are misinterpreted by proponents of either greater or lesser control over erotic materials as "advocating a position"—other than a position of suspended judgment.

The materials which I distribute to the members of the Commission for their information are of three types: One, those items which the staff discovers that seem to present new empirical information relating to the Commission's interest; two, items which various members of the Commission send to the staff with an indication that other members of the Commission would be interested; and three, items which the Commission, including its staff and contractors generates.

The principal item which I recall sending to the members of the Commission, that advocates a position, was the Report by the Working Party set up by a Conference on the Obscenity Laws convened by the Chairman of The Arts Council of Great Britain. This item was explicitly requested for informational purposes by several members of the Commission.

It has been the practice for Commissioners to send items which they would like to have distributed to the other members of the Commission to the staff with a request that they be distributed. We shall be happy to perform this service for you as we do for all members of the Commission.

Sincerely yours,

W. CODY WILSON,
Executive Director.

CINCINNATI, OHIO, January 10, 1970.
The Honorable RICHARD M. NIXON,
President of the United States, The White House,
Washington, D.C.

Sir: You were kind enough to appoint me as your sole representative to date to the Presidential Commission on Obscenity and Pornography.

As witnessed in the platform of the Republican Party in the 1968 Election, from your own statements on the subject, from recent pronouncements of the Federal Bureau of Investigation, and from the all-too-visible facts and circumstances of our magazine racks and motion picture screens, obscenity and pornography are wreaking havoc in our society.

The only solution to the problem is in the courtrooms of the United States. A very important background to the future action of the courts is the work and the conclusions of the Presidential Commission.

I am confident that your appointment of the undersigned to the Presidential Commission was instituted by overtures of many of your friends and many substantial Repub-

licans throughout the United States and was based on my deep concern and years of experience in the field of combatting the pornographers. A quick look at your records in the investigations which led to my appointment will re-enforce the validity of your Administration's concern with the problem.

I must insist to you, Mr. President, that unless immediate action is taken to terminate the current leadership by Dean William B. Lockhart, Chairman of the Presidential Commission, to change substantially the membership of the eighteen-member Commission (seventeen of whom were appointed by President Lyndon Johnson), and to replace entirely the Commission staff, that the current activities and the ultimate report of the Commission will do much more harm than good in the fight against the pornographers. Inasmuch as it is a Presidential Commission, I am concerned not only that the pornographers will have taken a giant step toward winning the war but that your Administration will receive the blame.

This is a matter which deserves your urgent attention.

Yours truly,
CITIZENS FOR DECENT LITERATURE, INC.
CHARLES H. KEATING, Jr.

THE WHITE HOUSE,
Washington, February 7, 1970.

Mr. CHARLES H. KEATING, Jr.,
1811 Provident Tower,
Cincinnati, Ohio.

DEAR MR. KEATING: The President has asked me to thank you for your letter. He appreciates your interest in making your views known to him and your comments have been noted concerning Dean William B. Lockhart.

Your comments and suggestions will be carefully reviewed, and your interest in this matter is certainly appreciated.

With best wishes,

Sincerely,
HARRY S. FLEMMING,
Special Assistant to the President.

CITIZENS FOR DECENT LITERATURE,
Los Angeles, Calif., April 16, 1970.
The Honorable RICHARD M. NIXON,
The White House,
Washington, D.C.

Sir: As your only appointee to the Commission on Obscenity and Pornography, I must beg you to give a moment's attention to the direction of the Commission which, with its final Report now being processed for presentation in July or August, is going to be a source of real embarrassment.

I believe that you as well as I are aware of the deep grassroots sentiment against the deluge of obscenity and pornography. There is no question in my mind but that at best, the Commission's Report will be meaningless and at worst, it will further open the floodgates.

I note that of the 12 members of the National Advisory Council on the Education of Disadvantaged Children which had a budget of \$1.25 billion, you replaced eleven of the panel members. I suggest to you that similar action is necessary at once respecting the Presidential Commission on Obscenity and Pornography. The only recourse you have for obtaining a sensible, effective Report is to replace President Johnson's appointees to the Commission.

Please do not be mistaken in thinking that the Report of the Commission will have little impact. I am keenly aware, both in the United States and abroad, of the anticipation with which the Report of this Commission is awaited. It will do either great good or great evil.

Sincerely,
CITIZENS FOR DECENT LITERATURE, INC.,
CHARLES H. KEATING, Jr.

THE WHITE HOUSE,
Washington, May 8, 1970.

Mr. CHARLES H. KEATING, JR.,
Citizens for Decent Literature Inc.,
Los Angeles, Calif.

DEAR Mr. KEATING: Thank you on behalf of the President for writing him as you did on April 16 with regard to the Commission on Obscenity and Pornography.

Your thoughts and ideas have been referred to Mr. Egil Krogh, Deputy Assistant to the President, who is handling matters in connection with this Commission. I am sure you will hear from him in the near future.

Sincerely yours,

HARRY S. FLEMMING,
Special Assistant to the President.

CITIZENS FOR DECENT LITERATURE,
Los Angeles, Calif., June 5, 1970.

Mr. EGIL KROGH,
Deputy Assistant to the President,
The White House,
Washington, D.C.

DEAR Mr. KROGH: Mr. Harry S. Flemming advised me you are Mr. Nixon's Assistant handling matters in connection with the Presidential Commission on Obscenity and Pornography. I am Mr. Nixon's only appointee to that eighteen-member Commission. I write you at a very late date in the life of the Commission urgently warning you that unless my prior correspondence—copies of which are enclosed—is heeded, President Nixon is going to be extremely embarrassed and politically hurt when the Commission issues its Final Report. The Report, incidentally, will be issued in the height of the 1970 election campaign.

As I said in my September 17, 1969, letter to Mr. Nixon: "... Your Administration will be tarred with the failure of a Presidential Commission which you did not appoint and over which you have absolutely no control."

Make no mistake about it. Mr. Krogh, the overwhelming majority of the American people is revolted by the pornography in the bookstores, on the street corners, and on the motion picture screens throughout the United States today. The enclosed book *A Report on Denmark's Legalized Pornography* is the latest in a series of documents, articles, etc. that I have received as a member of the Presidential Commission on Obscenity and Pornography from the Executive Director of that Commission, Cody Wilson. The book speaks for itself and is highly representative of the continuing effort of those who control the Commission to achieve their principal objective of having complete freedom for the pornographers or, at worst, to neutralize any possible curbing effect the Commission might have had on the pornographers.

I might suggest that unless the President acts to stop the present Commission, reconstitute and reorient it, the type of pornography depicted in the back of the enclosed book will be commonplace in America—in which event, God help us!

Your truly,

CITIZENS FOR DECENT LITERATURE, INC.
CHARLES H. KEATING, JR.

CITIZENS FOR DECENT LITERATURE,
Los Angeles, Calif., July 14, 1970.

HON. RICHARD M. NIXON,
The White House,
Washington, D.C.

SIR: On July 8, 1970, I received in the mails from Mr. William B. Lockhart, Chairman of the Presidential Commission on Obscenity and Pornography, three "Staff-drafted" Committee Panel Reports, totaling 459 pages with instructions that more were to follow. Copies are enclosed with this correspondence.

At the same time I was informed that the contents must be read prior to a general meeting of the Commission on July 13, 14, and 15, 1970, at which time tentative decisions would be reached on findings and recommendations of the Commission.

A quick perusal of these documents will demonstrate conclusively the disastrous consequences flowing from the failure of responsible policymakers in this Administration to heed my earlier warnings that an American Civil Liberties Union Staff controlled the workings of the Presidential Commission and that the same must be deterred from conducting this multi-million-dollar operation in a runaway fashion and in defiance of the will of Congress and the American people. Particularly is this apparent in the Legal Panel document.

No longer can my warnings be turned aside for lack of time, more serious matters to attend to, or on the ground that the same are only personal opinions of a partisan—Charles H. Keating, Jr. In repeating my prior advice and warnings, I now call upon and underscore that well-understood legal evidentiary principle *res ipsa loquitur*—the thing speaks for itself. These so-called "Panel Reports" speak for themselves and identify the subject matter as the work product of a runaway Staff. No reasonable person—judge or otherwise—would say that these Reports accurately reflect either the current law on obscenity, the will of the State Legislatures, or the directives of Congress. What they do document is the unacceptable position of a small American Civil Liberties Union minority, operating under a cloak of secrecy as a "Commission Staff" and under the shelter of an ACLU Commission Chairman. That such persons stand on the threshold of being permitted to espouse their abortive doctrines from the high platform of a Presidential Commission is a tragedy.

The result reached thus far points up the tremendous evil flowing from a "secret" Commission Staff which refuses to accord First Amendment rights to the people as a whole. The situation is critical, and there is scant time to apply the necessary correction to get the Commission back on its proper course.

Let me restate my own personal involvement so this letter may have the clear meaning intended. Upon being appointed to the Commission as your one and only appointee, I made known to you and responsible members of Congress the following observations, which have subsequently been confirmed by these "Panel Reports."

(1) The Commission was not functioning as a whole but was under the control and domination of ACLU-member William Lockhart who administered the same through his hand-picked ACLU-oriented Staff and scientific teams, the legal end of which was headed by Paul Bender, an ACLU Director.

(2) That the ACLU aim and objective was and is to abrogate the nation's obscenity laws and that this position was clearly documented and recorded in the hundreds of ACLU *amicus curiae* briefs filed on behalf of smut peddlers in the past fifteen years.

(3) That the manner in which the Commission was being "led" was contrary to the will of Congress, in violation of law (Public Law 90-100), and at odds with the overwhelming desires of the people of this nation.

I attempted to correct the failure of the Commission to function as a working Commission by calling for more meetings of the Commission as a whole and less "Staff leadership." In response, fewer Commission meetings as a whole were called. I asked for the right as a Commission member to participate in all Panel meetings. The same was refused. The right to record and study transcripts of Panel meetings was also refused. I was informed that secrecy (confidentiality) was the rule of the Commission. I have asked for copies of all contracts of hire, information on how funds were expended and monies handled, what research teams were hired, and how their services were bid. As of this date, I have not received one copy of such a contract of hire, even though Public Law 90-100 reads as to the "Powers of the Commission"—(d)—Obtaining Scientific Data—

"For the purpose of securing the necessary scientific data and information, the Commission may make contracts with universities, research institutes, foundations, etc."

Finding it hopeless to participate meaningfully under this "stacked deck" regime, I also asked for a Congressional investigation. Unfortunately, the inner workings of the Staff were not well documented or understood as they now are—after publication of the enclosed Reports. Time has bridged the gap and proved the ancient adage: "Give them enough rope, and they will hang themselves." It is my sincere hope that now that the "cat is out of the bag," this nation's responsible leaders will now move swiftly to bring the weight of their offices to bear against this national hoax.

Certainly your record on obscenity control demonstrates clearly that your Administration is dramatically opposed to the legal position adopted by ACLU Chairman Lockhart and his handpicked Staff. Your excellent appointees, Chief Justice Burger and Associate Justice Blackmun, have both handed down unanimous opinions in obscenity cases during the past term of Court which are dramatically opposed to the distorted notions which appear in this Legal Panel Report.

The immediate question is whether the policymakers on your Staff are willing to saddle your Administration with the tremendous handicap of this "stacked deck." Whereas there may have been some reluctance to take my previous warnings at their face value and take action thereon, these Reports inject a new dimension. There is now available to your advisers a "Staff" record which documents the accuracy of my previous evaluations that the Commission is *not* functioning as a Commission and that personal, rather than public interests are being subserved.

For example, it does not take a lawyer, experienced in obscenity matters, to recognize that the Legal Panel Report is—

- (1) A partial, rather than impartial, Report;
- (2) Espouses publicly recorded ACLU advocacy; and
- (3) Presents distorted treatment of existing case law.

The same can be said of other documents submitted by the Staff pertaining to non-legal matters.

That this Commission Staff is dealing the nation a "stacked deck" is abundantly clear in the aforementioned Reports, as to which I will now allude to but one typical example—that from the Legal Panel Report. Within the next two weeks, I plan to reply point-by-point to the distortions woven into that amazing document.

To support the ACLU position that the Roth rule has now been altered to suggest that commercial exhibition to consenting adults has been elevated to a constitutional right, ACLU counsel Bender repeatedly cites *Stanley v. Georgia* and suggests that the six-to-three vote in that case will lead to that result. Nothing could be further from the truth. It is well understood and documented that Justices Harlan and Warren, who were numbered among the majority of six in that opinion, have repeatedly disavowed anything which resembles that philosophy. Justice Fortas, also of the majority, is no longer on the bench. Further, of the remaining three, the author of the opinion, Thurgood Marshall, gave indications during oral argument before the United States Supreme Court in *Byrne v. Karalexis* on April 13, 1970, that he also entertains no such intentions. Mr. Bender or his representatives must have or should have been in attendance and heard the following colloquy between Justice Marshall, the author of the *Stanley* opinion, and Attorney General Quinn of Massachusetts on this issue. See transcript at page 3, line 17, to page 4, line 18, reading:

Attorney General QUINN: "That is cor-

rect, your Honor. In our view this appeal presents two equally important issues which ought to be finally resolved by this court. The first is whether the court below abused its discretion in enjoining the District Attorney from prosecuting in the future on account of the showing of the film, "I Am Curious Yellow," which the court below assumed to be obscene. The second is whether under this court's holding in *Stanley v. Georgia* any state can constitutionally prohibit public, commercial dissemination of pornographic matter, absent distribution to minors, to nonconsenting adults or by pandering."

Justice MARSHALL: "What is there in *Stanley* that protects commercial distribution?"

Attorney General QUINN: "That is not the way we read it, your Honor, and I do not think that is the way the author of the opinion wrote it."

Justice MARSHALL: "Thank you."

It was noted by three attorneys present during the above colloquy that when Attorney General Quinn answered Justice Marshall in such a forthright fashion that Justice Marshall was visibly shaken and evidenced the same in the manner in which he said "Thank you," which was said with sarcasm. One minute later he left the bench.

Further, in regard to the Staff position regarding *Stanley v. Georgia*, Bender fails to indicate any significance in *Gable v. Jenkins*, decided by the court during the latter part of the current term. Attorney General Quinn in his arguments saw otherwise. See transcript, pages 15-16, where he said:

Attorney General QUINN: "That success depends on the answer to the question 'Can public commercial dissemination of pornography be proscribed by any state.' Before *Stanley v. Georgia*, we submit there was no doubt at all about the principle. *Roth v. United States*, the leading case on this subject, based that answer on the fact that obscenity is not protected speech within the First Amendment. We agree with Mr. Justice Marshall that the holding in *Stanley* in no way impairs the principle so well enunciated in *Roth*. In fact, only last week this court summarily affirmed in *Gable v. Jenkins*, No. 1049 on the docket of the court, a case involving action under the distinguishable statute in the same jurisdiction as *Stanley*, distinguishable from the statute in the *Stanley* case, but a statute very much like that upheld in the *Roth* case and very much like the statute under consideration in the case at bar. The statute upheld *Roth* prohibited a commercial distribution of pornography. The Massachusetts statute, Chapter 272, Section 28A, is of like tenor. It strikes at public dissemination. This, we submit, does not affect the situation like that present in *Stanley v. Georgia*."

ASSOCIATE JUSTICE: "Was that case you referred to last week a denial of 'cert' or an affirmance?"

Attorney General QUINN: "It was a summary affirmance, your Honor."

ASSOCIATE JUSTICE: "What is the name of the case?"

Attorney General QUINN: "*Gable v. Jenkins*, No. 1049. As I recall, I think there were two Justices either abstaining or dissenting, your Honor."

That ACLU counsel Bender failed to record these and other observations is easily understood, for to do so would undermine the entire ACLU objective—open dissemination to consenting adults—which is the common thread of all the Reports.

Although Lockhart and Bender admit to their long-standing ACLU membership but publicly deny their agreement with the ACLU advocacies of abrogation of the nation's obscenity laws, the work product of their Staff shows such position taken by them to be a fraud and a hoax on the public. Both men are intentionally attempting to project a distorted view as to the nature of obscenity and the historical necessity for its control. By

controlling the Commission Staff and its research teams and funds, Lockhart is intent upon blocking a projection of contrary views. This situation cannot go uncorrected. I plan to submit a point-by-point response to the Legal Report within the next two weeks and to ask Chairman Lockhart for funds to be set aside to prepare opposition reports to these misstatements of law and fact. Denied this, I am ready to go to court on that issue—the right to have monies allocated for this purpose.

This matter is being brought to your attention at this early date to permit your advisers to evaluate my warnings and recommendations—not on the basis of what I have said would be the result, but rather upon the record of what this ACLU-oriented Staff has done—which has proven my evaluations to be one hundred per cent correct.

It would be my recommendation that you throw the weight of your office against the abortive attempts to be made here and that one of two things be done immediately:

(1) Appoint new members in place of certain of the current members.

(2) Seek out an extension of time to complete the study and ask for additional members to be appointed to the Commission to restore the proper balance.

Respectfully,
CITIZENS FOR DECENT LITERATURE, INC.
CHARLES H. KEATING.

COMMISSION ON OBSCENITY
AND PORNOGRAPHY,
Washington, D.C., November 14, 1969.

CHARLES H. KEATING, Jr., Esq.,
1811 Provident Tower,
Cincinnati, Ohio.

DEAR CHARLES: After much thought about our last Commission meeting on October 29, I am writing to request you to reconsider your decision not to observe the confidentiality policy approved unanimously by all other members of the Commission.

Because of your late appointment in June 1969 to succeed Judge Keating, you did not participate in our original organizational meeting in July 1968. In that meeting, the Commission decided unanimously to keep its deliberations confidential except for reports or statements issued by the Commission itself and any dissent thereto. Implicit in that decision was the confidentiality of research reports and drafts of proposed reports until released by the Commission. All Commission members have faithfully followed this confidentiality policy, viewing it as essential to effective fulfillment of the Commission's task.

This explains the surprise and dismay among the Commission members when, as we discussed means of insuring confidentiality of tentative drafts of Panel and Commission reports, you informed the Commission that you would not respect the confidentiality of any Commission document or of any discussions in Commission meetings. I appreciated your frankness in making explicit your disagreement with the confidentiality policy.

Since you did not participate in the original decision establishing this policy, you were entitled to have the issue reconsidered in the light of your expressed conviction that Commission discussion and documents should be as much in the public domain as debates on the floor of Congress. I therefore appointed a committee chaired by the Attorney General of California to consider the confidentiality policy. As you know, that Committee recommended and the Commission approved the following policy:

In line with the common practice of commissions, it is the policy of this Commission to keep confidential the deliberations of the Commission and the various panels. There shall be no dissemination or publication of any papers, discussions, or reports without the express authorization of a majority of the Commission.

The vote was unanimous, save for your one dissent.

Despite your statement immediately after the vote that you did not consider yourself bound by the Commission's action, I hope that on reconsideration you will decide to accept and observe the procedure adopted by the Commission to govern its operations in a 15 to 1 vote (really 17 to 1; both absent Commissioners concur in the decision). The reasons for the policy are most persuasive. Indeed, the policy is essential to effective functioning of the Commission in this sensitive area. Let me outline some of the reasons for your thoughtful consideration.

Please keep in mind that the confidentiality policy refers to premature disclosure of discussions, data, tentative reports, proposals and the like before they have been analyzed and approved by the Commission, and incorporated in a balanced report that reflects the Commission's judgment on these sensitive issues. The Commission encourages vigorous advocacy of conflicting views and interpretations of data within the Commission as a means of formulating a balanced judgment. And as the Progress Report released last summer shows, the Commission recognizes the right to dissent publicly when the views of the majority have been formulated. It is only premature public disclosure and discussion that the confidentiality policy forecloses and that for the following reasons.

1. The threat of premature disclosure of Commission discussions will inhibit the free and open exchange and discussion of ideas, viewpoints, and proposals that are so essential to arriving at a soundly based, balanced judgment on the critical and sensitive issues before the Commission. Members of the Commission must feel free to advance for consideration views or proposals tentatively held, or suggested to them as worthy of discussion, without fear that they or the Commission will be charged publicly and prematurely with holding views that do not in fact represent their considered and mature judgment. We have on the Commission members in sensitive public positions, as well as members from various mass media whose freedom to enter into discussion will be seriously inhibited if they are under the threat of a public disclosure of statements made or positions taken in discussion prior to the authorized release of the Commission's considered conclusions.

2. The threat of premature disclosure will inhibit the development and discussion within the Commission as a whole of proposals for control of obscenity. These proposals are efforts to see what can be done by way of developing workable definitions and methods of control, but their unauthorized public release would give the impression that they represent the conclusions and recommendations of the Commission.

3. The threat of premature disclosure would dry up sources of information about the pornography industry. You will recall that two members of the Commission stated that information in their possession concerning those involved in pornography and its distribution could not be disclosed if the information is not to be kept confidential. Further, disclosure of any part of the considerable volume of data we are presently obtaining from those in the pornography industry would immediately dry up all such sources of information. Without the confidentiality policy the information thus obtained could not be laid before the Commission for discussion until all our investigatory work is completed.

4. Premature disclosure of details concerning ongoing research, or of tentative findings based upon partially completed research, would jeopardize the successful and accurate completion of our difficult research program. Social science research is peculiarly sensitive to publicity; the results can be warped by advance publicity concerning the study being

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made. For example, one research study of importance had to be cut short because publicity about it reached the local papers. For dependable results in the Commission-sponsored research we simply must preserve confidentiality.

5. Premature public disclosure of discussions and tentative draft of reports and proposals in this emotion-charged area would create false hopes for some and false fears for others and place the Commission in the middle of a public debate and controversy inconsistent with its obligation to make a dispassionate study. Such intermittent public disclosure by its very nature cannot encompass the range of the Commission's interests or keep them in reasonably accurate focus. There will be ample opportunity for public debate when the Commission completes its study and releases its data, its conclusions and recommendations, along with such dissents as may develop within the Commission. At that point the Commission's recommendations will doubtless be the subject of extensive legislative hearings in Congress and the state legislatures.

I am sure you are aware that considerations such as these have caused the development of the common practice among study Commissions such as ours to adopt similar confidentiality policies. Since our October 29 meeting, I have checked on the practice and have found no Commission that did not observe such a policy. For example, this was true, as you know, in the recent Presidential Commissions on Crime and on Violence.

Charles, you can be a very real asset to the Commission. You can bring to our deliberations a background and knowledge about our problem that many Commission members lack. I urge you to reconsider your point of view to avoid circumscribing your useful relationship with the Commission and the consequent effectiveness of your contribution to its work during the all-important months ahead.

After you have given this a few days' thought, please let me know your decision concerning adherence to the confidentiality policy.

Sincerely,

WILLIAM B. LOCKHART.

CINCINNATI, OHIO, November 22, 1969.

Dean WILLIAM B. LOCKHART,
Chairman, Commission on Obscenity and
Pornography, Washington, D.C.

DEAR DEAN LOCKHART: I appreciate your taking the time, thought, and evident effort to write me your November 14 letter.

We are in basic conflict. I consider the floodtide of filth in magazines, paperbacks, and on the motion picture screens of America to be an imminent danger to our nation. I am quite sure that when Congress passed legislation and the President signed it, thus creating the Presidential Commission on Obscenity and Pornography, that the underlying rationale was that there was a serious problem, about which something must be done—positive control of the pornographers.

I observe the Commission engaged in debate as to whether there is a problem and even as to whether or not there should be any controls. Recourse for factual information, legal advice, and philosophical theory from the academic community never appealed to me as a method of learning about the obscenity problem or controlling the pornographers. Indeed, the fruits of the Commission's expenditures of time and money in this area confirm my observations.

I think our society, which groans under the burden of obscenity, is entitled to know what is being done. The immediacy of the problem will not tolerate a "wait and see what's done" attitude on my part.

I, evidently opposite to all other members of the Commission, believe that the Commis-

sion should immediately undertake a factual investigation and revelation to the public of the facts and figures and persons in the pornography industry in the United States. Concurrently, I believe that the Presidential Commission should have studied and should now be recommending to judge, prosecutor, and law enforcement officer how (basically under existing laws) to arrest, prosecute, and convict and thus stop the pornographers.

You referred at one point in your letter to Attorney General Lynch of California who stated that information in his possession concerning those involved in pornography and its distribution could not be disclosed to the Commission if the information is not to be kept confidential. My reply is that Mr. Lynch has been Attorney General of the State of California during a period wherein that state has become perhaps the world's leading source for the most vile and depraved and perverted printed and pictured material that was ever released in the history of man. I would observe that perhaps the information he is keeping confidential should have been disclosed a long time ago.

My conclusion is that I trust the intelligence and the ability of the American people to absorb and properly act upon a variety of information as well as I trust any member of the Commission to do the same thing. I cannot agree with the policy of a Commission dealing with a problem so intimately associated with the moral welfare of the people of the United States, funded by those same people and staffed by the President of the United States, which keeps secret its information and its deliberations. Accordingly, I continue to decline adherence to the confidentiality policy.

I note that under the terms of my appointment I serve "during the pleasure of the President of the United States for the time being." I suggest that if you feel the Commission cannot fulfill its role in view of my position that you write the President suggesting he withdraw my appointment. Otherwise, I have no intention of resigning, and I know of nothing which prohibits me from attending Commission sessions.

Yours truly,

CITIZENS FOR DECENT LITERATURE,
INC.,

CHARLES H. KEATING, JR.

CINCINNATI, OHIO, November 24, 1969.

Dean WILLIAM B. LOCKHART,
Chairman, Commission on Obscenity and
Pornography, Washington, D.C.

DEAR DEAN LOCKHART: Because of our deadlock on the "secrecy" problem and the probability you will not have a fair chance to solve it prior to the December 2 meeting of the Legal Panel, I will not attend the meeting.

A further reason is that I consider it futile to try to take any meaningful action to combat the pornographers when much of the work of the Panel centers on our Chief Counsel who is a member of the American Civil Liberties Union.

You will be interested in the enclosed opinion of Judge Simon Leis regarding *Vizen*.

Yours truly,

CITIZENS FOR DECENT LITERATURE, INC.,
CHARLES H. KEATING, JR.

CINCINNATI, OHIO, December 20, 1969.

Dean WILLIAM B. LOCKHART,
Chairman, Commission on Obscenity and
Pornography, Washington, D.C.

DEAR DEAN LOCKHART: Please advise me of the time and place of all Panel meetings. I assume I am welcome to attend any or all Panel meetings at my discretion. Please advise in this regard.

Yours truly,

CITIZENS FOR DECENT LITERATURE, INC.,
CHARLES H. KEATING, JR.

COMMISSION ON OBSCENITY AND PORNOGRAPHY,

Washington, D.C., January 2, 1969.

CHARLES H. KEATING, ESQ.,
1811 Provident Tower,
Cincinnati, Ohio.

DEAR CHARLES: I regret that my absence for a week at the annual meeting of the Association of American Law Schools, where I shed my responsibilities as President, prevented my seeing until today your letter concerning panel meetings, forwarded to me by Cody Wilson.

As I indicated in my letter of September 19, it is my view that members of the Commission may attend, as observers, meetings of panels to which they are not assigned. In attending the meeting of a panel of which he is not a member, a commissioner is there to observe—not to participate as a member of the panel. If we are to get on and complete our work, it is simply not possible to take the time to give to those from other panels the necessary background to enable him to meaningfully participate in the discussions. But each panel's findings, reports, and recommendations will be subject to clarification and full discussion at meetings of the whole Commission that will be scheduled as the research results unfold.

You should be aware, of course, that the reports, evidence and discussion at the panel meetings are subject to the confidentiality policy established by the Commission. There is no intention to stifle criticism of the "direction" of the Commission's work—though you are badly mistaken in your interpretation of our direction—but it is essential that there be no release of reports, research, data, evidence, or internal discussions until authorized by the Commission.

The Traffic and Distribution Panel is scheduled to meet in Los Angeles on January 6 and 7, and the Effects Panel in New York on January 14. I will ask the staff to send you details concerning these meetings. Ordinarily we cannot pay travel expenses for one who is not a panel member to go to a panel meeting so far away as the Traffic Panel meeting on this occasion. But because of your strong interest in the work of that panel, I will authorize your expenses on this one occasion if you wish to attend. I think we can ordinarily meet your expenses to attend panel meetings other than your own when they are held in the East, but we may have to reconsider this practice if many Commission members desire to attend panels not their own because of our limited budget that must cover all of our future expenses until we wind up the work of the Commission.

I should add, so that there will be no misunderstanding, that in my opinion the Commission will not be justified in compensating with a salary per diem voluntary attendance at the meeting of another panel as an observer. That is outside a Commissioner's assignment; the evidence and findings of each panel will be available for discussion and consideration by all Commissioners at the appropriate time at the Commission meetings, for which there will be compensation.

Sincerely,

WILLIAM B. LOCKHART,
Dean.

CITIZENS FOR DECENT LITERATURE, INC.,
Cincinnati, Ohio, January 10, 1970.

Dean WILLIAM B. LOCKHART,
University of Minnesota Law School,
University of Minnesota,
Minneapolis, Minn.

DEAR DEAN LOCKHART: Thank you for your letter of January 2.

I will appreciate your having the Commission advise me of the time and place of the meetings of the various panels. There is no need for the Commission to concern itself with the question of my expenses, travel or otherwise, in attending such meetings as

I choose. I will cover my own expenses in this regard. I understand that attendance does not carry with it the prerogative of participation. May I send personal representatives to sit in on these sessions?

I must reiterate for the reasons mentioned in my letter of November 22, 1969, that I do not consider myself bound in any way to the Commission or the Panel's policy of "confidentiality."

Yours truly,

CHARLES H. KEATING, Jr.

COMMISSION ON OBSCENITY AND
PORNOGRAPHY,

Washington, D.C., January 19, 1970.

CHARLES H. KEATING, Jr., Esq.
Citizens for Decent Literature, Inc.,
Los Angeles, Calif.

DEAR CHARLES: I have your letter of January 10.

I will arrange for the staff to inform you of the time and place of meetings of the various panels.

For the reason stated in my letter to you of September 23, 1969, it is the Commissioners themselves who are permitted to attend panel meetings, not personal representatives. I am sure the Commission would not authorize representatives of Commissioners to attend panel meetings and I cannot do so.

You realize, of course, that I cannot waive the Commission's ruling on confidentiality. It is my obligation as chairman to make clear to all Commission members their obligation in this regard. I have already explained the reason for this policy.

Sincerely,

WILLIAM B. LOCKHART, Dean.

NEAR-DICTATORIAL DRIVE BY HUD FOR PLASTIC PLUMBING MATERIAL

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. NICHOLS. Mr. Speaker, the Department of Housing and Urban Development has started a program aimed at getting plastic approved as a plumbing material in various municipal codes. Most of the affected municipalities previously listed iron soil pipes the preferred material. HUD has been successful in many of these cities because the municipalities are threatened with the refusal of Federal funds if they do not comply.

This near-dictatorial drive by HUD is causing great concern among my constituents in Anniston, a city generally referred to as the Soil Pipe Capital of the World.

The soil pipe industry has always conducted numerous tests on their products before they have been put on the market. On the other hand, I recently observed tests here in Washington which showed that in many cases, plastic pipe does not stand up under stress.

Mr. Speaker, my constituents who are concerned, either directly or indirectly by this action, are not the only losers. The consumer often is a loser. I feel that either a contractor or some "middle man" will realize a gain from the cheaper material and the ultimate consumer will realize a loss in future failures or repairs that will inevitably have to be made.

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I respectfully ask that the Department of Housing and Urban Development withdraw this requirement which seems to be just another power-grabbing action which our Government is, unfortunately, becoming famous for.

THE WAR ON POLLUTION HAS NOT YET STARTED

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. COLLIER. Mr. Speaker, the serious problems of environmental health control have belatedly drawn the stern attention of the American people as the ugly consequences of air and water pollution are felt more with each passing day.

While all programs of this magnitude are costly, we must not fall into the trap of trying to measure the effectiveness of these programs merely in dollar signs. Primarily, stricter enforcement of existing laws is as vital as the new laws that must be enacted.

Presently antipollution operations and activities are spread through 95 agencies of the Federal Government. Consolidation must take place. Existing laws must be used. Changing the inefficient buckshot system of sporadic enforcement that we have now must be the first priority in the war against pollution.

At this point in the Record, I would like to offer an excellent article that appeared in the Des Plaines Herald Day, a fine daily newspaper in my district. It is entitled "Needed: A Basic Decency" and is written by Ken Knox:

NEEDED: A BASIC DECENCY

(By Ken Knox)

It's been said more times now than can be counted: all the laws in the world aren't worth a bit if they aren't used.

That applies to new laws as well as old ones, and it's especially pertinent now in the wake of the wave of hand-wringing about pollution.

The cry is for new laws, and tough laws, and vigorous enforcement—action to crack down on the polluters, and get our water and air cleaned up.

But slowly, it's coming clear that a lot of that is just so much forensics and gymnastics—that what's really needed is some basic decency from the polluters, which is unattainable; some honest commitment from political leaders, which can't permit any compromise; and someone to scour through the old laws, which is the rub.

Things need never have gotten as bad as they are; we know that. But we haven't received much decency or commitment, and we certainly haven't used the laws we've had.

We've had one, in fact, for 71 years, and its near total disuse provides a pungent indictment of our own commitment, and of where our leaders have put their concern while the environment eroded and deteriorated.

The law is a clear and direct one, and the next time you hear one of your legislators railing on the need for new and tough antipollution legislation, ask him if he ever heard of it.

It's the Federal Refuse Act of 1899, designed specifically to combat water pollution. Its scope is vast, prohibiting anyone, includ-

ing any individual, corporation, municipality or group, from throwing, discharging, or depositing any refuse matter of any kind or any type from a vessel or from a shore-based building, structure or facility into either (a) the nation's navigable lakes, streams, or other navigable bodies of water, or (b) any tributary to such waters, unless he has first obtained a permit to do so.

"Navigable" means water sufficient to float a log at high water. "Refuse" has been broadly defined to include all foreign substances and pollutants. Permits would have to be obtained from the Secretary of the Army through the Corps of Engineers.

The scope of the law is decidedly broad enough to touch on most basic forms of water pollution, and it encompasses routine littering as well, prohibiting the placing on the bank of any waterway any material that could be washed into the waterway.

Penalties are strong, too, with fines of \$500 to \$2,500 per day or instance of violation, and prison terms of 30 days to a year.

And yet the polluting goes on, and has gone on since 1899 and before.

We must either assume the Corps of Engineers has given permits for all of it, or the law—curiously—was overlooked. We know the Corps of Engineers isn't THAT bad.

Some insight into all this was shed at a recent Senate subcommittee hearing on pollution. Assistant Interior Secretary Carl Klein revealed that industries are dumping 4,800 pounds of lead pollutants into the Mississippi River between Baton Rouge and New Orleans every day. And some are pumping in arsenic as well.

Reminded of the 1899 Federal Refuse Act, Klein shrugged it off and said what's really needed are tough new laws. Until then, the lead and arsenic will continue to flow.

Can it be that the 1899 law doesn't get any attention because it doesn't have enough loopholes?

I don't know. But what does make sense is Sen. Philip Hart's retort to Klein: "If there is a danger, go after it. Don't tell Congress to pass a new law when you don't use the one you've got."

AFTER NASSER—WHAT?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. SIKES. Mr. Speaker, the unexpected death of President Nasser of Egypt has created consternation among free-world leaders and deep and earnest grief among Arabs. He was the only Arab leader who enjoyed world stature. He has been the dominant figure among Arabs in the Middle East for nearly two decades and his leadership there was unquestioned. He was hailed for his efforts to improve the lot of the little man in a poor country—always a commendable trait—and his personal popularity was such that he could survive two disastrous wars with Israel and still retain his position of strong leadership in his own country and in other Arab nations.

It was Nasser's acceptance of the American cease-fire proposal which set the stage for peace talks between Israel and the Arab nations and it was Nasser more than anyone else who worked out a compromise which ended the civil war in Jordan. Consequently, there are many who take the position that Nasser was the only Arab with sufficient stature to bring stability to the Middle East. They

feel that the preservation of peace will not be possible without Nasser's strong hand. Admittedly, hatred, revolution, and war have long beset that part of the world. Arab factions are warring against each other and against the Jews.

The Palestinian refugees have too long been ignored. They have legitimate grievances and their leaders are now becoming dominant in many parts of the Arab world. It is obvious that the area faces a period of great danger; that conflict can break out at any moment. Uncertainty is aggravated by the fact there is no one of stature to whom the Arabs can now turn. Even so, the death of Nasser may not be as great a catastrophe as many have feared. Without a strong leader to hold them together and to shape their destiny, the nations of the Arab world are less likely to mount a coordinated and effective attack against Israel. The prospects of peace may have dimmed and real peace may be a long time coming. But there is opportunity for the Western Powers to seek new coalitions which can be useful to the cause of peace. There is also opportunity for the Western Powers to seek the offset the Russian influence which so rapidly is becoming predominant throughout the area. All is not lost. The hand-wringing which we see on every side seems a little premature.

A THANK-YOU LETTER TO CONGRESS FROM A VETERAN

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. GARMATZ. Mr. Speaker, we all know that our constituents and the public in general are quick to let us know when our actions do not meet with their approval. A note of thanks is quite unusual.

Therefore, it was a special pleasure to receive a letter from Mr. James Thompson of 1021 South Sharp Street, Baltimore, one of my constituents, expressing his gratitude to the Congress for the disability compensation he receives. He is totally disabled and the compensation enables him to live with dignity and self-respect, certainly something to which our disabled veterans are entitled. His letter follows:

BALTIMORE, Md.,
September 25, 1970.

Subject: A Letter of Thanks.
To: The Congress of the United States of America.
Washington, D.C.

DEAR SIR: I am a disabled veteran, one-hundred per-cent disabled. I get four hundred dollars a month compensation.

I wish to thank The Congress of the United States of America for this award given to disabled veterans.

You can not imagine how much I appreciate this money. I would not know what I would do if it was not for the generosity of the Congress of the United States of America.

Not only have you made me to live with dignity by giving us veterans compensation for our service connected disabilities in the first place, but from time to time given us

an increase with other military and civilian personnel on active duty.

Today I am independent of my family. I have a house, rented though it may be, I have sufficient clothing and food.

Thus you, the Congress of the United States of America, have made it possible for us disable veterans to have the three necessities of life, raiment, shelter and food at a cost to the American people. And by spending our compensation wisely, we also have money for entertainment. For this I am thankful.

Again, sirs, the Congress of the United States of America, I wish to give you an exclamation of applause and a vote of confidence.

Again thanks.

Sincerely yours,

JAMES THOMPSON.

SALUTE TO FARM COOPERATIVES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. FINDLEY. Mr. Speaker, the contribution of agricultural cooperatives to farmers and the Nation's economy will be recognized during the month of October which is Cooperative Month. Cooperatives serving the interests of the people that own them have an annual business volume of \$17.4 billion. Some 6½ million people in the great rural areas of our country are members of cooperatives. Nearly \$13.5 billion worth of farm products were marketed cooperatively during the past year with dairy, grain and livestock products leading in sales volume.

Farmers are big customers also and during 1969 purchased more than \$3.5 billion of their production supplies from cooperatives. This should be ample evidence that farmers have been doing an excellent job of serving themselves through the farm cooperative movement. With continuation of the farm cost-price squeeze, farmers and their cooperatives must continue to expand their services and their efficiency of operation.

I am proud to report that my home State of Illinois ranked fourth in the Nation in the business volume of farmer cooperatives with more than \$1 billion of business during the fiscal year 1968-69. This represented an 11 percent increase over the previous year. Some 360 farmer cooperatives have their headquarters in Illinois and these have more than 400,000 members.

Cooperatives in Illinois and the Nation as a whole are an important segment of the agricultural industry. Through cooperatives our Nation's rural citizens work effectively to improve their economic conditions providing benefits for both producers and consumers.

The cooperatives in Illinois, on October 1, will be launching their cooperative month's activities by holding a banquet in Springfield. I am particularly proud that Mr. Melvin E. Sims, president of the National Council of Farmer Cooperatives, is a good friend and constituent of mine. I know first hand of the outstanding work of Mr. Sims to improve agricul-

ture and the lot of the farmer. Today, on the eve of Cooperative Month, I would like to call the attention of my colleagues in the House to the great contribution being made by men throughout the Nation like Mr. Sims—men dedicated to the improvement of conditions on the farm and in their communities through cooperation.

By this means I ask that all join me in saluting the men and women working in our great cooperative movement for the contributions they have made.

ADMINISTRATION'S FUEL OIL PLAN DOES NOTHING FOR CHICAGO

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, yesterday the administration announced its plan for meeting the fuel oil emergency which threatens our Nation. They should not have wasted the taxpayers' money on printing the material and on staging an elaborate press conference.

For they labored and came forth with nothing. Even worse, the administration has perpetrated a cruel hoax on the American consumer: The new plan is being claimed as an answer to the high prices and short supplies which threaten the people of the Middle West and other areas of the Nation. But, in actual fact, it will mean higher prices and no additional supplies.

I am deeply disappointed and shocked that nothing was done about the critical problems facing the Middle West in general and the Chicago area in particular.

For nearly 5 months, I have been warning of high prices and short supplies of No. 6 fuel oil in the Chicago area. I have had meetings, sent letters to the President, and done everything possible to alert the people here in Washington who control our oil-import policy that a serious crisis threatened. Joined by many others, I have pointed out that universities, hospitals, apartments, and industries in the Chicago area are not able to secure firm contracts for fuel oil. We have supplied data indicating that Chicago is 25 percent short of its needs for the coming winter, and a No. 6 fuel oil supply gap of 50,000 barrels a day is threatened.

I and many others have presented concrete proposals for relief. And what has been the response? Nothing; a few soothing words yesterday, a little gimmickry, and a new study committee, but, in essence, what the Middle West has been offered is, to repeat, a cruel hoax.

We have gotten nothing but the prospect of continuing escalation of prices and cold factories, schools, and hospitals.

The failure of the administration to act has strengthened the resolve, I am sure, of all of us in the Middle West, and particularly Chicago, to get prompt, effective action. I pledge our continuing efforts until a real solution has been announced and I restate my urgent request

that the administration take the following steps:

First. Order immediate decontrol of all imports of crude oil from Canada into the Middle West. There is no justification in law for maintenance of these controls in normal times; there is no justification in law or morality for the controls in a time of emergency. These increased imports would enable our refiners in the Middle West to turn out additional quantities of badly needed heating oils.

Second. Adopt immediately a residual fuel oil incentive program for refiners in districts I-IV. Under such a plan, domestic refiners would be encouraged to produce residual fuel oil by awarding them an import license for 1 barrel of crude oil for every barrel of low-sulfur fuel oil they produce. And instead of a price increase for residual oil, which the administration favors, we could have a reduction in price to consumers of this vital product.

Third. Consider, as a long-range solution to the problems of the Midwest, giving that area access, beginning on July 1, 1971, to overseas supplies of residual fuel oil on the same basis as district I.

Mr. Speaker, oil import policy—and therefore oil prices and supplies—are controlled here in Washington. One man, the President has control over the level of imports coming into the United States.

I therefore call upon him, and the other oil policy leaders here in Washington, to lay thoughts of politics and elections aside, and hear our plea. We in the Middle West and Chicago, are in trouble; we need help; we have a plan for relief; it must be adopted.

A TRIBUTE TO DICK POWERS ON RETIREMENT FROM THE ASSOCIATED PRESS

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BLATNIK. Mr. Speaker, Dick Powers retires as regional correspondent for the Associated Press today, after 28 years on Capitol Hill. He has my highest esteem as a genuine, conscientious reporter, dedicated, impartial, and above all modest, who leaves behind him a long record of high-level reportage, and the high regard and warm affection in which he will always be held by so many who have come to know him well.

I consider Dick a close personal friend, and respect him as an able and completely impartial reporter.

He numbers among his personal, as well as professional friends, high officials on both sides of the aisle; Governors and past Governors of the States he covered for the AP—Minnesota, Michigan, and Wisconsin—and the Representatives and Senators about whom he wrote so fairly over his 28-year career.

I met Dick when I first came to Washington in 1947. He struck me then as a quiet, friendly man—a shrewd judge of character, a newsman who would skill-

fully weigh the event or situation, and put it in its proper perspective.

He is the kind of skillful reporter who takes any assignment in stride, no matter how technical, fully understands it, and explains it concisely to his readers.

Dick is extremely modest about himself and his family, but the glowing pride he feels for them showed up on rare but justifiable occasions. His eldest son, John, is a former marine and now a Reserve Marine pilot. He is ordained by Princeton Theological Seminary, earning him the affectionate nickname "flying parson." He is now working for his doctorate in physics at the University of Pennsylvania.

Dick's second son, Richard, served in the Army, graduated from Union Theological Seminary, and is working for his masters and then his doctorate degrees from Temple University.

Jane, their daughter, is a University of Maryland graduate working for the Department of Labor.

Throughout his 28 years in Washington, Dick Powers has steadfastly pursued the story behind the story, and shunned the glitter and splash of sensational journalism. The glow of the true reporter has grown of its own accord into a solid long-term record of performance, and will last long after he retires.

His friends on the Hill wish him and his lovely and gracious wife many, many years of continued good health and truly earned pleasures of retirement.

QUESTIONNAIRE

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. MESKILL. Mr. Speaker, I am pleased by the response of the residents of the Sixth Congressional District of Connecticut to my most recent congressional questionnaire.

The interest and concern of my constituency is evidenced by the fact that over 18,000 questionnaires were returned, which is an extremely high rate. This means that the views of more than 34,000 residents in my district were sampled since the questionnaire was designed to permit both husband and wife to respond individually.

I believe such questionnaires are an effective means of gathering the views of the people I represent in the Congress. Knowing their opinions helps me to formulate my position on legislative issues and better perform my duties as the Representative of Connecticut's Sixth Congressional District.

Mr. Speaker, the results of the congressional questionnaire follow:

QUESTIONNAIRE FROM CONNECTICUT'S SIXTH CONGRESSIONAL DISTRICT

1. Do you agree with Vice President Agnew's charge that news media are often biased? Yes, 79%; no, 20%.
2. Should wage and price controls be imposed to stop inflation? Yes, 60%; no, 32%.
3. Do you think the President has been candid with the American public about this

Nation's involvement in Laos and Cambodia? Yes, 40%; no, 54%.

4. Should the United States provide Laos and Cambodia with:

- (a) Military equipment? Yes, 18%.
 - (b) Advice? Yes, 16%.
 - (c) Military support (bombing and reconnaissance)? Yes, 10%.
 - (d) Ground troops? Yes, 1%.
 - (e) Leave them on their own? Yes, 30%.
5. Do you feel our children are receiving:
- (a) An excellent education? Yes, 8%.
 - (b) A good education? Yes, 36%.
 - (c) An adequate education? Yes, 35%.
 - (d) A poor education? Yes, 15%.

6. Do you favor:

- (a) Increasing Federal aid to education under existing programs? Yes, 13%.
- (b) Reducing allocations to existing programs? Yes, 4%.
- (c) Maintaining aid at present levels for existing programs? Yes, 15%.
- (d) Restructuring and reforming our entire Federal aid to education program? Yes, 56%.

7. Do you favor bussing school children to achieve a better racial balance? Yes, 13%; no, 85%.

8. Has the Supreme Court been too lenient in its decisions on pornography and obscenity? Yes, 64%; no, 31%.

9. So that industry will install pollution abatement devices, would you favor:

- (a) Granting tax credits for such installations. Yes, 29%.
- (b) Issuing a deadline for abatement with a fine for failure to comply? Yes, 58%.

10. Do you favor a Federal gun registration law? Yes, 65%; no, 30%.

11. Do you approve of the way President Nixon has handled the war in Vietnam? Yes, 55%; no, 39%.

12. Do you favor a four-year term for Congressmen? Yes, 68%; no, 29%.

13. Do you think local, State, or Federal employees should have the right to strike? Yes, 34%; no, 64%.

14. Do you favor increasing postal rates to pay the cost of pay raises for Federal employees? Yes, 49%; no, 42%.

15. Do you favor continuing our spending to explore space? Yes, 47%; no, 48%.

16. What do you think are our most important domestic problems today?

The respondents to my questionnaire ranked the domestic problems in the order of importance as follows:

1. Crime.
 2. Pollution.
 3. Communism and Drug problems tied.
 4. Racial hostility and Poverty tied.
 5. Education, Campus rebellions, More emphasis on health needs and health research, and Others all tied.
 6. Pornography through mail.
- My response is as follows:
1. Education.
 2. Other (Inflation).
 3. Pollution.
 4. Drug problems.
 5. Racial hostility.
 6. Poverty.
 7. Crime.
 8. More emphasis on health needs and health research.
 9. Campus rebellions.
 10. Communism.
 11. Pornography through mail.
 17. On student disorders in universities and colleges, are you in favor of:

(a) stopping Federal aid to students convicted by a civil court or disciplined by school authorities for disorder. Yes, 84%; no, 12%.

(b) stopping Federal aid to schools where the administration fails to curb disorder. Yes, 65%; no, 29%.

(c) use of Federal troops to quell violence. Yes, 65%; no, 26%.

(d) giving schools complete control over their campuses? Yes, 38%; no, 53%.

18. On the Selective Service System, do you favor:

- (a) Retaining selective service boards. Yes, 14%.
- (b) A lottery. Yes, 17%.
- (c) An all-volunteer armed force. Yes, 24%.
- (d) Use of draft only in time of declared war. Yes, 25%.
- (e) Other. Yes, 3%.

REPORT FROM WASHINGTON

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. MINISH. Mr. Speaker, as the 91st Congress begins to wind up its legislative business it is possible to gain some perspective about its activities. The Federal Government affects every American in numerous ways, and it is important, therefore, to keep abreast of congressional actions.

TAX REFORM AND RELIEF

A tax reform bill was enacted during this Congress, the largest tax measure in our country's history. Principal relief was provided through an increased personal exemption and a rise in the standard deduction allowance. Although the changes in the tax structure will not be fully realized until 1973, the personal exemption rate began to rise on July 1 and the surtax ended June 30. However, the bill did not go far enough to balance the tax structure, and I intend to continue to press for more equitable tax collection and a realistic exemption rate.

SOCIAL SECURITY

Legislation was enacted to provide a 15-percent increase in social security as of January 1, and blind persons were granted liberalized benefits. A new social security measure already passed by the House would increase benefits by another 5 percent, while also providing equalized computation for both sexes, increased earnings exemptions and a cost-of-living mechanism.

EDUCATION FUNDS

For 2 consecutive years the administration has vetoed appropriations measures containing education funds. The fiscal 1970 measure running from June 1969 to June 1970 also contained funds for medical research, the U.S. Cancer Institute, and hospital construction funds. The fiscal 1971 veto, which Congress overturned, was designed to provide remedial education, funds for educationally deprived children, vocational and adult job training, and school library resources. Surprisingly, economics was given as the reason for the vetoes, notwithstanding the fact that last fiscal year the Congress reduced the budget request by \$5.6 billion, and tentative estimates for 1971 fiscal appropriations suggest another significant cut by Congress.

INFLATION

Statistical gameplaying aside, although our increased costs are said to be decreasing, hard pressed citizens are struggling to maintain their standard of living in the face of burgeoning prices. The

Congress in response has given the President standby authority over credit, wages, prices and rents; it has enacted legislation to provide low and middle income buyers with homes, and has set up uniform cost accounting guides to prevent defense contractors from unnecessarily dipping into the public till.

ENVIRONMENTAL POLICY

This Congress enacted the Water Quality Improvement Act providing for marine sanitation, removal of oil from navigable waters, and waste treatment works. The Clean Air Act amendments, also enacted, will extend research on fuels and vehicles. A timber bill that purported to conserve forests while permitting increased cutting was kept back by a concerted House effort. Incidentally, the 91st Congress quadrupled the administration's request for water pollution funds for fiscal 1970.

DRUGS

A comprehensive drug abuse bill, providing more treatment for addicts and broader enforcement powers against illegal traffickers passed the House with a lopsided margin of 341 to 6. Congress has also increased funds for narcotics and customs officers. Other legislative actions include hearings on a proposal I cosponsored to cut off the narcotics supply at the source by refusing foreign aid to nations failing to take preventive steps against illegal drug trafficking, production, and processing. Meanwhile, a recent Narcotics Bureau recommendation that the U.N. establish a special fund to restrain international drug production was included in legislation I introduced some time ago; possibly the proposal will be accepted at a presently ongoing international drug seminar.

SAFE STREETS AND CRIME

Under omnibus crime control legislation, New Jersey received \$6½ million in Federal funds for crime prevention, juvenile delinquency, criminal detection and apprehension, prosecution, and court research. Funds were also provided to reduce narcotics sale and usage. The House voted to increase funds for the omnibus crime control program, in addition to insuring that the moneys reach high-crime areas. Another pending crime bill specifically attacks organized crime, and legislative action is expected on it shortly.

CONGRESSIONAL REFORM

The first major congressional reform bill debated by Congress in 25 years has passed the House. It would liberalize committee procedures and open congressional activities to public scrutiny. Indications are that many of these reforms will be passed if the Senate has time to consider the measure.

CONSUMER LEGISLATION

Auto safety, food safety, product performance and safety, all are prime considerations of the Congress. The National Committee on Product Safety was extended by Congress, and improved toy safety legislation was enacted. Much consumer legislation is still pending, however, such as improved food dating and labeling, establishment of a Federal Department of Consumer Affairs, a bill permitting class action consumer suits, and measures improving warranties.

SOUTHEAST ASIA

It is listed last, but certainly not the least of congressional concerns is Southeast Asia, our involvement there and our hopes for future peace there. The struggle has cost over 40,000 American lives, while 30 billion of our tax dollars are spent there annually. The present Congress has reasserted its prerogatives with respect to involvements abroad. Hopefully, our withdrawal from Vietnam will be speeded up while a peaceful conclusion for the embattled Vietnamese is sought.

CREATIVE BUSINESS AT WORK

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. EILBERG. Mr. Speaker, one of the questions which legislators must always ask themselves is this: How well is private business serving the public?

The Congress and various State and local governments have set up many agencies to protect the public interest, and their findings are reported in the press. But bad news always gets bigger headlines than good news; scandal is more interesting than virtue. For this reason, many exciting and rewarding case histories of real and valuable public service being performed by business—at lower cost and with greater efficiency than ever before—are not given the attention they deserve.

A most interesting case in point is the National Liberty Corp. This company was founded 10 years ago by a young man who was motivated by the kind of personal dedication which many people wrongly think is passing from the American scene. The actuarial knowledge available to this young man convinced him that people who do not drink alcoholic beverages are better insurance risks than those who do. Abstainers stay healthier and live longer. Abstainers suffer fewer accidents on the road and in the home. For example, we are all concerned about the casualties on the Vietnam battlefronts, but the U.S. Department of Transportation's latest study shows alcohol leads to some 25,000 highway deaths and 800,000 crashes in the United States each year. Moreover, 16.1 percent of all accidental deaths in the home can be directly linked to some degree of alcoholic intake. Since it has been proven beyond the shadow of a doubt that nondrinkers lead safer lives, why should they be forced to pay the same insurance rates as those who shorten their lives by drinking excessively? They are, in effect, being "taxed" for the intemperate habits of others.

And so, the young man decided to do something for a too long overlooked minority—the 38 million nondrinking Americans in the country. His idea: To provide health and accident insurance exclusively to abstainers—give them more health protection at lower rates—by direct marketing methods.

This new idea—insurance offered by mail only to abstainers—had immediate,

widespread appeal. Ten years of growth show that the idea continues to appeal strongly to this once neglected minority group—nondrinkers. In just a decade, more than 800,000 policy owners have enrolled in the gold star plan for total abstainers.

The National Liberty Corp. was formed as a publicly owned company in 1968 to consolidate the varied operations that have grown up around the business. In 1969, it acquired the National Home Life Assurance Co., a 50-year-old insurance company headquartered in St. Louis, Mo., and operating in 47 States and the District of Columbia. This soon led to the development of a new service called the national health plan. Its purpose: To provide low-cost insurance to the general public by employing the same mass marketing economies that had worked so successfully with nondrinkers. Here, too, coverage of those 65 and over is offered in conjunction with medicare benefits, and thousands of policy owners are now availing themselves of this protection against today's skyrocketing medical costs.

By enrolling thousands of people within specified "limited time" enrollment periods, the companies within the National Liberty group are able to eliminate the cost of investigating policy owners individually. These additional savings are then passed along to policy owners in the form of lower premiums and increased benefits. Customers realize they can make important savings by purchasing their insurance by mail. They buy in private, voluntarily and confidentially, without having an individual and costly sales presentation.

A number of other factors help to explain the continuing success of this organization. For one, large segments of the population have not been reached by insurance agents. Even though millions of families enjoy the security of insurance protection, there simply have not been enough agents to reach everyone, particularly those living in rural areas and small towns. The remarkable response to the direct marketing of health and accident insurance protection proves that thousands of people are ready and willing to obtain insurance protection by mail. Also, in an era of sharply rising hospital and medical costs, many people, including those either self-employed or retired, are not completely covered by the group insurance plans being offered by many employers. To these people, the National Liberty group offers essential protection against the danger of financial disaster in case of prolonged hospitalization.

The National Liberty Corp. and its affiliated group of companies are now paying benefits to policy owners at the rate of over \$1 million per month.

Moderation and self-control are commendable traits and should be encouraged. It is difficult in a restless, swift-moving society, to avoid being drawn into the whirlpool of overindulgence so prevalent today. That is why I believe we should commend those who—by example or by direction—help others practice moderation and good health habits. An organization like the National Lib-

erty Corp. group of companies deserves special recognition for encouraging Americans to live more temperate lives through its gold star plan and—at the same time—rewarding them with health and accident protection at lower rates.

Recently, the National Liberty group put its creative marketing resources behind another idea—that smoking is a health hazard and that those who do not smoke should not have to pay for the increased mortality among smokers. Thus another "neglected minority" is now offered hospital and life insurance at reduced costs.

Nonsmokers are better insurance risks. We all remember the Surgeon General's famous report on the correlation between cigarette smoking and lung cancer. And the famed Hammond-Horn study found that smokers are more likely to develop liver cirrhosis, ulcers, throat ailments, stomach trouble, migraine headaches, asthma and insomnia. Those who do not smoke cigarettes can expect to live 7 to 10 years longer than inveterate smokers.

Even though nonsmokers live longer and have fewer illnesses than people who smoke, few insurance companies have recognized this fact in their premium rates. However, this organization reasons that if safe drivers pay less for auto insurance because they have fewer accidents, should not nonsmokers pay less for health insurance because they are "better risks"? The National Liberty group is now reaching nonsmokers with the same direct "mass enrollment" methods they have been using to reach nondrinkers for more than a decade. Such methods have enabled a growing number of nonsmoking policy owners to obtain sound health and life insurance protection at exclusive nonsmokers' rates.

One other important innovation from this direct marketing organization is its cancer expense protection. Even though new drugs and new forms of treatment are being developed, cancer remains the No. 2 killer of Americans after heart disease. Sooner or later, two out of every three families will be hit by this dread scourge of men, women, and children alike. This is a disease which must be fought on two fronts—prompt diagnosis and treatment on the one side and constant, diligent research on the other. Almost 1 million Americans are alive today because of early diagnosis and treatment. Fifty percent of all cancer victims can be saved if the disease is discovered and treated in time.

But this kind of treatment is expensive—almost ruinous for some. When cancer strikes, the medical, surgical, and hospital expenses can be devastating. But the National Liberty group—by utilizing the economies of mass merchandising—makes possible low-cost protection against the financial catastrophe that so often results when cancer strikes. The savings the company achieves by its direct marketing methods are passed on to policy owners in the form of increased benefits in the event this dreaded disease does strike and at rates substantially lower than they could have otherwise obtained.

National Liberty deserves recognition for providing service beyond the ex-

pected, service willingly offered to those who are not being cared for in other ways. This is the secret of success for its low-cost insurance plans. With the highest public interest at heart, the National Liberty Corp. group of companies combines reliability and quality of service with noteworthy price advantages. It is to be commended on its leadership and vision in this field of human welfare.

WHAT I BELIEVE

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. CELLER. Mr. Speaker, the cardinal sin of politics is to underrate the intelligence of the voter. But intelligence cannot be exercised without facts. My experience as a Member of the House of Representatives for 48 years has taught me that, if nothing else. The voters of my district have proven to me over and over again that they look to performance, to effectiveness, to legislative accomplishments. It is for this reason I set forth for the careful scrutiny of the voters of the 10th Congressional District my concrete record so that they may have before them an account of how I have carried out my trusteeship as their Representative.

First, a record of the most significant bills introduced by me during the 91st Congress as your Representative:

H.R. 3783: To amend the Public Health Service Act to provide for the making of guaranteed loans for modernization of hospitals and other health facilities and otherwise to facilitate the modernization and improvement of hospitals and other health facilities, which was incorporated in Public Law 91-296.

H.R. 4801: To assure to every American full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin, and for other purposes.

H.R. 6612: To amend the public assistance provisions of the Social Security Act to require the establishment of nationally uniform minimum standards and eligibility requirements for aid or assistance thereunder.

H.R. 11183: To amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

H.R. 11848: To provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide additional exemption for income tax purposes for a taxpayer or spouse who is disabled.

H.R. 15652: To eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes.

H.R. 17697: To amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participa-

tion in the cost of projects providing hurricane protection.

H.R. 18400: To amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes.

H.R. 19118: To amend the act of March 3, 1931, relating to the furnishing of books and other materials to the blind and to other handicapped persons to authorize the furnishing of musical recordings and tapes to such persons.

H.R. 19158: To create a health security program.

House Resolution 395: Requesting the President to urge the Soviet Union to process the requests of 50,000 Soviet citizens for reunion with their families who are outside the Union of Soviet Socialist Republics.

House Resolution 1020: Supporting the Cooper-Church and McGovern-Hatfield amendments to cease hostilities in Vietnam and withdraw from Cambodia.

House Concurrent Resolution 320: Expressing the sense of Congress relating to films and broadcasts which defame, stereotype, demean, or degrade ethnic, racial, and religious groups.

House Concurrent Resolution 533: Airlines—To stop armed attacks in international travel.

Second, a record of the most significant bills I introduced as chairman of the Committee on the Judiciary during the 91st Congress:

H.R. 2165: To empower postal inspectors to serve warrants and subpoenas and to make arrests without warrant for certain offenses against the United States.

H.R. 2166: To amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a national registration of firearms, establishing minimum licensing standards for the possession of firearms, and encouraging the enactment of effective State and local firearms laws, and for other purposes.

H.R. 2167: To correct deficiencies in the law relating to the theft and passing of postal money orders.

H.R. 2168: To amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system.

H.R. 2169: To assist in combating crime by creating the U.S. Corrections Service, and for other purposes.

H.R. 2175: To amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released.

H.R. 2179: To regulate and foster commerce among the States by providing a system for the taxation of interstate commerce.

House Joint Resolution 180: To amend the Constitution to provide for representation of the District of Columbia in Congress.

H.R. 2346: To amend section 8 of the Clayton Act to prohibit certain corporate management interlocking relationships, and for other purposes.

H.R. 4243: To authorize appropriations for the Civil Rights Commission.

H.R. 4249: To extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

H.R. 9112: To amend the Immigration and Nationality Act, and for other purposes.

House Joint Resolution 482: To consent to and enter into the Mid-Atlantic States air pollution control compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency.

H.R. 9010: To incorporate the college benefit system of America.

H.R. 10067: To provide for the appointment of additional district judges, and for other purposes.

H.R. 10683: To permit the Federal Government to further assist the States in the control of illegal gambling, and for other purposes.

House Joint Resolution 681: Proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

H.R. 11009: To prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors.

H.R. 14116: To increase criminal penalties under the Sherman Antitrust Act.

H.R. 17154: To amend title 18 of the United States Code to provide for better control of interstate traffic in explosives.

H.R. 17825: To amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

H.R. 17901: To improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit.

H.R. 18550: To amend the act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization.

When viewed together, they set forth my basic philosophy: First, to do what I can to preserve and enhance the right of every citizen to be secure in his person, in his home, in his opportunities for a decent job, decent living conditions, decent health facilities, decent schooling; second, to preserve and enhance the individual civil liberties and civil rights of every person; and, third, to bring about a world of peace within a democratic framework.

Time does not permit my detailing the provisions of every one of these bills, but all of those I have selected for inclusion in this Record relate to all my efforts to give every person protection and opportunity. I mean by protection, protection against fraud, deception, and neglect, protection against erosion of democracies in every part of the world, protection against inflation, protection against pollution of the air and water, protection against noise pollution, protection against the devastation of our

lands and forests, protection against erosion of civil liberties and civil rights, protection against drug abuse, and protection against crime. I mean, too, protection against the inherent inequities of the draft, and to that end, I favor strongly a volunteer army. I mean, also, the protection of persons against the international crime of hijacking. I advocate international treaties guaranteeing the extradition of hijackers and the safe conduct and return of hostages. Such treaties must be put into effect with strong sanctions against countries which violate the terms of the agreement, denying to the airlines of the offending country or countries landing rights they seek.

I want to emphasize here that the protection against inflation is one of immediate and urgent need. The Congress has given the President standby powers to control prices and wages, but the President has not responded. Inflation is ruinous to everyone. The purchasing power of the dollar decreases as inflation increases. Houses are not built, jobs evaporate. People living on social security and pensions suffer most. I also wish to emphasize what I have called the erosion of democracies. We are at a point of crisis in the Middle East, and the one democracy in the Middle East; namely Israel, must be given the wherewithal to self-defense, the sophisticated weapons to enable her to deter aggression. The fall of Israel is unthinkable, monstrous to contemplate, and such a catastrophe would spell out Soviet domination of that gateway to three continents to the peril of the interests of the United States.

By opportunities, I mean the support and introduction of legislation to enable each citizen to obtain a good education, the opportunity to obtain the best of medical care, the best use of health facilities, the opportunity to obtain low-cost housing. Under the heading of opportunity, I would place first and foremost the opportunity for every person to develop his highest potential without fear of unnecessary wars. Knowing, as I do, that we must get out of Vietnam, I have introduced a resolution, House Resolution 1020, and I set it forth here because it explains most clearly the objective I seek:

Resolved, That in the absence of a declaration of war, it is the policy of the House of Representatives that fiscal year 1971 Defense expenditures in South Vietnam should be limited to only that amount required to carry out the safe and orderly withdrawal of all American combat and support troops from South Vietnam by the end of fiscal year 1971 (June 30, 1971).

Be it further resolved, That no funds in the fiscal year 1971 Defense budget are to be used to finance the operation of any American combat or support troops in Cambodia or Laos.

Under opportunities, I would certainly include changes in our immigration law to make it more flexible, to ease the process of reuniting families, to make provision for the entry of refugees, and to bring new seed to this land. Certainly, I must include under opportunities the enactment of a constitutional amendment to enable every vote to count. This can only be done by abolishing the

electoral college and instituting instead the direct election of the President and Vice President.

You can easily match every piece of legislation I note herein with every statement of political philosophy.

Over my years of activity in the House of Representatives, I have had enacted over 300 bills and three constitutional amendments which bear my name. This is a record that cannot be matched by any other Representative in the history of the Congress of the United States. I point to this only to emphasize that my introduction of a bill is not an idle gesture. This kind of record demands the unflinching attention to detail, the ability to negotiate, and the skill to earn the confidence of other Members of the House of Representatives. It means doing one's homework, it means developing skills in the use of parliamentary rules which can only come of long, hard years of learning and experience. To be successful in a forum of 435 Members of the House of Representatives and 100 Senators, with men and ideas competing for attention, your legislative proposals jostling against 20,000 others, and your political philosophy matched against a dozen different kinds, takes the hardihood, the conviction that this exists only in men and women who care. I care.

Already enacted into law in this Congress or pending in the Senate for its action are:

First. Public Law 91-271: To improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes.

This measure will go a long way to unclog the courts and to prevent delay in the administration of law and justice.

Second. Public Law 91-272: To provide for the appointment of additional district judges, and for other purposes.

Third. Public Law 91-285: To extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes.

This protection of the rights of voters is basic to our law, and no voter can be denied his fundamental right to give his consent to acts of government, which is what the use of the ballot means.

Fourth. Public Law 91-339: To amend the Federal Youth Corrections Act—18 United States Code 5005 et seq.—to permit examiners to conduct interviews with youth offenders.

This law will, I hope, be of help to the youth criminal offenders so that we can cut down on the number of repeaters in our society.

Fifth. House Joint Resolution 681: Proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

House Joint Resolution 681 passed the House of Representatives after the most thoroughgoing review given any constitutional amendment calling for the direct election of the President and Vice President of the United States. This proposal does away with the electoral college

and assures the principle of "one man, one vote."

Sixth. H.R. 14116: To increase criminal penalties under the Sherman Antitrust Act.

My drive against monopoly power is by this time well known to you. Unless there is economic freedom of opportunity for all, we cannot maintain the free enterprise system. The penalties called for are not less than \$500,000 for corporate violation of our antitrust laws.

Seventh. H.R. 17825: To amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

Of all the crime proposals proposed, this is the only bill that addresses itself directly to our dreaded crime in the streets. This legislation enables the Federal Government to come to the assistance of the States and the cities in fighting crime. The original bill, the Omnibus Crime Control and Safe Streets Act of 1968, was my proposal and it became law. These amendments to that act increase to \$650 million the money to be sent currently to the States and the cities to curb and control the street crime. It authorizes for the following year \$1 billion and for the year thereafter \$1.5 billion. It calls for better training of the police, more protective and innovative programs, better riot control, better rehabilitation services, and workable correctional services. This means that the youthful offender will not be put into jails with the hardened criminal and learn all the tricks he never knew before, returning to society to repeat his crimes with greater skill. It calls for new programs to deal with this scourge.

The Judiciary Committee has, as well, processed S. 30, a bill designed to control organized crime, which it is hoped will prove an effective weapon against the criminal syndicates. The Committee on the Judiciary has, as well, processed through the House of Representatives a bill to prohibit salacious advertising.

My record in the previous Congresses is known to you. Therefore, I have only put forth a portion of the work to which I have devoted myself in this Congress. This accounting of what I believe and how I have performed on these beliefs is a matter of record.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

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

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

How long?

HIGH HOLIDAYS 5731

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ANNUNZIO. Mr. Speaker, the Jewish High Holidays begin this year on October 1 and 2 with Rosh Hashanah and conclude on October 10 with Yom Kippur. This is a period of piety, holiness, and spirituality for Jewish people all over the world, and I am happy to join my colleagues in the Congress and my constituents and friends of the Jewish faith in observing the advent of this significant holiday period.

Rosh Hashanah marks the beginning of the Jewish New Year, and traditionally, is a happy and pleasant holiday. On Rosh Hashanah, religious services are conducted in synagogues throughout the world where Jews pray for forgiveness and a year of peace and happiness for themselves and the world. It is also a time spent with family and friends discussing the events of the past year. The high point of Rosh Hashanah is the blowing of the shofar, or ram's horn, which symbolizes the beginning of the High Holidays, and its shattering sound is meant to awaken man's conscience to renew his faith and to return to his God.

October 10, the Day of Atonement, or Yom Kippur, is the climax of 10 days of penitence and is the holiest of all of the Jewish holidays. The entire day is spent in prayer, fasting, and worship. On the Day of Atonement, the Jewish people seek to be in harmony with the world by expressing a true feeling of repentance through prayer. It is a holiday during which years gone by are recalled and loved ones who have passed away are remembered in prayer.

Rosh Hashanah and Yom Kippur evoke in the Jewish people a sense of awe, high seriousness, and especially obedience to God's law. The meaningful practice of the Jewish faith, I believe, has influenced Jewish moral law far beyond the confines of practicing Judaism. The historic Jewish concepts of social justice and individual human dignity have done much to guide the course of western democracy and, in particular, to shape the philosophical system of government created by the American Founding Fathers.

Especially during the high holidays, the Jewish people look to the universal establishment of the principles of compassion and tolerance for which Judaism has so long and painfully fought. Unfortunately, the Jews have not received this same compassion and tolerance, but instead, under Nazi persecution, have suffered incomprehensible brutality and have been the subject of mass murders.

In Russia today, there is mounting evidence that the Government is persecuting Jewish citizens by curtailing religious observances and discriminating against the Jews in their traditional cultural and educational activities. Consequently, I have introduced legislation in the Congress urging that our country

make it clear to the Soviet Union that we condemn the persecution of the Jews and indicating that we expect Russia to live up to its own constitutional guarantees of religious freedom.

I feel it is our responsibility, as the world's greatest democracy, to make every possible effort to focus international attention and opinion on the problem of Soviet anti-Semitism. By so doing, the Soviet Union may at least understand and receive the full force of our official position in the interest of human justice and decency.

I should like, on this occasion, as the Congressman for the Seventh District of Illinois, to extend my greetings and best wishes for the holiday season to my constituents and my many friends of the Jewish faith. In the coming year, may the Jewish people know freedom from persecution, from which they have particularly suffered, and may they experience peace, well-being, prosperity, and spiritual enlightenment.

FORGOTTEN MEN OF VIETNAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. TEAGUE of Texas. The Veterans of Foreign Wars of the United States have been a forerunner in the concerted activities of many in this country to bring about the release of our prisoners of war in Vietnam. Under leave to extend my remarks in the RECORD, I include a copy of a departmental distribution on this subject:

THE FORGOTTEN MEN OF VIETNAM

In his acceptance speech at the National Convention in Miami Beach, Commander-in-Chief Ray Rainwater listed some high priorities for the coming year. He saved for his concluding remarks the tragedy of our forgotten men in North Vietnam prisons—the American prisoners of war. He called this the "most urgent problem we face today."

The Commander-in-Chief announced that petitions would be circulated throughout the United States by every Post in the Veterans of Foreign Wars immediately upon the termination of the Convention. Those petitions call upon the Communist enemy leaders to abide by the provisions of the Geneva Convention of 1949 in their treatment of American prisoners of war—and for their early release.

Commander-in-Chief Rainwater declared that he would personally deliver those signed petitions to the delegates at the Paris Peace Talks—and if they are not accepted there he will take them directly to the Secretary General of the United Nations—with a demand on behalf of our two million members of the V.F.W. and its Ladies Auxiliary that official action be taken by that international body to bring about an immediate change in the barbarous policy of the North Vietnamese toward our men who are prisoners of war.

The Commander-in-Chief stated also that he would stand ready to go anywhere in the world—at any time—including Hanoi, to effect the release of our fighting men who are imprisoned there.

I am happy to advise you that this comprehensive program on the part of the Veterans of Foreign Wars is in full swing. And I urge each of you to give it your highest pri-

ority until our mission is accomplished—and these brave men are at home with their families once again. I can think of no more urgent and important effort for our great organization of American veterans to engage in. I can think of nothing which should be so important to every American.

Unsuccessful attempts to gain humane treatment for our men in the prisons of Southeast Asia have been made by our government through diplomatic channels for several years. Each of those efforts has been completely ignored by the enemy. The North Vietnamese continue, year after year, to disregard the Geneva Convention rules for the treatment of prisoners of war.

Every branch of the military service has endeavored to enlist the support of world opinion in bringing pressure on the communist leaders—to induce them to live up to the provisions of the Geneva Convention.

The next kin of American servicemen listed as or presumed to be prisoners of war have organized groups which are working in every conceivable manner to focus both national and world attention on the prisoner of war issue.

Private individuals and organizations have joined this crusade. Literature, advertisements, television programs, and personal pilgrimages have been tried—and each in turn has failed.

It is long past time for every American to concern himself with this grave problem—and to acquaint himself with the facts:

On March 6, of this year, the Honorable Richard G. Capen, Jr., Assistant Secretary of Defense for Legislative Affairs, presented a summary of those facts to the House Armed Services Committee. I wish to pass them on to you:

Approximately 1,450 U.S. Servicemen in Southeast Asia are currently listed as prisoners of war or missing in action. At least 430 of those men are believed to be prisoners of war with some degree of certainty. There is, however, no official confirmation of this figure by the enemy.

Thus, more than 1,000 are simply listed as missing in action. This state of affairs has existed in some cases for more than five years, and there has been no way for our government or their families to determine whether they are alive or dead.

Of the total involved, approximately 800 were shot down over North Vietnam; 450 were lost in South Vietnam; and nearly 200 in Laos.

150 have been missing or captives for four or more years. Over 300 have been missing for three and one-half years—longer than any U.S. serviceman was held prisoner during World War II.

Not until last year did the President launch a concerted effort to ascertain the status of these men. As a result, in the spring of 1969 a segment of the American public began to participate in a concerted effort to make certain that they were provided with humane treatment. But to both campaigns, the monsters of Southeast Asia have turned a deaf ear.

Recently the Congress of the United States adopted a resolution calling for the proper treatment of these forgotten men.

Last fall the International Red Cross passed, without a single dissenting vote, a similar resolution.

Editorial support in newspapers and magazines around the globe is evidence of the growing concern which those who still value human decency are beginning to feel.

Yet to date, there has been no pertinent response from the enemy.

Apart from the encouragement these efforts have given to the waiting wives and children of these men, every effort has been futile.

Throughout our fifty states, there are 2,600 primary and secondary next of kin—together with thousands of other close rela-

tives, living from day to day in frustrated hope—enduring this tragedy of waiting and uncertainty.

At least four of the wives have died from accidents—with no way to notify their husbands. Many others are seriously ill—some terminally—and still no word to or from their husbands.

Many of the children are now three and four years old. They have never seen their fathers—or their fathers them.

What of the Geneva Convention provisions? The provisions for the treatment of prisoners of war are spelled out in clear and unmistakable terms. That agreement was signed by more than 120 nations throughout the world—including the United States, South Vietnam, and North Vietnam.

And those provisions are these: Immediate release of sick and injured prisoners; impartial inspections of prison facilities; the complete identification of all men held; and the right of all prisoners to correspond freely with their families.

Neither the North Vietnamese, or the Viet Cong, or the Pathet Lao, have lived up to a single one of those standards.

Most of the prisoners have never been allowed to write to anyone—particularly those who are believed to be held by the Viet Cong and the Pathet Lao.

Many of them are sick or injured, but in all these years only nine have been released—and those apparently for ulterior motives in conjunction with the activities of traitors here at home.

There have been no impartial inspections—in spite of repeated regular requests by the International Red Cross to conduct such inspections.

Both the North Vietnamese and the Viet Cong claim to be providing humane treatment. But our government has received reliable information that this is not true. Men have been held in isolation for long periods of time. There have been instances where broken bones have been rebroken; fingernails removed; medical attention denied; and proper diets ignored.

In addition, our government has learned that at least 19 American prisoners of war have been murdered by the enemy, or allowed to die from malnutrition and disease without proper care.

What little mail that has been received has not been in letter form. It has been in brief six-line messages—obviously on a censored form. Yet the Geneva Convention clearly specifies that a prisoner of war shall be allowed to write not less than six letters and cards per month.

In the five years our men have been captives of the Communists in Southeast Asia, only about 175 individuals have been allowed to write at all. Their families have received a total of 1,100 of these brief form letters—usually not more than one or two a year.

If all of the men reliably believed to be prisoners had been allowed to write as dictated by the Geneva Convention, their families should have received between 6,000 and 8,000 letters per month.

You all know, I am sure, that the only gesture that has been made by the North Vietnamese and their associates in this devil's conspiracy, with regard to prisoners of war, has been through the traitors here at home—for propaganda purposes.

To date, these anti-Americans have released four lists which purported to contain new information identifying Americans who are prisoners of war in Southeast Asia. The information funneled to these dissident groups and individuals has been both meager and of little consequence, however. Of 275 names listed, all but 12 were already presumed to be prisoners. This was clearly a propaganda effort, designed to give status to the North Vietnamese sympathizers here in our own country.

These, in brief, are the cold hard facts about our brave men who are being held in the prisons of North Vietnam and Laos. These are the cold hard facts about their wives and children who face the lonely years without a word from their loved ones who served this great nation in its most recent foreign war.

We in the Veterans of Foreign Wars pride ourselves on our unselfish service to America and her servicemen—to every American veteran. We pride ourselves on our devotion to the welfare of their women and children—who also serve through the long and lonely, heart-rending medium of waiting. We must find a way to solve this tragic problem. We must break this inhuman stalemate.

These American men have served their country, and ours, above and beyond the call of normal duty. We honor them for that service. But honor is not enough.

Have we as a nation grown so feeble—so faint of heart—that we cannot and will not use our vaunted might to protect our own?

Have we as a people become so depraved—so cowardly—that we dare not fight to rescue our own? What has happened to the spirit of Teddy Roosevelt?

Are we so insecure in our beliefs and our commitment to right that we are afraid to use the might which we claim, and of which our elected leaders boast—to rescue our own fighting men from the conditions I have described?

How much longer will we Americans permit the "doves" and dissenters, and draft dodgers, and traitors to set the course for our once proud Ship of State?

I urge each of you to get behind the Commander-in-Chief, and support his program. If that program fails, let's hear some suggestions for another—and still another—until we get these American veterans home with their families.

Write to your Congressmen and Senators—every day if need be—and demand that they take whatever action is necessary to affect the release and safe return of every American prisoner of war.

Our elected leaders in Washington have been bold enough in insisting upon the return of our troops from Vietnam. Let's take the position that no more troops should come home until these forgotten men come with them—or we will send those troops into Hanoi to set them free. This business of no-victory wars is getting more sickening every day.

Thank you very much.

MILITARY PROCUREMENT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. KASTENMEIER. Mr. Speaker, I recognize that the fiscal year 1971 military procurement authorization, agreed to in conference, is a slight improvement over the House-passed bill. Nevertheless, I cannot vote for this authorization of \$20 billion for procurement of extravagant weapons systems at a time when relatively modest amounts for housing, education, health care, and other domestic needs are rejected as being inflationary. Furthermore, I firmly believe that continued development and deployment of sophisticated military hardware will ultimately create a climate of irreversible confrontation in which global warfare will be inevitable.

To vote for this bill because it includes a few salutary provisions is to allow the tail to wag the dog.

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CAMPAIGN CHICANERY

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. VAN DEERLIN. Mr. Speaker, in the heat of a closely contested campaign, some candidates, or their managers, are going to play fast and easy with the truth. And as pressures mount, even the most honorable men are occasionally prone to a bit of exaggeration in listing their accomplishments.

But once in awhile, a claim is made on behalf of an officeholder that is so blatantly misleading it cries out for rebuttal.

As is well known, the senior Senator from California is struggling to hold his seat in the November elections. Last week, in political ads placed in major California newspapers, his reelection campaign organization touted him as the sponsor or cosponsor of five important bills enacted during the 89th Congress—in short, a hard-driving, effective legislator.

Now in many areas these claims might have been gone unchallenged. But fortunately California has a newspaper, the Los Angeles Times, which likes to get to the bottom of things. The Times did a little probing and found that on four of the bills our senior Senator "was merely one of many Senators signed on as cosponsors," while on the fifth, "the CONGRESSIONAL RECORD did not even show him as a cosponsor."

Democrats were the principal authors of all five bills, the newspaper said, in a report which must have been a trifle embarrassing to the stalwart Republican trying to take credit.

So that the record may be complete, I include at this point the Los Angeles Times account, published September 23, of how a Senator's bluff was called:

MURPHY EXPLAINS ROLE IN FIVE MAJOR CONGRESSIONAL BILLS

(By Tom Goff)

SACRAMENTO.—Republican U.S. Sen. George Murphy conceded Tuesday that "maybe" he was not the principal sponsor of any of the five major bills enacted into law in 1965-66 for which his backers have given him credit.

Congressional records confirm that he was not. The bills in each case had Democrats as principal authors.

Murphy, on four of the bills, was merely one of many senators signed on as cosponsors. On the fifth, the Congressional Record did not even show him as a co-sponsor.

The senator, seeking election to a second six-year term, told a State Capitol news conference in response to a question, the Democratic authorship of the bills merely indicated the "nonpartisan way" in which he runs his office.

FIVE BILLS LISTED

The five pieces of legislation were listed in political ads placed in major California newspapers Monday by Californians for Murphy, his reelection campaign organization.

The list purported to be a "partial" one of bills "sponsored or co-sponsored" by Murphy during the 89th Congress, the first two years he served in the Senate.

Alongside the list in the ad was a blank box purporting to be the "complete" file of legislation "sponsored or co-sponsored" by Rep. John V. Tunney, the Democrat who opposes Murphy in November, who also was a

freshman congressman during the 1965-66 session.

The bills listed by the Murphy campaign organization were:

S. 306, the Motor Vehicle Air Pollution Control Act (Public Law 98-272). The bill's principal sponsor was Sen. Edmund Muskie (D-Maine); Murphy was one of 30 co-sponsors.

S. 1564, Voting Rights Act (PL 89-110). Senate Majority Leader Mike Mansfield (D-Montana) was the principal author; Murphy was one of 65 co-sponsors.

S. 2947, Clean Water Restoration Act 1966 (PL 89-753). The principal author was Muskie; Murphy was one of 47 co-sponsors.

S. 1483, Arts and Humanities Act (PL 89-209). Sen. Claiborne Pell (D-Rhode Island) was the principal; author Murphy was one of 37 co-signers.

S. 1861, Disaster Relief Act (PL 89-769). The principal author was Sen. Birch Bayh (D-Indiana). The Congressional Record did not show Murphy as one of the co-sponsors.

In Los Angeles, Devan L. Shumway, Murphy campaign communications director, said, "The ad speaks for itself. Our research people researched it very carefully."

The major point of the advertisement, Shumway said, was to show that "Tunney did not sponsor any bill that passed and became public law during that time. And it is true that Sen. Murphy sponsored or co-sponsored those and other bills which did become public law."

SALE OF MAILING LISTS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. McDONALD of Michigan. Mr. Speaker, last December, I had the privilege to introduce in this body H.R. 15283, which seeks to end the practice of selling federally compiled mailing lists to the public. I say privilege, Mr. Speaker, because I consider this practice intolerable for a variety of reasons, and am proud to have my name on a bill which would put an end to it.

My main reason for objecting is, of course, the basic invasion of privacy against the individual citizen. In order to get permission to pilot an airplane, sail a boat, or to even pay taxes a form must be filled out. On this form, in addition to the name and address normally required, are many questions which have little or nothing to do with the operation of the licensing agency. This information is coded, put on magnetic tapes, and when a commercial enterprise wants a list of airplane pilots, gun collectors, boat operators, the Federal Government sells it to him.

I object to this, and so have several of my colleagues. But the invasion of privacy does not stop there, Mr. Speaker.

An article in yesterday's Wall Street Journal, which I am submitting at the conclusion of my remarks for insertion in the RECORD, brings out this second invasion quite clearly. Because the article brings the point home, I choose not to belabor the point at this time, and instead will let my colleagues who yet may not have read the article do so. My feelings in favor of this type legislation are well known. I stand ready to testify in favor of my bill, or any other bill which will end this insidious practice, and would hope that the House leadership

brings this legislation forward soon for discussion and action.

The article follows:

**SALE OF MAILING LISTS BY FEDERAL AGENCIES
IRKS SOME IN CONGRESS**
(By Fred L. Zimmerman)

WASHINGTON.—The Federal Government collects names. But should it sell them to businessmen eager for mailing lists?

Some agencies say yes. The Federal Aviation Administration sells names and addresses of 651,086 pilots and other airmen for \$200, for example. The Federal Communications Commission sells names of amateur radio operators. The Coast Guard sells lists of boat owners.

But Wendell R. Ames, a Honeoye Falls, N.Y., physician, strongly opposes the practice. He recently discovered that the Internal Revenue Service had sold his name to an Ohio sporting goods store wanting a list of licensed gun dealers and collectors. (Dr. Ames, a collector, may not know it, but the IRS also sold his name to the Firearms Lobby of America.)

The Ohio store sent Dr. Ames an ad for shotgun shells. Dr. Ames sent his Congressman an angry letter. And the Congressman, New York Republican Frank Horton, got busy.

Rep. Horton persuaded the IRS to stop selling the names of gun collectors (although the agency still sells the names of gun dealers). He sent a questionnaire to 50 Federal agencies, asking their policies on selling mailing lists. (The finding: Some do and some don't.) And he introduced a bill that would ban the use of such lists for "commercial or other solicitation."

"The Federal Government has no place in the business of preparing and selling mailing lists," he declares.

A growing number of lawmakers apparently agree. They would like a firm policy established: No more mailing-list sales to business. It invades privacy, they say, and breaches the confidential relationship between citizen and Government. Many Congressmen also complain it adds to the so-called junk mail clogging the nation's mailboxes.

A LETTER TO NIXON

Eighty-one Congressmen have signed up in support of Mr. Horton's bill, and several related bills are pending. In the Senate New York Republican Jacob Javits has written President Nixon asking that he order a stop to mailing-list sales.

But for many businessmen, Government mailing lists have a powerful appeal. They typically contain a specialized set of names, making them useful for advertising purposes. They generally cost only as much as the agency's expense in reproducing them. And they usually come in a form that's easily converted into address labels.

If the gun licensee list hadn't been so simple to convert, in fact, Dr. Ames might not have realized his name had been sold. At first glance, the shotgun shell ad looked like an ordinary piece of direct-mail advertising. But a closer examination showed the doctor that the address label was identical—in typeface as well as wording—to one on a bulletin the IRS recently had sent him.

For \$140, the sporting goods store had bought Dr. Ames' name and about 143,000 others as recorded on seven computer tape rolls. The store presumably scissored off the labels—already addressed and organized by zip codes—and pasted them on the advertising flyers.

The IRS recently identified for Rep. Horton the other purchasers of the rolls. They were mostly sporting goods stores and gun manufacturers, but there were two nonbusiness buyers: The Firearms Lobby of America and a group called Citizens Against Ty-

dings. The gun lobby hopes to unseat Maryland Democratic Sen. Tydings this year.

MAKING THEFT EASY

Dr. Ames was more concerned about theft than politics, however. "In my book," he wrote Rep. Horton, "this is a beautiful way of advertising locations from which firearms can be stolen. It seems to be a pretty poor way to administer what is thought to be a firearms control law." Then he installed a burglar alarm system in his home.

But Federal agencies selling names argue that the 1967 Freedom of Information Act requires such sales. That law's purpose was to curb secrecy by opening some Federal records to the public, and these agencies say they can't refuse when someone asks to buy their lists.

But agencies that don't sell names think they have an equally sound reason. The 1967 law exempts material whose disclosure would cause "a clearly unwarranted invasion of personal privacy." That phrase hasn't been defined, however, and therein lies the confusion.

Thus, Rep. Horton's agency survey found legal justifications both for selling and not selling. FCC Chairman Dean Burch wrote that "in our judgment" the privacy exemption doesn't cover amateur radio operators. So that list is for sale. The Defense Department explained why it doesn't sell military men's names. "We concluded (it) would constitute a clearly unwarranted invasion of personal privacy . . ." an official wrote.

Rep. Horton's bill would amend the Freedom of Information Act, originally drafted by a subcommittee he sits on. It likely faces close scrutiny; some members fear any erosion of the antisecrecy provisions of the 1967 law.

WHY SCHOOL PRAYERS: AN ANSWER TO A LETTER

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. COLLINS. Mr. Speaker, in this morning mail, I received a challenging and stimulating letter. The writer questioned why I was such a strong advocate of prayer.

Today as we look around our mixed up Nation we see the need for more prayer. Youngsters have not learned to respect the rights and property of others. Folks are afraid to be out after dark even in their own neighborhoods. Teenagers in overwhelming numbers are turning to drink and drugs to escape the realism of life.

We seek daily in Congress through our committees to find solutions for crime, drug, and student unrest. But the best answer is to have stronger religious principles instilled in our youngsters.

When you hear my letter—give me your reaction. Why do you think we need prayer in the classroom. Here is my letter to a constituent in Texas:

You write asking why I advocate daily prayer for our school children in their classrooms from coast to coast.

By religion I am a Baptist. As you probably know, that is about as Independent as you can be. Every Baptist Church is completely autonomous, runs its own business, chooses its own preacher, and determines its own doctrine. And two members sitting beside each other on a Pew probably differ on doc-

trine interpretation. So you can see I believe strongly in individual rights and personal beliefs.

Freedom begins when children learn to respect the religion of others. Many schools had the practice of beginning the day by having a prayer from a different student. It is surprising how similar are the basic beliefs of a Methodist, a Jew, a Unitarian, a Catholic and a Baptist. As the youngsters listen it teaches them to realize the strength of others, and with understanding comes tolerance. Too many youngsters are self-centered and have inherited the prejudice of their parents.

The question arises as to the atheist. He can have a minute of silent prayer. As a young man, my deepest religious experiences were in meditation by myself on occasions when I was all alone in the solitude of the forests.

There are those who ask for separation of Church and State. Should we take God out of our government. On the Speaker's platform inscribed in marble is the sentence "In God We Trust."

Our National Motto that leads us is "In God We Trust." We all have the same God, and we humbly recognize the need for his guidance. Many times I wonder whether our national problems arise because today we are trying to keep God out of Government and our lives.

Today more than anytime in history we need compassion and understanding. Whether you read the words of Moses or Jesus, the inspiration builds towards a better society in which to live.

When my children were growing up, my wife and I always encouraged our children to have at least one good Jewish friend. It helped our youngsters, because the Jewish child was intellectually curious, he was ambitious, energetic, and was family oriented. Our children learned the Jewish religious holidays, and the customs. Let's encourage this next generation to respect the religion of their contemporaries.

We will admire the Catholic system of Confessions. Many of us who have served in War found the predestiny spirit of "what will be—will be" of the Presbyterian to be a great source of strength.

I read too often in our newspapers where the rioters want special benefits for themselves. If they could only understand that we are all neighbors and should live by the Law with consideration for the rights of others. Let us give our children the opportunity to pray and through prayer, their heart and soul can receive understanding and the blessing of God.

There is a beautiful song that goes, "It is no secret what the Lord can do. He has done it for others, and he can do it for you."

Your letter was in a kindly spirit and I hope you will accept my answer in the same manner.

TESTIMONY ON ANTIHIJACKING PROPOSAL

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. TIERNAN. Mr. Speaker, I would like to call the attention of my colleagues to testimony concerning the revenue aspects of the administration's antihi-jacking proposal that was given on September 21, 1970, before the House Committee on Ways and Means. The statement was delivered by Thomas M. Keesling on behalf of the American Society of Travel Agents, Inc.

I believe that Mr. Keesling makes some very persuasive arguments showing why it is not necessary to increase the excise tax on domestic air tickets or to increase the head tax on overseas air travelers.

The complete text of Mr. Keesling's statement follows:

REGARDING THE REVERSE ASPECTS OF THE ADMINISTRATION ANTIHJACKING PROPOSAL

(By Thomas M. Keesling)

Chairman Mills and Members of the Committee: I am Thomas M. Keesling, a travel agent from Englewood, Colorado. I am President of Travel Associates, Inc., a travel agency with offices at 701 West Hampden Avenue in Englewood. Today, I appear before the Committee as a travel agent as well as the Vice President of the American Society of Travel Agents, Inc. (ASTA), a nationwide trade association with more than 3,200 travel agent members located throughout the United States.

Accompanying me this morning is Paul S. Quinn, partner in the Washington law firm of Wilkinson, Cragun & Barker, ASTA's general counsel.

It is my understanding that the issue before the Committee this morning is the revenue aspect of H.R. 19225, a bill to provide for the protection of persons and property aboard United States air carrier aircraft.

Executive Communication 2379 from Secretary of Transportation Volpe to John W. McCormack, Speaker of the House of Representatives, dated September 14, 1970, referred to a broad plan designed to implement a series of antihijacking measures announced by President Nixon on September 11, 1970. Among those proposals was one providing for the establishment within the Department of Transportation of a guard service which would be available for use aboard aircraft operated by U.S. airlines. H.R. 19225 would establish specific statutory authority to provide this service. In addition, according to Secretary Volpe:

"The bill also amends the Internal Revenue Code to increase by one-half percent the present eight percent excise tax on domestic air tickets and to increase by \$2 the present \$3 head tax on overseas air travelers. It is anticipated that the revenues obtained from these increases, which would be added to the Airport and Airway Trust Fund, would be sufficient to finance the guard program established by the bill."

This morning, Mr. Chairman, I would like to make the following points on behalf of the United States travel agents:

The threat of bodily harm and property damage to United States citizens and other citizens of the free world as a result of airline hijacking has grown to outrageous proportions and all responsible governments—working with private organizations and individuals—must find an immediate solution to this problem.

President Nixon's proposals, which include the placing of armed guards aboard aircraft as a deterrent to future hijackings, could be effective and should be implemented without delay.

Whatever costs are incurred to provide guard service or other security steps designed to thwart hijacking should not be borne solely by air travelers but should be paid for out of the general Treasury as a general obligation of the United States Government. Consequently, it is not necessary to increase the excise tax on domestic air tickets or to increase the head tax on overseas air travelers at this time.

Mr. Chairman, no one in the United States today, least of all members of Congress, need be reminded that the use of airline hijacking as a political device has gotten completely out of hand. Rarely has a series of international developments attracted more public attention throughout the world than

the almost simultaneous hijacking and destruction of four aircraft valued at \$50 million and the holding of some 300 passengers as hostage by Arab guerrillas.

It is perfectly clear that not enough has been done, either by the world's governments or private industry, to deal with the hijacking problem. It would not be appropriate to take the Committee's time to review the various proposals which have been advanced by our government, the United States travel industry and others, to deal with the problem. However, we would like to submit for the record a resolution recently adopted by ASTA, along with a report from the Washington Post on ASTA's decision to urge a boycott by United States and Canadian travel agents of all travel and tourism to any country which fails to take appropriate action to punish hijackers. ASTA is pledged to this course of action as well as to any other reasonable proposals designed to protect innocent air travelers from these insane acts of air piracy.

The specific concern of this Committee relates to the revenue aspects of providing armed guards for United States aircraft. It is with a great deal of reluctance that ASTA endorses the use of armed guards on aircraft. In these times when tradition and international law had presumably assured the safe passage of all persons among free countries throughout the world, it is indeed sad that we must resort to forms of frontier justice in order to guarantee the safety of airline passengers.

Furthermore, the use of armed guards on aircraft does, in itself, inject a new element of potential harm to persons and property traveling by air. ASTA strongly urges that all precautionary steps be taken regarding the procedures to be followed by armed guards to minimize any threat to the lives and wellbeing of air travelers who might be involved in a hijacking incident.

The precise issue before this Committee is whether to approve or disapprove that aspect of the Administration's proposals which calls for an increase in the domestic excise tax and the international head tax to generate additional revenues to be paid into the Airport and Airway Trust Fund to finance the guard program. ASTA strongly objects to this method of financing the guard program for the following reasons:

Since the establishment of our country, United States citizens have been protected in our sea lanes and sea commerce from piracy. This protection has come from the United States Navy and the Coast Guard and through other means provided by the federal government. It is ASTA's view that air passengers traveling on U.S. flag carriers deserve the same high degree of protection and our government has an obligation to provide that protection. The cost of that protection should be borne by all citizens in the same manner that all citizens must share the financial burden of providing for our national defense and the exercise of other police powers of the government. ASTA, therefore, strongly endorses the position adopted by the Civil Aeronautics Board as announced by Chairman Secor D. Browne on September 17, 1970:

"My colleagues on the Board and I believe that in dealing with acts of piracy . . . whether on the high seas or in the sky . . . the cost of protection should be borne by the entire public and not the traveler alone."

An increase in airline taxes to pay for the guard program would set a dangerous and highly undesirable precedent not consistent with the philosophy behind the establishment of the trust fund.

It is to be hoped that the use of armed guards on aircraft would be a temporary measure which could be abandoned as quickly as possible following the implementation by all world governments of a comprehensive program designed to prevent fu-

ture hijackings. If this is true, it would be unwise and unnecessary to burden U.S. citizens with additional airline taxes to pay for an interim and hopefully short-run program.

The air traveler and airline companies already shoulder substantial financial burdens—the airlines through the payment of corporate taxes to the general Treasury of the United States, and the air traveler through domestic excise taxes and international head taxes which, effective July 1, 1970, were increased to 8% and \$3, respectively.

A country which has budgeted \$73.9 billion for national defense next year certainly should be able to provide the funds necessary to supply a few hundred guards to protect the very life and safety of our citizens traveling by air.

In conclusion, Mr. Chairman, the travel agency industry urges this Committee to take prompt action to enact whatever legislation may be necessary to authorize the Secretary of Transportation to provide guards to accompany aircraft operated by U.S. air carriers for the purpose of protecting the aircraft and persons and property aboard. Since the cost of providing this service should be borne by the government out of the general Treasury of the United States and not from funds generated through the Airport and Airway Revenue Act of 1970, it is not necessary to increase the domestic excise tax from 8% to 8½% or the head tax on international travel from \$3 to \$5, and this proposal should be rejected.

In addition, with the Committee's permission, I would like to submit for the record a separate statement on behalf of ASTA dealing with a very troublesome part of the 1970 Airport and Airways Development Act which prevents travel agents and airlines from showing separately on tickets the amount of excise tax in connection with domestic air transportation.

We appreciate the opportunity to appear before your Committee this morning, and you can be assured that ASTA will continue to support all reasonable efforts by our government and others to find a solution to the outrageous international crime of air piracy.

A RESOLUTION ON AIR PIRACY FROM THE AMERICAN SOCIETY OF TRAVEL AGENTS

OTTAWA, CANADA, Sept. 11.—At its Board of Directors meeting in Ottawa, Canada, today, the American Society of Travel Agents took the following action against international air piracy.

Recognizing that the entire system of world tourism is in serious jeopardy as a result of the cruel and unconscionable hijacking of passengers on commercial aircraft, the Board of Directors of the American Society of Travel Agents, Inc., adopts the following resolution:

As the largest travel association in the world comprising members in the United States, Canada and other countries in every hemisphere, ASTA advises its member agents to cease arranging for travel to any Arab country that harbors or clearly sympathizes with hijackers.

To apply this point to the current problem, ASTA will formerly ask the ambassadors of those Arab bloc countries to assure ASTA and its 9,700 members worldwide, on behalf of all international travelers and the whole travel industry, the terrorism and kidnapping will be halted and innocent victims held hostage will be permitted to continue to their original destination.

Should the representatives of the countries involved refuse to provide the necessary assurances immediately, ASTA will further recommend without delay the following additional steps to its members.

All ticket stock of national carriers for the Arab country will be returned.

Tariffs and schedules covering destinations in Arab countries will be removed by ASTA agents from reference files.

Clients will be advised that travel to Arab countries is unsafe—and under no circumstances should they attempt to arrange such travel themselves.

Travel literature from hotels, airlines, tour operators and national tourist offices will not be accepted by agents and material on hand will be returned.

This anti-hijacking program can effectively divert international tourism from Arab countries with consequent economic hardship and cultural losses to that part of the world.

ASTA recognizes the severity of this move but the rights in safety of the traveling public must be foremost in the mind of every person involved in world tourism. The travel industry must support steps to cut off the flow of travel to any country protecting persons who would risk the lives of innocent travelers to foster political objectives.

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

ASTA THREATENS TO BOYCOTT ARABS

(By Morris D. Rosenberg)

Urging its 3,000 active members in the United States and Canada to discourage travel "to any Arab country that harbors or clearly sympathizes with hijackers," the American Society of Travel Agents has warned seven Arab countries they could face a fullscale boycott by agents.

ASTA's board of directors, seeking guarantees for the future safety of tourists, disclosed telegrams were sent Saturday to diplomatic representatives of Lebanon, Egypt, Algiers, Tunisia, Jordan, Iraq, and Syria, stating:

"If necessary assurances are not received from your government this week, on behalf of our 9,700 worldwide members, international travelers and the entire travel industry, additional severe steps will be recommended to ASTA member agents that can effectively divert international tourism from Arab countries, with consequent economic hardships and cultural losses to that part of the world."

No official replies had been received as of yesterday, according to ASTA, though a representative of one Arab country had telephoned and pledged that his government would answer.

Samir Khalil, director of the UAR Tourist Office in New York, yesterday termed the ASTA move "another irrational reaction. It is unfair because the Arab world is against hijacking, and we voted against it in the U.N. last week. The passengers in the Cairo hijackings were released without regard to race, color or creed."

ASTA outlined four steps that U.S. and Canadian members could be told to take:

Return all ticket stock (blank air line tickets) of national carriers for any Arab country cited by ASTA.

Remove tariff and schedules covering destinations in such Arab countries from reference files.

Advise clients that travel to specific Arab countries is unsafe and that under no circumstances should they attempt to arrange such travel themselves.

Refuse to accept travel literature from Arab hotels, airlines, tour operators and national tourist offices and return any such material on hand.

If such a boycott were instituted, an ASTA official noted, "It might take weeks for tourism to return to normalcy" after it was rescinded.

The ASTA statement made no recommendation involving travel to Israel.

[From Travel Weekly, Sept. 18, 1970]

CANCELLATIONS MOUNTING AMID TRADE APPEALS FOR MIDDLE EAST BOYCOTTS

(By Joel A. Glass)

NEW YORK.—Cancellations by hijack-wary clients continued pouring into the offices of agents, wholesalers, airline and hotel reps late last week and early this week.

And, as cancellations from both FIT and group clients mounted by the hundreds, individual agents and retail associations began to take direct action aimed at boycotting travel to Middle Eastern areas.

Over the weekend, ASTA directors in Ottawa noted that "the entire system of world tourism is in serious jeopardy as a result of the cruel and unconscionable hijacking of passengers on commercial aircraft," and called on its 3,000-members in the U.S. and Canada, "to cease arranging for travel to any Arab country that harbors or sympathizes with hijackers."

WARNS ARAB STATES

In telegrams to representatives of Lebanon, Egypt, Algeria, Tunisia, Jordan, Iraq and Syria, the Board warned: "If necessary assurances are not received from your government this week, on behalf of our 9,700 worldwide members, international travelers and the entire travel industry, additional severe steps will be recommended to ASTA member agents that can effectively divert international tourism from Arab countries with consequent economic hardships and cultural losses to that part of the world."

Among steps that will be recommended, ASTA noted, are return of stock of national carriers for Arab countries not providing such assurances; removal from files of ASTA agents of the tariffs and schedules covering destinations in Arab countries; advice to clients not to visit Arab areas; and refusal by agents to accept literature from hotels, airlines, tour operators and national tourist offices in Arab countries.

The ASTA move followed similar actions by two New York-area retail groups—the 50-member Long Island Travel Agents Association and the 40-member Brooklyn Association of Authorized Travel Agents. Both barred members from booking Arab Middle East countries.

Typifying the kind of cancellation problems facing retailers booking not only Middle East, but also European destinations, were those revealed by Larry Austin, Austin Travel, president of LITAA. He noted that each of his association members averaged 50 cancellations last week. Austin lost 40 of 170 clients booked on a Pan Am flight to London last week. J. P. Verdi, Buddys Holiday Travel, BAATA president, said his members were averaging more than a dozen cancellations each.

At the airlines, meanwhile, there were more reports of cancellations. TWA received some 300 individual cancellations and Alitalia lost one group of more than 30 from the Chicago area. Pan Am, which earlier insisted it had no cancellation problem, conceded at the end of last week that "the cancellation rate does seem to be rising somewhat above normal, though it's not alarming."

One of the new trends that appeared early this week was transfer of bookings from carriers affected by the hijackings. While no airline in New York had records of that happening from U.S. gateways, there were reports of changed bookings at European points. One transatlantic carrier, for example, noted that close to 100 persons in two group movements who had ongoing reservations abroad three of the hijacked airlines demanded switches for the second- and third-leg of their trips to other lines.

Other new trends were emerging. Several

Miami agents reported sizeable numbers of airline-booked clients switching to ship travel. Other agents in the Midwest and South said some clients were cancelling connecting flights within Europe and switching to rail and coach transportation instead.

An interesting breakdown on which European areas are most heavily affected by cancelling, travel-wary Americans came from George Suhr, president of Hotel Representative, Inc., which numbers some of the most deluxe hotels of Europe among its clients. Of the more than 250 cancellations received last week, Suhr noted, highly disproportionate numbers came in for Italy, France and Greece. He counted 47 in Rome, 28 in Florence, 21 in Venice, 15 in Milan, 10 in Naples, 15 in Athens and 25 in Paris.

Another significant trend, pointed out by numerous agents around the country, was that while many of them had not yet had cancellations, new business last week and this was way below normal.

Wholesalers noted increasing problems, as Foreign Tours topped 30 cancellations, Thos. Cook & Son exceeded 20, Olson Tours topped 20, and Maupintour recorded six.

FLIGHTS RESUMED

Meanwhile, BOAC and BEA resumed service to Beirut which each had halted last week. A new threat emerged, however, as reports emanated from London that BEA pilots might refuse to fly to Israel. BOAC instituted a rule requiring passengers traveling from England, Europe, North Africa, the Middle East, Pakistan or India to book at least 72 hours in advance.

At the IATA passenger traffic conference in Honolulu, meanwhile, delegates were voicing fears that aircraft insurance premiums would rise in the wake of the bombing by Palestinian commandos of the four planes. Several indicated such a rise would be passed on to passengers.

COMMISSION ON OBSCENITY AND PORNOGRAPHY SHOULD RETURN WHATEVER FUNDS IT SPENT

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. PUCINSKI. Mr. Speaker, when Public Law 90-100 was created to establish the Commission on Obscenity and Pornography, the express purpose of the act was "to establish an advisory commission whose purpose shall be after a thorough study, to recommend effective, advisable, and appropriate constitutional means to deal effectively with the growing traffic in obscenity and pornography."

I submit that the report sent to Congress contains a majority-view recommendation to do just the opposite, thus abrogating the purpose for which the Commission was originally set up.

The only vigorous voice in opposition to the passage of Public Law 90-100 was the American Civil Liberties Union. And yet, the chairman of the commission and the majority members, as well as most of the research staff, are ACLU'ers. They are libertines who believe that the United States should become another Denmark and repeal obscenity and pornography laws at every level of Government.

This Commission is not only stacked with those whose views constitute the outlook of a minute portion of our population, but so is their research distorted to fit their libertine views. They have discarded overwhelming evidence to the contrary.

Study after study has shown that there exists a distinct correlation between increasing sexual freedom and social decline. The renowned University of Chicago psychoanalyst, Bruno Bettelheim, has observed:

If a society does not taboo sex, children will grow up in relative sex freedom. But so far, history has shown that such a society cannot create culture or civilization; it remains primitive.

We should take note that the Scandinavian countries have a high suicide rate. One of the reasons is that because of their totally permissive societies, the people are not equipped morally, spiritually, and physically in their cradle-to-grave socialism to cope with the problems of modern society. The family unit is losing its meaning, and women are nothing but sex objects.

The National Catholic Register recently observed in an editorial:

But what they cannot measure is the effect such pornography has on the quality of human life. That human beings exposed to pornography do not become rapists or fornicators proves nothing. What pornography does is take one of the most beautiful and most meaningful acts of human life and turn it into an animalistic action. What the pornographers do is to reduce it to the physical, stripping it totally of what lifts the act above the animals. It celebrates lovelessness in what can have meaning for humans only in love. It makes of it an act separated from the total commitment that transforms it. It is the quality of life that is threatened and all the statistics cannot change this. It is in defense of the quality of life that pornography is opposed.

Pope Paul VI recently stated that the pornography "phenomenon is like a perverting drug that infiltrates subtly, unconsciously, deadening, and ruining the conscience, particularly of young people and of persons lacking will power." He added that it is a "most dangerous development, being used by people without scruples and basely enslaved to money, which threatens to deprive society of its natural defenses, of its pure ideals and of its spiritual resources."

There has been a monstrous increase in venereal disease in this country, notably among young people. We can expect a greater increase of VD in this country if we look to our Danish counterparts. In a UPI dispatch out of Copenhagen, it was noted that VD has become an overwhelming problem, particularly among 12- and 13-year-old school girls. The dispatch states:

The pill, a general relaxation moral of moral standards and sexual freedom among the young are responsible for a 40 percent increase in VD cases over the past year, in the opinion of District Doctor Bent Maegaard Nielsen. "I'm not preaching morals," said Nielsen, a leading authority in the field, "but some of the youngsters these days get venereal diseases the way the older generation got a hangover." Girls of 12 and 13 have to be called in for treatment and we must

explain to them the consequences if they fail to name their partners. "In fact up to the age of 20 a majority of VD carriers are female. After that males outnumber them two to one." "Tracing their partners is the hardest and most delicate part of the job," Nielsen said. "Especially if three or more are involved. A few reel off names as though they were reading a telephone book." Nielsen said it was not true that prostitutes were largely responsible for the spread of the disease. "That may have been the case 20 or 50 years ago," he said, "but not today." He said there are now so many cases of VD, doctors have given up the hope they once had that antibiotics would eliminate the disease."

Postmaster General Winton M. Blount observed in a recent speech the increasing flood of mail-order obscenity as "commercial degradation of the human spirit." He noted that cases in the files of the Postal Inspection Service indicate a relationship between exposure to pornography and antisocial behavior.

The Postmaster General declared:

The claim that the incidence of sex crimes decreases in direct relation to the liberalization of pornography laws is disproved by the experience of Denmark, where most anti-obscenity laws have been repealed.

Mr. Blount said:

Pornography used to be a crime there, and now it isn't. Therefore, the crime rate dropped. Statutory rape used to be a crime, now it isn't. So this contributed to the drop in the crime rate. If they legalize burglary, it will drop some more. They'll have the same number of burglaries, but they won't be crimes anymore.

He contended:

Pornography is not simply a threat to the best interests of our children. It is an act of violence against the human spirit. As a people, we believe that each man has a spark of divinity within him; we accept the sanctity of the human spirit and of the human body. And as we preserve these, we preserve and sustain human dignity. As we violate these for sensation or for profit, we act against the dignity of man, and we act against all that we have suffered and struggled to build for more than two centuries on this continent. If the people decide against pornography.

The Postmaster General continued:

We can do away with it. If we endorse stringent laws; if we elect and appoint discerning judges; and if, above all, we refuse to patronize the pornographer, then we can put him out of business.

Hearings were started in both the House and the Senate on the upcoming report to Congress because of leaked reports to the press. It has only been because of the courage of a few of the dissenting members that the views of the Commission have become known.

The Commission, instead of advising Congress of constitutional ways to deal with the filth in our midst, will instead recommend ways to increase it geometrically.

The Commission has systematically blocked the dissenting members from access to their reports and findings, and from filing a minority opinion, as well as staff and money. It has only been because of Commissioners such as Keating, Hill, Link, and a few others that the real facts are becoming known. Keating successfully sued the Commission from filing

its report until he was given the opportunity to file a dissenting view.

The Congress awaits this report with interest. Let it not be understated that this report will have an impact on the Congress, State legislatures, and the courts.

The Commission's report does not live up to the mandate of Public Law 90-100. The Congress should conduct a thorough investigation and call for a GAO report on how much money was spent by those libertine Commission members to advise us to repeal all pornography laws, and demand a refund to the Treasury. The Commission was set up to advise us how to deal with the traffic in pornography, not how to expand it.

To remind the House of the purpose and intent for which Public Law 90-100 was set up, I shall include in the Record a copy of the law as well as the House report that accompanied the legislation.

I should also recall here that I warned 2 weeks before the Commission issued the report that its report would be a whitewash of pornography in the country. At that time I said I would demand vigorous action against the Commission for failure to carry out its mandate. I am today demanding such action.

Public Law 90-100 and the House report follow:

An act creating a commission to be known as the Commission on Obscenity and Pornography

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDING OF FACT AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the traffic in obscenity and pornography is a matter of national concern. The problem, however, is not one which can be solved at any one level of government. The Federal Government has a responsibility to investigate the gravity of this situation and to determine whether such materials are harmful to the public, and particularly to minors, and whether more effective methods should be devised to control the transmission of such materials. The State and local governments have an equal responsibility in the exercise of their regulatory powers and any attempts to control this transmission should be a coordinated effort at the various governmental levels. It is the purpose of this Act to establish an advisory commission whose purpose shall be, after a thorough study which shall include a study of the causal relationship of such materials to antisocial behavior, to recommend advisable, appropriate, effective, and constitutional means to deal effectively with such traffic in obscenity and pornography.

COMMISSION ON OBSCENITY AND PORNOGRAPHY

SEC. 2. (a) ESTABLISHMENT.—For the purpose of carrying out the provisions of this Act, there is hereby created a commission to be known as the Commission on Obscenity and Pornography (hereinafter referred to as the "Commission"), whose members shall include persons having expert knowledge in the fields of obscenity and antisocial behavior, including but not limited to psychiatrists, sociologists, psychologists, criminologists, jurists, lawyers, and others from organizations and professions who have special and practical competence or experience with respect to obscenity laws and their application to juveniles.

(b) MEMBERSHIP OF THE COMMISSION.—

The Commission shall be composed of eighteen members appointed by the President.

(c) **VACANCIES.**—Any vacancy in the Commission shall be filled by appointment by the President.

(d) **ORGANIZATION OF COMMISSION.**—The Commission shall elect a Chairman and a Vice Chairman from among its members.

(e) **QUORUM.**—Ten members of the Commission shall constitute a quorum, but five members shall be sufficient for the purpose of taking testimony or interrogating witnesses.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 3 (a) MEMBERS EMPLOYED BY UNITED STATES.—Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States; but they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(b) **OTHER MEMBERS.**—Members of the Commission who are not officers or full-time employees of the United States shall each receive \$75 per diem when engaged in the actual performance of duties vested in the Commission. In addition, they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

STAFF OF THE COMMISSION

SEC. 4. Such personnel as the Commission deems necessary may be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates.

DUTIES OF THE COMMISSION

SEC. 5. (a) INVESTIGATION AND RECOMMENDATIONS.—It shall be the duty of the Commission—

(1) with the aid of leading constitutional law authorities, to analyze the laws pertaining to the control of obscenity and pornography; and to evaluate and recommend definitions of obscenity and pornography;

(2) to ascertain the methods employed in the distribution of obscene and pornographic materials and to explore the nature and volume of traffic in such materials;

(3) to study the effect of obscenity and pornography upon the public, and particularly minors, and its relationship to crime and other antisocial behavior; and

(4) to recommend such legislative, administrative, or other advisable and appropriate action as the Commission deems necessary to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.

(b) **REPORT.**—The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than January 31, 1970. The Commission shall cease to exist ten days following the submission of its final report.

POWERS OF THE COMMISSION

SEC. 6. (a) HEARINGS AND SESSIONS.—The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out the provisions of the Act, hold such hearings and sit and act at such times and such places within the United States as the Commission or such committee may deem advisable.

(b) **CONSULTATION.**—In carrying out its duties under the Act, the Commission shall

consult with other Federal agencies, Governors, attorneys general, and other representatives of State and local government and private organizations to the extent feasible.

(c) **OBTAINING OFFICIAL DATA.**—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(d) **OBTAINING SCIENTIFIC DATA.**—For the purpose of securing the necessary scientific data and information the Commission may make contracts with universities, research institutions, foundations, laboratories, hospitals, and other competent public or private agencies to conduct research on the causal relationship of obscene material and antisocial behavior. For such purpose, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

COMMISSION ON OBSCENITY AND PORNOGRAPHY

The Committee on Education and Labor, to whom was referred the bill (H.R. 10347) creating a commission to be known as the Commission on Obscenity and Pornography, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the matter shown in the reported bill in italic type.

PURPOSE

H.R. 10347 provides that an advisory study commission be established whose purpose shall be after a thorough study, to recommend effective, advisable, and appropriate constitutional means to deal effectively with the growing traffic in obscenity and pornography.

BACKGROUND INFORMATION

This bill has been introduced in an attempt to establish a blue ribbon panel to consider the complex problem which obscenity regulation raises. Part of this problem emanates from the inability of our States and the Federal Government to stem the tide of an estimated billion-dollar business in obscenity.

Last year the Post Office Department received close to 200,000 complaints, most of them from parents who objected to unsolicited, obscene commercial material which had been sent to their children.

In the 10 years that have intervened since the *Roth*¹ decision, postal inspectors have made over 100,000 investigations into the use of the mails in an obscenity context. During this period, convictions by due process of law have been obtained in over 4,000 instances. The bulk of all postal complaints develop from the indiscriminate and unsolicited direct mail advertising which tries to titillate the interests of those susceptible. It is estimated that there are some 20 million pieces of smut mailed annually within the United States.

Dealers in pornography are spurred by a desire for huge profits. These smut peddlers are aware that their profits increase in direct proportion to the degree of prurient interest

¹ For summary of legal developments in the field of obscenity and pornography, see the Appendix. 85-006

appeal that can be injected into their material.

The operation of one dealer alone has resulted in over 100,000 complaints to the Post Office Department during the past 4 years. Some persons have individually received as many as 30 sordid, unsolicited advertisements from an individual dealer. These unsolicited mailings have no bounds.

Repeated mailings have been made to persons of both sexes and all ages, to prison addressees, to churches and seminaries, to students and instructors at elementary and high schools, to military personnel at bases here and abroad, to physicians and staffs at hospitals, to business offices, and to Government personnel at their employment.

According to Henry P. Montague, the Chief Postal Inspector for the U.S. Post Office Department, the trend in commercialized pornography is toward books and magazines and away from photographs and films.

The principal reason is that pornography in photo form is more easily distinguishable by the courts than printed material. Also, the invention of the instant, self-developing camera has made pornographic photography more readily available to those who care to possess it.

In the period from 1962 to 1966, complaints from the mail-receiving public rose 300 percent. During the same period, obscenity convictions rose only 26.8 percent. In 1966, the U.S. Customs Department confiscated 77,741 pieces of merchandise at our ports of entry which were adjudged obscene by our Federal courts.

It would appear that the major distributors of obscenity can best be dealt with through the exercise of Federal power; but coequally, attention must be given to the important role of State and local governments, as well as private organizations.

At present, there is no effective method for shielding addressees from unsolicited and unwanted advertisements.

The committee has taken specific cognizance that the Justice Department endorses its bill to create a study commission on pornography and obscenity, and was impressed with the statement of Assistant Attorney General Fred M. Vinson, Jr., that—

"If Congress decides that a commission in this area is a desirable supplement to the efforts of the Federal Government and the States in dealing with obscenity, we would welcome the opportunity to work with the commission toward our common goal—the control of offensive material and obscenity."

Statistics issued by the U.S. Children's Bureau indicate that in 1965 nearly 700,000 delinquency cases were handled by the juvenile and family courts in the United States. This was a 2-percent increase from the previous year and a continuation of an upward trend that began in 1949. In the past 10 years, delinquency cases have increased from the previous year, in a continuation of an upward trend. In the past 10 years, delinquency cases have increased by 58 percent. By 1970, it is estimated that 1 out of 9 children will come into contact with the juvenile courts or law enforcement agencies.

Dr. Nicholas G. Frignito, the medical director of the county court of Philadelphia, Pa., wrote the committee:

"There are records in the county court of Philadelphia, to demonstrate that indiscriminate use of smut leads to sexually aggressive acts, and in some incidents, to homicide. Aggressive delinquents band in small groups and devote considerable time to pursuing and reading smut devoted to sadistic and masochistic practices. They frequently indulge as a group in these chaotically perverse activities. During psychiatric treatment of institutionalized adolescent delinquent girls, a significant number of incidents of incestuous assaults are reported. The sexually aggressive fathers, brothers, or other relatives, are devotees of smut."

SUMMARY OF MAJOR PROVISIONS IN THE BILL MEMBERSHIP OF THE COMMISSION

The committee, in its deliberations, gave substantial consideration to the composition and method of selection of the proposed Commission. A key to a successful study of the complexities of obscenity and pornography lies in the prudent selection of the Commission's members and other personnel.

It is hoped that the Commission would institute its study with minimal presuppositions. To facilitate this aim, the Education and Labor Committee rejects the idea that the appointing authority necessarily should be limited by statute to designated categories or fields of interest. At the same time, H.R. 10347 places special emphasis on the growing influence of pornography upon our youth. The text of the bill reflects this problem when it states:

"The Commission shall include but not be limited to psychiatrists, sociologists, psychologists, criminologists, jurists, lawyers and others who have special competence with respect to obscenity laws and their applications to juveniles."

The committee believes that its selection mechanism will bring together people who do not necessarily have prefrozen ideas, with little chance that those ideas will thaw in the course of their studies.

To facilitate a fair, objective, and impartial study, the appointive authority has been vested in the President of the United States; however, H.R. 10347 provides that the Speaker of the House and the President of the Senate, shall each submit a panel of 16 names to the President for his consideration. These 32 nominations are only advisory in nature, and thus the Chief Executive still maintains the needed latitude to appoint a representative and balanced Commission.

DUTIES OF THE COMMISSION

With the aid of leading constitutional law authorities to analyze the laws pertaining to the control of obscenity and pornography; and to evaluate and recommend definitions of obscenity and pornography.

Since the Roth decision, a vast quantity of law has been developing at the Supreme Court level and an even greater amount of law has emerged on the State and lower Federal court levels.

The Supreme Court set off in a new direction in the *Ginzburg* case, with an approach that has been both widely praised and criticized; however, the present confusion concerning the definition of obscenity appears to have a direct relationship to the growth of the commercial distribution of pornographic materials.

A fresh analysis of these conflicting and confusing decisions and a careful appraisal of the variety of new State laws would not only be useful but seem to be extremely urgent.

To ascertain the methods employed in the distribution of obscene and pornographic materials and to explore the nature and volume of traffic in such materials.

All evidence seems to indicate that commercial pandering of pornographic material is on the increase. While the Justice Department has not ventured to measure the total problem, Assistant Attorney General Fred M. Vinson, Jr., on behalf of the Department, has expressed the opinion that a quantitative analysis of the traffic in pornography could be one of the helpful duties that this Commission could perform.

In uncontroverted testimony, the committee has been informed that pornographic material has been flowing into the Nation in great quantities from a number of foreign countries, including Great Britain, Germany, Sweden, and Spain. Since the *Ginzburg* decision, there has been an increase of hard-

core materials entering this country—a fact which is proving exceedingly troublesome for the U.S. Treasury Department, which has jurisdiction over such matters.

To study the effect of obscenity and pornography upon the public, and particularly minors, and its relationship to crime and other antisocial behavior.

Any study concerning the relationship between the effects of pornography upon the public, minors in particular, and obscenity's relationship to antisocial behavior, must be conducted by professionals in the behavioral sciences. Although such a study will be difficult to conduct on a "crash basis," the Commission members could call upon a substantial bibliography in this field.

Dr. Lawrence Kubie, a noted psychiatrist, indicated in his testimony that there should be an attempt "to study the effects on people at different age periods, on sick children and sick adults, as well as healthy adults and children, on people from different nationalities, colors, races, and educational and economic groups from different parts of the country. This is a large order, but the problem has importance for our whole culture."

To recommend such legislative, administrative, or other advisable and appropriate action as the Commission deems necessary to regulate effectively the flow of such traffic, without in any way interfering with constitutional rights.

The power to legislate does not necessarily mean that the power ought always be exercised. Thus, it may be that after the final report of the Commission, Congress may determine that the illicit traffic in pornography is not an evil of sufficient magnitude to require legislative action. In that event, then Congress would serve the country well by not enacting any further legislation in this area.

On the other hand, if the Commission determines there is a causal relation between pornography and antisocial behavior, then this Nation would welcome the valuable guidance this Commission could provide. From the work of this Commission could come exemplary Federal laws and, hopefully, model State laws, consistent with constitutional safeguards.

POWERS OF THE COMMISSION

The Commission on Obscenity and Pornography is authorized to hold hearings (at least five members must be present for the purpose of taking testimony) and to consult with State and local governments and private groups to the extent feasible.

In order to facilitate the scholarly intent of this study, the Commission is permitted to contract with universities, research institutions, hospitals, and other competent agencies, to conduct research on the causal relationship of obscene material and antisocial behavior.

The subpoena power has been specifically omitted from the powers of the Commission. This action has been the direct result of the committee's intent that the proposed Commission will closely adhere to its four clearly defined statutory purposes. It is to be expressly understood that this Commission is not intended in any way to serve as a board of censorship. There should also be no doubt that the purposes and duties as set forth in H.R. 10347, are to be carried on without interference with constitutional freedoms of speech and press guaranteed by our first amendment.

COMMITTEE ACTION

As a result of the favorable findings by the Select Subcommittee on Education, both the subcommittee and the full Committee on Education and Labor, unanimously approved and reported this legislation with bipartisan approval.

SECTION-BY-SECTION ANALYSIS

Section 1. Finding of fact and declaration of policy

This section states that traffic in pornography is a matter of national concern and the Federal Government has a responsibility to investigate the gravity of the situation and determine whether such materials are harmful, particularly to minors, and whether more effective methods ought to be devised to control the transmission of such materials.

It is stated to be the purpose of the act to establish an advisory commission which after a thorough study, including a study of the causal relationship of such materials to antisocial behavior, shall recommend appropriate and constitutional means to deal effectively with such traffic of pornography.

Section 2. Commission on Obscenity and Pornography

This section creates a commission to be known as the Commission on Obscenity and Pornography, to be composed of 16 members chosen by the President of the United States after consideration of a panel of 16 names submitted by the Speaker of the House, and 16 names submitted by the President of the Senate. The membership of the Commission will include specialists in the fields of obscenity and antisocial behavior. The President, however, is not limited in his selection to the 32 names submitted. Any vacancies will be filled by the President.

The Commission will elect a Chairman and a Vice Chairman from among its members.

Nine members of the Commission will constitute a quorum, and five members will be necessary for taking testimony.

Section 3. Compensation of members of the Commission

Members of the Commission who are officers or full-time employees of the United States will serve without compensation except for travel expenses including per diem expenses in lieu of subsistence. The members of the Commission who are not officers or full-time employees of the United States will receive \$75 per diem when actually engaged in the work of the Commission, and traveling expenses including per diem in lieu of subsistence.

Section 4. Staff of the Commission

This section permits the staff of the Commission to be appointed by the Commission without regard to certain civil service provisions.

Section 5. Duties of the Commission

Subsection (a) of this section provides that the fundamental duties of the Commission shall be that of investigations and recommendations. More specifically, the Commission is directed—

(1) With the assistance of leading constitutional law authorities, to analyze the laws pertaining to control of pornography and evaluate and recommend definitions;

(2) To study the methods, nature, and volume of pornographic distribution;

(3) To study pornography's antisocial and criminal effect upon the public and particularly minors; and

(4) To recommend any appropriate legislative or administrative action without interfering with constitutional rights.

Subsection (b) of this section provides that the Commission will make its final report no later than January 31, 1970, and will cease to exist 10 days thereafter.

Section 6. Powers of the Commission

Subsection (a) of this section permits the Commission, or any committee thereof, to hold hearings and sessions within the United States for the purpose of carrying out the provisions of the act.

Subsections (b) of this section provides that the Commission shall consult with other Federal agencies, officers, and representatives of State and local governments and private organizations to the extent feasible.

Subsection (c) of this section authorizes the Commission, upon request of its Chairman or Vice Chairman, to obtain directly from any governmental department or agency any desired information that is permitted by law.

Subsection (d) of this section permits the Commission to secure necessary scientific data and information by contracting with universities, research institutions, foundations, laboratories, hospitals, and other competent public and private agencies concerning the casual relationship of obscene material and antisocial behavior.

APPENDIX

SUMMARY OF THE LAW ON OBSCENITY AND PORNOGRAPHY

In 1957, the U.S. Supreme Court, for the first time in its history, squarely faced the problem of obscenity. In the case of *Roth v. United States*, 354 U.S. 476, the Supreme Court rejected its former *Hicklin* rule, 354 U.S. at 489, as too restrictive under the first amendment because it judged obscenity "by the effect of isolated passages upon the most susceptible persons." The High Court defined obscenity in *Roth* as: "Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest."

Under this definition as elaborated in subsequent cases, three elements must coalesce: It must be established that (a) the dominant theme of the material taken as a whole appeals to a prurient interest in sex; (b) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and (c) the material is utterly without redeeming social value.

Later, in another decision, the Court explained that what it meant by "contemporary community standards" in the foregoing test was contemporary "national standards," and not local standards, *Jacobellis v. Ohio*, 378 U.S. 184, 192-195 (1965).

In 1966, the *Ginzburg* decision embellished *Roth* by declaring "Questionable publications are obscene in a context which brands them as obscene as that term is defined in *Roth* . . ."

The basis upon which the material is traded in the marketplace is relevant to determining whether social importance claimed for the material in the courtroom was, in the circumstances, pretense, or reality. The fact that they originate or are used as a subject of pandering is relevant to the application of *Roth*. In close cases, evidence of pandering may be probative in determining obscenity.

Ginzburg v. United States, 378 U.S. 463; *Mishkin v. New York*, 383 U.S. 502, and a book "John Cleland's Memoirs" v. *Attorney General*, 383 U.S. 413. (There were 14 separate opinions in these three cases.)

On May 8, 1967, in three cases involving the sale of girlie magazines and paperback books, the Court ruled in a 7-2 decision that the material in question was protected by the first amendment.

The majority noted that there was no claim that the statutes involved reflected specific and limited State concern for juveniles. There was no suggestion of an assault upon individual privacy by publication in a manner so obtrusive as to make it impossible for an unwilling individual to avoid exposure to it, and in no case was there evidence of the sort of pandering which the Court found significant in *Ginzburg v. United States*.

Robert Redrup, Petitioner v. State of New York; William L. Austin, Petitioner, v. State of Kentucky; Gent, et al., Appellants v. State of Arkansas, Nos. 3, 16, 50, October Term 1966, Supreme Court of the United States.

SUPPORT FOR THE ADMINISTRATION'S MARITIME PROGRAM

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. KEITH. Mr. Speaker, one of the landmark pieces of legislation that will come out of the 91st Congress is the 1970 Maritime Act. For too many years this Nation has seen its leadership role among the maritime nations eroded to the point where we are now a second-rate power. U.S. goods in recent years have sailed on foreign flag vessels rather than in the holds of ships manned by American crews, flying the American flag, and built in American shipyards.

But the tide will be reversed by the passage of the maritime bill. This bold shipbuilding program proposed by President Nixon calls for the construction of 300 ships in the next 10 years and will provide a major boost to our economy.

The Quincy Patriot-Ledger, in a September 21, 1970, editorial examines the merits of this maritime program. I commend it to every Member of the House, and particularly to the conferees whom I urge to expedite the report on the legislation in order that the measure can be signed into law before the October recess. Under unanimous consent I include the editorial in the RECORD:

MARITIME REVIVAL

At last the United States seems ready to do something about the dwindling and aging merchant marine fleet, if House and Senate conferees can reconcile differences in legislation both branches have passed.

The Senate late last week approved a bill similar to an earlier House-passed version that would authorize the construction of 300 merchant vessels in the next 10 years. The legislation contains a package of measures to encourage merchant ship building and operation in this country, as well as to improve efficiency.

Included are requirements for competitive bids for each ship to be built under subsidy and for the secretary of commerce to contract with the low bidder; for the secretary to give preference to applicants seeking construction subsidies that offer promise of standardization and cost reduction; extending subsidized construction, previously limited to scheduled carriers, to bulk cargo carriers; and extending to most shipping companies the authority previously granted to subsidized carriers to defer taxes on income paid into a capital fund to replace old or add new ships to their fleets.

The major impact of these provisions, however, lies in the increased merchant vessel construction that would raise the rate of shipbuilding to 30 vessels a year—triple the existing pace. This is good news, of course, to this shipbuilding area and we hope Quincy's Fore River Yard can take advantage of this program.

In the long run, this program also should be good news for the nation. Following World War II, American flag ships carried 57.6 per cent of U.S. foreign trade. By 1968, the total had dwindled to 6.4 per cent.

Moreover, the merchant fleet is old and is not being replaced rapidly enough to offset the pace of decline. Seventy per cent of the freighters, 90 per cent of the bulk carriers and 50 per cent of the tankers are more than 20 years old, adding to the high costs of the U.S. merchant marine by being expensive to operate and maintain.

Under the new program, based on recommendations submitted last year by President Nixon, the hope is to increase the portion of the nation's foreign commerce being carried in American-flag vessels from the current 6 per cent to a stable level of about 30 per cent. Not only will this stabilize the shipping industry and employment picture, but it should also add dividends by improving the nation's balance of payments position. The program, it is hoped, would improve the balance by \$2.9 billion during the vessel construction program and by \$600 million annually thereafter.

If the nation is to take complete advantage of a modernized merchant fleet, however, there must be cooperation from seafaring unions and acceptance of automation. If a new vessel can be operated with a reduced crew because of automation, the unions must realize that this is an opportunity for stable employment with higher pay for such crews. And government, shippers and maritime labor should cooperate in efforts to make the merchant marine fully competitive so that operating subsidies can be reduced or eliminated.

DONALD MCKAY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to bring to the attention of my colleagues a statement sent to me by the special committee on behalf of the election of Donald McKay to the Hall of Fame for Great Americans. The statement I wish to submit was written by Mr. Waldo C. M. Johnson, a renowned authority on maritime history. Mr. Johnson is presently the director of the Maritime Historical Association located in Mystic, Conn.

Donald McKay truly played an integral role in the development of this Nation. Our country's history shows that our emergence as a world leader depended to a great extent on trade. America's earliest settlers were seafaring people who came to the New World determined to continue as seafarers. Among their primary concerns upon reaching our waters was the selection of good harbors from which they could continue their chosen occupation. From this genesis Donald McKay contributed immeasurably to the Nation's trade efforts.

The history of Donald McKay's famous clipper ships is intertwined inseparably with the history of our Nation and the burgeoning of American trade and industry. His ships became the pride of the Nation and the champions of the seas. They enable our struggling Nation to stand proudly beside established trading powers of Europe. Ships such as the *Flying Cloud*, the *Great Republic*, and the *Empress of the Seas* from the shipyards of Donald McKay, opened the

PULASKI DAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. STOKES. Mr. Speaker, through the years, countless immigrant Americans have shared in the building of our Nation. The contributions of these transplanted citizens cannot go unnoticed. Of particular significance, for instance, are the achievements of Count Casimir Pulaski.

Count Pulaski served as a general in the American Army during the Revolutionary War. While still a young man, his outstanding valor and dedication won the respect of Gen. George Washington. His fine leadership throughout the war and until his death can never be minimized in the annals of American history.

October 11 will be celebrated by thousands of proud Polish Americans throughout our country as Pulaski Day. The memory of Count Pulaski is both an inspiration and motivation for a great many Poles in this country.

The city of Cleveland, Mr. Speaker, is holding its 26th annual Pulaski Day dinner on October 3. During this celebration, we shall honor two of the city's most outstanding Polish American citizens, Judge Felix Matia and Mr. Stanley Klonowski. I would like to congratulate these two fine gentlemen upon receiving this worthy distinction.

Judge Matia has displayed remarkable leadership and civic-mindedness in his years of service to the Cleveland community. He has served as assistant county prosecutor, president of the Cleveland Society, chairman of the Cuyahoga County Board of Elections, and he is presently judge of the Court of Common Pleas of Cuyahoga County.

Judge Matia has also been elected to the electoral college and now serves on the board of directors of the U.S. Savings Association. Judge Matia is one of the most respected and, obviously, one of the most active members of our community.

Mr. Klonowski has been a resident of Cleveland since 1905. Since that time, he has been a guiding light for the financial interests of our community and the economic well-being of the Nation. Early in his career, he established Klonowski Real Estate, Insurance, and Travel Agency which enabled him to perform a variety of services for his newly immigrated countrymen and, thereby, assist their adjustment to American society.

In 1913, Mr. Klonowski founded what later became The Bank of Cleveland. He is presently serving as the bank's chief executive officer and chairman of the board of directors. This particular bank was among the select few that managed to keep its doors open during the depression.

During the 1930's, he wrote and published a booklet entitled "Missing Links" which offered a financial analysis of the then slumping American economy. This publication was later applauded by President Herbert Hoover. Over the years,

world's markets to the rich resources of the United States.

Donald McKay, by virtue of his tremendous contribution to America, richly deserves to take a place in the Hall of Fame for Great Americans. I take pride in endorsing him for this election and submit now for the benefit of my colleagues the nominating statement by Mr. Johnson:

NOMINATING STATEMENT FOR THE ELECTION OF DONALD MCKAY TO THE HALL OF FAME FOR GREAT AMERICANS

Few Americans have matched the creative genius of our greatest ship designer and shipbuilder, Donald McKay, and very few, if any, put his talents to greater service to the young Republic. Born in Nova Scotia, McKay came to New York at 17 as an apprentice ships' carpenter. His extraordinary talents were quickly recognized, and he moved rapidly through the demanding stages of Journeyman to Master Shipwright. In 1844, and barely in his thirties, young McKay established his East Boston yard that was quickly to become known and respected throughout the seven seas. "Greyhounds of the seas," the extreme clipper ships designed and built by this remarkable man, brought fame and respect to young America in the eyes of the world. Such glorious ships as *Champion of the Seas*, *James Baines*, *Empress of the Seas*, *Flying Cloud*, *Great Republic* and *Glory of the Seas*, out-sailed every ship ever built, proved to the world that a youthful country had become of age, and quickly became legends that have remained bright down the decades of history. One can but surmise the hundreds of thousands of pictures of McKay clippers hanging today in American homes, offices and stores.

America was born of the sea, nourished by the sea, grew to nationhood by virtue of the sea. Yet even though McKay's greatest contribution to America's maritime heritage is the clipper ship and the Golden Age of Sail, this quiet gifted man advocated iron and steam as heralds of a new age, designed and built some iron clad naval vessels for the United States Navy.

At his death in 1880 Donald McKay held an honored niche in the hearts of his countrymen, a niche still revered today by all who hold dear America's maritime heritage.

LET US BANKRUPT SMUT PROFITEERS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BURTON of Utah. Mr. Speaker, I would like to add my voice in congratulating Postmaster General Winton M. Blount's efforts to quell arguments made by proponents of more liberalized anti-obscenity laws.

Time and time again, we see these advocates of smut accusing any censorship as violating the first amendment to the Constitution.

Evidence points to the fact that pornography does have an effect on both child and adult behavior. Postmaster Blount reveals that, "There are cases in the files of the Postal Inspection Service indicating a relationship between exposure to pornography and antisocial behavior."

I submit to the RECORD Mr. Blount's rebuttal to smut proponents and heartily endorse his efforts:

Postmaster General Winton M. Blount tonight forcefully refuted arguments made "with disturbing frequency" by proponents of more liberalized anti-obscenity laws.

Describing the increasing flood of mail-order obscenity as "commercial degradation of the human spirit," Mr. Blount told the Nashville, Tennessee, Area Chamber of Commerce, "The argument that pornography cannot be censored without destroying our civil liberties is, it seems to me, fundamentally wrong."

These arguments are based on the assumption that such censorship violates the First Amendment to the Constitution, which prohibits restrictions on speech or press, he said.

"If this prohibition were absolute," he said, "the argument would be sound. But it is not absolute."

He noted that it was Justice Holmes who pointed out that the First Amendment did not permit a man to shout "fire!" in a crowded theater.

He flatly rejected the argument "that we cannot be sure pornography has an effect on children."

"If we are to take this seriously, then we must ask if any book—if any picture—has an effect on children. Indeed, such a position questions the effect of education itself, for education asks that a child respond to what he is exposed to."

He repudiated the contention that pornography has no adverse effect on adults. Cases in the files of the Postal Inspection Service indicate a relationship between exposure to pornography and anti-social behavior, Mr. Blount said.

"The evidence suggests that people can become addicted to pornography just as others become addicted to alcohol or drugs. And just as the alcoholic and the junkie are capable of anti-social behavior beyond their own will, so is the person hooked on pornography," Mr. Blount said.

The claim that the incidence of sex crimes decreases in direct relation to the liberalization of pornography laws is disproved by the experience of Denmark, where most anti-obscenity laws have been repealed, the Postmaster General declared.

"Pornography used to be a crime there, and now it isn't. Therefore, the crime rate dropped. Statutory rape used to be a crime, now it isn't. So this contributed to the drop in the crime rate. If they legalize burglary, it will drop some more. They'll have the same number of burglaries, but they won't be crimes anymore."

"We have gone to Denmark and talked to the authorities there and the real sex crime rate has not dropped," Mr. Blount averred.

"Pornography is not simply a threat to the best interests of our children," Mr. Blount contended. "It is an act of violence against the human spirit. As a people, we believe that each man has a spark of divinity within him; we accept the sanctity of the human spirit and of the human body. And as we preserve these, we preserve and sustain human dignity."

"As we violate these for sensation or for profit, we act against the dignity of man, and we act against all that we have suffered and struggled to build for more than two centuries on this continent."

"There is no room in America for the commercial degradation of the human spirit," Mr. Blount said. "There is no room in America for those who use our freedoms to destroy the very habits of mind and spirit that give meaning to these freedoms."

In the final analysis, he said, the key to bankruptcy for dealers in pornography is the attitude of the American citizen.

"If the people decide against pornography," he said, "we can do away with it. If we endorse stringent laws; if we elect and appoint discerning judges; and if, above all, we refuse to patronize the pornographer then we can put him out of business."

Mr. Klonowski has written a number of similar articles concerning the changing disposition of the American economy.

Both of these gentlemen are active members of the Union of Poles, the Polish Roman Catholic Union, and the Alliance of Poles in America. They are diligent, dedicated men who have made a vital contribution to the Polish community and the city of Cleveland. They richly deserve the outstanding honor that is being bestowed upon them at our coming Pulaski Day memorial dinner. I must, again, congratulate Judge Felix Matia and Mr. Stanley Klonowski for their remarkable accomplishments which are truly reminiscent of the qualities that characterized Count Casimir Pulaski.

Mr. Speaker, I hope that all of my colleagues will join me in saying *gratuluję Wam Panowie*.

FAVORS ARMED GUARDS ON U.S. AIRLINES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. PEPPER. Mr. Speaker, I am sorry that the necessity of my meeting with the Interama Authority, the Greater Miami Chamber of Commerce, and the representatives of the Bicentennial Commission in my district prevents my being on the floor today to join in support of this measure offered by the distinguished gentleman from Arkansas (Mr. MILLS) to provide the revenue to pay the cost of the armed guards which our Government is putting upon commercial planes operated by citizens or companies of the United States in domestic or foreign air commerce to prevent or curb the nefarious practice of hijacking which has come to be such a menace to air travel in the United States and abroad.

I support this measure, and made the motion to report it out, which was favorably adopted, from the Rules Committee yesterday. I have long been deeply concerned about this terrible menace of hijacking which has endangered the lives of so many of our citizens and has already cost large sums of money to the operators of American airlines as well as much inconvenience to them, and has resulted in one of our American airlines losing a plane worth many millions of dollars.

I share the hope of the supporters of this resolution and the Members of the House that these armed guards which our Government is going to put upon our planes will to a large extent deter attempts at hijacking by pirates in the air.

I think, however, that we must continue our efforts to prevent the hijacking of our planes in every other way which people knowledgeable in the subject find feasible.

I believe one additional thing we can and should do promptly is to see to it that the latest detection devices are installed at the entrance to all of our planes in this country or abroad, which will disclose any weapons which a pas-

senger about to enter such planes may be carrying.

I have seen some detection devices operate, and some of them will detect a gun or knife, and I assume a hand grenade or any other type of weapon encased in or made of metal, and distinguish such weapons from ordinary objects such as keys and the like.

I introduced some time ago a bill in the House (H.R. 18293) under which the Federal Government would pay half the cost of installing such devices, the airlines respectively would pay the other half, and the Government would provide the deputy marshals necessary for manning of those devices.

I know of only one instance where a weapon was carried on a plane where these devices were in operation, and that was reportedly a Pan American flight which was hijacked. But I learned that the plane was late, and either that Pan American officials did not operate the detection device, or it was operated hurriedly and was not properly checked. In addition to disclosing most types of weapons that a would-be hijacker might carry aboard a plane, I believe the chrome rods constituting a sort of gate through which the would-be hijacker must walk to get to the plane would operate as a psychological deterrent to him against carrying weapons aboard a plane, particularly if it were advertised that these devices were in operation. The would-be hijacker would probably reveal his uneasiness about being detected.

Our Government, I think, should share with our American airlines some of the cost, at least, of installing such devices at air terminals serving such airlines abroad, although obviously the country where the air terminal is located should bear a large part of such cost.

We should also press, through the United Nations or otherwise, for international action against countries refusing promptly to return to the country of the hijacker any hijacker for punishment. Any country giving sanctuary to a hijacker and refusing to extradite him to the appropriate jurisdiction for criminal prosecution should be subjected to some sort of sanctions by the nations which are party to such an agreement; especially a nation which allows upon its own territory, or particularly at one of its airports, injury to hijacked persons or to the hijacked plane should be held liable to those whose person or property was injured or damaged.

This bill, together with the announcement of the President that armed guards would be carried on American planes and that other steps would be taken, reveals the important aspect of this whole matter—that we have come to a determination that we are going to do something effective about hijacking in the air.

All of us in the Congress commend the President for the action he has taken, as we commend this distinguished committee and other committees of the Congress concerning themselves with this important matter, and we are determined to stop this practice which so endangers the lives of our citizens and the property of our American airline operators.

THE PLOT TO OUST FRANCES KNIGHT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ASHBROOK. Mr. Speaker, in the September 17 issue of the *CONGRESSIONAL RECORD*, on page 32565, there appears a review of the book, "The Ordeal of Otto Otepka," by the widely read Pulitzer Prize winning author, Allen Drury. In summing up, Mr. Drury referred to the vindictive and vicious treatment meted out to the former State Department security officer by other officials in that Department in these words:

Read it and weep for patriotism, which sometimes has tough going along the banks of the Potomac.

Now, another Pulitzer Prize winner, Clark Mollenhoff, Washington bureau chief of the *Des Moines Register* and until recently a White House adviser to President Nixon, calls attention to another case which could well demonstrate further the treatment accorded those who incur the disfavor of the State Department hierarchy. The target this time is Miss Frances Knight, head of the Passport Office, whose efficient operation of that Office coupled with her forthright conservative views have apparently rubbed Foggy Bottom's leaders the wrong way.

I insert at this point the article, "The Plot To Oust Frances Knight," from the *Chicago Sun-Times* of September 27 by Clark Mollenhoff:

THE PLOT TO OUST FRANCES KNIGHT (By Clark Mollenhoff)

WASHINGTON.—President Nixon does not have control of personnel policies at the State Department, and he knows it. But it is doubtful if the President knows the full story of how his will has been frustrated and disregarded by William B. Macomber, the deputy undersecretary of state for administration.

The President's lack of control of State Department personnel policies is nowhere more vividly demonstrated than in the case of Frances Knight, director of the passport office. In no case is the failure to carry the President's orders likely to have more destructive results on the efficiency of government operations, and on the morale of conservatives in his administration.

It also could make the Nixon administration highly vulnerable to a charge of discrimination against women—against the woman who has been a symbol of female efficiency in high government office.

The President has known Miss Knight for more than 20 years. He has admired her for her level-headed conservative policies, he has appreciated political support from her husband (millionaire publisher Wayne Parrish), and he has admired her effective and skillful administration of the passport office. She handled a man's job in a manner that proved valid points the Women's Lib has been trying to make about the ability of women.

This record assured Miss Knight a place in the plans of Richard Nixon. But somehow the plans have misfired, even as the President has told her friends in Congress—Democrats and Republicans—of his high regard for her work at the passport office.

Months ago, the President directed that Miss Knight be boosted from a GS-17 to a GS-18 level, but the State Department has not carried out the order. Macomber has

stalled and delayed, apparently with the backing of Sec. of State William P. Rogers. Rogers and Macomber have bowed to a House subcommittee that handles the appropriations for State, Justice and Commerce.

Even as the President directed that Miss Knight be promoted, Rogers has joined with Macomber to try to drive her out of the State Department. Rogers has authorized a study of the passport department that Miss Knight feels is an effort to build a case for her dismissal. She feels her past performance is enough of a record of her efficiency.

She has overhauled the passport office from top to bottom. An office that processed only 350,000 passports in 1955, when she became director, issued 2,110,000 passports in fiscal 1970, collected \$21,101,957 in fees and deposited a profit of more than \$13,000,000 in the Treasury. She has cut the time for obtaining a passport from six weeks to three days or less.

Frustrated in her encounters with Rogers, Macomber and former Undersecretary of State Elliot Richardson, Miss Knight is taking her fight to the Civil Service Commission. In letters to Civil Service Commission Chairman Robert E. Hampton she described her "fruitless attempts" to get Richardson's attention on problems dealing with the present and future of the passport office. She said Macomber asked her to stop writing memorandums because they "were embarrassing" to the State Department.

In a Sept. 15, 1970, letter to Hampton, Miss Knight again complained about the matter "lingering" in Macomber's office, and she noted: "At this writing I have no reason to believe that the Department of State is concerned with rectifying this situation even if you and Mr. (Presidential Counselor Bryce) Harlow intervene," Miss Knight stated.

Miss Knight says the delays appear to be "clearly a matter of discrimination against the director of the passport office because of sex."

"Another conclusion of equal weight is that I am known throughout government as a conservative and deeply concerned with the security of our country," Miss Knight wrote. "I have been critical of and concerned with the cavalier manner in which my recommendations for increasing the security of the United States passport and maintaining its integrity have been rejected by the Department of State. I have been critical of the obvious erosion of support for the passport office as a public service."

At the White House, there has been some criticism of Rogers for being unwilling to carry out even a small part of Mr. Nixon's campaign pledge to "clean house" at the State Department. But the fact that President Nixon and Dr. Henry Kissinger are running foreign affairs from the White House makes it easier for the White House to accept Rogers' failure.

However, unless President Nixon is able to demonstrate that he can force the State Department to carry out his will in the Frances Knight case, it is unlikely that he will be able to force action on other personnel problems at State that have caused White House concern.

Frances Knight has been a symbol for conservatives who are skeptical over the pattern of appointments at the State Department where Sec. Rogers has demonstrated a tendency to promote men with anti-Nixon backgrounds and a coolness to promoting Nixon supporters.

All of this fails to take into account problems that could arise if the Women's Liberation movement decides to make an issue of "discrimination" against Miss Knight in a case documented as only Frances Knight can document such a case. The details of the deceptions and mismanagement will shock even some of those involved.

QUICK ACTION NEEDED ON CRIME-DRUG ABUSE LAWS

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. COUGHLIN. Mr. Speaker, last week two very significant events occurred. Both involved long-delayed aspects of President Nixon's anticrime program. The House passed the Drug Abuse Prevention and Control Act and the House Judiciary Committee reported the organized Crime Control Act.

The Drug Abuse Prevention and Control Act of 1970, passed by a vote of 341 to 6, is a milestone that provides more realistic and enforceable penalties for simple possession of controlled but non-narcotic drugs. At the same time, the new law provides more stringent penalties against "pushers" for profit.

The measure establishes five categories into which controlled drugs are ranked according to their potential for abuse and known medical use. Distributors of drugs in any of the categories would require a license from the U.S. Attorney General and would be subject to strict control.

Unlicensed distribution would carry maximum penalties—depending on the specific category—15 years' imprisonment and \$25,000 fine to 1 year's imprisonment and \$5,000 fine. Penalties are doubled for persons over 18 years of age who distribute drugs to minors under 21. There is a mandatory 10 years' minimum sentence and up to life imprisonment for those who engage in a criminal enterprise distributing drugs for a profit.

Counterbalancing these stern measures against "pushers" of drugs, the bill makes simple possession of controlled drugs a misdemeanor with a penalty of up to 1 year imprisonment. Alternatively, a person may be placed on probation for 1 year and all records expunged so that a young person who runs afoul of the law in an isolated instance does not end up with a lifetime criminal record.

The bill permits law enforcement agents, in seeking illicit drugs, a warrant for entry without notice. This is so-called no-knock entry which can be obtained only upon showing to the proper court probably cause that the giving of notice will allow disposal of evidence or immediately endanger the life of the enforcing officer. This provision is, in fact, a clarification of this type of entry which already is permitted by law in 29 States including Pennsylvania.

Of special importance, the bill recognizes that drug addiction is a medical problem and authorizes \$75 million to be spent over the next 3 years by community mental health centers and public hospitals for treatment, rehabilitation, and prevention. An additional \$29 million would be authorized for drug abuse education and \$60 million for treatment facilities in communities with a large number of addicts.

Finally, the law would authorize \$1

million to fund my proposal for a Commission on Marihuana and Drug Abuse to do a thorough study of the effects of the use of marihuana.

The Organized Crime Control Act of 1970, reported from the House Judiciary Committee by a vote of 29 to 3, contains a number of tough crime-fighting provisions. Grand juries could investigate noncriminal misconduct by public officials. Witnesses against organized crime could be granted immunity from prosecution as a result of their testimony, and recalcitrant witnesses could be confined until they agree to testify.

Special provisions of the measure are aimed at syndicated gambling and racketeering.

Dangerous repeat offenders could be sentenced to extended jail terms, and light sentences could be appealed under the measure.

The House added a special section to combat bombings which is similar to a bill I sponsored. Except for small arms ammunition and limited amounts of black powder and other items used by sportsmen, the bill would set stiff penalties for making bombs or explosives without a license.

False information on bomb threats would be outlawed and tough penalties would be imposed where bombings injure persons or property. Persons convicted under three specific sections relating to deaths resulting from interstate transportation of explosives or attacks on federally owned or aided buildings could receive the death penalty.

As with many proposals, the drug abuse and organized crime bills have elicited criticism that they are "repressive" and "fail to cure underlying causes."

I think we must pursue a two-pronged course and this criticism fails to distinguish between crime and law enforcement.

Of course, we must attempt to cure the underlying causes of crime and drug addiction. The provisions of the drug abuse bill relating to prevention, rehabilitation and treatment are good examples.

At the same time, we must have strong laws and law enforcement against antisocial behavior. Many proposals that produced walls of "repression" in the past have, in fact, shown very little abuse since being enacted.

The law is supposed to protect both the law-abiding citizen and the accused criminal defendant. I think we have somehow become so involved in the procedural aspects of justice that we have neglected the substance of justice which is swift and impartial punishment of antisocial acts.

The history of our judicial process has shown the strongest protection for the rights of defendants. Let us not commit the serious error of failing to realize that we must provide laws and law enforcement to protect the rights of society.

Mr. Speaker, it is high time that Congress move on these as well as other measures to protect the public from the criminal.

HORTON SPOTLIGHTS ROCHESTER'S PUBLIC MARKET AS GATHERING PLACE FOR PUBLIC OFFICIALS AS WELL AS SHOPPERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 30, 1970

Mr. HORTON. Mr. Speaker, many of the larger cities of the world have well-known marketplaces which attract the buyers whose livelihood depends on their acumen and knowledge. The beehive activities of these almost legendary spots give them an aura of charm which also attracts sightseers and tourists who enjoy, even briefly, being a part of this bustling excitement.

My home city of Rochester, N.Y., while not one of the world's largest cities, has a marketplace which, in my opinion, holds its own with all the others.

It is known as the public market and it dates back to 1905. Several times its future seemed bleak when the city fathers and others thought of razing it to make way for new projects. Each time those who use it let their love and need of the place be known in such convincing terms that today the Union Street Public Market still stands as a mecca for thrifty shoppers and farmers, buyers and sellers of produce and fruit, and many others.

Somewhere down through the years the public market also became a gathering place for public officials and office seekers who found the market a cross section of people of almost every walk of life from whom could be gotten a good indication of the pulse of western New York.

The focal point of activity is Jimmie's Restaurant which opens in the wee hours of the morning and closes in early afternoon. It is there you will find the regulars who use the market as their place of business, as well as the public officials, at mealtimes or at coffee breaks.

To get an opinion on almost any subject, all you have to do is ask. You may get as many different views of any subject as there are people, but by listening and sifting, by asking and questioning and prodding, you can really find valuable answers to many important problems.

I do not know of any candidate for public office in the greater Rochester area, for many years now, who has not spent untold hours at Jimmie's, seeing and being seen, listening and talking, and gathering valuable opinions from the good people who congregate there.

First as a city councilman and now as the Congressman from the district in which the public market is situated, I readily admit to spending many delightful hours there at Jimmie's Restaurant visiting with old friends and making new ones. It is indeed a pleasure I rarely miss when I am in Rochester.

So it was with much personal satisfaction that I recently read a splendid account of the marketing activities which go on daily at the public market.

Authored by Joyce Goldman, the article appeared in the Brighton-Pittsford

Post. It delightfully captures the flavor of this "Bustling Marketplace That Has a Touch of Europe," as its headline states.

I would like to share it now with my colleagues in the House of Representatives and at the same time, to extend a cordial invitation to one and all to visit the public market when you are in Rochester. I think you, too, will find it a thoroughly delightful and charming place.

The article follows:

BUSTLING MARKET PLACE HAS "TOUCH OF EUROPE" (By Joyce Goldman)

Rushing, bustling, throbbing, thriving, flourishing—the Public Market is probably the busiest place around on a Saturday morning.

Busy, but also charming.

Many people go to the 65-year-old market place nestled among the warehouses at the end of Union St. N. in the city's Central Park area, for fresh, homegrown produce and good bargains.

Others go to be part of the cosmopolitan atmosphere of the market place, a miniature mirror of the city-suburban population.

"It puts me in a great mood for the next week," says Mrs. Bryan Fullforth of 1401 Scribner Rd., Penfield, who shops at the market every Saturday.

Mrs. Melvin W. Buetens of 30 Wilshire Dr., Brighton, calls the market place "a touch of Europe."

One merchant looking at the fruit stand which was almost empty shortly after sunrise, tells a buyer, "I sell out of goods every day I'm here. Almost everyone does."

Under the cover of two long blue and yellow sheds, farmers and merchants from nearby farms set up shop. Dealers who import from outside the state display their fruits and vegetables in a third shed. There is space for 350 merchants.

They are lured to the market by the high volume of traffic which flows past their stalls for seven hours three days a week and by the low rents of the city-owned market—one farmer pays \$6 a week to use the space.

In the farmers' section, a stall is stacked with wooden baskets filled with the first cauliflower of the season, carrots with bushy green tops and yellow squash so big that only six will fit in the basket. Even larger ones are on the table.

Piled in crates are pounds of cherries, more than a dozen kinds of salad greens and radishes the size of beets.

One merchant sells just fresh garlic in bunches, another only flats of flowers.

At an egg stand, workers put fresh eggs—white and dark, extra-large and jumbo, single yolk and double—into cartons.

From a nearby cheese stand comes the aroma of fresh ricotta cheese. The table is filled with huge wedges of swiss and cheddar.

Crates of oranges, bananas, watermelons and pineapples line the importers' shed.

The aisles echo with merchants' pleas:

"Hey mister, nice lettuce, two for a quarter."

"Take a big bag lady, you may change your mind."

"Twelve pounds of cherries here, let's go, twelve pounds."

Open Tuesdays and Thursdays as well as Saturdays, the market bulges with traffic as early as 4 a.m. The farmers back their station wagons and flat-back trucks into the stalls and set up for the 5 a.m. opening. Large vans carrying California or Florida produce arrive about the same time.

The wholesale buyers arrive when the market opens and finish their buying by 7 or 8 a.m. Then the steady stream of cars—and walkers—begins.

The shoppers keep coming even until the noon closing time. On a nice day during peak season, they often number 40,000.

People are part of the market's mystique. A lady with plastic boots over orange stockings, her grey hair wrapped in a silk bandana, pushes a baby stroller circa 1910. On the worn cloth seat is a brown grocery bag stuffed with romaine.

A girl in a trench coat carries strands and strands of vines with green beans hanging from the stems.

A mustachioed young man in white bermudas and sandals with a towheaded child in a back knapsack barbers with a merchant about the price of a melon.

A college coed in a white peasant blouse and floor-length skirt patterned after the American flag samples yellow cherries from her see-through shopping bag.

A housewife pulls a red wagon filled with a bushel basket of pea pods. Her 3-year-old son follows behind.

By mid-morning the aisles are crowded with people exchanging greetings, carrying overstuffed shopping bags to their cars and then returning to visit more merchants, pushing makeshift carts and going from merchant to merchant comparing prices.

Shoppers often need to turn sideways to make their way through the crowd.

Samuel A. Paine of Rochester has been market manager for over 10 years. He works in the market office at 230 N. Union St. but likes to wander through the sheds on market days.

He credits the tenacious devotion of the merchants and the shoppers to each other and to the market for saving the landmark center when the city tried to close it down.

"That was in the early 60's when the Regional Market on Jefferson Road in Henrietta opened," he says.

"The city said the Union Street market built in 1905 for horses and buggy trade was outdated—it couldn't handle the large traffic and none of the sheds were closed or heated for winter," Paine says. "But the farmers who have been coming here for generations said they couldn't afford such a move and, besides, they liked it here."

"A lot of neighborhood people accustomed to having the market nearby and other faithful shoppers complained too. So the city left this market here."

"Once again the market's future is up for discussion," he says. "A housing project is planned for the area where the market is now, so a new market is supposed to be built where the New York Central depot is, not far from the present site. This probably won't happen for another five years."

One of the market's first merchants was Antoni Finocchiaro of 4524 Five Mile Line Rd., Penfield. He came to the United States in 1913 from Sicily and to the market in 1920.

He stands behind "delicious" apples and brilliant red cherries dressed in a blue work suit with a pink and white checked shirt, silk tie and straw hat. Before he will help you, Finocchiaro insists that you sample the fruit he stuffs into your hand.

"I have a good time working here," he says in broken English. "I have steady customers who come here all the time. But most of all, I like to sell to the young girls."

Bern Cator and his wife of Cator Farms, East Palmyra, raise chickens on a 400-acre farm. They have sold eggs at the market for 27 years. "We were supposed to retire last year," Mrs. Cator says, "but we just can't give up coming here, we would miss it too much."

"On Saturdays, it's usually so crowded you can't move. Some people have started to shop on Thursdays because of that."

She says many suburban housewives buy from them because their eggs are fresh—two or three days old—when they bring them to market.

"Of course, there are also many Italian families who buy in big quantities from us

because of their custom of "bringing in the family." The parents buy a lot of eggs and then the married children come to the parents' home for eggs for their families," she explains.

Customers were once mostly people in the Union St.-Bay St. neighborhood. "Now people from all over upstate drive here for the market," she continues. "A man from Brockport just told me he heard about the market from his boss and drove in to see what it's all about."

Larry Beeker of Honeoye Lake has been selling chickens and hams in his family's stall at the market for 10 years. He's the third generation.

Standing behind the table piled with chickens and hams, he is one of the market's most colorful merchants: brown shirt with big black polka dots under a cut-away sweat-shirt, plaid hat and tinted glasses.

"We used to bring the chickens up here alive and chop off their heads when customers bought them, but that's illegal now," Beeker says. "We still do quite a business here. The chickens are as fresh as possible. Today we sold all the chickens we brought—18 crates. That was a small order because of the weather."

Chester K. Williams of Webster, a dealer at the market for a decade, watched as a lady with a flowered shopping bag walked away from his stand after trying to persuade him to sell a dozen jumbo eggs for 10 cents less than he was asking.

She thought since he only had two dozen left, he would be willing to "let them go."

"It's a great life here at the market—if you don't weaken," Williams says.

Mrs. Buetens of Brighton brings a red fish net bag to market. She fills it with cucumbers, squash and salad greens. "I come here because it's fun, colorful and exciting. Very often I bring a friend and we make a morning of it," she says.

Mrs. Fullforth of Penfield, owner of Ryval-London boutique on Park Ave., stops at the stall of the Regional Poultry Egg Service to talk to the workers there and pick up her weekly order.

"I try to get here at 8 a.m. when the best selection is available," she says. "I shop here because everything is so fresh. It is the kind of people who shop here and the friendly merchants that make the public market a great place to shop."

"My husband and I come here almost every Saturday," says Mrs. L. F. Piazza of 4 Brook Hollow, Perinton. "I think the vegetables are unbeatable and my husband enjoys the challenge of dealing with the merchants."

Miss Paula Gordon of 149 Barrington St., the Chanel 21 worker who directed the station's television auction, carried a striped Mexican straw satchel which she was filling with salad greens, scallions, and leeks.

"I usually shop here once a month," she says. "You spend \$4 here for what might cost \$15 elsewhere. Mainly though, I come here for the greens, the flowers and the charm."

Mr. and Mrs. Harold Sigall of 292 Quinby Rd., Brighton, bring their pre-school age daughter to the market with them. "We give her a shopping bag, too, and make it a real family expedition," Mrs. Sigall says.

"We like to get here around 8:30 a.m.," says Mrs. Elliot Bell of 85 Fair Oaks Ave., Brighton, who was shopping with her husband. "The earlier you get here the better the selection. Sometimes you can get a bargain, sometimes not. But it's fun to watch the people and talk to the farmers."

"I'm a neophyte—this is my first time here," said Miss Jane Ward of Cobblestone Dr., Henrietta, who came to the market looking for raspberries. "I had trouble finding them anywhere else so I came here. I found them—and a lot else. I wish I had brought a basket to carry everything."

"When I saw all the flowers and fruit and vegetables here, I said to myself, 'Look what you've been missing all these years!'"

THE BILL FOR FBI CAMPUS PROBE ROLE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. HOGAN. Mr. Speaker, even before this body has had an opportunity to act on proposed legislation broadening the Federal law pertaining to bombings and giving the Federal Bureau of Investigation jurisdiction, voices are being raised from some quarters claiming that this will afford the FBI the opportunity to infringe upon academic freedom.

As a former special agent of the Federal Bureau of Investigation, I am well aware of its policies and of its careful attention to preserve the rights and privileges of all citizens. I have no doubt that the FBI will handle its responsibilities, should this proposed legislation become law, thoroughly, impartially, and with the utmost professionalism. It is ludicrous to attack the FBI before it has even been assigned the obligation to conduct such investigations.

A recent column by David Lawrence places this matter in proper perspective. I would like to call the attention of my colleagues to these comments, and I include it at this point in the RECORD:

[From the Washington Star, Sept. 29, 1970]

THE BILL FOR FBI CAMPUS PROBE ROLE
(By David Lawrence)

Contrary to some published reports, the Federal Bureau of Investigation will not—under legislation now before Congress—station agents on the campuses of the universities and colleges of the country. The agents will make investigations only when there are bombings or terrorist incidents, and their inquiries will be confined to those colleges which are the recipients of federal aid.

The FBI doesn't have enough agents to maintain a police force on the nation's campuses, nor does it desire to do so. It has its hands full merely conducting investigations in cases that develop as a result of the acts of terror which not only baffle local police but appear to have been originated by persons who are not connected with the colleges.

The extent of the terrorism generated by influences outside the campus has never been revealed. But J. Edgar Hoover, director of the FBI, in his open letter to college students, written recently for United Press International, said:

"There is real ground for concern about the extremism which led to violence, lawlessness, and disrespect for the rights of others on many college campuses during the past year."

"The extremists are a small minority of students and faculty members who have lost faith in America. They ridicule the flag, poke fun at American institutions, seek to destroy our society. They are not interested in genuine reform. They take advantage of the tensions, strife, and often legitimate frustrations of students to promote campus chaos. They have no rational, intelligent plan of the future either for the university or the nation."

"The extremists are of wide variety: Ad-

herents of the Students for a Democratic Society (SDS) including the Weatherman; members of the Young Socialist Alliance (YSA); the Trotskyist Youth Group; the Communist party's Young Workers Liberation League (YWLL). Or they may be associated with the Student Mobilization Committee to End the War in Vietnam (SMC), a Trotskyist dominated anti-war group.

"Many are not associated with any national group. The key point is not so much the identification of extremists but learning to recognize and understand the mentality of extremism which believes in violence and destruction."

In order to investigate the elements that are in contact with the militants, it is necessary for detectives to work on information given them by students concerning outside persons who have come to the campuses and helped to organize the disturbances. The local police or college officials do not have the time or resources for such wide inquiries. The FBI, on the other hand, is adept at carrying on intensive studies, which may require visits to other localities. This is one of the reasons why Congress now appears ready to authorize FBI agents to aid in the close examination of campus disorders, especially bombings and arson.

A favorite device of the extremists is to denounce the FBI and try to prejudice the students against the federal government itself. As Hoover says in his letter:

"They'll encourage you to disrespect the law and hate the law enforcement officer. Most college students have good friends who are police officers. You know that when extremists call the police 'pigs' they are wrong. The officer protects your rights, lives, and property. He is your friend and he needs your support."

President Nixon was so impressed with the letter that Hoover wrote for UPI that he ordered a copy sent to 900 college presidents, to be distributed to students wherever possible.

It has been apparent for a long time that outside elements have often been responsible for the destruction of property belonging to the federal government, such as federal research centers and the premises of the Reserve Officers Training Corps.

By bringing the FBI into the investigative side of the problem, it is believed that conspiracies will be more promptly disclosed and participants subjected to punishment under federal laws which apply to acts designed to damage or destroy federal property.

RAILROAD TRANSPORT PROBLEMS

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. WEICKER. Mr. Speaker, regarding the extension of the High-Speed Ground Transportation Act passed earlier today, I wish to say that it pained me to see the amendment to increase the appropriation by \$15 million defeated.

I come from a State where a significant number of commuters look desperately for some improvement of the rail system. The turbo trains between Boston and New York have been a ray of hope for Connecticut residents of what good train service can be like. More money is needed urgently to continue such brave ventures into new concepts of rail transport.

Beyond this, I want to briefly look at the feasibility of putting rail transportation on the same sort of financial basis as road, air, and water transportation.

As we all realize, the present condition of rail transportation is deplorable. This is nowhere felt more strongly than in those areas where large numbers of persons have to rely on trains for commuting to and from work every day. Repeated failures of overaged track and signalling equipment make the daily trips on the train an ordeal.

We can take the attitude that the railroads have gotten themselves into this mess and they should be the ones to pay for improving the service. But that sort of attitude not only creates more problems, but is also unfair.

If we stand by while railroad service deteriorates to the point of standstill, we will have created a worse problem for the environment. It will put more people into cars trying to jam into already crowded highways. More highways would despoil our disappearing green areas, while the increased number of cars would poison the air even more rapidly than now. These would not be the only problems created by a neglect of the railroads. There would be many more.

On the other hand, keeping the railroads functioning and encouraging greater use of them as alternate ground transportation would relieve many of the same problems. It certainly would benefit our environment since the railroads operate over already existing roadbeds and do not nearly create as much pollution per passenger as private automobiles or even buses produce.

Second, let us examine how fair a continued laissez-faire doctrine would be. The present arrangement is that the railroads own and maintain their own rights-of-way. They pay local property taxes. The highway, waterway, and airway users operate on or off publicly owned and financed facilities. The charges imposed upon those users do not cover the cost of the facilities provided. For example, air carriers pay only about half of the cost of the airports and flight control systems provided them. Generally speaking, users of public transport facilities also do not pay property tax or their equivalents on the facilities they use. The user charges they do pay are deductible from Federal income tax in the year they are paid. The railroads, on the other hand, must capitalize improvements by themselves and obtain money on the private capital market. Yet they must spread the depreciation deductions over many years.

I could go on listing specific disabilities or handicaps that apply to the railroads but which do not apply to the other transportation carriers. What they all amount to are disincentives against capital investment to improve both the equipment and the service.

This is not to say that the railroads should not have done a better job in managing—I think some have done poorly and have not acted in the public interest—but it is to say that the economics of the present arrangements have encouraged the poor management practices prevalent in some companies.

In conclusion, let me state that the essential component of high-speed ground transportation is a healthy rail transportation system. If we wish to keep the railroads operating and provide much needed services, we have to examine new ways to insure that the financial disabilities presently operating against the railroads do not cause a breakdown of the whole rail transportation system. One way would be to put rail transportation on the same financial footing as other modes of transportation. Those carriers are now assured the guaranteed flow of public money to maintain their facilities. I have repeatedly advocated that we should urgently examine the advantages of the acquisition, operation, and maintenance by the Federal Government of all railroad tracks, rights-of-way, and signalling equipment as perhaps the only way to get good rail service.

COMPETITION IN GASOLINE PRICING—RETAILING'S CHOICEST JOKE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. BRASCO. Mr. Speaker, the ongoing scandal known as gasoline retailing gets worse constantly. Everyone points to it with dismay. Gasoline dealers are being squeezed like so many pips, going under with a frequency that grows daily. Oil companies responsible for this unbelievable situation calmly gaze back at the American motoring public and outraged retail gasoline dealers. In so many words, they are saying, "Well, so what? What do you propose to do about it?" So far, this Government has done nothing at all.

The Federal Trade Commission has recently stirred itself into something resembling action. But only so far as to allow one of its officials to charge that major retail gasoline companies do not appear to believe in competition. That is putting it mildly. That is like throwing an anchor to a drowning man.

It is an open scandal in my home borough of Brooklyn. Everyone openly acknowledges that price fixing, gouging and discrimination in pricing is a daily occurrence. Retail dealers are told in blunt terms by major suppliers to charge what they are told to, or lose supplies of gasoline and other products—or lose franchises—or lose everything, including livelihood.

In one part of Brooklyn, a retail outlet will be charged so much per gallon for its gasoline supply. Next week he may be charged another price completely. Price tickets substantiating these charges are available for inspection. Yet, the Federal Trade Commission periodically deplores the situation, promises investigations and does absolutely nothing. In the meantime, the average operator of a retail gasoline outlet is annihilated economically. The motoring public is robbed openly and outrageously and nothing is being done.

The gasoline and oil industry, already

a tightly held field, is narrowing its competitive range constantly. The wave of mergers of the past year or so has placed greater economic power all down the line in fewer corporate hands.

What it boils down to is that the entire petroleum industry is not structured in a way that results in maximum benefit to consumers and retailers who depend on it for a living. The small businessman and the public are being picked to pieces calmly by a coterie of large corporations, merciless in their greed and shortsighted in their vision. The oil industry looks upon us as a biologist contemplates his laboratory animals.

Twenty firms control over 80 percent of the value of all shipments. The top eight account for 55 percent. Rivalry between them is based on false advertising claims, such as mileage additives, engine additives, quality of station services, and the like.

Yet, in spite of our knowledge of all this, nothing is being done. I feel discriminatory pricing structures within metropolitan areas are eviscerating the small business foundations of entire areas. Here is where immediate action must be taken by the FTC. Yet, even as the FTC announces its awareness of what is going on, it openly admits its helplessness or unwillingness to bring suit and do something about it on behalf of the public. When the premier champion of the consumer admits its helplessness, how can the average American retain belief in anything his Government promises to do?

This situation is such an open scandal as to surpass ordinary illegal situations. The entire retail gasoline structure of the Nation knows it. Millions of families know they are being robbed openly. Government admits it. Yet nothing is being done.

Private gasoline retailers have been urged by the FTC to file private antitrust suits against oil companies in order to obtain greater freedom in retail pricing and in operation of gasoline stations.

In another related area, the FTC has announced it is concerned over acquisitions by major oil companies of smaller independents. This is putting it mildly. As smaller independents sell out to the majors, the majors immediately snuff out the area of competition these small operators have kept alive. Instantly, one pricing policy is replaced with another, penalizing the small retailer and driving him to the wall. His old source of supply is gone. He is helpless.

Retailers of any kind should be free to price as they wish without present coercion. They should be able to switch brands if they wish and refuse to participate in the outrages that pass for consumer "games"; which are simply cheap "come-ons" rather than legitimate contests. In instance after instance, these have been proven to be frauds. Yet major oil companies force them down the collective throats of retail operators. "Use them or else" is the instruction. The public pays the end price.

Without such a parasitical free rider on the consumer's back, our prices at the pump would be much lower. The average service station man could hire another person with money he now is forced to

pay for promotional games. Instead, we have illegitimate nonsense foisted on us instead of open competition in the marketplace.

The sole competition comes into being when major oil companies create price wars at the expense of retail operators. They move in like so many predators, selling excess-capacity gasoline products at distress prices. This annihilates the tiny profit margin of the retailer. Almost always, the retailers absorb cost of such cuts. It is "eat slim rations at the best of times," and "starve whenever the oil companies decree it." Either that, or have your franchise lifted.

Such domination even extends down to lines of accessories and other items dealers are forced to carry. Interests of the retailers simply do not matter.

Mr. Speaker, I find this situation incredible. The record of oil industry outrages makes Bocaccio's "Decameron" look like a child's coloring book. This is the most privileged industry in the Nation, milking tax benefits from the public as if it were a milch cow.

On every side, we are taking a series of beatings because of corporate irresponsibility by the oil industry. Our air is being polluted by their products. Our waters are being ruined and fish life killed by the same. No one can easily forget the disaster they pleaded guilty to in the Gulf of Mexico recently.

Their tax payments, when compared to income, are the lowest proportionately in the Nation among major industries. To top it off, they are deliberately following policies toward the motoring and retailing public I have just cataloged.

Worst of all, they are squeezing the life out of the small businessman. They get a gas station operator in their grasp and drain the life's blood out of him. They overbuild stations and outlets. Their franchising structure is a scandal. Their games are false and fraudulent. Their discriminatory price structure makes Boss Tweed look as if he took a lifetime vow of poverty, chastity, and obedience. And, in the end, the FTC admits all these charges. Then it follows through by telling the public it cannot do a blessed thing about it. Surely we have arrived at a state of corporate anarchy that makes the Gilded Age seem tame. Truly, it is "the public be damned."

THE TRANSATLANTIC CLEAVAGE— THE TECHNOLOGICAL GAP

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. ROBISON. Mr. Speaker, I am including in the RECORD the third in the series on Atlantic Union written by Aurelio Peccei. In this article Mr. Peccei indicates that the growing technological gap between Europe and the United States presents some serious impediments to Atlantic Union. His suggestions offer food for thought.

I commend this article to my colleagues:

THE TRANSATLANTIC CLEAVAGE—THE TECHNOLOGICAL GAP

The time has come to examine the dangerous turn of events in this latter part of the 1960's, to try to make projections into the future of the present disquieting situations, and to determine what we must do to retain control of our destiny in a time of precipitous change.

I am prompted to write this book by the conviction one gets traveling far and wide in the world and observing the growing confusion and complexity of the problems and expectations of our age. This conviction is that mankind is galloping in the direction of assured and possibly total disaster. It follows that a radical change of azimuth and saner control over its course are both imperative and urgent. As man himself has embarked on this reckless course, it is possible for him to correct it. The correction, however, will have to be radical, and the hour is already rather late.

I am not a pessimist. But I see the threat and challenge components looming so much larger in the diagram of forces that dominate the future that I feel priority attention needs to be given to them—urgently.

With this as my broad frame of reference, I will in Part I of this book examine the Western world, using technology—the vector of change—as the focal element. I propose to concentrate on the *Chasm Ahead*, the split that is rapidly widening among the Atlantic nations, and which threatens to divide them into two segments—American society and European society—divergent, and evolving in different ways.

In Part II, I will attempt to present in perspective the entire world system, as I see it—at the crossroads. Its condition is serious. Tensions are growing, conflicting tendencies clash. On the one hand, its outdated and inefficient socio-political organization is patently incapable of coping with the new pattern of forces which have emerged in the modern age, and which tend to disrupt the system outright.

On the other hand, equally new but weaker factors are working in the opposite direction—toward shaping a universal conception of the human family, and a planetization of our interests—and thus tend instead to transform and coalesce the system. Still dominant, however, are the uncontrolled and convulsive situations we witness exploding from time to time, and which may eventually get out of hand and play havoc with mankind and civilization.

These are threats and challenges of a novel kind, which need to be faced squarely. To do this we must take an active forward posture, based on a deeper understanding of our peculiar epoch and leading to new forms of long-range coordinated action on a world scale.

Finally, I will also examine some of the *Macro-problems* of our time, this new category of very large problems of a complex nature, demographic, societal, political, or ecological, or of a composite character, which incisively affect the life of most of the world's peoples, and require a global attack.

My intention in this review, first of the state of Atlantic affairs, and then of the situations and ills of our old planet, is to try to give a true, even if cursory, picture of human society's present predicament. And from this analysis I will, in Part III, go to outline a *New Approach* to the world and its problems, which I submit it is now imperative to adopt if we are going responsibly to prepare ourselves for tomorrow's world. This *New Approach* entails a courageous departure from current thinking and policies, and the adoption instead of the forward posture I have mentioned. It means applying all our knowledge and capacity actively to shape the future. Because of its traumatic novelty and extreme complexity, I think it ought to start with a broad feasibility study—

Project 1969—to be undertaken by the most advanced countries, using objective and scientific methods.

My conviction is that the inevitable outcome of this hard, comprehensive and compassionate new look at man and society in our tempestuous age will be that a *Great Change of Direction* in our course is both imperative and urgent, to head it off from very probable catastrophe in the coming decades.

To start our discussion, we may recognize the cleavage between the United States and Europe is surely not the widest. But it is the one that may have the most far-reaching consequences.

What may be called the *Atlantic platform* is the world's most important geopolitical area and the home of the most advanced civilization. More than 100 nations—big and small, old and new—are grouped around that platform or look to it for aid, progress, and leadership. Should the present cleavage continue to widen and become—as many signs indicate—a chasm irretrievably sundering this platform, there is great doubt whether the world will enter the golden age men expect as a result of our technological progress. Indeed, it seems that the entire human society might be heading for an era of disorder and crisis.

Ironically, this cleavage in the middle of the Atlantic is being brought about by one of the most extraordinary events of world-wide consequence in man's history, an event the Western peoples themselves have unleashed but no longer seem able to control—the technological revolution. It is a revolution so sweepingly new that we are patently unable to understand all its implications. It is also so radical that, although the Atlantic peoples are still its major protagonists, they are becoming at the same time the unwilling and largely unwitting agents of many negative developments in its side effects.

Carried along as we are in the maelstrom of this revolution, it is difficult to assess its wider effects.

My general objection is that we seem unable to get rid of our slant toward things economic. It is misleading to judge the impact of technological disparities from this angle only. Their consequences do not affect only economic activities, they overflow to all other fields, and interact with the entire texture of society.

It is precisely by taking stock of all the phenomena affecting modern society that we ought to assess the revolution under way, and try to understand where it is leading us. The task is made somewhat easier, because certain of its unwanted consequences, far from lurking in some distant time, ghosts of the future, are already apparent now and seem destined to grow to intolerable proportions during our lifetime. One of the most relevant negative elements, and one which I will use to unfold my thesis, was first perceived a few years ago and is often—if somewhat superficially—called the *technological gap* between the United States and Europe.

THE DISPUTE ABOUT THE GAP

In the broad sense used here, technology means the organized application and utilization of knowledge to make products, services, processes, and techniques available on the market and to society in general. Its impact on modern life is very great. It has been estimated that technical progress made a 52 percent contribution to U.S. economic growth during the 30-year period 1927-1957.

To speak of the gap with this wide connotation is to assume that there actually exists a significant difference in technological performance between the two sides of the Atlantic, a capacity of American society to innovate and progress which cannot be matched by Europe. As this may be considered a bold assumption, two major pertinent questions may be anticipated. Is there, in fact, a technological gap between the United

States and Europe? And if it does exist, what is its real meaning?

Many Americans, especially those in official circles, have until recently denied that the two continents were moving so far apart technologically as to create this new problem across the Atlantic. This American refusal to admit the gap—which in the minds of many Europeans was evident—has been a point of contention at the countless meetings and conferences devoted to the subject in the last few years.

The existence or importance of the gap was belittled by many American participants at the Symposium on Technology and World Trade, held in November 1966 at Gaithersburg, Maryland, on the occasion of the dedication of the huge new laboratories of the National Bureau of Standards. Yet these ultra-modern, impressive facilities, dependent upon a Federal agency, were there for all to see. They were a monumental demonstration of what the United States can do and actually is doing in the field of applied research to stimulate the growth and competitive edge of American technology and economy. The stage was properly set on that occasion to show how powerful America promotes ever more research and innovation, recognizing that they lie at the heart of the process by which America has grown and renewed itself—and outstripped all others, including slower-moving Europe.

The participants in the symposium knew this effort could not be duplicated by any nation, not even by all the European countries acting together, should that continent become united. When the then Assistant Secretary of Commerce, J. Herbert Holoman, said that "we believe that technology, appropriately understood, morally and ethically applied, is the best hope for a peaceful, prosperous society," they knew also that he was opening a door whose keys are indeed in the hands of the United States. They were left wondering whether Europe, let alone the lesser countries, could ever obtain these keys, or if the United States was willing to use them to give others equal access to the paths of technological prosperity and so make the world's gaps less blatant. The impression of hopelessness was increased, however, when the then Secretary of Commerce, John T. Connor, added:

"We need to change our approach to the fact that there are differing levels of technology in various fields among the nations of the world. Our thoughts and actions should not be directed toward compensating for these differences artificially. Rather we should try to assure that each nation has access to the particular technology most appropriate to its own goals as defined by that nation."

Foreigners in the audience were convinced that the United States not only was setting its course toward private exclusive technological frontiers but would also be lost from sight by all the others much sooner than they had previously feared.

Yet the gap was denied or decried. I admired these two forthright and outspoken gentlemen. They were voicing current U.S. thinking—that those crying at the gap were alarmists of a sort, because although it was true that the United States was setting the pace, the gap, if any, could be offset by Europe and others if they were really determined to catch up.

This tune was played time and again by most American officials. It was not merely an official posture. They were really unconvinced that the two halves of the Atlantic were becoming progressively separated by a widening gap, and that the gap was to be a permanent feature of the Atlantic landscape. You cannot expect, they said, the same level of technology between firms in industry, or industries in one country, or between countries. Indeed, they pointed out, disparities within the United States may even exceed those between the United States

and Europe, and technological leads and lags are natural and fluctuate from time to time.

Many Europeans, standing on the low side of the gap, perceived its dangers better and sooner. They admitted that in fundamental science Europe probably equaled America. But, as Professor Jerome B. Wiesner said, "Science is the quest for more or less abstract knowledge, whereas technology is the application of organized knowledge to help solve problems in our society." These Europeans argued that, as the central challenge is not so much gaining new knowledge as learning how to use it effectively, and that, as America is unexcelled in the capacity to swiftly bring techno-scientific progress to the marketplace and into our daily lives, the gap is inevitable.

If it was undeniable that Europe was ahead in some sectors, they pointed out that the United States lead was very great precisely in the areas that the French call *porteurs d'avenir*, the key science-based industries and techniques on which the future hinges: Computer technology, jet aircraft, satellite communications, micro-circuitry, rocket and space science, automated machine tools. And they maintained that the United States lead was even greater when one also considered the capacity to handle giant technical programs by systems analysis and other advanced methods, which in the American experience have already proven themselves in military applications. In conclusion, the technological scales have become irrevocably tilted, according to these Europeans, and the lopsidedness across the Atlantic was not only here to stay but to grow continuously.

The issue remained controversial, however. The turning point for a more objective view of the problem was reached, I believe, at the Conference on Transatlantic Technological Imbalance and Collaboration, held at Deauville, France, in May 1967, with the sponsorship of the Scientific-Technological Committee of the North Atlantic Assembly and the Foreign Policy Research Institute of the University of Pennsylvania. Opinions still varied but as the conference progressed, a consensus was reached.

The conclusion—which in my view is still a mild expression of a stark phenomenon—was that although in a number of specific industries and in certain areas of pure science Europe enjoys parity and even superiority, the number of such sectors is relatively small, and *there exists an over-all imbalance in favor of America*. I quote from the conference's final report:

"The United States was seen to have a decided edge, not only in the overall conditions, asserted to result in technological growth, but in the specific results themselves, especially in the critical industries of aerospace, electronics and computers. Thus, defining gap as an uneven distribution of technologically relevant resources, it was agreed that such a gap existed. There was also a sentiment that, even in the local circumstances where now the gap was not pronounced, the future was threatening because of the large-scale impetus to technology which the Americans were able to stimulate in their society."

A similar conclusion had already been reached in a report prepared by an outstanding American executive and a recognized authority on this matter, Dr. Antone T. Knoppers, who had been requested by the Atlantic Institute to assess the situation. He had no hesitation in saying, "The leadership in technology held by the United States over Western Europe is even greater than is generally thought in Europe, and is increasing. The long and short range consequences to Europe—and thus to the Atlantic economic relationship—are dangerous if the trend is permitted to continue."

At present, it is no longer disputed among knowledgeable people that a new concern has entered our lives—the serious technologi-

cal gap dividing America from Europe. It is also generally conceded that the over-all gap in its present form is a *relatively recent phenomenon*. It was in the 1950's that Europe started lagging dangerously behind. Today, the same Europe that until World War II was a healthy contender for techno-scientific primacy, running neck and neck with the United States toward progress, or at least trailing behind her at a visible distance, no longer belongs in the same heat.

DIFFICULTY OF SIZING UP THE ISSUE

What the experts know, however, has not permeated public awareness in this country. The American public has not yet grasped what actually is this laceration occurring in the body of Western society.

Understandably, in Europe people are more aware of the existence of the technological gap. The press, the radio and TV tell them that the secret lies in the capacity to innovate and translate scientific and technical knowledge into products and processes, in which the United States is far more advanced than Europe. Capital is more plentiful and freely available and bolder in accepting risks; the educational system produces better scientific and engineering skills in greater number; management is sharper; the domestic market is much larger and in many ways three, five, or ten years ahead of the European markets; a small number of giant firms are better placed to undertake the risks of R and D [Research and Development] investment and of innovation than a large number of small firms.

They know also that of determining importance have been the United States defense outlays, of a magnitude that—fortunately, they believe—is without parallel in Europe. They are, however, afraid that the technological effort spurred by defense requirements, which has already stimulated a number of breakthroughs in electronic circuitry, telecommunications, propellants, exotic metals, instruments, and an incredible profusion of gadgetry for the conquest of space, etc., will have increasing effects on everyday life in the future.

All these impressions have already ingrained themselves in the European public's mind. They exist alongside the image of the United States as the spearhead of human progress (only here and there challenged by the Russians). This mythologizing of U.S. technology has probably gone so far beyond reasonable marks that its breathtaking advance is given the credit or blame for much of the revolutionary transformation taking place in everything important in society: Values and habits, economic growth and potential for destruction, expansions of industry and decline of traditional activities, new jobs or unemployment, newer communications media and lesser capacity of understanding one another. The United States image is not only one of standard-bearer of this great upheaval of change, but also one of the only nations capable of absorbing and utilizing its impact and deriving ever new strength from it.

Assuming that the gap really exists, it is important to awaken the same consciousness in the American public. The issue ought to be clearly stated for it to judge.

How can outlines of this divisive phenomenon, I asked myself, be conveyed in terms convincing, not to the expert, who no longer needs to be convinced, but to a select public, the readers of this book, who might then convey the message to wider circles? I am writing the book in faith that the reader is a cultivated individual, modern and open-minded, somewhat puzzled and concerned by what happens in the world, and therefore desirous of better understanding the problems of our time.

It is written by an industrial manager, not a scholar. It does not set out to present a full demonstration of the gap—which, I am sure, eventually can be given. This work

intends to be one of synthesis, bringing forward some ideas about the extremely serious world situation, and suggesting possible avenues for the future. I would like to be in communion with the reader and assess with him in broad historical terms what is happening before our eyes in the Atlantic region.

From the avalanche of information daily pouring on the public, the portion which deals with this subject is uncoordinated, and most of it goes unnoticed. To extract the gist of it and to build a true and meaningful scenario of the transatlantic technological imbalances, I have asked my friend, Mario Rossi, Special Correspondent of *The Christian Science Monitor* at the United Nations, to assist me in following the phenomenon for one year—roughly the year 1967—as it emerged from the mass media.

THE GAP IN COMPUTERS

The technological gap between the United States and Europe is a subjective as well as an objective phenomenon, something that we can calculate in certain aspects and just feel in others. When we travel from southern Italy to southern California—or, for that matter, to southern England—we need no production figures or income scales to tell the difference between styles of life.

Any understanding of the problems posed by the technological gap must therefore begin with the fundamental recognition that we are dealing not only with quantitative but especially with qualitative factors.

To bring this sharply into focus, take the crucial case of computers. About 40,000 computers. About 40,000 computers are already in operation in the United States as opposed to about 10,000 in all Western Europe. It is reliably estimated that by 1970 there will be about 50,000 computers in the United States and by 1975, 80,000 and only about 20,000 in Western Europe. In all these comparisons, keep in mind that the population of Western Europe's is more than half again as large as that of the United States: 355 million as opposed to 206.

The United States has thus a commanding lead in the new field of electronic data processing which is probably the most pervasive development, affecting more industries in more ways than any other. It is acknowledged that computers are the star protagonists of the technological revolution under way.

Another aspect appears to be more significant: In Europe the computer is being used for limited specialized applications in industry, government, and universities. It cannot be otherwise, considering that in 1965 the computer-per-man ratio was 386 for every million non-agricultural workers in the United States, compared to only 125 in Switzerland, 95 in Sweden, 67 in West Germany, 60 in France, and 48 in the United Kingdom.

When I visit the United States, I often clip newspaper articles about computers. Some headlines:

Computers Assist a Brooklyn Birth
Computer Tested as Weather Aid
Computers Guide Pupil Integration
U.S. Computers Help Thwart Vietcong
Computer Orders Parts for an Airline
Computer Chess Won by Stanford: Machine Takes on Russians After Beating Carnegie

Quick, Compute Me a Nice Tapestry
U.S. Urged to Use Computer in Language Study

6th Grade Taking Computer Course
15 Police Departments to Link with F.B.I. Computer

Computer Now a Wall Street Guard
Computer Jumps to Ski Conclusions
Computers to Aid Legal Research
Computer Hookup to Home Foreseen

The last quotation is enough to underline my contention that computers are fast becoming a built-in feature of American life.

Computers are not simple gadgetry, the kind of gimmickry Americans are so often accused of spawning. They alter man's mental environment. They enhance and multiply his thinking capacity and open up new vistas and heretofore undreamed-of opportunities for the solution of the increasingly complex problems of an industrial society.

The computer revolution is altering the fabric of society in the United States to an extent unparalleled in Europe. Computer technology and applications require a sophisticated approach at all levels, from producers to customers. Suffice it to mention that computers have brought about a new and revolutionary art of management in the conduct of both business and public affairs, which leads to the more efficient use of materials and personnel, faster results and better products, and greater profits.

Computers accomplish a spectrum of qualitative changes that are at the core of the technological gap between America and Europe. They reflect and dramatize technological changes brought about by the explosion of science-based industries.

Electronic components are tightly linked with computers. Here, fantastic prospects are opening up through the development of such advanced technology as minute integrated circuits. American companies, (Texas Instruments, Fairchild, Motorola) account for 90 percent of the European market and are practically the sole depositories, through their international subsidiaries, of know-how in this breakthrough development sector.

To quote my friend, Christopher Layton, "to bridge that gap would be for Europe about as easy as boarding a moving express train."

FROM NUCLEAR ENERGY TO AEROSPACE AND TELECOMMUNICATIONS

In other frontier industries one witnesses the emergence and widening of gaps. Such is the case of the nuclear industry in spite of Europe's earlier start. With military applications, it is common knowledge that the United States holds an overwhelming position. Even in peaceful applications, the United States has easily succeeded in outclassing Europe, which was paralyzed by an inane proliferation of national approaches and even nationalistic feuds.

Today, the total installed nuclear power in Europe, some 6,000 mw, may be greater than that in the United States, about 200 mw. But when one looks beyond the surface figures, United States dominance is clear, buttressed by [its control of] the market for enriched uranium fuel. And 32,000 mw power stations are now on order in this country. U.S.-made nuclear reactors—by General Electric and Westinghouse—have begun to sweep world markets.

This seeming inability to meet the nuclear power challenge fills Europe with gloom, especially the British have found it galling, since they had a head start in design and cost efficiency. Despite the fact that British and German laboratories seem to be ahead, so far, in the next generation prototypes, uncoordinated, ineffectual policies may already have produced the sterilization of the initial European lead.

The same story of the dramatic decline of great European industries can be recited for the aircraft industry. The record here is one of bold initiatives, gambles, fiascos, and self-defeating feuds. Suffice it to mention the failure of the European attempt to produce a variable geometry aircraft and the airbus. This failure has probably decreed the final dominance of U.S. aircraft in world markets. The Americans have taken the initiative in the construction of the "jumbo jet", with the Boeing 747, and have a strong time lead in the airbus category, with the Lockheed L1011 and the McDonnell Douglas DC10. These airplanes are due to go into operation

in 1970, and will again revolutionize civilian air transport. Europe's only entry so far is the Rolls Royce engines powering the L1011.

The airbus case illustrates the limits and failures of production by European-style coalition: Two or more governments, two or more managements and two or more production lines trying to simulate the unified industrial process contracted out to a single [U.S.] company—which, moreover, has at its disposal a very large domestic market.

The Americans, meanwhile, have been perfecting "fleet standardization," with its rational planning, and cost saving. These are some of the reasons why civilian airlines and military air forces are, with a few exceptions, adopting U.S. material. Only in the race for supersonic aircraft does Europe seem in a position to win eventually, if the Anglo-French *Concord* maintains its present decisive lead and proves itself operationally satisfactory.

Space is just another example of the gap in effectiveness. There is also a huge gap in scale: \$4-billion spent annually in the United States during the past years (more than Europe's entire civilian R and D effort in all industries) compared with \$200-million on Europe's space programs, national and international.

NASA has some 500,000 employees, as against 20,000 in government and international space research centers in the whole of Western Europe. This overwhelming ratio may probably be reduced. Many [U.S.] voices are criticizing such expenditure as lavish. Europe seems about to revise its programs, and the Causse Report, on behalf of the minister-level European Space Conference, suggests an investment of \$400-million in 1970. Even on these optimistic assumptions the ratio would still be 8 or 10 to 1.

The time-lag is also great: The first American *Explorer* was flown in 1957, approximately 500 [U.S.] satellites have been flown since, against 11 by Europe, the first in 1964. What matters most is that the organization behind is so different. Against the American concentration of effort, there are presently three main multinational space organizations in Europe. Then there are 10 separate national programs and a number of bilateral combinations.

Aero-space has become one of the largest U.S. manufacturing employers, with a 1.2 million payroll, including 20 per cent of the nation's scientific and engineering talent. Cooperation among government agencies, space-oriented industries, universities and a wide circle of knowledgeable professionals is easy and rapid. In Europe, the dissemination of information is difficult and slow. Some times it seems as if communication on space and the universe was better at the time when Kepler and Galileo used to compare their results by writing each other in Latin between Prague and Florence.

Europe has not fully understood that space is not a vague competition for "pie in the sky," a race for prestige. Space research is part and parcel of the new scientific revolution and has started a new era of discovery, comparable to the one [opened by] the telescope. It has some very real, immediate results, not to mention spin-off effects on industry as a whole. Application satellites, such as communications, meteorology, navigation and earth resource survey satellites, are bound to play a fundamental role in the future of mankind.

But, except for participation in a 50-odd-nation venture, the International Telecommunications Satellite Consortium (Intelsat)—in which the United States has more than half the stock—Europe has still to take a step in this area. In 1964 it started to set up its own communications satellite network, but has failed to come up with a concerted plan.

Communications at large are one of the main avenues of the technological revolution. The new communications theory is

developing systems which include satellites and computers connected by telephone, telegraph, and microwaves. Yet if we scale down from spectacular satellite communication to the down-to-earth telephone system, the gap in both quantity and quality still exists.

Half the growth of calls in the next 10 years will be for data transmission from computer to computer. In the United States it is already possible to get through central computers by using telephone lines. Europe is still way behind. In 1966 it had only one telephone for every six people, compared with one for two in the United States, and the quality is rarely up to American standards.

The Bell Telephone Company experimental laboratories are known throughout the world as the very model of the most advanced and progressive kind of commercial research laboratory. Though Europe spends more on telephone research and development than the United States, its efforts are dispersed in national approaches with quite insufficient, if not inefficient, results.

It is in such a complex of interlocking factors that the technology gap lies. Individually considered, these factors are evidence that the United States has a dominant lead over Western Europe in most crucial areas of applied science and marketable technology. In combination, they exert such a formative influence on the societies of America and Europe that they portend a phenomenon that will widen as time passes.

THE GREATER U.S. EFFORT IN RESEARCH AND DEVELOPMENT

Competition by innovation is rapidly taking the place of competition by productivity. Investment of capital and talent in R and D is at the base of the innovative process and constitutes one of the necessary driving forces of future growth. It may be argued that R and D expenditures are simply inputs, and provide no measure of output, that is, of actual results. However, there are enough cases to prove that the R and D effort is concomitant with over-all growth.

According to the latest data available, R and D expenditures in the United States—one-third of the world total—were 24 billion dollars (3.5 percent of the gross national product [GNP]) in 1967 as against about 7 billion dollars (1.3 percent of the GNP) in Western Europe. The resources annually deployed by the United States are ten times greater than those of Great Britain, 15 times those of Germany and France. Her R and D expenditures are expected to reach \$53-billion at current prices in 1980, when in all Western Europe they will probably be nearing only \$20-billion. In the number of people employed on research and development, which probably provides a more significant indication of the real effort devoted to this activity, the United States dominance is again undeniable: about 1,250,000 to about 500,000 in Europe.

The U.S. government pays nearly three-fourths of the national R and D bill. This centralization of funding, intelligent use of a new tool invented to give it more leverage, practically nonexistent in Europe—the Federal R and D contract—and its coordination with government purchasing, plus the American capacity of managing highly complex research projects cannot but help solidify its overall technoscientific superiority.

The advantages accruing from this policy are shown by the U.S. technological balance of payments, namely the net flow of money for patents, royalties, licenses, and technological know-how at large she sells to other nations and buys from them. The trend with Western Europe shows a growing [U.S.] surplus which more than doubled the receipts from 1958 (\$132-million) to 1965 (\$454-million).

COMPARATIVE SIZE AND PRODUCTIVITY

Since optimal dimensions vary, size in industry is a controversial factor. Nevertheless,

in automobiles, electronics, rubber, steel, oil, and chemicals the largest firms are American; the gap between them and their European competitors is considerable. The far greater size of the American domestic market accounts partly for this disparity.

The oligopolistic structure of American industry is favorable to innovation. Large American firms are better placed than their European counterparts to undertake risks. But also profit-wise the latter trail behind.

Differences in profits are far more important than differences in the volume of sales or turnover. They are an indicator of the great productivity achieved by firms in the United States. In 1966 Britain's National Economic Development Office calculated that the number of men required to produce the same output as one American was 2.3 for Britain in steel, 3.4 for Britain and 2.6 for Germany in chemicals, 4.2 and 3.8 respectively for Britain and Germany in electrical machinery.

This means that, besides advantages of scale, American industry enjoys a productivity edge over European competition. Very different opinions can be gleaned as to the main factors contributing to this difference in performance. One thing, however, seems to me certain. Just as for innovation, cost performance, profit growth, etc., productivity too depends very much on the quality and drive of management. And one field where America excels, certainly, is managerial capacity. Hence, the tendency to speak of the managerial gap.

The argument has been brought forward that in the United States the small innovating industry committed to science-oriented sectors has often played a role greater than that of the large corporations. Xerox, Polaroid, Varian, Hewlett-Packard, and other electronic components industries are well-known cases. This is true, but small, pace-setting firms thrive better when they live among a population of giants, and when the market offers them unlimited opportunities to grow, as in the United States.

The statement in a memorandum of the Common Market Commission is not mistaken: "It is the widespread feeling that European companies are not big enough at present either to take full advantage of the Common Market, or to compete with powerful outside concerns—particularly American companies—which are able to set themselves within the Community itself and because of their greater financial and technical resources built up in a vast home market, can easily outweigh those European companies which do try to adapt themselves to the scale of competition appropriate to the Common Market."

BRAIN TRAINING—AND DRAINING

Probably the main factor influencing technology is education. The relative availability of qualified personnel is the key element in the technological disparities between the United States and Europe.

Examine, first, the great mobility, most of it one-way, of human elements between the two sides of the Atlantic, and then, how the brainpower of the two societies is upgraded, educated, and trained by each.

A good deal of public attention is directed toward what is commonly known as the brain drain, which depletes Europe—and other areas too—and generally enriches America with high-value brainpower.

According to the National Science Foundation, 43,500 scientists and engineers emigrated to the United States during the 13 years from 1949 to 1961. The total does not include the many other related specialists—from doctors to lab technicians. Seventy percent of the 43,500 came from countries with a relatively high standard of education—Canada and West Europe.

In 1966 official reports in Britain caused considerable concern: 37 per cent of the physicists who received doctorates between

1958 and 1963, were working abroad—mainly in the United States. Again in 1966 Britain's Action Committee for European Aerospace reported that the United Kingdom's whole aerospace program was in danger of collapsing due to American "pirating" of brains.

The flow of European scientists to the United States averages 2,000 annually. The peak year was 1966—more than 2,700. Almost half came from Great Britain, while the Common Market countries provided only a relatively small proportion. Physical and life sciences are the greatest field of interest (45 per cent of the total). Of the 40 scientists living in the U.S. awarded the Nobel Prize for physics or chemistry between 1907 and 1961 15 were foreign-born.

It is in the less measurable sphere of quality that the brain drain makes its ultimate impact. Generally, those who migrate are motivated, enterprising people.

Here we may turn to the most pertinent study, that of Raymond Poignant, a leading French authority on education, undertaken for the Institute of University Studies of the European Community. Its results, made public in 1965, indicate that, in all the relevant areas, the nations of Western Europe lag behind the United States in production of trained personnel in general, and scientific technological personnel in particular.

According to the French Raymond Poignant study and OECD data, in 1964 the United States spent 6.18 per cent of its GNP on education, compared with about 4 per cent in the main European countries. School enrollment as a percentage of the population in the age bracket between 5-24 years was 77 in the United States, 65.3 in France, 60.5 in the United Kingdom and 56.3 in Germany.

This is reflected in the higher proportion of high-level manpower in the United States—17 per cent of total labor force, compared to 11 per cent in the United Kingdom and 10 percent in the Common Market. Kaufman notes that over 40 per cent of the U.S. university-age population are in colleges or universities, compared with 10 per cent in Britain, 15 per cent in France, and 7 per cent in Germany and Italy; about 20 per cent of the university-age U.S. population earn degrees, compared with about 4 per cent in the Common Market; and there are over 2,000 U.S. institutions of higher learning compared with 40 in France and 48 in Germany.

The Poignant study showed that the European Economic Community nations were not changing their secondary education set-ups fast enough to achieve any substantial increase in their percentage of college-age population receiving higher education. Behind these figures, of course, lies the social inequality in educational opportunities within European nations. Working-class children are not getting their share, and Europe is thus wasting the brainpower, not to say the lives and future, of many of these children.

Wherever we look in the United States—from the introduction of the "new math" in the lower grades to the establishment of the Harvard University Program on Technology and Society—we see that U.S. educational institutions are in the vanguard of those who wish to come to grips with science and technology.

FACING THE GAP

Whatever the shortcomings of this review of causes and symptoms of technological and related disparities between the United States and Europe, the picture is unfortunately clear enough. I believe little doubt remains even in the layman's mind about the presence, in our Atlantic platform, of an ugly crack that has started to drive us apart.

To move from this preliminary conclusion and consider the second basic question relative to the meaning and consequences of the gap, we must start by realizing that this is far from being a minor issue. Its dimensions, dynamics, and nature cause the technologi-

cal gap to be one of the major problems confronting the Atlantic community.

To drive home this concept finally, I quote the very valuable and well-balanced opinion which emerged from the previously mentioned Deauville Conference. It is an expression of statesmanship, because it compels serious reflection; let us hope it will lead to action. It says:

"Large scale European-Atlantic differences in values, mobility, institutional structures, size, and rigidity were seen to account for the discrepancies. Values or attitudes which might foster behaviour leading to technological growth were found to be relatively weak in Europe. . . .

"Mobility was another common theme. . . . Some stressed the relatively greater capacity of Americans for geographic mobility, while others stressed the relative ease with which Americans enjoyed occupational mobility between universities, research institutes and the industrial sector . . . the relative dynamism of American society was underlined as a major cause of technological superiority deemed to be dependent on the free exchange of individuals and information throughout the society. Special attention was paid to the link between the generator of science, the university, and the applicator of science, industry. The link was seen to be highly productive in the United States and relatively weak in Europe. . . .

"Communications between institutions or within institutions were deemed better in the United States . . . In the new pragmatic political environment of the United States, government is allowed and even encouraged to play a major role in developing the U.S. technological base. Government aids industry by subsidizing research in the early non-profit stage. Industry profits from spin-offs from government initiated projects. Mutual benefits accrue from the structural relations which industry, government, and the university have evolved with each other.

"The relative absence of structural barriers against trade and the relative ease with which the different economic, political, and intellectual institutions can communicate with each other and adapt to changes in the needs of one or the other partner, all these assets of the dynamic environment were considered by many to be at the root of technological disparities.

"For others, size was counted as a major asset in favor of the United States: Size of firm, to allow for capital formation, and size of production facility, to allow for small unit cost. The size of market was judged especially important and, perhaps, critical . . .

"Mention was made of the relative rigidity of European social and economic institutions in the United States was deemed production. The flexibility and adaptability which characterizes as a useful asset. Unpredictable demands of a rapidly developing technology are most readily met in a society which is flexible and willing to evolve new forms of person-to-person, institution-to-institution relations. The relatively larger sector of American society which has been educated on the college and university level, contributes to that flexibility and mobility which enhances employment opportunities."

The factors viewed at Deauville as the most serious were the disparities of values, mobility, structure, size, and rigidity. We should not fail to understand their importance as factors perpetuating and widening the cleavage that now divides the Western society. Their influence is great, because they are related to each other in an interacting system in which the multiplying effect of the American assets makes the potential of the United States look enormous compared with that of Europe, in a period in which the latter seems to be caught up in a vicious circle of desultory performances which in turn stifle the will to try harder. In the words of

Dr. H. B. G. Casimir, the highly respected Dutch scientist and research director:

"If America really wants to do something about the gap, start introducing a different currency in each of the 50 states, and impose other serious boundaries among all the states. You have enough Italian, Greek, and German and Dutch people to create . . . make a state with an official Italian language, be sure to make a state with an official Italian language, be sure to incorporate minorities with another language or two. Otherwise it won't work or create the full effect.

"It would also help to have several of these states drive on the right side of the road and others keep to the left. It would be a nice project in operational research to work this out in such a way that you would get the maximum number of collisions. If this experiment were done, and we then, 10 or 15 years from now, compared your America with Europe, we may well have bridged the gap, whatever it is!"

This witty aphorism helps us to realize the truth of the existence of a disturbing and baffling gap right in the heart of the Atlantic community. What is its true meaning, and what are its short- and long-range consequences on the Atlantic system itself?

MILTON SHAPP JOINS IN FIGHT FOR AN OPEN RULE TO THE TRADE BILL

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. DENT. Mr. Speaker, the International Union of Electrical Workers and others are vitally interested in the serious crisis in our importation of foreign made products.

The candidate for Governor of Pennsylvania, a longtime advocate of free trade, is greatly disturbed over the effect of our present trade policies, and the loss of U.S. jobs.

As Chairman of the Committee on the Impact of Imports, I welcome the assistance of Milton Shapp in my fight for an open rule on the trade bill.

A letter to me from Mr. Shapp follows:

HON. JOHN H. DENT,
2430 R.H.O.B.,
Washington, D.C.

DEAR CONGRESSMAN DENT: As you know, the Trade Act of 1970 will shortly come before the House of Representatives for a vote. When the Bill reaches the floor, I urge you to support an open rule so that the full membership can consider adjustments to the Bill which would give fuller protection to American industry.

The backbone of America's economy lies in those industries most directly threatened by the tremendous increase in imports which we have experienced during the past few years. Especially at a time of economic slowdown, I believe it is doubly urgent that we do everything possible to keep the jobs we have and encourage the creation of new ones.

As you know, the Bill already imposes quotas on textiles and footwear articles. It should be opened up, so that steel, electrical, machine products and other items which threaten American jobs receive the same consideration, specifically spelled out.

One recent estimate placed at 70,000 the numbers of jobs in steel which have been replaced by foreign imports.

Only last week, in Pittsburgh, warnings

were issued that foreign competition from American businesses operating overseas plants threatened to cut deep into employment at Westinghouse Corporation's Rotating Apparatus Division in East Pittsburgh.

Equally as serious, public utilities are purchasing generating equipment outside the United States for the first time in history.

Last year foreign competition captured 78% of the waterwheel generator business in the United States. The year before it was 2%. Last year, the turbine generator market in this country included only an 8% share held by foreign competition. But, by the first of 1970, the foreign share of the American market had risen to an astounding 40%.

These trends present a clear and present danger to the economy of Pennsylvania. We have more than 280,000 steel workers and 170,000 employees in the electrical industry. These workers, and the industries they work in, are increasingly threatened, often from nations who see nothing wrong in discriminating against American goods.

In addition, the situation is worsened by the general sluggishness in the economy, increasing unemployment and the steady rise in the cost of living.

I urge you to take the initiative and be at the forefront of any move on the House floor to strengthen the Trade Bill of 1970.

Sincerely,

MILTON J. SHAPP.

EPSTEIN AGAINST RESOR—OPERATION KEELHAUL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. PUCINSKI. Mr. Speaker, on September 24 I placed in the RECORD, "The Story of Forced Repatriation—Operation Keelhaul," which appeared on page 33720.

I should like to place in the RECORD today Mr. Julius Epstein's article about the miscarriage of justice in Epstein against Resor. His article points out that the Freedom of Information Act has become emasculated by administrative and judicial fiat in his legal battle to get the Department of the Army to declassify the top secret documents known as Operation Keelhaul, a code name used in World War II to forcibly repatriate 2 to 5 million anti-Communists back to the Soviet Union.

The arguments used by the courts and the Army lawyers in denying Mr. Epstein access to these documents are specious and capricious, and smack of the double-talk of 1984.

Mr. Epstein has performed a public service by suing the Army under the Freedom of Information Act and pointing out the capricious interpretation of said act by the Army and courts. It now is up to the Congress to amend the act so that there can be no question that a citizen can legitimately have access to documents that have nothing to do with national security or our foreign relations, particularly after a lapse of 25 years.

Time and again this Congress has found that the legislative intent of both bodies has been thwarted by bureaucrats who are elected by no one and certainly not responsible to anyone.

Therefore, it is incumbent upon this Congress, as the duly elected representatives of the people, to curb the acts of wrongdoing by bureaucratic "Big Brothers" and make them responsive and responsible to the taxpayers by amending the Freedom of Information Act so there is no doubt in anyone's mind about the right of our citizens to have access to public documents that are not under the purview of defense or diplomacy.

Only an alert and informed citizenry can help prevent the recurrence of an Operation Keelhaul and keep sound the principles on which this great Nation was founded.

Mr. Speaker, the illuminating and excellent article by Mr. Epstein follows:

EPSTEIN VERSUS RESOR, OR THE EMASCULATION OF THE FREEDOM OF INFORMATION ACT
(By Julius Epstein)

The "Freedom of Information Act" was signed by President Johnson as Public Law 89-487 on July 4, 1966. It became effective one year after its enactment on July 4, 1967.

The Act is an amendment of Section 3 of the Administrative Procedure Act of June 11, 1946.

As Congressman Dawson wrote in his report:

"It gives an aggrieved citizen a remedy by permitting an appeal to a U.S. district court. The court review procedure would be expected to persuade against the initial improper withholding and would not add substantially to crowded court dockets."

The origin of the Freedom of Information Act goes back to 1953, when Dr. Harold L. Cross published for the American Society of Newspaper Editors, the first comprehensive study of growing restrictions on the people's right to know the facts of government. The reason why ASNE commissioned Dr. Cross to write his paper was the obvious fact that journalists, historians, legislators, lawyers and government officials had been concerned about the growth of Government secrecy. Fundamental to Dr. Cross' study, as James S. Pope explained in his foreword to Cross' book, "The People's Right To Know," was "the conviction that inherent in the right to speak and the right to print was the right to know. The right to speak and the right to print, without the right to know, are pretty empty."

As Dr. Cross outlined, there were three areas where through legislative inaction, improper secrecy had been allowed to blossom and, therefore, to choke the basic right to know: the "housekeeping" statute, the "executive privilege" concept and, most important, section 3 of the Administrative Procedure Act which deals with and affects public access to government action.

Not before 1958 did Congress correct the constant abuse of the government's 180-year-old "housekeeping" statute. The correcting bill was introduced in the House by Congressman John E. Moss and in the Senate by Senator Thomas E. Hennings. The Moss-Hennings bill stated, as Harold Cross pointed out, "that provisions of the 'housekeeping' statute (5 U.S.C. 22) which permitted department heads to regulate the storage and use of Government records did not permit them to withhold those records from the public."

As already mentioned, the most important reform brought about by the Freedom of Information Act concerns section 3 of the Administrative Procedure Act, adopted in 1946. Section 3 of this Act has been the major excuse for withholding improperly classified government records from public view.

Section 3(c) states:

"Public Records.—Save as otherwise required by statute, matters of official record shall in accordance with published rule made available to persons properly and directly concerned except information held confidential for good cause found."

According to this statute, the government was entitled, even if no "good cause" could be found for secrecy, to restrict information to "persons properly and directly concerned." The Administrative Procedure Act never defined who was to be considered a person "properly and directly concerned." Besides, the Act did not provide for any remedy available to a person who has been wrongfully denied access to official government records.

Since Congress ultimately realized that improper denials of information occur again and again, the climate for a new law became favorable. This favorable climate led to the enactment of the Freedom of Information Act which, for the first time in American judicial history, gives every citizen the right to obtain information from the government.

In the context of this article, the most important amendment to section 3, chapter 324 of the Act of June 11, 1946 (60 Stat. 328) reads as follows:

Exceptions. "(3) Except with respect to the records made available pursuant to subsections (a) and (b), every agency shall, upon request for identifiable records made in accordance with published rules stating the time, place fees to the extent authorized by statute and procedure to be followed, make such records promptly available to any person. Upon complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated shall have jurisdiction to enjoin the agency from the withholding of agency records and to order the production of any agency records improperly withheld from the complainant. In such cases the court shall determine the matter de novo and the burden shall be upon the agency to sustain its action. In the event of noncompliance with the court's order, the district court may punish the responsible officers for contempt. Except as to those causes which the court deems of greater importance, proceedings before the district court as authorized by this subsection shall take precedence of the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

The progress made possible by this amendment is self-evident. Now, records must be made available to "any person" not only to the undefinable "persons properly and directly concerned." Any person denied access to information has now the right to lodge a complaint in the district court. And the district court has jurisdiction to determine the matter de novo. The court has the power to force the agency to release information which, in the court's opinion, has been improperly withheld. The agency has the burden to prove that maintenance of classification is justified.

It was this provision of the Freedom of Information Act which caused me to test the new law in court. Since 1954, I had unsuccessfully tried to get access to the Army's documentary file "Operation Keelhaul." This file, three volumes of official American-British documents concerning the forced repatriation of anti-Communist displaced persons during and after World War II, has been for twenty-three years classified "Top Secret."

The Top Secret classification has been based upon Executive Order 10501 which provided the standard for classification of government records. According to President Eisenhower's Executive Order 10501,

"the use of the classification Top Secret

shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

President Eisenhower's Executive Order 10501, as amended by President Kennedy in Executive Order 10964, protects government records classified in the interest of foreign policy and/or national defense. That the collection of documents, entitled "Operation Keelhaul", compiled in 1948 but comprising documents, dated 1946 and possibly earlier, could in the year 1970 endanger U.S. foreign policy or national defense, seemed to be absurd.

On March 20, 1968, I filed through the offices of McCloskey, Wilson, Mosher & Martin of Palo Alto, California a complaint in the United States District Court in San Francisco.

Based upon the Administrative Procedure Act of 1946, as amended, Section 3, 60 Stat. 238, U.S.C., Title 5, Sec. 1002, the complaint stated: "Defendant has improperly withheld said file from plaintiff contrary to the provisions of said Act."

Concluding, the complaint read:

"Wherefore, plaintiff requests judgment enjoining the defendant from withholding from plaintiff the file entitled 'Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul'; and for costs incurred in this action."

The case was first heard in the District Court of San Francisco by Judge Oliver J. Carter on August 19, 1968.

A "Defendant's Memorandum in Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss" was filed a few days before the hearing by the defendant's attorneys, U.S. Attorney William B. Spohn and Cecil F. Poole.

The Army's attorneys stated:

"Defendant has moved to dismiss plaintiff's action upon the ground that the file sought is classified as 'top secret' and is, therefore, specifically exempt from the Act's provision.

"In his brief filed in opposition to defendant's motion to dismiss or, in the alternative, for summary judgment, plaintiff agrees that the jurisdiction of this Court under 5 U.S.C. § 552 'does not apply to matters that are specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy.'"

"Plaintiff likewise agrees 'that documents requested by plaintiff have been classified 'Top Secret' pursuant to the provisions of Executive Orders 10501 and 10964.'"

The Army's argument is based upon the wording of the Freedom of Information Act but not upon the intent of Congress. It is true that the amendment to section 3 of the Administrative Procedure Act states as follows:

"(e) Exemptions.—The provisions of this section shall not be applied to matters that are (1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy."

There can be no doubt that these exemptions are only valid, provided they have been properly applied and not improperly or arbitrarily. This evolves from paragraph (c) of the amendment which clearly and unequivocally declares that the District Court "shall have jurisdiction to enjoin the agency from the withholding of agency records and

to order the production of any agency records improperly withheld from the complainant."

Government records, classified under Executive Orders 10501 and 10964 may be in the category of "agency records improperly withheld" in the meaning of the Freedom of Information Act. The Act itself would indeed make no sense if it had excluded Government records whose classification had been based upon improper application of Executive Orders 10501 and 10964. The history of declassification has shown time and again and especially in *Epstein v. Resor*, that meaningless purely administrative documents had been Top Secret for more than twenty years, although it must have been obvious to the classifying authority that disclosure could never have resulted in the grave consequences mentioned in President Eisenhower's Executive Order 10501.

In addition to the Army's attorneys' brief, the Adjutant General, Major General Kenneth C. Wickham, submitted a sworn affidavit.

General Wickham introduced a new argument for the maintenance of the classification of "Operation Keelhaul." In his affidavit, General Wickham stated:

"The documents in question are photographic reproductions (photoprints) made from microfilm copies of records generated by the Allied Force Headquarters (AFHQ), an international organization (combined headquarters in World War II parlance) directing the allied military operations in the Mediterranean Theater of Operations. By direction of the Combined Chiefs of Staff, the original AFHQ records were released to the United States Government (the War Department).

"The files of these documents as originally received bore an overall classification of TOP SECRET. This classification was required because the files contained many individual TOP SECRET documents of combined or British origin. They have retained the TOP SECRET classification because as combined or foreign records they are categorized as Group 1 documents under AR 380-6 (Executive Order, as amended by Executive Order 10964) and are not subject to unilateral regrading action by the United States. Pursuant to Executive Order 10501, as amended by Executive Order 10964, the record here sought by plaintiff is specifically classified as "TOP SECRET" in the interest of national defense or foreign policy."

The argument concerning the combined British-American origin of the file as justification for continued classification of purely American documents is, of course, subject to serious doubt. If one would accept it, it would amount to the admission that a foreign government, in this case the British government, still has the power to prevent the American people from receiving information about actions taken by the American government and documented by purely American records. Such recognition would be a violation of the American Constitution. It would deprive the government itself of freedom of speech and of the press as stipulated in the first amendment to the Constitution.

After having heard arguments for both sides, Judge Carter continued the case. He wanted time to learn what the intent of Congress was when it created the Freedom of Information Act.

To help the court in determining the intent of Congress, I asked Congressman John E. Moss, sponsor and main-author of the Act for his opinion. In a telephone conversation of August 19, 1968, Congressman Moss told me: "I am ready to testify in court if subpoenaed, provided the House gives me permission. The statute gives the court the

broadest discretion to investigate the contents of the document. 'Top Secret' classifications because of national defense and security are not exempt from investigation."

I asked Congressman Moss to put his opinion down in a sworn affidavit to be submitted to the court. He immediately promised to do that and a few days later my lawyers received the Moss affidavit.

I quote the following passage:

"It was the overriding concern of Congress that disclosure be the general rule, not the exception, that the burden be on the agency to justify the withholding of a document and not the person who requests it, that individuals improperly denied access to the documents have a right to seek injunctive relief in the Courts, and that in general the statute be a disclosure statute and not a withholding statute; specifically, it was the intent of Congress to grant the District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section '(e)' of the Act; and that the powers granted to the Court and the burden placed upon the Government in Section '(c)' were meant to include rather than exclude the exemptions."

The Moss affidavit, written only two years after the enactment of the law and only one year after it became effective, should have laid any doubt Judge Carter might have had to rest. It was not so.

The United States attorneys, representing the Secretary of the Army, countered the Moss affidavit in a "Supplemental Memorandum in Support of Defendant's Motion to Dismiss." It was filed on September 26, 1968.

In it, the government made the distinction between "contemporaneous utterances of a legislator" and "ex post facto" testimony in the form of affidavits or otherwise."

The Supplemental Memorandum cites, among others, *National School of Aeronautics v. United States*, 142 Supp. 933 (Ct. Cl. 1956) in which the plaintiff had produced a witness, ostensibly for the purpose of showing legislative intent, a former member of the Senate who had been chairman of the Senate Sub-committee which had considered the legislation then before the court for review. In this case the court commented, as quoted by the Supplemental Memorandum:

"At first blush it might seem that this would be the ideal way to learn the intent of a legislative body, to get it straight from the mouth of a responsible member of the legislature. Second thought leads to the conclusion that the practice would be intolerable. A legislature speaks through statutes, and, in cases where the statutes require interpretation, through committee reports and debates. No member of a legislature, outside the legislature, is empowered to speak with authority for the body. If he may testify voluntarily, other members of his legislative body with different views or different recollections may be summoned to give their differing versions. The debate, which, so far as the lawmaking body is concerned should have been ended by the enactment of the statute, would be transferred to the court, with disturbing possibilities of embarrassment and friction." (142 F. Supp. at p. 938)

This argumentation is subject to grave doubt. It asserts, but it does not prove. Why should a chairman of a legislative body who is in addition the sponsor and main-author of a bill which became law, not be able to inform the court about the intent of Congress, in addition to Committee reports and minutes of debates? In a "Memorandum in Support of the Moss Affidavit," Michael Klynn, then a member of McCloskey, Wilson, Mosher & Martin, showed that this had been the practice of the courts when he stated:

"Statements by the author of a bill have been held proper for consideration as show-

ing the conditions or history of the period or the 'mischief which it was intended to remedy and thus, throw light on its proper interpretation.' *Jennison v. Kirk* 98 U.S. 453; *Helvering v. Griffiths*, 318 U.S. 371; and *N.L.R.B. v. Wine, Liquor and Distillery Union*, (2nd Cir.) 178 2nd 584."

Judge Carter disregarded Mr. Klynn's reasoning and never admitted the Moss Affidavit in evidence. On the other hand, he did not satisfy the Army's motion "to dismiss . . . since the court is without jurisdiction" either. He found the court has jurisdiction.

On February 1, 1969, Judge Carter filed his "Memorandum and Order." He denied the Army's motion to dismiss the complaint but granted its motion for summary judgment in favor of the defendants.

The following parts of Judge Carter's judgment are worth quoting:

"Plaintiff contends that the Top Secret classification on the file he seeks, is unwarranted and that this Court has the power to hold a trial de novo on the merits of this classification. He contends that such power is based on Section 3 of the Administrative Procedure Act. The Court is of the opinion that Congress did not intend to subject such classifications to judicial scrutiny to that extent."

Then, Judge Carter deals with the Moss Affidavit. He cites *Bindczyk v. Finucane*, 342 U.S. 76 (1951) in support of the thesis that statements made by legislators in debate can be a part of the legislative history "which guides courts in statutory construction," a fact nobody has ever doubted. Judge Carter obviously made this statement in order to develop his argument for the non-validity of statements made by legislators about the intent of Congress after enactment of the statute. He says:

"On the other hand, statements made by legislators after enactment of a statute and not a part of the records of the legislative body are entitled to little or no weight at all . . . Such statements are not offered by way of committee report and are not offered for response by other members of the law-making body. The intent which is helpful in interpreting a statute, is the intent of the legislature and not of one of its members. For purposes of statutory construction, a legislative body can only speak through a statute, with the words that are used in light of the circumstances, surrounding its enactment. For this reason, the court has not considered the affidavit prepared and submitted by the Honorable John E. Moss solely for purposes of this lawsuit after the legislation in question was enacted."

In disregarding the Moss Affidavit, Judge Carter followed, almost verbatim, the arguments brought forth in the Supplemental Memorandum submitted by the Army's attorneys.

Judge Carter then elaborates upon the crucial problem of the case, the "exemptions." He states that:

"this jurisdiction does not apply to information that falls within the exemptions set forth in subsection (b) of Section 3. To hold that the agencies have the burden of proving their action proper in areas covered by the exemptions, would render the exemption provision meaningless. If a determination de novo is made by this Court on whether the Top Secret classification by the Department of the Army is proper, with the burden on the Secretary to sustain its action, the Court would be giving identical treatment to information withheld by an agency whether it fell within the exemption or not. Apparently, Congress did not intend such a result."

Judge Carter supports his argument by section does not apply to matters that are citing Subsection (9b) of Section 3: "This [listed below]." In addition he cites Con-

gressman Gallagher's statement on the floor of the House:

"There has been some speculation that in strengthening the right of access to Government information, the bill, as drafted, may inadvertently permit the disclosure of certain types of information now kept secret by Executive order in the interest of national security.

"Such speculation is without foundation. The committee, throughout its extensive hearings on the legislation and in its subsequent report, has made it crystal clear that the bill in no way affects categories of information which the President—as stated in the committee report—has determined must be classified to protect the national defense or to advance foreign policy. These areas of information most generally are classified under Executive Order No. 10561." CONGRESSIONAL RECORD, vol. 112, pt. 10, p. 13659.

Nobody, of course, has ever denied the government the right and even its duty to keep secret information affecting national defense and foreign policy. But it must be information whose disclosure would indeed affect national defense or foreign policy. The question which is basic to *Epstein v. Resor* and which did not enter Judge Carter's mind, is the question: What about abuses of Executive Order 10501? Judge Carter's denial to distinguish between the proper use of Executive Order 10501 and its improper and therefore illegal application, makes the Freedom of Information Act a dead letter. He argues that, if a determination *de novo* is made, the Court would be giving identical treatment to information withheld by an agency whether it fell within the exemption or not and that this could not have been the intent of Congress. This argument does not hold water.

If the Court decides—after examination in camera—that the document in question had been rightfully classified under Executive Order 10501, it would still remain classified and no harm could result in respect to foreign policy or national defense. The progress, brought about by the Freedom of Information Act, consists exactly in the fact that from now on nobody has to take the word of the government or its agencies that classification was made in the interest of foreign policy or national defense. The burden to prove the rightful application of Executive Order 10501 is on the agency.

Judge Carter may have had his own doubts because he quotes in his "Memorandum and Order" the statement made by Senator Long prior to the amendment of Section 3 in which he described the un-amended Section as:

"Full of loopholes which allow agencies to deny legitimate information to the public. Enumerable times it appears that information withheld only to cover embarrassing mistakes or irregularities.

"It is the purpose of the present bill . . . to establish a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language and to provide a court procedure by which citizens and the press may obtain information wrongfully withheld. . . ." Senate Rep. No. 813, 89th Cong. 1st Sess., CONGRESSIONAL RECORD, vol. 111, pt. 20, p. 26821.

There is, of course, not the slightest doubt that information improperly classified falls under the category "information wrongfully withheld." That this was also the opinion of the creator of the Freedom of Information Act is beyond any doubt. He affirmed this opinion in his affidavit, quoted above.

Indeed, the Act would make no sense if it had excluded information from disclosure whose classification came about by wrongful, arbitrary, and therefore illegal application of Executive Order 10501. The Executive Order was not created as a legal umbrella for administrative violators of its precise

meaning. That it had been used as such does not establish legality.

That the Keelhaul file does contain documents improperly classified Top Secret was revealed by the Army itself when its Secretary suddenly declassified and released four documents to me.

One of these documents originated in August 1946 and has remained Top Secret for more than twenty-three years. One should think that its disclosure would have resulted in breaking of diplomatic relations, in outbreak of war or in compromising technological or intelligence data, the prescribed valid reasons for Top Secret classification.

The document is a request by ALCOM, Rome for more Russian interpreters! Why did the Army consider this document so sensitive that it could not be released in the years 1954 to 1968 and why did the Army suddenly consider it fit for disclosure in 1969?

It is true that the Freedom of Information Act does not spell out expressis verbis that it was the intent of Congress to prevent the improper application of Executive Order 10501. The weakness of the Act was seized upon by Judge Carter in pronouncing his summary judgment in defendant's favor. But this weakness should certainly lead to the amendment of the Act in order to prevent its future misinterpretation.

In his conclusion of his summary judgment, Judge Carter says: "The Court . . . finds that the circumstances are appropriate for the classification made by the Department of the Army in the interest of the 'national defense or foreign policy'."

"Accordingly, the motion to dismiss the complaint is denied, and the motion for summary judgment is granted in favor of the defendants."

The question whether the documents were properly or improperly classified is, of course, the foremost question in determining the "circumstances" of the classification. How Judge Carter could find them "appropriate" without having seen the documents in question will remain a puzzling question in the judicial history of the United States.

Judge Carter's summary judgment was appealed in the United States Court of Appeals for the Ninth Circuit. The brief was filed on July 22, 1969. It concentrated on the question: "Must the Department carry the burden of proof to show the documents sought were properly classified within one of the exceptions to the statute not requiring their disclosure to the public, or is the mere classification itself sufficient to withhold documents?"

The appeal stated:

"The Freedom of Information Act requires the Defense Department to prove its classification within an exemption was reasonable and proper and not merely that the material has been so classified."

The appeal points out that "the Department of Defense has not followed the rules set by Executive Order 10501." It continues:

"The Department has not attempted to show that the classification of the file sought as 'Top Secret' satisfies the requirements of Executive order 10501."

It cites Section 3 of the Executive Order which categorically states: "Unnecessary classification and over-classification shall be scrupulously avoided." (CT 68)

The appeal then analyzes the Army's assertion that the "Operation Keelhaul" file was originated by an "international organization" over which the United States has no jurisdiction. (The Army obviously used a double-track in denying declassification of the file. First, it argued that the file is exempted from disclosure in the interest of foreign policy and national defense. But then it asserted that it cannot be released because it originated by the Combined Chiefs of

Staffs, an "international organization" over which the United States has no authority.)

The appeal continues:

"The Department relied on Section 4(a) (1), Group 1, (of the Executive Order as amended (CT 82-83)) which states that information originated by foreign governments or international organizations and over which the United States has no jurisdiction cannot qualify for automatic downgrading. Plaintiff denies that 'Operation Keelhaul' falls within the above Section. The Department did not prove that any of the information was 'originated by a foreign government or international organization over which the United States has no jurisdiction.' It has stated merely that a joint allied command was responsible for these documents, and apparently for 'Operation Keelhaul' itself. The Department has arbitrarily designated the Allied Headquarters as an 'international organization', but no definition, authority or convincing argument is set forth to justify this arbitrary designation. It is suggested by Plaintiff that that phrase refers to an agency such as UNESCO, the International Red Cross, or similar agencies."

The appeal's brief calls the Court of Appeals' attention to the fact that the Department's allegation cannot mean that the United States government was not part of the Combined Chiefs of Staff and that it cannot mean either that the file does not contain documents of purely American origin. "In fact," the brief states, "one must presume that the greater part of the 'Operation Keelhaul' file consists of American documents dealing, as the title indicates, with American participation in forced repatriation of Soviet nationals, prisoners of war, and displaced persons."

The brief further states: "It cannot be assumed that the British Government should have any legal power to prevent the American people from learning the truth from the American documents. These documents have been under American Administration and were classified 'Top Secret' by our government. If the Department has sole authority to classify it must have sole authority to declassify and to release the file."

"Unless the Department can prove that its declassification and release could result in 'a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States, or its allies, a war or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense', the 'Operation Keelhaul' file must be declassified and released pursuant to Section 1(a) of the Executive Order (CT 68)."

The appeal then goes on to criticize the "illogic of" the "circular definition" in the Wickham affidavit ("the 'Operation Keelhaul' file was . . . classified 'Top Secret' because it contained documents which were 'Top Secret'"). Then it spells out the real reason for the classification:

"The only reason set forth for the continued classification as 'Top Secret' is bureaucratic red tape—these documents are 'Top Secret' now because they were classified within Group 1 long ago—or is the reason because their disclosure could be embarrassing to certain people, which is not a ground for non-disclosure according to the Department's own regulation (AR 345-20, 1967, page 1—'Information from Army files will not be withheld . . . because it may reveal or support error or inefficiency'). This approach is a blatant effort to circumvent the intent and purpose of the Freedom of Information Act and is the very reason why the United States District Court has been empowered to grant injunctions after a trial

Footnotes at end of article.

de novo and force disclosure of documents into public realm which no longer need to be classified."

The conclusion of the appeal's brief states: "It is clear from the legislative history that the *Freedom of Information Act* was intended to have the broadest and most liberal interpretation to achieve its goal of full disclosure to the public. To hold that the District Court must accept without review a Department's classification of documents so that it falls within one of the exemptions of the statute totally emasculates the statute's effect and thwarts its intended purpose. The history of the Government agencies in opposing this legislation is well known and the specific documents sought herein seem to be withheld more to avoid embarrassment to the Government than for legitimate reasons.

"The opinion of the District Court should be reversed with instructions that it conduct a trial *de novo* to determine if any of the documents have been properly and reasonably classified 'Top Secret' and, if so, which of them, if any, are subject to exemption and non-disclosure."

The American Civil Liberties Union of Northern California joined the lawsuit by filing on October 7, 1969 its "Brief of Amicus Curiae on Behalf of Appellant."

ACLU's Amicus Curiae Brief, written by Michael Traynor, is the most penetrating judicial analysis of *Epstein v. Resor* so far written.

ACLU's brief is based upon two arguments: 1) "The Judgment must be reversed because the trial court applied an unauthorized and overly restrictive test of judicial review of an agency's claim of exemption and failed to discharge its statutory responsibility to determine whether the record requested was improperly withheld."

This, indeed, is the core of the problem as we have seen. It is the question of the scope of judicial review of an expected agency's claim that the withholding is justified by a statutory exemption.

ACLU stresses its opinion that "the trial court erred, first by holding that it did not have jurisdiction to review *de novo* the Army's claim to an exemption and, second, by fabricating and applying a stringent and special jurisdiction, not found in and precluded by the statute, to reject the Army's claim only if the court could find that the Secretary of the Army acted capriciously."

That the Secretary of the Army acted capriciously had been proven by the Secretary himself when he suddenly de-classified the four documents, one of which was the request for more Russian interpreters. If maintenance of Top Secret classification of this memorandum from ALCOM for more than twenty-three years was not "capricious", it is, indeed, impossible to understand what "capricious" means.

The brief notices that the court should have rejected the Army's claim of exemption, "or at the very least, required the Army to produce the Operation Keelhaul file for review in camera and independent judgment by the court."

The second argument states:

"The summary judgment of the trial court must be reversed because the Army did not sustain its burden of establishing that every document in the Operation Keelhaul file is specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy and because there is a substantial issue of fact whether the exemption claimed by the army is available."

Since the President of the United States had not specifically determined that every single document in the "Operation Keelhaul" dossier must be kept secret—his delegate acted under a general Executive Order—ALCU pointed out that the agency must

show "at the very least not simply that it labeled a document top secret but that its classification meets the requirements of the Executive Order." The Army has made no such showing in this case."

Referring to the harmless document requesting more Russian interpreters, held top secret for more than twenty-three years, ACLU says: "It bears asking whether there might be similar documents in the file, the disclosure of which the Army feels might 'result in exceptionally grave damage to the Nation.' Are the courts supposed to defer to the military judgment on such matters without even looking at the documents?"

ACLU's brief states that the Army has never shown that it has complied with Executive Order 10501. "Instead, the Army has shown that it appears to have violated the President's order."

To the Army's argument that the file cannot be released because it contains British documents, ACLU has this to say: "It would be ironic indeed if the Freedom of Information Act, which became effective on a day celebrating nearly 200 years of independence from the British, were interpreted to mean that British consent to the release of a 20-year old file is required before Congress' purpose of making United States records public can be served." The brief also reminds the court that the far more sensitive Top Secret Yalta Papers have been released to the public 15 years ago.

The conclusion of ACLU's brief reads:

"The judgment below must be reversed because the trial court did not discharge its statutory responsibility to determine the propriety of the Army's withholding of the requested information and because the Army did not sustain its statutory burden of establishing its claim to an exemption. The express language and the fundamental purposes of the Freedom of Information Act require a reversal."

The Court of Appeals for the Ninth Circuit rejected the appeal and affirmed the Judge Carter's judgment. The Court (Circuit Judges Merrill, Koelsch and Hufstetler) found that "the function of determining whether secrecy is required in the national interest is expressly assigned to the executive. The judicial inquiry is limited to the question whether an appropriate executive order has been made as to the material in question . . .

"The District Court ruled that under (b) (1) it had authority to determine whether classification was arbitrary or capricious. It held that upon appellees' showing, classification could not be so characterized." In both respects we agree with the court's ruling. Further we agree that judicial inquiry into this narrow area does not, at least in this case warrant *in camera* examination of the file."

"The origin of the file's contents itself is sufficient to dispel any suggestion that the original classification was arbitrary or capricious. While the passage of time may cast doubt on the continuing need for secrecy, appellees have made more than a sufficient showing that questions bearing on that need persist and require resolution by the executive."

"We conclude that subsection (b) (1) has been shown by the Army to apply and to justify withholding the material in question. Judgment affirmed."

The Court of Appeals disregarded the arguments brought forth by my own trial lawyers as well as those presented by the Civil Liberties Union of Northern California in its Amicus Curiae Brief. It equally disregarded the Moss affidavit. It confirmed the miscarriage of justice in the District Court which amounted to a complete emasculation of the Freedom of Information Act.

There was only one avenue left: a petition

for a writ of certiorari to the Supreme Court of the United States.

The petition was filed on May 4, 1970.

In *McCloskey, Wilson, Mosher & Martin* stated:

"The Ninth Circuit opinion upholds, in theory only, the statutory provisions for *de novo* review of the conditions of exemption. The court proceeded to distinguish the exemption based on national defense or foreign policy in such a way as to emasculate the Freedom of Information Act. The Ninth Circuit, in essence, holds that the only prerequisite to a claim for such exemption is the Army's own good faith belief that it is entitled to it. The opinion narrows the permissible scope of the court's inquiry, in express contradiction to the language of the Act, to the question of whether the Army's claim for exemption is 'arbitrary or capricious'. In sum, the Court abdicates its responsibility, under Section 552(a) (93) to determine whether records have been 'improperly withheld.'"

The brief castigates the Ninth Circuit for having given "lip service to the statutory requirement of *de novo* judicial review by holding in principle that 'judicial review *de novo* with the burden of proof on the agency should be had as to whether the conditions of exemption in truth exist'. . . . The court's subsequent discussion and holding, however, confines the scope of judicial review to the narrow question of whether a claimed exemption is 'arbitrary or capricious'. . . . The court purports to create its own exemption to the explicit statutory standard of '*de novo*' review by distinguishing the exception provided in the interest of national defense or foreign policy from the other exceptions provided in 552(b)." With respect to the other exemptions, the Ninth Circuit holds that they are open to review. But (b) (1) exemption based on national defense or foreign policy is not open to judicial review. This, the brief states, "conflicts with the constitutional principles of judicial review."

ACLU followed suit by submitting its own "Brief of Amicus Curiae in Support of Petition of Petitioner for a Writ of Certiorari." In it, ACLU maintained: "This case affords opportunity to articulate rules that will prevent the Freedom of Information Act from being vitiated by indiscriminate claims for exemptions."

"This case affords an opportunity to harmonize the secrecy exemption under the Freedom of Information Act with this court's rules on Executive Privilege." In its conclusion ACLU states:

"A rational determination of the issues in this case is essential to ensure that citizens will have access to information that the Freedom of Information Act was meant to give and to prevent the Act from being vitiated by indiscriminate claims to secrecy and administrative delay. The petition for a writ of certiorari should be granted and the judgment of the Court of Appeals reversed."

On June 15, 1970, the Clerk of the Supreme Court informed Paul N. McCloskey, Sr. as follows:

"RE: *Epstein v. Resor, etc., et al.*, No. 1533, Oct. Term, 1969.

"The Court today entered the following order in the above-entitled case:

"The petition for a writ of certiorari is denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition."

"The Supreme Court of the United States has confirmed the emasculation of the Freedom of Information Act."

FOOTNOTES

¹ Clarifying and protecting the right of the public to information, House of Representa-

tives, 89th Congress, 2d Session, Report No. 1497, p. 2.

² As quoted in "Clarifying and Protecting . . .", op. cit., p. 2.

³ Ibid., pp. 2, 3.

⁴ United States Statutes At Large, 1946, Part 1, p. 238, United States Government Printing Office, Washington, 1947.

⁵ United States Statutes At Law, 1967, p. 55, United States Government Printing Office, Washington, 1968.

⁶ Federal Register, Vol. 18, No. 220, November 10, 1953, pp. 7049 ff.

⁷ Italics mine.

⁸ Italics mine.

⁹ Italics mine.

¹⁰ Italics mine. The court never established the fact whether or not Executive Order 10501 has been "appropriately" applied. It took the Army's word for it.

¹¹ The Army never "showed" this. It just asserted it.

¹² The court did not explain why.

¹³ The United States attorney, representing the Army never made such a "sufficient" showing.

¹⁴ Italics mine.

THE LATE HONORABLE MICHAEL J. KIRWAN

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1970

Mr. McMILLAN. Mr. Chairman and Members of the House, the entire Congress was saddened when we learned of the passing of our good friend, Mike Kirwan. I do not know of any man who has ever served in the U.S. Congress that took a greater interest in the welfare of the House of Representatives and the individual Members than our friend, the late Congressman Michael J. Kirwan. He was always eager and willing to take the part of the underdog and see that every person received equal and just treatment. He came up from his boyhood days

knowing how necessary it is for a person to work in order to make a livelihood. He was always interested in assisting the poor man and always interested in assisting everyone in securing an education since he was not financially able to get the education he desired when he was a young man.

I want to join my colleagues from the State of Ohio in expressing my deepest sympathy to his family. Also, I want to state that the Congress of the United States will greatly miss this great statesman. He was a power on the Appropriations Committee and very seldom during the time I have been a Member of Congress have I known anyone to question his appropriation bills when they were reported to the floor of the House for consideration.

I feel that I was extremely fortunate to have an opportunity to serve in the House of Representatives with this great man and I learned a great deal from him.