lution 264, will be laid before the Senate automatically.

Beginning at the hour of 12 o'clock noon there will be 1 hour of controlled time on the amendment that has been offered by the Senator from Alabama, as modified. The controlled time will be limited to 1 hour equally divided and controlled between the Senator from Alabama (Mr. ALLEN) and the able manager of the resolution, the Senator from Indiana (Mr. BAYH).

At the completion of the 1 hour of controlled time a vote will occur on the amendment, as modified.

That is a summation of everything agreed to up to this time.

Mr. BAYH. I thank the Senator for going through the requests to put the RECORD absolutely straight so there will be no question.

Mr. BYRD of West Virginia. It is no imposition. I think it is quite helpful to all Senators.

ADJOURNMENT UNTIL 10 A.M. ON MONDAY, OCTOBER 12, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock on Monday morning next.

The motion was agreed to; and (at 1 o'clock and 29 minutes p.m.) the Senate adjourned until Monday, October 12, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

"CONSTITUTION WEEK ESSAY AND ART COVER CONTEST"

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. BURKE of Florida. Mr. Speaker, it is truly a pleasure for me to offer my congratulations to the winners in the Francis Broward Chapter of the Daughters of the American Revolution's Ninth Annual "Constitution Week Essay and Art Cover Contest," in Broward County, Fla., which is within the district that I am privileged to represent in the Congress.

The awards to these outstanding, talented youngsters were presented to them at a party honoring both the winners and their parents on September 25 at the First Lutheran Church in Fort Lauderdale.

The top senior high school prize of a $100 scholarship went to Paula Schwed of Madonna Academy for her essay, "The Constitution." Millie Ceravolo of Cardinal Gibbons took honors in the junior high division. Adrian Avery of Sanders Park Elementary School was essay winner in the elementary school division.

In the Art Cover contest, Janet Peterson of Bayview Elementary School received the first prize in that division. Richard Leidy of St. Elizabeth's of Pompano Beach was the winner in the Junior High Division of the Art Cover contest.

Other winners were:

Art Cover contest, elementary division: North area: Monica Briggs, Coleman Elementary.

Central area: Janet Peterson, Bayview Elementary, first; Laura Hirsh, Bayview Elementary, second; honorable mention, Cynthia Strecht, Mary Ellen Tack, Lisa Bowers, Debbie Donaldson.

South area: Karen Riddlehoven, Sterling Elementary; David Wheeler, Sterling Elementary.

Broward County winner in the Elementary division: First, Janet Peterson, Bayview Elementary; second, Laura Hirsh, Bayview Elementary.

Junior High division: North area, Richard Leidy, St. Elizabeth's of Pompano, Kathleen Rokas, St. Elizabeth's of Pompano; honorable mention, Nancy Jendras, Mary Beth Tyne, Karen Lynn Jendras, all of St. Coleman's; Chris Troxell of St. Elizabeth's.

Central area: Cosette Carrier, Cardinal Gibbons; Nancy Lewis, Cardinal Gibbons and Alisa Whitehead, St. Gregory—tied for second place.

South area: Stephen Miciak, Nova, Broward county winner in the Junior High Division: First, Richard Leidy, St. Elizabeth's; second, Kathleen Rokas, St. Elizabeth's.

Essay contest: elementary division; North Area: Adrian Avery, Sanders Park, Monica Briggs, St. Coleman's.

Central Area: Becky Clark, Westwood Heights, Donna MacLellan, Plantation.

South Area: Karen Cutler, Sterling Elementary, Ginger Emas, Sterling Elementary.

Broward County winner, Elementary Division: Adrian Avery, Sanders Park, Becky Clark, Westwood Heights.

Junior High Division: North Area, Cindy Quinlan, St. Coleman's, Joe Scoglio, St. Coleman's.

Central Area: Millie Ceravolo, Cardinal Gibbons, Mary Fitzgerald, Cardinal Gibbons and Maria Curran, St. Anthony's—tied for second place).

South Area: Mary Miciak.

Broward County winner, Junior High Division: Millie Ceravolo, Cardinal Gibbons, Maria Curran, St. Anthony's and Mary Fitzgerald, Cardinal Gibbons—tied for second place.

Senior High Division: South Area, Paula Schwed, Madonna Academy, Patti Tarquinio, Madonna Academy.

Broward County winner, Senior High Division: Paula Schwed, Madonna Academy, Patti Tarquinio, Madonna Academy.

Mr. Speaker, Traveling Trophies went to Sanders Park Elementary School, Cardinal Gibbons, and Madonna Academy. I might add here that this is the second time Madonna Academy has won the Senior High Traveling Trophy, and under present contest rules, if won again next year, the trophy will become the permanent property of that school.

At a time in our history when our Government is ridiculed and dishonored by some and all of our young people are blamed by some for the actions of a few of their contemporaries, I think we should take pride in the thinking of these youngsters who have won these awards. It is a pleasure for me to share the winning essays with my colleagues here in the House of Representatives which are as follows:

"THE CONSTITUTION"

(By Paula Schwed)

There have been many theories formulated about U.S. government. It has numerous critics who predict the decline of American system in the not too distant future. There are also those who declare the Constitution to be the best form of government devised by man.

The Constitution is a very flexible document which when interpreted, presents many conflicting views. There is also a discrepancy between theory and the actual practice of ideas set forth in the Constitution. Critics of our government also cite the manner in which criminals make use of "legal loopholes" which are not in the interest of the common man, to twist the law to their advantage.

There are defects that our critics can point out in demeaning U.S. government, but these shortcomings are the exception rather than the rule.

The Constitution was written by many different types of men; no one interest group was favored over another. The product they created was so flexible as to have lasted over 175 years. Since 1787 the Constitution has been elaborated and expanded to meet the needs of a civilization which its writers could never have foreseen. Pure food and drug laws, lottery acts, a white slave law, a statute requiring the use of safety devices on interstate trains, and many others have been passed under the general authority given to Congress.

The men who founded our republic knew definitely the general ideas that they wanted set forth in the Constitution, then left the working out of details to later interpreters, which has been proven a remarkably successful method, by the test of survival.

In our complex society, the Constitution protects the individual unable to do so himself. Most dealings are no longer conducted on a one to one basis: a man buying meat from a butcher who raises the cattle for his products himself. Rather, it is an individual dealing with a giant corporation or other such arrangements. Therefore laws were needed to make the individual's rights secure.

Another favorable point of the Constitution is its successful combination of the elements of democracy and republic. True democracy as practiced in ancient Greece would not be a realistic form of American government. There are too many people in the U.S. today for each citizen to present his own view to the rest of the people. This would result in mass confusion. So, instead the Constitution is set up in such a way that all people may voice their opinion, but to certain representatives they have chosen expressly for this purpose. Men have constantly sought to bring government officials and the common people together. The Constitution is an example of this effort. As in any political system of government yet devised, flaws can be found in it. But in relation to the favorable points in the Constitution, the draw-

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backs are far outweighed. Because of this, the Constitution is the best form of government devised by man.

CITIZEN AND STATESMAN TO WHOM WE OWE SUCH A DEBT OF GRATITUDE FOR HELPING TO ESTABLISH THE CONSTITUTION: ALEXANDER HAMILTON

(By Adrian Avery)

The Constitution is the plan of government by which our United States is governed. It was written many years ago by a group of enthusiastic men who worked very hard to plan a set of rules that would serve and please everyone. One of the framers of the Constitution was Alexander Hamilton.

Hamilton, defender of the Constitution, was born on an island in the West Indies in 1757, but came to New York while still a boy to finish his education. He attended a grammar school in Elizabeth, New Jersey and King's College in New York, now Columbia University. He was very much interested in the disagreement between the colonies and Great Britain, and won a great reputation by his writings and speeches while he was no more than a boy. When war broke out with England, Hamilton entered the American army. He was made captain and served well. Later he became Washington's secretary because he was a very able man and worthy of great trust. For several years after the Revolutionary War our country found it hard to get along. Hamilton was one of the men who urged the leaders at that time to call a convention for the purpose of planning a stronger government than was given by the Articles of Confederation. He was one of the men who worked very hard to frame the new set of laws called the Constitution of the United States and also to get it accepted by the people.

When the new government began, it had no money and no way of getting it. The country owed a great deal of money at home and abroad, and no one could see how the debts were to be paid. President Washington appointed Hamilton to the new office of Secretary of the Treasury, and he at once set to work to find ways to secure money. He was wonderfully successful, and soon the new government had money enough to pay its debts. He also helped the people to realize that they should work to make their new country a good country. He had great courage, great faith in the future of the new nation and great ability. He wanted the best men to run our country and did whatever he could to have unworthy candidates defeated. A duel with Aaron Burr cost him his life.

Few have done more for the United States than Alexander Hamilton, though we do not today feel that he was always right in all his ideas. We honor him for helping our country to grow strong, prosperous, and to be honored among the nations of the world. His picture is on our ten dollar bill, and Hamilton College in Clinton, New York is named for him.

WHAT ARE THE RESPONSIBILITIES OF A CITIZEN TO A CONSTITUTIONAL GOVERNMENT WHICH GUARANTEES HIM FREEDOM?

(By Millie Ceravolo)

Freedom is a man at the lathe, or at the desk, doing the job he likes to do, and speaking up for himself. It is a man in the pulpit, or on the corner, speaking his mind. It is a man puttering in his garden in the evening, and swapping talk with his neighbor over the fence. It is the unafraid faces of men and women and children, at the beach on Sunday, or looking out of the car windows speeding along a four-lane highway.

It is a man saying, "Howdy, stranger," without looking cautiously over his shoulder. It is the people of the country making up their own minds. It is a soprano singing "The Star-Spangled Banner" offkey and meaning every word of it.

Freedom is the air you breathe, and the sweat you sweat. It is you and millions like you with your chins up daring anybody to take it away from you.

—*Author Unknown.*

Citizenship is often defined as the status of a citizen, with its rights, privileges, and duties.

Freedom is one of those privileges which involves simultaneously rights and duties.

What are some of the rights a person has? Every person has the right to life, and the means necessary to sustain and develop life. He has the right to his good name and reputation. He has the right to seek the truth freely. He has the right to the degree of education of which he is capable, so that he can share in the benefits of culture.

Man has the natural right to an opportunity to work and to a wage that enables him to live in a way that is in keeping with his human dignity. He has the right to honor and worship God according to his conscience. He has the right to take part in the government of his community and his country and to equal protection of the law of his country. He has the right to own goods and property and to share in the fruits of his work. The right to choose and to follow freely a way of living, as a parent, religious, or an unmarried person in the world, belongs to everyone.

Man's rights, however, do not stand alone. Every right has a corresponding duty and responsibility. The right to own a car, for example, carries with it the duty to use it properly. In no case does 'free' or 'right' imply that there are absolutely no controls. The same is true of freedom in society. If everyone did exactly as they wanted, trouble would result. Each person's freedom would be threatened by the behavior of others. The laws of the United States, for example, protect every person's rights. America's freedom of speech, for instance, means that they can say whatever, or write whatever they wish. They cannot, however, speak or publish damaging untruths about anyone. The laws of slander and libel protect each citizen against such unfair attacks.

The right to develop one's mind by reading and study brings the responsibility to read and study what improves the mind rather than destroys it. So it is with every other human right. Right and duty are inseparable.

It has now been established that freedom demands responsibility. It demands courage and hard work, knowledge and thinking. We must remember that individual freedom is ours only as long as we earn it, and we'll continue to earn it only if we fulfill the responsibilities of a good citizen. American citizens, good citizens, can begin by respecting the rights of others—family, neighbors, community and minority groups in race, religion and politics.

The future holds wide promise, for freedom breeds self-reliance and vision. That is why America is a country of never-ending frontiers.

This, then, is the land built on freedom, the United States of today. It has faults, but it has promise, too, more promise than is offered by any other way of life. What will be done to turn promise into reality depends upon how the Americans of today and tomorrow use their heritage of freedom.

WHY THE CONSTITUTION IS THE BEST FORM OF GOVERNMENT DEVISED BY MAN

(By Patti Tarquinio)

Since the late 1700's the United States has been kept lawful and organized under a system of government we call the Constitution. It is true that no system of government is perfect and the American system is imperfect but the Constitution of the United States is so far the best form of government ever devised by man.

Undoubtedly some of the guarantees set up in the Bill of Rights are archaic and were set up specifically for the eighteenth century citizen. Surely the twentieth century citizen is much less concerned about the right to bear arms or to be free from having soldiers in one's home. These were specific protests against the British. Likewise the other guarantees have a place in our everyday life. Obviously, freedom of speech, religion, and press are of fundamental importance to us.

Also, all the amendments reveal the profound principle of American government which is the principle of civilian ascendency over military and this is a continuing influence in many of the affairs within this country. Every official, federal or state, is required to take an oath of office that he will abide by the Constitution and if at any time an official should deprive an individual of his rights it is the duty of the courts to refuse to enforce any action. In our Constitution we embodied a continuing determination to live and govern ourselves and for this reason the Constitution is not an obsolete doctrine.

Granted the Constitution can be interpreted many ways and has many loopholes. Sometimes the Constitution protects the rights of the individual so much that criminals go scot free. Yet the average American has a basic scene of fairness and a decent respect for the rights of another person. When the Constitution was made up it had to consider the general population and not a small percentage. When there is a controversy over an issue in the Constitution every effort is made to bring it to court and find out if this law is unconstitutional or if it infringes on the right of any person and this guarantees us the rights all individuals proclaim. All officials, federal, state, or local have to respect these rights. Furthermore the rights of those accused are important because people may be and often are falsely accused.

Our Constitution makes it clear that a man's beliefs are not the concern of the government but his rights are. The United States stands for freedom which is exactly what the Constitution has proven. In other nations there are many people who have never experienced any form of freedom, the United States is one country that has kept the same government throughout its history whereas other countries change their government repeatedly. No matter what the Constitution says, or what the courts decide you as an American cannot deny the freedom of your everyday life.

WHAT ARE THE RESPONSIBILITIES OF A CITIZEN TOWARD A CONSTITUTIONAL GOVERNMENT WHICH GUARANTEES HIM FREEDOM?

(By Mary Fitzgerald)

"It will be the pattern for all future constitutions and the admiration of all future ages."

These words were spoken by William Pitt, the British Prime Minister at the time of the Constitutional Convention in the 1780's. If Pitt or any of the thirty-nine men who signed the Constitution were alive today, they would probably be extremely disappointed at the attitude of the American people toward their Constitution and government.

With all freedoms and rights there are guidelines and responsibilities. The boundaries of one individual's freedom and when his actions infringe on the rights of another. We, as citizens of the United States, have the responsibility of knowing our Constitution since it guarantees us our freedom.

Under our constitutional government we have the freedom to express ourselves verbally or in writing. We are the luckiest people in the world. We have so much, yet the American people are the apathetic ones.

Another responsibility should be our loyalty and patriotism toward our government officials and lawmakers. We are the backbone of this nation. In a few years we will be voting, so now is the time to become aware of the actions of our lawmaking body.

Yet, the responsibility of those citizens who are eligible to vote is even greater. They must check each candidate's qualifications and choose the person who seems to be the most capable.

Many people spend their time talking and complaining about the way the government works. The problem is that the cycle stops there! Instead of writing to a Congressman or making sure that a qualified candidate is elected, they sit back and continue complaining. These people are content to leave the involvement to someone else.

Actually, the main responsibility is "interest." Any other responsibility stems from some aspect of caring. If no one cares then we wouldn't have to worry about the state of our nation—there wouldn't be any nation.

Our freedom must never be taken for granted. Our country has given us so much that these few responsibilities are minor in comparison to the benefits reaped.

BENJAMIN FRANKLIN

(By Becky Clark)

Benjamin Franklin, alert and interested at 81 years of age, kept the meeting from breaking up by his tactful remarks and friendly manner. Once when two quarreling groups were urged to settle their dispute, he remarked: "When a broad table is to be made and the edges of the planks do not fit, the artist takes a little from both, and demand."

Franklin's advice was needed since there were many conflicts and differences in opinion. Franklin was one of the leaders chosen to make the set of laws. The laws were to be called The Constitution of the United States of America. Though Franklin was very tired, he went to the meetings. They talked about the laws for a long time. It was very hard for them to agree on what was best for people.

"No Constitution can be perfect," Franklin told the men wisely. "But any Constitution is better than none."

He talked the leaders into signing the Constitution.

America is still governed by those laws.

In May 1787, a convention of 55 men met to write a plan of government for the United States of America. This plan was to be called the Constitution. The men in this Constitutional Convention represented the different colonies, now called states. They spent months on the Constitution, months of thinking, working, planning, arguing. They wanted the Constitution to be the best plan of government they could make. The meetings were held in the red brick State House in Philadelphia. Many of the same men who had signed the Declaration of Independence 11 years before, were there. Franklin, of course, was there. Usually he quietly listened to arguments. After they had been meeting for four months, Franklin believed that the Convention should finish its work. On September 17, the Constitution was read once more to the Convention. Benjamin Franklin, 81 years old, reached for his cane painfully, and rose to his feet. The room was hushed. The men waited. They knew that the Convention would be guided by the wisdom of Franklin's words. Franklin handed a written speech to James Wilson of Pennsylvania to read. The words seemed to ring through the quiet room.

"There are several parts of this Constitution which I do not at present approve. But I am not sure I shall never approve them." Franklin meant that, as time passed, he might be convinced of the wisdom of all parts. How wise! How true!

The Delegates nodded. Once more Franklin had made them laugh. More important, he had shown them that every man could not expect to agree with every part of the Constitution. Then suddenly came Franklin's stirring words. "I agree to this Constitution with all its faults, if they are such, because I think a general government necessary for us." Benjamin Franklin smiled. It was a smile of kindness, of wisdom, of contentment.

WHAT ARE THE DUTIES OF A CITIZEN TO A CONSTITUTIONAL GOVERNMENT WHICH GUARANTEED HIM FREEDOM?

(By Maria Curran)

The duties of a citizen to a constitutional government which guarantees him freedom can be found in the word "Freedom" itself.

Each letter of this precious word represents our duties to our constitutional government.

F—Faithfulness, to our constitution and laws. These laws were written for our safety and well-being.

R—Respect, for our rules and regulations and for our fellow citizens.

E—Equality for all. We all have equal opportunities to enjoy the privilege of being a free American. We can choose our leaders. We can all work and choose our own vocations.

E—Empathy for all. We have to know how our fellow man feels and thinks so we don't infringe on his rights as a citizen.

D—Defend against all enemies foreign and domestic. We can never allow anyone to take or jeopardize our liberty.

O—Opportunity for all. No other country in this world gives man more opportunities than our great nation. We must preserve this right.

M—Morality. We must be moral in our thoughts, words and actions. If we are corrupt, we will certainly fall apart. Our Constitutional government guarantees us freedom and we in turn should guarantee our government individuals who are dedicated to maintaining the high standards that this country has always stood for.

REPORT ON VIETNAM

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, this week I am sending to my constituents in the 10th Congressional District of Massachusetts a special report on Vietnam, which includes many personal observations based on my recent trip to Southeast Asia.

It suggests some steps which I believe should be taken. I believe my report on Vietnam will be of interest to my colleagues in the Congress. Resolving the Vietnam war remains a critical issue to the people of our Nation. My report also comments on another important issue, the need to provide returning veterans with maximum opportunity as they reenter civilian life and with the highest possible quality medical care.

The text of my special report on Vietnam, which I am pleased to insert in the RECORD, reads as follows:

YOUR CONGRESSWOMAN MARGARET M. HECKLER REPORTS TO THE 10TH CONGRESSIONAL DISTRICT, MASS.

Ending the war in Vietnam remains the number one objective for most members of the Congress, as it is for most of our people, notwithstanding strong differences over the means of achieving it. My own view is that we must continue U.S. withdrawal, letting the Asian nations assume responsibility for helping each other.

Accordingly, I want to devote this special report to my constituents of the Tenth Congressional District to some of my impressions of the tragic and divisive war still being fought in Vietnam.

As many of you know, I have recently visited the Far East. I was assigned to the Veterans' Affairs Committee to study the Outreach Program of the Veterans' Administration, through which our men in combat are informed of their benefits under the GI Bill for education and other programs before returning to civilian life. A firsthand look at the Vietnam War is the best way to gain a real perspective of what is happening there. Indeed, the Vietnamese live an entirely different life style from anything we are acquainted with in the western world. Nothing could be further from our hustle-bustle lives than their concept of time. Their religions and ancestor worship are strange to the western eye. Despite our language differences, I found that a human breakthrough was possible, making communication achievable with the Vietnamese people. I talked to many of them.

The ravages of war, of course, are especially hard on the Vietnamese children. I was able to observe firsthand the United States' effort to train the South Vietnamese people to take over and fight their own war. I believe the transition process must not be an open-ended commitment to keep any U.S. forces in Vietnam indefinitely.

For me, the transition was typified by the unusual sight of young girls being trained with weapons to defend an isolated hamlet which was held by the Viet Cong until two years ago. I found that the village people wherever I visited are involved, even eager to take over their own defense without relying on the government in Saigon. It was revealing to talk to the provincial and village chiefs, to our men, and to Ambassador Bunker and General Abrams.

I asked South Vietnam's President Thieu why South Vietnam had not started to assume the war burden earlier. His answer was that the Americans told him, in effect, that they would take care of the fighting. But the situation is fortunately changing, and the changes are visible and encouraging.

South Vietnam's armed forces increased by only about 50,000 men each year in 1965–1967. However, since its Total Mobilization Act took effect in May 1968, extending the draft and raising age limits, South Vietnam has drafted nearly 200,000 men each year. It began the "Popular Self-Defense Program" at the same time to train younger and older citizens as part-time village defenders. About half the 3 million Popular Forces are now armed. It opened the National Military Academy in 1966, graduating the first class of officers last December. I was told that South Vietnam's armed forces have nearly reached the limit of available manpower. In view of this progress, I am convinced that our U.S. troop withdrawals can be accelerated.

I believe it is a valid question to ask: Where do we go from here? One approach, the McGovern-Hatfield proposal to fix a deadline for withdrawal, was defeated by the Senate. Obviously we must find new initiatives to achieve peace in Vietnam. One proposal, which is gaining support in Washington, provides for an internationally supervised cease-fire. As I write, a cease-fire is under discussion in Paris. Despite the inherent difficulties in any cease-fire proposal, it seems apparent that a cease-fire is necessary before a political solution can be arrived at. Working out the details of a cease-fire could lead to compromises on tougher political problems, to withdrawal of all outside military forces within a fixed time and to the return of our prisoners-of-war. It would stop the fighting. The cease-fire approach has been proposed to the President by a bipartisan group of Senators who hold such diverse views as Senators Goldwater and Javits. I favor it as a constructive initiative which should be tried.

South Vietnam's future must be decided by the South Vietnamese themselves. Only they can truly mold their villages, hamlets and provinces into a nation.

VETERANS' NEEDS

In my report to the Veterans' Affairs Committee, of which I am the only New England member, I stated that I was most impressed by the Outreach Program, begun in 1967. Our society needs the skills of returning veterans. This vital program is encouraging our men to begin planning in advance to develop their educational or vocational potential. For the wounded or disabled veteran, who may build his future life around disability benefits, the program spells "hope."

Yet, there will be men with long-lasting or permanent disabilities who will not come directly home. I was pleased by the outstanding caliber of military hospitals in Japan and Vietnam. Our nation owes continued quality care to those who return to our Veterans' Administration hospitals and, as a member of the VA Hospitals Subcommittee, I have given highest priority to improving the quality of medical services for veterans. I might note that, after the recent *LIFE* exposé of conditions at the Bronx VA Hospital, I inspected that hospital and the Boston VA hospitals. My Colleagues have supported my extensive recommendations for relieving the existing problems, such as staff shortages, that I encountered at these institutions.

I spoke with many of your sons and husbands, with many fine young men and women from our Tenth Congressional District, who are in the Far East and on the long road home. I want them home . . . very soon.

VISITORS' VIEWS OF THEIR NATION'S CAPITAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. RARICK. Mr. Speaker, I am in receipt of several letters from patriotic Americans who came to their Nation's Capital here in Washington, D.C. last week to exercise their constitutionally secured freedom of speech and right to petition their Government for redress.

Since both men are veterans who in past wars have fought for our freedoms, I feel that our Members should read their letters and be apprised of the true status of our freedom.

We have retrogressed in our country when decent law-abiding citizens complain that our laws are being used against them and in favor of the lawless.

I include the letters and a newsclipping:

Personal

OCTOBER 4, 1970.

Hon. JOHN RARICK,
House of Representatives,
Washington, D.C.

DEAR SIR: It was a thrill and a pleasure to speak, altho briefly, with you at the start of the "March for Victory" yesterday at Stinktown, U S A. I say "Stinktown" because of what occurred as we approached the speaker's rostrum after concluding our march down Pennsylvania Avenue and entering the Washington Monument grounds. As we, the honor guard, proceeded towards the rostrum we were confronted by a group of leering, filthy hippies holding a red sign upon which was printed "——— you." I was understandably abashed. Our group making up the color guard was a mixture of WW I, WW II and one Korean and one Viet Nam veteran(s). We were ill prepared to rush headlong into the hippie group so I did the most practical thing—I approached some policemen who referred me to a Lt. "somewhere over there in a white shirt." I could not find him and approached a car containing three policemen with the same brush-off. Meanwhile one of our men stationed in a fenced off area had spoken to the Lt. who said that there was *nothing he could do about it.* This so infuriated me that I gave my rifle to a comrade and left the area. The prospect of high toned calls for Victory in Viet Nam and claims of honor, respect and decency faded away to stark reality when we could not even confront and eradicate a band of anarchists who, in the presence of women and children, held up a sign saying "——— you." When policemen refused to take any action and protected the scum that committed this indecency, the area suddenly became Stinkville, D.C. to me and remains so, insofar as I am concerned.

Mr. Rarick, anarchy has already won in this country. We have lost on the home front. The time for "rhetoric" and symbolization and past glories is long gone. The stark, ugly present is something we must live with and anarchy has already won. We refuse to confront it and defeat it.

Many thousands of good folk came to Stinktown, D.C., only to be grossly insulted by a group of hippies and we have no recourse at law? Actually, had I pushed the issue I would have been arrested for "inciting to riot" or "disturbing the peace."

What a farce. What a hypocrisy. What a belly laugh.

I know that to write a letter to Mayor Washington of Stinktown or to either of the "Double S" in the Senate from Pennsylvania or to all but a dozen or so Members of Congress would be akin to spitting in the ocean to raise the tide. But I do write you because you are one of a damned few Congressmen left who does have a sense of values and a pro-American action record.

I was so disgusted that I left the area and now find myself being on the verge of expulsion for "deserting my post"—as one of the color guard—a thought which never crossed my mind.

However, if it be, so be it, for I considered the festivities a hoax and a hypocrisy after seeing a group of anarchists sneering and yelling their ugly taunts without any definitive action being taken against them. Obviously you and the other honored guests, nor Dr. McIntire were aware of what transpired below. I don't know what you would or could have done, but as for me, I could not hang around to hear the words of faith and challenge come from the rostrum while anarchy and filth was victorious in the multitude.

Yours very truly,

GEORGE F. JOHNSON,
Commander.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR SIR: I now understand from newsmen of my acquaintance in Washington, D.C. that it is now the policy of the rulers of this metropolitan city to make no distinctions between the rights of citizens who openly support the United States, its flag, its laws, and its pledge of allegiance, and those who fly the Vietcong flag, the red star banner, and who riot in the streets breaking windows and obstaculizing traffic to the detriment of the average citizen.

From what I have been observing in this city with my own eyes, it appears to me that the newsmen in question are perfectly correct in their comment; for men are arrested even more quickly for striking an alien and enemy flag than the Yippies are arrested for desecrating American flags in public, following immediately on the heels of Congress' legislation to protect the flag. On Saturday last, at the Washington Monument, I saw no Yippie arrested for desecrating American flags, although they did so in great numbers. On the other hand I understand that a good many citizens was arrested and gaoled for capturing and destroying a Vietcong flag of the enemies of America.

We must now assume that clandestinely the government of Washington, D.C. is now on the side of the enemy and is joining in the battle against the American Republic. This has been rather evident now for over a year-and-a-half, with Mayor Washington appointing enemies of the American Republic to high offices in the city government who take oaths on Malcolm X bibles.

As an American who salutes the American Flag, supports the Constitution of our Founding Fathers, and believes in taking the pledge of allegiance to the Republic, I find that I must now assume that I am living in a National Capital in which the City administration is on the side of the enemies of the American Republic.

Very truly yours,

HOMER BRETT, Jr.

[From the Washington Post, Oct. 7, 1970]

U.S. DROPS CHARGES IN WAR RALLY INCIDENT

(By Henry Aubin)

The U.S. attorney's office yesterday dropped a charge of inciting to riot against a Green Beret sergeant who was arrested during last Saturday's win-the-war rally when he scuffled with yippies over possession of a Vietcong flag.

According to police records, the man was personally arrested by Police Chief Jerry V. Wilson.

At a hearing in D.C. Court of General Sessions on the charge against Sgt. 1C James R. Kerns, a 37-year-old Army reservist on active duty, Judge Charles W. Halleck expressed sympathy for the man.

"If I had been there (at the rally) I probably would have helped him take the flag away," Halleck told a reporter later.

The judge, who is known in General Sessions for speaking out both on and off the bench on social and political issues, described himself as a "Chauvinist" and said he thought Congress should make it a crime to display the flag of a country or force with whom the United States is at war either officially or unofficially.

The U.S. attorney's office cited "lack of prosecutive evidence" as its reason for dropping the charge, a felony.

Kerns had also been charged with disorderly conduct, a misdemeanor. The corporation counsel's office, which handles such less-severe charges, said it was dropping this charge at the request of the metropolitan police department.

Kerns, who served a year in Vietnam and lives in Glen Echo with his wife and four children, is on leave as publications director of a local computer firm.

At the Rev. Carl McIntire's rally at the Washington Monument, a friend of his grabbed the flag carried by yippies. When it was dropped, Kerns said he picked it up and ripped it while he ran off.

A melee ensued with punches thrown by both the yippies and Kerns, who estimated that there were more than 10 yippies against him.

NIXON AS NEGRO'S FRIEND

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. HORTON. Mr. Speaker, as a Negro in high appointive office, James E. Johnson, Vice Chairman of the U.S. Civil Service Commission, should know about the status of blacks in the Nixon administration.

Commissioner Johnson says that President Nixon has done more for the blacks than any other President since Lincoln.

He cites the fact that in previous administrations minority personnel were added to Federal rosters but that they "came in at the bottom and stayed right there." In the present administration President Nixon has directed agency heads to see that Government managers and supervisors implement the policy of equal advancement opportunities which has resulted in greater "upward mobility" for minority persons than in the past.

In order that my colleagues may know more about Commissioner Johnson's views on this subject, I insert the article appearing in the Kansas City Star, entitled "Nixon as Negroes' Friend," in the RECORD:

NIXON AS NEGROES' FRIEND

(By Bill Moore)

James E. Johnson, who is vice-chairman of the U.S. Civil Service commission, and who is black, cannot understand why so many of his race fail to share his enthusiasm for President Nixon. It must be that they are unreconstructed Democrats, he believes.

In Kansas City today, Johnson said he did not make his visit here to sound the trumpet for his boss (Nixon) particularly but the fact was that he believed Nixon had done far more for the blacks then Lyndon B. Johnson, the late John F. Kennedy or, in fact, any President since Lincoln.

He added that both President Kennedy and President Johnson had issued executive orders on the subject of fair employment which had had the effect of adding many Negroes and other minority group personnel to federal rosters. But, he said, those executive orders did not spell out to the various agency heads what was to be done with the new employees and the result was that they "came in at the bottom and stayed right there."

Johnson cited a paragraph from Nixon's memorandum of August 8, 1969, to the heads of departments and agencies:

"Every possible step must be taken by agency heads to make sure that each manager and supervisor in the government understands and implements the objective of equal employment opportunity for all Americans. Our supervisors' performance must in every way support equality of opportunity for all employees."

Johnson asserts that Nixon meant business when he made that statement, the agency heads took it seriously, and the result had been more "upward mobility" for minority persons in federal service than ever before. He mentioned the great variety and high quality of training programs to prepare blacks and others for better positions.

The civil service commissioner said that the old-time traditional Republican Negro went Democratic with the late Franklin D. Roosevelt in 1932. Since then, estimates have been that the Democrats had a hold on some 90 to 94 per cent of their vote. Nevertheless, under the present administration employment is up, opportunities for promotion are up, the General Services administration is going all out to involve minorities in contractual relationships with the federal government and the Small Business Administration has black capitalism actually working for the first time, he said.

And, he added: "This is in contrast to the OEO handouts the ghetto blacks were getting from the previous administration.

Before his appointment to the commission in January, 1969, Johnson served under Gov. Ronald Reagan in charge of the California Department of Veterans Administration affairs.

He was a luncheon speaker today at Richards-Gebaur Air Force base.

SUMMARY OF REPORT OF PRESIDENT'S TASK FORCE ON MODEL CITIES

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. CULVER. Mr. Speaker, it has only been in the past decade that the Nation has become fully aware of the serious problems developing in our cities. In that time, the Federal Government has responded with major innovations, including the creation of two new departments concerned mainly with urban affairs—the Department of Housing and Urban Development and the Department of Transportation—the creation of the Council for Urban Affairs, and the establishment of many grant-in-aid programs. The model cities program, in particular, was designed to attack the problem of deteriorating inner cities. These were all important steps, and significant progress was made.

At the same time, however, we have seen that the problems are proving very stubborn and that the programs of the sixties contained some important flaws. One of the most serious of these resulted from a vast proliferation of different Federal programs, each with complex sets of regulations. In order to benefit from the Federal money available, a city had to hire teams of experts to prepare detailed plans. They had to shift their own priorities according to the projects for which Federal money was currently available. And they were plagued by excessive oversight by Federal officials.

If continued progress is to be made, the morass of Federal programs—over 400 potentially useful to cities—must be simplified and additional leeway must be given to State and local officials to implement local priorities without the restrictions of Federal "categorical" programs.

The need for improving the Federal approach to urban problems is carefully discussed in the recently released report of the President's Task Force on Model Cities, which deserves careful study by all concerned citizens. I insert the summary of the report at this point in the RECORD:

SUMMARY

Although federal support of the cities has increased sharply in recent years, it has not had the results that were hoped for in those parts of the cities where conditions are worst. This is partly because the biggest federal outlays have been in the suburban fringes and in rural areas. It is also because the federal government has tied too many strings to the aid it has given. Over-regulation has led to waste and frustration.

With about 400 grant-in-aid programs involving roughly $10 billion a year, federal aid to cities is now on such a scale that the federal bureaucracy is incapable of administering it. In the view of the Task Force, most city governments can be trusted to use federal funds in the manner Congress intends, but whether one trusts them or not it is necessary to allow them much more latitude because the alternative is waste and frustration and/or their replacement by a vastly expanded federal-state bureaucracy.

Because it was designed to reduce waste and increase efficiency by giving the cities much greater freedom in deciding how federal funds were to be used in poor neighborhoods, the model cities program was—in its conception—a long step in the right direction.

Unfortunately, the federal government did not fully live up to its promises. The program has been both over-regulated and under-supported. It has nevertheless made a useful contribution by sensitizing city halls to the problems of poor neighborhoods, bringing mayors and citizens groups together, improving management methods, and initiating projects that on the whole compare favorably with those supported by other programs.

The key elements of an urban program will be ones for increasing employment of the low-skilled, raising incomes, and eliminating barriers to movement from places of poor opportunity in the inner cities to places of good opportunity in the suburban fringes. The potential of the model cities program should be judged in this context.

The principal recommendations of the Task Force are as follows:

1. Most federal aid should go to the cities by way of revenue-sharing rather than by categorical grants-in-aid.

2. The categorical programs should be consolidated into a much smaller number.

3. The model cities program should be continued as a means of asserting the interest the nation has in improving the quality of life in the city slums.

The program should be limited to the 150 cities already selected and funds should be distributed among these cities on the basis of a formula. The cities should be required to use the funds to improve conditions in their poorest neighborhoods, to keep current a plan, to afford citizens of affected neighborhoods opportunities to contribute to the planning and operation of model cities programs, and to meet a few other standards. The Model Cities Administration should make an annual review to see that these requirements are met; beyond this is should not regulate the model cities.

4. The Model Cities Administration should make such evaluations as will be useful for national policymaking; it should make post-audit evaluations only as may be required for the annual review or at the request of the city.

5. The Model Cities Administration should provide technical assistance to the cities only at their request. The need of small cities for technical assistance can best be met by: (a) creation of a federal-state system modeled on the Agricultural Service, and (b) long-term exchanges of personnel among city, state, and federal governments. Elected neighborhood boards should be enabled to secure some technical advice from sources of their own choosing.

6. To assure adequate support of the model cities program, the President should make it unmistakably clear to heads of urban agencies that he attaches importance to it. Agencies should be directed to "hold back" at least 25% of their non-formula grant funds and to free these special funds from usual processing and routine complexities; Section 108 of the Demonstration Cities Act should be implemented; information on grants flowing into the states should be made available; agencies should be required to consolidate their state planning requirements and to treat model city plans as sufficient for purposes of all applications.

7. The President should be authorized to transfer certain funds from urban categorical programs to the model cities program.

8. Direct appropriations to HUD for supplemental grants should be in amounts sufficient to assure that total federal support will not fall below what the cities were led to expect when they made their plans.

QUALITY EDUCATION PLEDGED BY SEGREGATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. RARICK. Mr. Speaker, today's newspaper presents a classic example of the double standards existing in education in our country.

The Department of Health, Education, and Welfare has criticized colleges in Virginia for being too black while in the same newspaper a writeup on the new school superintendent in Washington, D.C., quotes him as saying:

You do it because you believe that a black school system with a black Board of Education, black students, and black instruction and administration can make the American dream come true here.

The President of the United States does not need to go all the way to New Orleans in his search to overcome racial imbalance nor does HEW need to criticize Virginia. All these bureaucrats need to do is to stand on their veranda right here in the District of Columbia. What standards are they using at Howard University and Federal City College?

What Superintendent Scott has told the Washington bureaucrats is that he is intelligent enough to understand that what is needed in this country is to get on with quality education and quit stirring up trouble by trying to homogenize the race. This is what we in the South have known and tried to explain to the American people for years.

I include newspaper clippings as follows:

[From the Washington Evening Star, Oct. 7, 1970]

FOUR SCHOOLS CRITICIZED: COLLEGES TOO BLACK, HEW TELLS VIRGINIA

RICHMOND.—A federal agency has included Virginia's predominantly black colleges with the state's predominantly white colleges in criticizing what it says is a tendency to preserve an exclusive racial image.

This is believed to be the first public disclosure in Virginia of complaints by the U.S. Department of Health, Education and Welfare against black colleges. Similar complaints against white schools have been widely reported.

Singled out for criticism by HEW were Virginia Union University in Richmond, Virginia State College at Petersburg, Hampton Institute and Norfolk State College.

The federal agency suggested in correspondence with Virginia Union that the school hire a white coach, pursue a nondiscrimination policy in off-campus hiring and housing and require a campus club to cease excluding whites.

Virginia State was asked to stress in its publications that the college is open to all races, that it assign teachers without regard to the racial composition of its school divisions and to make sure that groups using college property for meetings do not discriminate against whites.

The lack of a white coach at Norfolk State also bothered HEW, which also urged that the school move ahead in areas of white student recruitment, "even if it necessitates some adjustment in entrance requirements."

HEW praised Hampton Institute for making some commendable efforts" in mitigating "the racial identifiability of a once-segregated institution," but said "additional efforts are necessary."

Hampton Institute also was urged by the agency to take additional steps "to bring more white students to your campus as full-time students."

None of the top officials at the four schools were available or willing to comment on the HEW correspondence.

[From the Washington Evening Star, Oct. 7, 1970]

SCOTT INSTALLED IN SCHOOL JOB, PLEDGES "QUALITY EDUCATION"

(By Glenn Dixon)

As Dr. Hugh Scott and his family mounted the steps of McKinley High School last night, a cadet honor guard stiffened to attention and saluted while the school's cheerleaders stepped off a special greeting of their own:

"Hello, Hugh Scott, How do you do,
McKinley High says hello to you,
But before we begin, we'd like to say,
You're the best superintendent that's come our way,
Two bits, four bits, six bits, a dollar,
All for Hugh Scott, stand up and holler."

The occasion was the official installation of Scott as the new superintendent of the D.C. Public Schools. Before he was through, most of the 500 persons in the audience—including students, parents, teachers and public school and D.C. government officials—were hollering or at least, standing and clapping.

After being installed by D.C. Board of Education President Anita F. Allen, who charged him to "join and promote our revolution in education," Scott said: "I accept the charge of the president of the school board and I hope that in accepting it the citizens of D.C. will think of Hugh Scott as always charging at full speed—and at least 95 percent of the time in the right direction.

"I believe that individuals, be they white or black, are entitled to quality education . . . and I will work vigorously to oppose any factors that impede quality education—be they external factors or internal factors.

"Hold me accountable. I want nothing less than that, but I'm going to hold you accountable too. I don't want any armchair mothers and fathers in this school system."

"Don't forsake me," he said, "the superintendency is a lonely job."

Mayor Walter E. Washington agreed, strongly urging Washington residents to support Scott.

"Don't play games with this man, because if you play games with him, you're playing games with the lives and education of your children. . . . Stand behind this man and give him the opportunity he is entitled to.

"I would like to say that not only our government, but the people of our city have said to this man, 'Go to it. Do your thing for our children and make it a better life for them and for us.' Work with him. Let's all be together with him when he speaks of quality education."

Scott pledged "to do not solely what is easy but what is right and what is necessary" to improve the D.C. Public schools. He said he had the "operational toughness" to put the "educational philosophy" of quality education into practice.

"I view education as a partnership," of students, faculty and administration, he said. "You can expect me to provide leadership in educational matters. That's what I'm paid to do.

"But this is not a job you do just for the money. I won't be putting in 12- and 14-hour days just for that $38,000 year. You don't do it just for that.

"You do it because you believe that a black school system with a black board of education, black students and black instruction and administration can make the American dream come true here."

EARTH I CARE—A RESPONSIBLE MULTIMEDIA CONCEPT TO IMPROVE OUR ENVIRONMENT

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. CASEY. Mr. Speaker, headquartered near the Manned Spacecraft Center in my district is a most remarkable organization, seeking in a most responsible way to overcome the abuse of our environment.

This is the Earth Awareness Foundation, which is sponsoring the widely-accepted "Earth I Care" movement, a multimedia concept to improve our environment.

It is not by accident that this great effort is located near the heart of our Nation's space program—for although it is not sponsored by the National Aeronautics and Space Administration or any Government agency—several officers of the foundation hold responsible positions with NASA. Indeed, the foundation drew heavily upon NASA's own motivational methods as a guide for its own program.

Its founding directors include:

Jerome F. Lederer, director of safety, NASA Headquarters.

John Hart, cartoonist, creator of "B.C." and the Wizard of Id.

Eugene Horton, manager, educational programs, NASA–MSC.

Walter Cunningham, astronaut.

Dr. Preston T. Farish, manager, systems safety, NASA-Huntsville.

Russell L. Schweickart, astronaut.

Albert M. Chop, manager, motivational programs, NASA Headquarters.

Robert S. Scott, director, Washington Office of Aerospace Corp.

Dr. Charles A. Berry, director of medical research and operations, NASA–MSC.

Philip H. Bolger, assistant director of safety, NASA Headquarters.

It is indeed heartwarming to me to know that such talented men, with such a demand upon their limited time, have undertaken such a worthy effort. Because I firmly believe in the purposes of the foundation, and that its efforts and purpose should be brought to the attention not only of my colleagues, but the American people, I am taking the liberty of citing from its beautiful descriptive brochure. Because I know the deep concern of many Americans over the great need to protect our environment, and their desire to associate themselves with the efforts of a responsible group in this field, I suggest that each who desires to do so write direct to "Earth I Care," 1275 Space Park Drive, Houston, Tex. 77058, for full information on the great work now being done.

Here, briefly, is the background on this most constructive effort:

EARTH I CARE

In 1968, as personnel of the National Aeronautics and Space Administration's Manned Spacecraft Center in Houston, Texas, U.S.A., completed preparations for sending American astronauts on their first journeys to the moon, many young people in neighboring communities were also planning trips. Their vehicle: drugs.

The Rotary Club of Space Center, alarmed by the growing problem of drug abuse in its

own backyard, established a Drug Awareness Committee to search for the root cause. To reduce the incidence of drug violations, a campaign of information and education was initiated.

As this effort expanded and took form, more and more concerned citizens became interested and actively involved, giving their time and talents to develop a meaningful service to the community.

Astronauts, some of whom were members, offered their services, along with noted cartoonist John Hart and high school age students from the local community. Thousands of posters, decals and bumper stickers, carrying information on the growing drug problem, emerged in the Houston area. A rap session was held, entitled, "Communication Through Confrontation." Community leaders and concerned parents publicly discussed the drug issue with local teen-agers. Astronaut Rusty Schweickart served as panel moderator.

Physicians, clergymen, psychiatrists, lawyers, concerned parents, school teachers, students and law enforcement officials all were brought into working sessions. Their suggestions, taken over a period of several months, were carefully weighed and evaluated.

One observation, common to all participants, was that drug abuse seemed linked to a much deeper social problem; the evaporation of beliefs and erosion of moral values, a phenomenon in evidence on both sides of the generation gap.

From this hypothesis emerged a unique and far-reaching awareness program to stimulate constructive public involvement not only in dealing with the drug question but in all areas of social intercourse affecting the quality of human life.

Experience gained in the space community's efforts inspired creation of a nonprofit educational foundation, developed and chartered under laws of the state of Texas. The founders represented many disciplines and brought to the organization broad professional and public service experience and varying backgrounds. An imaginative and capable group of prominent citizens, they shared a dedication to improve the quality of life and the environment.

The Foundation's initial structure was patterned after a flight safety program developed by the National Aeronautics and Space Administration to create a quality consciousness and sense of personal responsibility for the lives of the astronauts and the success of space missions. This program, motivational in character, is known as Manned Flight Awareness. Since its inception, it has reached an estimated 420,000 persons in some 20,000 companies and federal organizations engaged in the development of U.S. manned space flight.

Elements of the Manned Flight Awareness Program include special purpose motivational films, exhibits, posters, literature, visits by astronauts to production areas where work on space vehicles is in progress, national and regional conferences for quality management personnel, awards and letters of appreciation from astronauts to workers for exemplary effort, and distribution of a monthly newsletter to some 20,000 subscribers in companies and federal installations.

Through their flights into deep space, especially the aborted lunar mission of NASA's Apollo 13 spacecraft, the astronauts have made us aware that Earth is man's only oasis in the celestial desert. Man has no natural home other than Earth that offers refuge or escape should we despoil our planet and make it unfit for human habitation.

To save the crew of Apollo 13, flight controllers worked calmly and objectively to maintain viable conditions within the environmentally-threatened spacecraft. So must we now recognize the real and present danger to Spaceship Earth, and the necessity of urgent but rational action to meet and overcome our environmental crisis.

With mushrooming population growth and its associated demands upon the environment, there is no assurance that life as we know it will continue indefinitely on this planet. However, those who augur the demise of man before the 21st century are extrapolating from trends and ignoring man's learning curve and his power to bring about constructive change through rational planning, commitment, and concerted action. Which way the pendulum will actually swing in the years immediately ahead depends upon our attitudes and where we place our priorities.

Motivating the public to address the problems of environmental despoilation is the salient and urgent purpose of the Earth Awareness Foundation. This purpose was fully enunciated at the Foundation's historic meeting in Washington, D.C. on May 20, 1970.

A STATEMENT OF PURPOSE

We find ourselves today in the midst of a conflict between the desire to develop the Earth's resources and the need to preserve the Earth's environment—both, presumably, for the benefit of mankind. Man has begun to develop an awareness that better housekeeping of the Earth must be practiced as he continues to take from the Earth the things he needs and uses.

The greatest enemy of mankind is man himself. Developments in science and technology have brought material wealth and the promise of a better life for more people. Yet, against an impressive backdrop of progress and accomplishment, the effects of this technology are in many cases working contrary to man's health and happiness.

Unprecedented technological progress has resulted in equally unprecedented contamination of our environment.

Expansion of population, even in industrialized and affluent nations such as the United States, has become a problem of great concern. The resources of the planet are being plundered in an effort to sustain its burgeoning population with too little regard for the consequences.

We face the danger of a world which impersonalizes and devalues the individual, resulting in alienation, apathy, unresponsive and irresponsible institutions, and a lack of concern for one's fellow man and his environment.

Therefore . . . we hold that man individually and collectively can achieve a quality life only when he is able to view himself as part of, and with dependence upon, the natural "ecosystem." Further, we believe that such an awareness and self-realization is imperative and urgent if man is to avert an environmental/social/ecological crisis so tremendous as to exceed anything he has known before.

We believe that those who modify or consume the natural resources of the planet must take into consideration both the short and long term consequences of their activity on the total environment, and where necessary, take appropriate action to maintain an ecological balance.

We hold that the degradation of our environment due to man's spoilage of the Earth through technological growth and the ever increasing depletion of our resources, can be reversed. Commitment is essential. We believe that concerned and responsible people provide the singular ingredient for constructive growth.

We hold that man's chances for survival are dependent upon his attitude toward his fellow man, and his respect for the rights of others.

We hold that man must work with, instead of against nature.

We hold that man is the most valuable natural resource of the planetary system, and that abuse of this resource, both mental and physical, must cease if humanity is to fulfill its potentiality.

Because of our common concerns we, the founders of the Earth Awareness Foundation, dedicate ourselves and our organization to attainment of practical humanitarian goals directed toward enrichment of the quality of life and improvement of the environment in which we live.

Professionals in motivation, communication and human relations, who conceived and implemented the far-reaching Manned Flight Awareness Program for the U.S. space agency, are the architects of the Earth Awareness Foundation and continue to work with this activity and guide its efforts.

Applying lessons learned and using many of the same tools successfully employed in that national effort, the Foundation assists local and national organizations, both public and private, and provides the necessary media for exchanging, on a wide geographic basis, information and views of general interest and concern.

Motivational presentations, films, exhibits, awards, posters and literature are provided to organizations to support goals which are compatible with the Foundation's purpose. Participating organizations are able to strengthen and enliven their basic programs by employing these tools and availing themselves of the services of those who speak publicly for the Foundation.

KEEPING IN TOUCH—A NEWSLETTER

The Earth Awareness Foundation publishes a monthly newsletter which serves as a vehicle for exchanging factual information and editorial expression on matters related to environmental improvement, and the projects and activities of members. The publication serves to stimulate thought and action, and is distributed to community leaders and service groups at municipal, state and national levels.

Contributing editors include student leaders, researchers, environmental specialists and recognized authorities representing the educational, business and scientific communities. Special attention is devoted to reporting and publicly recognizing constructive activities of service groups and youth organizations, and identifying originators of innovative and creative projects of public importance. Editorial contributions and comments are invited. Annual subscriptions are $3.00.

TRAVELING EXHIBITS

Maximum use is made of all types of fixed and mobile exhibits designed to illustrate and dramatize the Foundation's theme. Exhibits include examples of community model programs, student and industry science projects of environmental importance, and product developments related to air and water purification and waste management.

POSTERS

Scientists, astronauts and other public figures present their personal comment on subjects of public concern through colorful, high-impact posters. Popular characters from the cartoon pages of the daily newspaper are also found in poster displays and other visual media to focus public attention on drug dangers, air and water pollution, and other environmental problems.

Posters are thoughtfully prepared with the young audience in mind. Students of high school and college age actively assist the Foundation in developing materials that are meaningful and appealing to youth.

Information on cost and availability may be obtained upon request. Special volume rates to school groups.

FILMS

Earth Awareness Foundation produces and distributes 16mm high quality sound films for school researchers, general audiences and community service programs. Films are carefully researched and keyed to audiences of different age groups and socio-economic backgrounds. Astronauts and other well-known personalities are featured, and ani-

mation is used selectively in some productions to put across messages which are otherwise difficult to convey. The creative genius of some of the world's best contemporary cartoonists is employed in this effort.

PUBLICATIONS

Earth Awareness Foundation makes available pamphlets and other printed matter including socio-ecological research studies, surveys, opinion polls, reprints from the technical and popular press, public addresses by industry and federal government officials and educators, and factual reports in many categories.

PROMOTIONAL MATERIALS

High quality decals, bumper stickers, buttons, patches, T-shirts and other promotional items which have proven effective in creating group esprit and public awareness, are available at nominal cost for community kickoff campaigns and sustaining programs. A catalogue of these materials is available upon request.

CARTOON COMMUNICATIONS

Today we live in an age when communications are carried out on a cosmic scale. Astronauts almost routinely leave the Earth and travel great distances through space, while flight controllers on the ground talk with them as effortlessly as the guest of a hotel might call for room service.

Yet in the more pedestrian relationships between father and son, husband and wife, nations and people, communications are, at times, almost non-existent.

Archeologists remind us that the most primitive form of human communication is the simple line drawing. When man first moved about the Earth, he attempted first to translate his thoughts into pictures, which he carved on rocks on the walls of caves.

Today, with voices carried back and forth through the expanses of space, the simple drawing, the cartoon, remains the undisputed titleholder as the most effective medium for reducing the complexities of modern day life to a universally understandable form.

One of the founders of the Earth Awareness Foundation is John Hart, whose highly amusing and sophisticated strips, "B.C." and "The Wizard of Id," are among the most entertaining and talked about cartoons in the world today.

AWARDS AND PERSONAL RECOGNITION

To stimulate personal involvement in environmental improvement, the Earth Awareness Foundation provides "Earth I Care" awards and other forms of recognition for individual and group achievement.

Among these are the Order of the Apteryx and the astronaut-inspired Small Step Award.

ORDER OF THE APTERYX

Readers of the popular comic strip, "B.C.", will quickly recognize this comical and closely-protected creature gradually making a comeback from near extinction. In some ways, his struggle for survival in a changing and complex world is not unlike our own.

The Order of the Apteryx is a widely sought-after form of personal recognition available only through the Foundation's governing body. Persons whose exemplary acts contribute importantly to the solution or better understanding of environmentally-related problems are eligible to receive this coveted award.

SMALL STEP AWARD

Companies and organizations, both public and private, making significant contributions to environmental improvement, are eligible for special awards. Unique among these is a bronze plaque displaying an authentic replica of the historic first human footprint left on the lunar surface. The impression has been cast from actual boot molds of the space suit worn by Astronaut Neil Armstrong.

This distinguished award symbolizes a step forward and honors group initiative and singular accomplishment in dealing with environmentally related problems and improving the quality of life.

The Earth as a planet is unique in our solar system. Not only does it support the only intelligent life form we know, but serves as well as the home of a truly staggering variety of both animal and plant life. It has been aptly described as a beautiful blue oasis in the vast blackness of space.

There is no other Earth.

Those few who have been fortunate enough to travel beyond the atmosphere, to circle the Earth or set foot on the moon, have looked back on their home planet with a new perspective.

Through the mediums of photography, video transmissions, and the astronants' own verbal descriptions, all men have shared, vicariously, in these mind-stretching experiences.

Can we, with this new found awareness, afford to view nature, and each other, as obstacles in attaining the good life? Or can we learn to live as brothers, cooperating through selfless, personal acts to preserve a living environment?

Participating astronauts and other directors of the Foundation are committed to the latter choice, and extend to all citizens of all nations on Earth an invitation to assist them.

Those desiring to actively participate in the work of this Foundation, may take the first step by writing and requesting a copy of the Founders' Pledge and the organization's newsletter.

EARTH, I CARE

(A planetary Affirmation)

JUNE 30, 1970.

I pledge:

To rededicate my life, my energy and the resources at my disposal, to helping you stay alive, healthy, and beautiful.

To make personal sacrifices to help preserve a balance in nature, renouncing the despoilation of the bounty of your oceans, lands, lakes and rivers, for personal pleasure or profit.

To discipline myself to fight for your life, though it take longer and demand more of me than I can now foresee.

To become more responsible for your future, and more responsive to needs of my friends and fellow passengers on Spaceship Earth, respecting the rights of all to live in harmony with nature and one with another.

RUSSELL I. SCHWEICKART.

HUNGARIAN NATIONAL DAY OF MOURNING

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. DADDARIO. Mr. Speaker, Tuesday the Hungarian people commemorated the struggle of their forebears to win freedom from the empire of Austria and mourn the martyrdom of the men who gave their lives in that struggle. For on that date, in 1849, 13 Hungarian generals were executed at Arad, Hungary, following the failure of the revolution. And so, we observe the Hungarian National Day of Mourning.

The revolt of the Hungarian people against their Austrian oppressors typifies the spirit of nationalist insurgence which characterized that period. Millions of Hungarian students and workers took to the streets in 1848 to demand a constitution and a republican form of government. Weakened by internal decay and pressured by this and other insurrections, the Austrian Government was forced to accede to these demands. On March 15, the Hungarian Diet promulgated a new constitution which established complete Hungarian autonomy with provisions for freedom of speech and press, and universal religious toleration.

But by 1849, the empire had recovered enough strength to declare war on Hungary in an effort to regain their lost control. As President of the new republic, Louis Kossuth led his countrymen in the war effort against the Austrians. Realizing that the Hungarian forces would not be easily subdued, the Austrians appealed to Tsar Nicholas of Russia, who dispatched 140,000 troops for use against the Hungarians. Unable to resist this new onslaught, the Hungarian armies surrendered to the Russians on August 13, 1849.

Although Kossuth and his cabinet managed to escape to Turkey, a wave of atrocities were perpetrated against prominent Hungarians, culminating in the executions of October 6. These hangings, shootings, and floggings were so severe that even the Russian field commanders were shocked by them. But those who fought for Hungarian freedom and suffered at the hands of the Austrian victors will long be remembered, not only by Hungarians but by all who treasure freedom and honor its champions.

THE HUMANIST MOVEMENT IS GROWING

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. FARBSTEIN. Mr. Speaker, the New York Society for Ethical Culture and the American Ethical Union, founded in 1876, which are located in the 19th Congressional District of New York, cosponsored the International Humanist and Ethical Union Congress, held in Cambridge, Mass., August 4 to 8.

The Ethical Culture Society, under the leadership of the late Dr. John Lovejoy Elliott, Algernon D. Black, Jerome Nathanson, and others, has made many contributions to social welfare and progress, thus enriching the city, State, and Nation.

In the October 1970 issue of the Churchman is an article written by Jesse Gordon, a long-time contributor to the Churchman's pages, a foreign correspondent, and now editorial consultant to the Nation. This article is a concise report of the International Humanist and Ethical Union Congress.

I commend it to the attention of my colleagues:

THE HUMANIST MOVEMENT IS GROWING

(By Jesse Gordon)

The International Humanist and Ethical Union, under whose auspices a congress was held on the grounds of the Massachusetts Institute of Technology, Cambridge, Mass. (Aug. 4–8) has grown rapidly since its founding in 1952 at Amsterdam. More than 400 delegates came from 20 countries to attend

this first IHEU meeting to be held in the United States. The last congress was in 1966 in Paris. The theme of this congress was "To Seek a Humane World," with the subtitle: "How Can Man Direct His Future Evolution?"

The American Ethical Union, a sponsor, is a group dedicated to affirming "the dignity of the individual in principle and practice." It is a national federation of over thirty Ethical societies and a founding member of IHEU. Founded by Felix Adler in 1876, the movement was an experiment in moral religion called Ethical Culture, which combined a need to examine changing values, incorporating what was worthwhile into the daily lives of men and women.

Included among the sponsors was the American Humanist Association, dedicated to humanistic thought and humanistic action, incorporated in 1941, with chapters throughout the United States. Humanism sees man as a product of this world, of evolution and human history, and acknowledges no supernatural purposes. It emphasizes "human interdependence" and accepts ethical responsibility for human life and conduct.

The Fellowship of Religious Humanists, also a sponsor of the IHEU Congress, publishes the quarterly *Religious Humanism*, edited by the Rev. Robert Hoagland.

The Joint Office for Social Concerns (formerly the Council for Humanist and Ethical Concerns) maintains an office in Washington, D.C. to support or influence federal legislation on issues such as conscientious objection, civil rights, civil liberties, separation of church and state, abortion laws, peace, and disarmament. Sponsored jointly by the AEU, AHA and the Unitarian Universalist Association, this new project is devoted "to the application of insights of humanistic ethics and liberal religion to major problems facing American society in the 1970's." Its guidelines to draft boards on non-religious objectors were drafted by Edward L. Ericson, leader of the Washington Ethical Society and president of the American Ethical Union.

Prof. J. P. van Praag, chairman of IHEU, who has his office in Utrecht, Holland, observed that the organization of humanists is a relatively recent phenomenon, getting a boost particularly after World War II. While humanists have always been connected with social reform, he said, much of the early organized movement's efforts had to lay emphasis on the rights of non-believers. "That's over now," he added. "Our emphasis more and more must lie on contributions to social reform and personal satisfaction."

Individual humanists have played prominent roles in the creation of new social structures, notably Sir Julian Huxley (UNESCO), Lord Boyd-Orr (FAO) and Brock Chisholm (WHO).

Dr. Jerome Frank, president of the Fifth IHEU Congress, is associated with the Johns Hopkins Hospital in Baltimore, and is one of the best known psychiatrists in this country and abroad. Of the several books Dr. Frank has written, his *Sanity and Survival: Psychological Aspects of War and Peace* (Random House, 1967), is the best known.

But a younger breed of IHEU members has been pushing the international federation itself to become more action-oriented, as evidenced by Dr. Peter Draper, chairman of the British Humanist Association, who urged the congress to "be involved in the political as well as moral aspects" of today's life.

A leading British liberal told the audience that civilization has become a slave to the bureaucratic mind, technology and systemic fascism. The popular revolutionary slogan "Power to the People" is "unquestionably necessary and useful in a modern society," Jo Grimond, former leader of the British Liberal Party, said, adding:

"Until men begin demanding the change they want in the system, little will happen . . .

"The great mistakes of our civilization are made by the bureaucratic mind, and I don't mean only the civil service . . .

"Groups and parties that oppose government should be encouraged, even by the government itself . . .

"The opportunity of objection and protest, which is the minimum power required to keep any government efficient, is too limited in today's world."

Mr. Grimond was educated at Oxford and then studied law. In 1950 he won a seat in the British Parliament as a member from the most northern section of Scotland. In November, 1956, he was elected leader of the Parliamentary Liberal Party, an office he held until his resignation ten years later. More recently, Mr. Grimond became a director of the *Manchester Guardian* and *Evening News*. In November, 1969, he was elected Rector of Aberdeen University.

Grimond stressed the need for strong groups of opposition to those in power because government has become too susceptible to pressure groups that do not have the welfare of the people at heart. The growth of democracies has created a new power, he said. "Pressures [are] working in secret within the bureaucratic structure of industry, professional organizations and the civil service looking to the furtherance of their own interests and pursued by men and women who have been indoctrinated by particular views to play particular roles."

Lord Ritchie-Calder addressed the Congress on "The 21st Century—A Look Ahead." He is the author of 25 books, including *Medicine and Man, Science in Your Lives, Living With the Atom*, and *The Inheritors: The World That Man Created*. He has received the Kalinga Prize for his outstanding work for UNESCO, is now at the University of Edinburgh in addition to his work as a Danforth Foundation Lecturer. He is Consultant to the Center for Democratic Studies in California, and a Fellow of the World Academy of Arts and Sciences. He served as science editor of *New Statesman and Nation*, 1945–58.

Noam Chomsky, Professor of Linguistics at M.I.T., well-known author, lecturer and activist, a "guru" to the present college generation, spoke on "Here and Now—Problems and Promise of the Present." Senator Walter Mondale, Democrat of Minnesota, and the Hon. Rita Hauser, a member of the U.S. Delegation to the U.N. Commission on Human Rights, addressed the congress.

Dr. Barry Commoner, professor of biology at Washington University, St. Louis, Mo., and well-known for his work in ecology, received the International Humanist Award. A. Phillip Randolph, the distinguished black labor leader, received the American Humanist Association's "Humanist of the Year" award for 1970, in recognition of his many years of service to democracy, civil rights and welfare of all Americans. "Humanist Fellow" awards were presented to Corliss Lamont, author of *The Philosophy of Humanism*, and Helen Lamont, noted author and worker for civil liberties, and Dr. Gerald Wendt, chemist, author and science lecturer.

Six resolutions were adopted at the final IHEU session, including a resolution on U.S. policy in Southeast Asia, introduced by Corliss Lamont, which condemned "the cruel and immoral American war of aggression in Vietnam, Cambodia and Laos," and urged total withdrawal of all U.S. forces and equipment by January 1, 1971. There were also resolutions on human rights, the human environment, on the 25th anniversary of the United Nations, and on population control, family planning and abortion.

Certainly the congress could be described as successful. The humanist movement is growing in all parts of the world, even behind the iron curtain, as evidenced by delegates from Romania and Yugoslavia. There were even separate meetings held by Marxist and non-Marxist humanists during the congress and communication was established between them. One recalls Mrs. Margaret Knight's famous description of humanism as "morals without religion." This congress would describe humanism in much broader terms. Humanism, which came out of the Renaissance period, is now in a spiritual revival. Ethical humanism is in a strong intellectual reawakening and in a new cycle of development. These times call for social commitment and every humanist must make his contribution to social welfare and progress, in line with the theme of the congress—"To seek a humane world."

STRENGTH THROUGH SPENDING—A MISGUIDED APPROACH TO DEFENSE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. GIAIMO. Mr. Speaker, this Congress has begun to examine more closely Pentagon proposals for new weapons systems, aircraft, and other defense items. This is certainly a positive step. For years, the Defense Department has had only to mention "security" to answer all questions and eliminate all concern about specific weapons systems. For years, the Pentagon has cried, "Damn the torpedoes, the cost, the research and the reliability. Full speed ahead." For years, anyone who has dared to question Defense Department spending practices has been branded "unpatrotic" or worse.

We have seen the results of this self-righteous attitude, Mr. Speaker. We have watched the unnecessary waste and misuse of billions of tax dollars for "cost overruns." We have seen countless sophisticated weapons systems, supposedly "vital" to our national defense, rushed into premature production before all research questions have been answered. We have seen a long line of weapons meant to provide us with "ultimate security" become obsolete before production is completed. Most tragically, we have seen the American people lose confidence in our Defense Establishment and create a new wave of antimilitarism which rivals that of isolationist times.

There are many of us in Congress, Mr. Speaker, and our numbers are growing, who have become disillusioned with the blank-check appropriation which the Defense Department requests each year. If this Government is to invest billions of dollars for defense, we believe that Congress has a duty to determine if such investments are justified. We can no longer accept promises of "ultimate security" instead of proper research and development. We can no longer condone the waste of billions of dollars on cost overruns because we are told it is in the national interest to waste money on defense. We can no longer tolerate the contention that the Pentagon budget is untouchable while all other budgets are subjected to the most intensive scrutiny.

My colleagues and I will no longer accept "because" as an answer to our questions about national defense. We demand to know why certain weapons systems are necessary, where they will go, when they will be ready and how much they will cost. No longer can we afford to wait for these answers until after the

weapons become obsolete, after they fail because of lack of proper research, or after billions of dollars are wasted and misused. This is our responsibility and our duty, M Speaker, and we can ignore it no longer.

None of us are "enemies of the military" or unpatriotic. On the contrary, we want to provide this Nation with the best possible defense, but we do not think that unlimited appropriations, insufficient research and hurry-up production will provide us with that defense.

All of the errors, the waste and the arrogance which have typified the Pentagon approach to national defense in recent years are exemplified by continuing attempts to ram the Safeguard ABM system down our throats. The Pentagon wants to expand the ABM system now, regardless of the tactical justification for such a step, regardless of its possible adverse effect on the arms race and the SALT talks, and, most importantly, regardless of the fact that the Pentagon itself admits to the need for millions of dollars in additional research to perfect the system.

As one of the first three Members of Congress to publicly oppose ABM deployment, I remain unconvinced that it is in our national interest to spend untold billions of dollars to deploy a defense system that is not ready now and may never be ready.

I am hopeful that Congress will continue to thoroughly scrutinize the Pentagon budget in general and the ABM system in particular in the years to come. Only in this way will we be able to cut the fat from the defense budget while providing this Nation with a defense system based on reliability, not expense.

HORTON SALUTES MRS. FRANCIS R. GALLAGHER AND HER VOLUNTEER WORK

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. HORTON. Mr. Speaker, it is always gratifying to be made aware of good citizens becoming involved in the problems of a community. There is always a need for these conscientious people who discover causes in which their skills may be of great benefit to others, and their value is often inestimable.

It was with much appreciation that I learned recently of such a person and her fine contributions. She is Mrs. Francis B. Gallagher, Jr., of 1973 Dublin Road, in Penfield, N.Y.

Mrs. Gallagher has found her niche as an exceptionally hard worker for the volunteer ambulance service of Penfield. She is a charter member of this fine group which was established in 1966 and was recently involved in a campaign to raise more needed funds, and to recruit additional members of the service.

Those who know her say she never seems to stop working, planning, and thinking of the ambulance service. As is generally realized, these groups, and there are many of them throughout my congressional district, need the support of not only many contributors of funds but also of active participants in the ambulance services.

It is hard working people like Mrs. Francis Gallagher who keep the necessary interests alive and the enthusiastic members on the job. For her splendid efforts, Mrs. Gallagher was recently the recipient of a salute in the Rochester Times Union, which was authored by Jose Echaniz, Jr. His news account of Mrs. Gallagher's effectiveness in behalf of the ambulance service for the town of Penfield tells an inspiring story and I would like to share it now with my colleagues in the Congress.

The article follows:

TIMES-UNION SALUTES MRS. FRANCIS B. GALLAGHER

(By Jose Echaniz, Jr.)

This is the time of year when volunteer ambulance companies in Monroe County seek funds and recruit volunteers.

Among the campaigners, few work harder than Mrs. Francis B. Gallagher, Jr., who is spearheading a drive to provide 24-hour ambulance service for the Town of Penfield.

Fellow workers and campaign leaders say she "knocks herself out" each day tracking down enough volunteers to staff the ambulance service around the clock. This is in addition to her 1,200 hours of ambulance duty in the past four years.

She has conducted meetings, distributed leaflets and taught classes in ambulance dispatching in order to contact and qualify new volunteers.

Training new dispatchers and medic-drivers for the ambulance service can take up to four months, and Mrs. Gallagher has often been pressed into service as babysitter while mothers attend classes or as a teacher.

She is a qualified Red Cross first aid instructor and takes a regular turn on the ambulance service crew.

The service is one of the newest in Monroe County. Established in 1966, Mrs. Gallagher is a charter member and has been active in all phases of ambulance work.

The petite but energetic young housewife still manages to lift her half of a 200-pound patient on a stretcher—necessary to qualify as a driver-medic.

Mr. Gallagher sees the service as a "worthwhile way to fulfill a need for an outside interest. It's very gratifying. I think I get a lot more out of it than I put in."

A native of Rochester, Mrs. Gallagher is a graduate of Miss McCarthy's Stenographic Training Service and worked several years as an Eastman Kodak Co., secretary.

Her husband works in marketing education for Kodak. They have a son, Kevin, 7½, and live at 1973 Dublin Road, Penfield.

TIGHT MONEY POLICY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. CULVER. Mr. Speaker, one of the most painful economic problems, for American citizens and for the local, State, and Federal Government, is the high cost of borrowing money, or the interest rate.

The American consumer interested in a large, long-term purchase, such as an automobile or a home, has all too frequently found that he is virtually priced out of the credit market if credit is available to him at all. To purchase a $20,000 home, on a 30-year plan, will ultimately cost the perspective purchaser $55,000 or an additional $35,000 just in interest.

For the student wishing to pursue a course of higher education, loans are increasingly difficult to obtain and the interest rates charged increasingly higher. The farmer and the small businessman, too, have suffered severely from the same condition.

Moreover, the high rates of interest have caused particularly difficult problems for our towns and communities of all sizes. Despite their desire to obtain loans for public projects, cities and towns have oftentimes found that the high-grade municipal bond rate, which reached 6.3 percent in August of this year, has forced them to delay or indefinitely abandon projects vitally in the interest of the citizens in those communities. The result has been as visable as it has been unfortunate; school improvements have been put off, new schools have not been constructed, water and sewer plant needs have gone unmet, and planned expansions and improvements of park and street systems have been reduced or cut completely.

An article which appeared in the September 29 issue of the Washington Evening Star highlights the problems which high-interest rates have caused for our towns and communities and I ask unanimous consent to insert it at this point in the RECORD:

TIGHT MONEY POLICY SHOWS IN SHABBY CITIES AND TOWNS

(By John Cunniff)

NEW YORK.—The evidence may be seen in many towns and cities throughout America: overcrowded schools, potholed roads, poor water supplies and otherwise inadequate municipal facilities.

State and local governments have had a hard time of it in the financial markets during 1969 and most of 1970. Borrowing costs were up, money was tight. And though the situation has eased lately, the physical evidence remains.

PROBLEMS OUTLINED

Moreover, a good many financial analysts speculate that the situation may become chronic and suggest that new methods of borrowing must be devised for nonfederal governments, perhaps even involving subsidies of some sort.

This is the situation that has produced a somewhat shabby appearance in more than a few cities and towns today:

Inflation during the late 1960s grew so dangerously that the federal government was forced into action. Stringent monetary policies were put into practice in order to stifle demand that was overstraining the economy.

This meant upward pressure on borrowing costs, and that meant that cities and towns were forced to pay steadily increasing yields in order to induce buyers to purchase their bonds.

As the prices rose, shocked controllers faced their highest borrowing costs in history. And finally, as bond buyers continued to demand higher inducements, one town after another was forced to delay or postpone projects.

PROFITS SHAVED

These decisions weren't always arrived at arbitrarily. In many instances, legal ceilings prevented town fathers from paying the going rates. And so, no matter how necessary the project, it was shelved.

Other sections of the bond market apparatus were being hurt also. The profits of underwriters were being shaved thin, and some of them began losing. It was difficult to

sell bonds when money rates were higher elsewhere.

One of the main attractions of municipal bonds, the tax-exemption feature, also came under attack, and the House Ways and Means Committee announced it would re-examine the traditional policy. Buyers were frightened.

Investors in tax-exempt municipal bonds now must balance the rewards of tax-exemption against the possibility that sometime during the life of purchases the tax policy might indeed be changed.

The total effect of this was devastating to the plans of many cities. With a federal tight money policy in effect, and with some investors frightened away by the question of tax-exemption, there just wasn't enough money available for the most necessary projects in some of the most financially sound municipalities.

BANKS LACK DESIRE

The question now being argued in financial circles is whether the structure will ever be able to accommodate the borrowing needs of local and state governments.

Commercial banks, which have been traditional buyers of state and local government securities, have indicated less enthusiasm lately about committing their funds for extended periods so long as interest rates tend to be volatile.

They feel, in other words, that they can better protect themselves against turbulence in the market by investing in securities with shorter maturities than municipal bonds. And it isn't too difficult to find such investments.

What will the remedy be? Some proposals call for federal subsidies to investors. And some suggestions call for subsidies to lenders, so as to permit them to offer more attractive yields.

The more optimistic seers still maintain that the market will straighten itself out and that the financing needs of governments will be handled without chronic problems—if inflation is contained. It's a very big "if."

POLICE KILLINGS PART OF NATIONWIDE PLAN

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. CRAMER. Mr. Speaker, this afternoon I testified before the Senate Internal Security Subcommittee on my bill, H.R. 19332, which would make it a Federal crime to kill or injure a policeman, fireman, judge, or other law enforcement official in the performance of his duty. Because of the importance of this subject, I am inserting my testimony in the RECORD:

STATEMENT OF HON. WILLIAM C. CRAMER

Mr. Chairman, I appear here today to testify in support of my bill, H.R. 19332, which would make it a Federal crime to kill or injure a policeman, fireman, judge or other law enforcement official in the performance of his duty.

In the 1930's, the people of America were shocked by the brutal kidnap-slaying of the infant son of a national hero, Charles Lindbergh. Kidnapping was a fairly common crime in those days. But as a result of the Lone Eagle's tragedy, Congress passed what became known as the Lindbergh Law.

This legislation broke new ground by authorizing Federal authorities to enter kidnapping cases after a period of time had elapsed on the presumption that the criminal had crossed state lines. So effective has the Lindbergh Law been that kidnapping is relatively rare today.

Unhappily, in recent years, we have witnessed a series of equally heinous acts. Rationalized as "political protest," they take the form of riots, violence and murder. Their purpose is to destroy America's institutions by violent attacks on our courts and our enforcement officers.

The Congress has begun to respond. The Anti-Riot Act of 1968, of which I am the proud author, received its acid test earlier this year when the infamous Chicago 5 were convicted of inciting the violent disorders which rocked the Democratic National Convention of 1968.

We now have a legislative answer for those who would abuse free speech by force and violence. We can—and must—put them in jail where they belong.

Now a new cycle of violence is wracking America. The Black Panthers Party, the Weathermen Faction of SDS, and other similar paramilitary, radical revolutionary organizations have launched a reign of terror in this country.

Law enforcement officials are the targets of an unprecedented, nationwide assault. During 1969, 86 police officers were murdered—a 34 percent increase over the previous year. Through September 15th of this year, 66 policemen have been slain.

This is no coincidence. It is part of a nationwide plan to "Kill the Pigs" and "Blow Up the Pig Sties." Just last week, the University of Oregon was bombed, a policeman in Atlantic City was murdered.

Elsewhere, policemen are set up as targets for assault. In one case, law officers were lured out of a police station by a bogus call. After they left, the desk sergeant on duty was attacked and badly beaten.

In another instance, officers responding to a call for help were fired on by a sniper.

Violence and disorder are becoming part of the American scene. Radical revolutionaries, bent upon destroying our way of life, are active throughout our nation. Snipers, bushwhackers and back-stabbers are cutting down our lawmen.

The time has come for those of us who love America and would preserve its sacred institutions to stand up and be counted. To put the rioters, the police-killers and the bombers out of business.

A step in this direction would be enactment of H.R. 19332. Like the Lindbergh Law, this legislation is based on the interstate commerce clause. It would operate on the basis that the free flow of commerce throughout the Nation is dependent upon the maintenance of law and order. This rationale is stated in Section 1:

"The Congress finds that there has been an increasing incidence of assault upon policemen, firemen, and other law enforcement officials while they have been engaged in the conduct of their law enforcement and public safety duties. The Congress further finds that the free flow of commerce throughout the United States is dependent in large part upon the orderly and efficient operation of police and fire departments and other law enforcement efforts. Consequently, the Congress also finds that any willful interference with the activities of policemen, firemen, and other law enforcement officers constitutes a direct interference with interstate and foreign commerce. Therefore, it is the purpose of this Act to make unlawful willful assaults upon policemen, firemen, and other law enforcement officials for the purpose of outlawing certain conduct which has a deleterious effect on the free flow of interstate and foreign commerce."

The approach, I realize, is unusual. But it is realistic, and will do the job. We are attempting to cope with an organized effort to overthrow our government through terrorist activities similar to those employed by the Viet Cong. We cannot combat our enemies abroad while ignoring them at home.

Free speech is not the issue. Rather, the issue is the life of those we have delegated to protect us. If we do not support our policemen, our firemen, our court officials, our National Guardsmen trying to help quell civil disturbances—if we do not protect them—then the days of our great Republic are numbered.

Specifically, H.R. 19332 would make killing of any law enforcement officer a crime punishable by death unless the jury recommends mercy. For any assault on a lawman, the penalty would be 10 years in prison, or a $10,000 fine, or both.

If an officer is injured, the punishment would be 20 years in prison, $20,000 fine, or both.

In addition, anyone who transports in interstate commerce—or aids in transporting—any weapon used to attack a law officer would be subject to similar penalties. As would those who conspire to do so.

My bill defines "law enforcement officer" as anyone connected with maintaining law and order, or engaged in the administration of justice. It covers judges and other officers of the court—such as those brutally slain in California recently—and members of the Armed Services and National Guard engaged in restraining a civil disturbance.

At this juncture, I should like to draw the Committee's attention to some distressing reports I have received in my home state of Florida. In Belle Glade, a small agricultural community south of Lake Okeechobee, a militant black organization is operating.

Called COBY (Cry of Black Youth), this organization puts out a publication called "Muck Rake" which calls policemen "pigs" and shows cartoons depicting black Americans being beaten and even lynched by lawmen.

I have been told that the Florida Rural Legal Services, financed by federal funds through the Office of Economic Opportunity, helped charter COBY, helped publish the "Muck Raker" and has otherwise supported an effort that seems aimed at dividing rather than uniting Americans of different races and colors.

When local police officers arrested several COBY leaders on charges of extortion, attorneys for the Florida Rural Legal Services filed a suit to prevent prosecution. Instead, the law officers were accused of civil rights violations.

I have requested an investigation by the FBI and the OEO.

For the life of me, I cannot understand how, in Belle Glade, federal funds can be used for these purposes.

The attacks on our police officers—with guns, knives, bombs and, yes, pens—must stop. Law and order must be preserved.

The problem transcends state lines. The killing and assaults on lawmen are part of a nationwide program—a program with links to revolutionary groups in foreign lands.

Americans are meeting the challenge to our liberties abroad, in the steaming jungles of Vietnam and at military outposts throughout the world. We must not permit radical revolutionaries to turn the streets of America into asphalt jungles.

Now we are faced with a challenge to our liberties at home. We must meet this challenge as well—or perish.

The issue was, I believe, summed up recently in an excellent editorial in the Tampa Tribune, one of the great newspapers in Florida.

(The editorial referred to follows:)

[From the Tampa Tribune, Sept. 1, 1970]

THEY ARE NOT FOOLING: THEY MEAN MURDER

A policeman was killed by black militant attackers and six other officers wounded in shootouts with Black Panthers in Philadel-

phia during the weekend. An embassy and foreign information office in Washington were firebombed. A large store of weapons was seized from a Jacksonville naval arsenal.

Four policemen were ambushed in Riverside, Calif. Officers were wounded in New York City. Earlier last week a police station at Burlington, Mass., was bombed and the Army's Mathematics Center at the University of Wisconsin was blown to bits by high explosives.

Philadelphia Police Commissioner Frank L. Rizzo has a name for the violence in his city: anarchy. It applies equally well to the growing destructive acts by young revolutionaries from coast to coast.

The Philadelphia gun battles came in raids on Black Panther centers where many weapons and 1,000 rounds of ammunition were seized. Panther buildings were plastered with signs: "Death to the Pigs."

A Philadelphia park police guard was killed in an attack which police said was part of a plot to "blow up a police installation and kill pigs."

The Philadelphia violence by black militants was part of a pattern of anarchy. Grenades used in the attack on the park officer were stolen from Fort Dix, N.J., last year. Other grenades stolen from Fort Dix have been used to destroy 15 city vehicles in Philadelphia.

There's little question the 154 pistols and seven carbines seized by a band of five black bandits from the Jacksonville naval arsenal will wind up in the hands of a gang bent on destruction. It should be noted that on July 27 the National Guard armory at Jacksonville was robbed of more than 100 small arms.

There also is a pattern to the Washington bombings. Four Latin American embassies were firebombed July 2 and a pipe bomb damaged a room at the Inter-American Defense Board the day before. The weekend bombings were preceded by a letter of the type used in New York City bombings last spring. The letter announcing the bombs would go off was signed by the Revolutionary Action Party.

Are these attacks the work of sincere but misguided social reformers? There's about as much tie-in between these acts of violence and social justice as there is to connect Red China's Mao Tse-tung with capitalism.

This militancy is no kid stuff. These young hoodlums of the revolutionary world are well financed and managed. Witness the far-ranging travels of Black Panther leaders and SDS members fleeing to escape arrest.

The pattern of destruction which became so clear this weekend is not confined to the United States. The skein of revolution crosses national borders and runs throughout the world.

Columnist Victor Riesel, who describes on this page the terror tactics in India and Ceylon, has been reporting for months how the youthful plotters fit into a world-wide scheme. Riesel has pointed out that the anarchists are being trained, directed and financed by Red China and to a lesser extent by Russia.

The revolutionaries are deadly serious in their intent to destroy the United States. The sooner the public recognizes these apostles of violence for what they are, the quicker will the wave of anarchy be put down.

This applies particularly to those foolish people in colleges and certain elements of the cultural world who drape their arms about the poor, misunderstood Black Panthers, and give money-raising cocktail parties for them.

The hand holding a cocktail glass at a do-gooder party is the same one that can throw a Molotov cocktail in the name of revolution.

MAYOR DALEY VERSUS LAKE MICHIGAN

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. LANDGREBE. Mr. Speaker, the mayor of Chicago has apparently set his heart on locating the third Chicago area jetport out in Lake Michigan, in spite of the fact that the feasibility of this additional facility has not as yet been definitely established.

The third Chicago jetport, if and when it is found to be necessary and feasible, should be located where it will have the least possible detrimental effect on the delicate balance of nature. It should also be located where it will cause the least hardship, disturbance, and inconvenience to the smallest number of people.

On both counts, the Lake Michigan site is unthinkable. And yet, flying in the face of all the facts, Mayor Daley persists in his ominous proposal to doom Lake Michigan.

The Great Lakes, as we all know, are already in grave danger. The fate of Lake Erie has been well documented; the threat to the other four Great Lakes is equally great. In light of this, I find it impossible to understand Mayor Daley's determination to build an artificial island in the lake and then place a monstrous jetport on that island.

Recently, the Post-Tribune, an excellent newspaper in Gary, Ind., published an editorial about Mayor Daley's plan to deliver a death-dealing blow to the ecology of the Great Lakes. I insert that editorial at this point in the RECORD:

FOR THE JETPORT AND THE LAKE

Word has leaked out that the Federal Aviation Authority (FAA) may soon rule that flights in and out of a proposed jetport in Lake Michigan just off the Chicago shoreline would be "compatible" with traffic in and out of O'Hare and Midway.

We don't know if it's true. We don't think that it's justified on the basis of current FAA recommendations barring such locations within 30 miles of each other or on the basis of logic. But word of the imminent ruling, nevertheless, persists.

Just on the possibility it may be true, advocates of a Northwest Indiana site for the third Chicago area jetport should be busy marshaling their ammunition to attack Chicago Mayor Richard Daley's dream—or nightmare—lake air terminal on its other most vulnerable flank—ecology.

Possible ecological damage was one reason advanced against location of a Northwest Indiana port near Dunes State Park. The potential environmental damage from building a huge island in the lake would appear obviously more of a peril. Effect on normal water flow in the south end of the lake could upset the whole ecological balance at a time when most are concentrating on reversing the pollution trend.

Secretary of Interior Walter Hickel has shown his alertness to such dangers in action of the Nixon administration last January in blocking construction of a huge airport in the Florida Everglades. We feel his concern for one of the Great Lakes would be as real. What is needed is for the scientific evidence to be rounded up and forwarded to Hickel's attention.

Gov. Edgar D. Whitcomb doubtless was right in stating after a conference with airline officials in Chicago last week that:

"A jet airport in Northwest Indiana is a reality sometime in the future."

However, everything possible needs to be done to make that "sometime in the future" more specific—to make the Indiana site the actual location for that third Chicago area airport which is definitely a part of immediate national aviation planning.

Accomplishing that will require, among other things, factual discrediting of the lake site. The facts are available. It's up to Hoosiers interested not only in our own area's economy but also in the future of the aviation industry—particularly its safe future—and in the maintenance of this area's valuable lake asset to get them assembled and brought to attention of the right people in Washington.

WILL DISC EXPORT MORE U.S. FACTORIES?

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, October 8, 1970

Mr. METCALF. Mr. President, the trade bill reported by the House Ways and Means Committee includes a provision that will cost the U.S. taxpayer $500 million to $1 billion yearly, ostensibly to spur U.S. exports. Let us look at what might be among the exports this measure could spur. For example, the Domestic International Sales Corporation—DISC—could be used as a tax-deferral vehicle for the export of U.S. factories. Like many other tax provisions with well-intentioned goals, DISC could have a costly and opposite effect of what is intended.

The export of U.S. factories is already underway. DISC could accelerate this movement. A shoe manufacturer recently explained this exodus during hearings on the proposed trade bill before the House Committee on Ways and Means:

I bought the factory. I shipped the lasts, dies and patterns and the management and much of the leather to Europe. There I am making the same shoes under the same brand name, selling them to the same customers with the same management, with the same equipment, for only one reason—the labor where I am making the shoes is 50 cents an hour as compared to $3 per hour that I was paying.

Now I have to do that in order to survive. . . . Here is a perfect example of where I took everything American except labor and that is exactly why I bought the company.

All of the items listed by the shoe manufacturer except management are reported as exports in U.S. trade statistics. If this U.S. factory were dismantled and shipped abroad under the new trade law, it is conceivable that the U.S. company would receive a tax subsidy to do so.

The DISC provision is designed to spur U.S. exports by allowing U.S. firms to set up separate corporate subsidiaries—DISC's—to handle export-related activities. Taxes on DISC profits are deferred until paid to shareholders—if ever. DISC could give some of the largest corporations in the world a tax break to continue their export of U.S. production units.

Few Americans know that shipments of old machinery and material from a U.S. plant to a foreign country are

counted as exports. Few Americans know that U.S. exports in 1970 include intra-corporate shipments within the world-wide networks of huge global firms. These firms transfer parts and production from one country to another, depending on the wage, material, and tax advantage of each country.

I understand that benefits, such as I have indicated, are not the intent of the bill. But I do see a legal question arising where, for example, a U.S. firm exports an entire American factory to a French firm which is 79 percent owned by the U.S. firm. Obviously, the complex interchange of goods among countries requires much more understanding before DISC is enacted and the U.S. taxpayer undertakes an annual $500 million to $1 billion tax subsidy of our largest corporations.

IN DEFENSE OF PRESENT RADIATION LIMITS

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. HOLIFIELD. Mr. Speaker, in the Medical World News of September 11, Dr. Robert D. Moseley, Jr., a leading radiologist with many distinguished degrees answered a series of questions on the subject of radiation standards. Dr. Moseley is now serving as chairman of the department of radiology at the University of Chicago's Pritzker School of Medicine. He is also chairman of the American College of Radiology's Commission on Public Health; chairman of the Atomic Energy Commission's Advisory Committee on Biology and Medicine and he is a member of the National Council on Radiation Protection and Measurements.

His long background of experience and knowledge in this complex area makes his remarks, which follow, very pertinent:

IN DEFENSE OF PRESENT RADIATION LIMITS

WHILE THE STANDARDS HAVE BEEN UNDER SHARP ATTACK LATELY, A LEADING RADIOLOGIST FINDS THEM NOT ONLY SAFE BUT CONSERVATIVE

The standards generally accepted for the safe use of ionizing radiation in medicine and industry have been under attack recently. Critics charge that the present permissible levels of radiation exposure are too liberal and constitute a health hazard both to workers and the general public. They further maintain that advisory bodies such as the Federal Radiation Council (FRC) have been complacent, failing to act upon evidence suggesting that the permissible levels are too high, and failing to properly inform the public of the dangers of even low levels of radiation.

These critics have attracted plenty of publicity in testifying before the Joint Congressional Committee on Atomic Energy. Less in the public eye are the many responsible radiologists and scientists who insist that current exposure standards are reasonable safeguards and that the criticism of them and of the advisory bodies is distorted and misleading.

In the interest of balance and without attempting to resolve the issue, MWN has asked one of the defenders of current radiation guidelines to present his views. He is Dr. Robert D. Moseley, Jr., chairman of the department of radiology at the University of Chicago's Pritzker School of Medicine; chairman of the American College of Radiology's Commission on Public Health; chairman of the Atomic Energy Commission's Advisory Committee on Biology and Medicine; and a member of the National Council on Radiation Protection and Measurements.

Q. *Dr. Moseley, who has the responsibility for determining exposure guidelines and safety standards?*

A. The International Commission on Radiation Protection was established in 1928. In 1929, a similar committee was formed in the U.S., and this group has been in continuous operation since that time, becoming a federally chartered nongovernmental body in the 1950s under the title of the National Council on Radiation Protection and Measurements (NCRPM). More than 70 scientists and physicians participate in its efforts on a voluntary basis. In 1959, the FRC was set up to establish guidelines for government agencies on radiation safety.

Q. *Do the recommendations of these advisory groups have the force of law?*

A. Those of the FRC do for federal agencies. The Atomic Energy Commission, operating under FRC guidelines, has the power to regulate the use of atomic energy. In addition, most states have laws regarding radiation standards incorporating or following the guidelines of the NCRPM.

Q. *What are these guidelines?*

A. The maximum permissible exposure recommended by the national committee in the 1930s was 0.1 r per day for radiation workers (about 30 r a year). This was less than 1/1,000 the dose needed to produce skin damage, which was one of the standards then used to measure biologic hazard. In the late 1940s, the committee made the first modifications in this standard and subsequently its recommendations were accepted internationally. The recommended maximum permissible dose for radiation workers was reduced under this modification to 0.3 r per week. It is significant to note that this lowering of the level was not based on any new biomedical information; there was no new evidence whatever of injury at the previously accepted levels. It was lowered in recognition of the increase in the number of radiation sources due to the development of atomic energy, and of the presence of many different kinds and quantities of radiation.

The most recent changes of any significance were made in 1957, when the NCRPM revised the maximum permissible dose downward again to an average of 5 r per year for radiation workers (or 0.1 rem per week), reflecting increased concern for the effects of radiation on genetic material. At the same time, the NCRPM recommended a maximum level of 0.5 r per year for individuals in the general population—a maximum dose level one tenth that considered safe for radiation workers. The FRC guidelines, although expressed in slightly different terms, are, in fact, the standards recommended by the NCRPM.

Q. *What is your opinion of the current guidelines? Do they reflect an adequate margin of safety?*

A. They are, if anything, conservative, although there is no reason to recommend that they be increased. It is possible for society to have the benefits of radiation within these limits, so they should be maintained as an added margin of safety. The best current experimental evidence indicates that the NCRPM in 1957 over-estimated the genetic hazard of ionizing radiation at low-dose levels and rates—not underestimated as many critics are now charging.

Q. *Are these recommended maximum levels ever exceeded to any significant degree either by radiation workers or by the general public?*

A. No. Barring accidents, workers and the general population are exposed to only a fraction of the allowable amount.

Q. *Are there any new data, experimental or clinical, to indicate that acceptable levels are too high?*

A. The only new and reliable data of which I'm aware would tend to support the opposite conclusion. Recent work suggests that there is a recovery rate for genetic material, a time-dose relationship that is quite significant not only for somatic tissue but also for genetic material. It has never been assumed in developing standards for genetic material that the relationship between dose and effect was anything other than linear or that there was any recovery, even though experimental evidence at the low-dose range is lacking.

Q. *To what then do you attribute the recent upsurge in concern over the radiation hazard, real and potential?*

A. For reasons I don't understand, the dangers of ionizing radiation are being significantly exaggerated. It's something of a fad fanned by reports in the public press and connected with increased public concern over environmental pollution. If radiation is an environmental pollutant, it is the one we know the most about both in terms of its nature and its potential danger. It isn't something new or something just discovered. It is something whose impact upon the human organism has yet to be assessed. Roentgen discovered x-rays in 1895, and by 1896 some of the potential harmful effects of x-rays were already known. And they have been the subject of extensive regulation continuously since then.

Q. *One of the most widely publicized charges made by critics of current radiation standards is that these limits permit the induction of thousands of human cancers every year. How do you answer that charge?*

A. Most of these charges are mathematical exercises based upon hypothetical extrapolations from the worst possible case assumptions. They have no basis in experimental, epidemiological, or clinical data.

Q. *What is meant by safe level of radiation?*

A. This gets into the threshold problem, which is probably the crux of the dispute between those who feel there is no such thing as a tolerable level of radiation exposure and those, like myself, who maintain that the benefits of radiation are such that we can tolerate a certain minimum level. It is agreed that at high level the dose-effect relationship is linear and that at zero dose there is of course zero response. But what about the dose-effect relationship at low energy levels? Is it linear or is there a curve—in effect, a threshold? To get definitive answers we would need an inordinate number of experimental animals. Someone has estimated that it would require more mice for the test and control groups than are produced for laboratory use in an entire year. However, it may be possible to design experiments relating to low-dose rates that would be feasible, statistically sound, and could be expected to increase our knowledge in this area.

Q. *If there is no hard evidence about low-dose effects, wouldn't it be prudent to assume that there is no threshold, at least for genetic material, and base our radiation practices on that assumption?*

A. It would be very prudent, and that, in fact, is the course that has been taken by the bodies making recommendations in this area. A linear dose-effect response for genetic material is the conservative hypothesis that is assumed. Some critics argue that radiation safety standards assume a threshold. This is not true. At no point in any of the NCRPM statements is there a threshold assumed. In fact, there is considerable discussion in NCRPM documents defending the assumption of a no-threshold hypothesis.

I do not believe that anyone working in radiation would deny that exposure should be held to the lowest possible level. You should remember that when we talk about maximum levels, the operative word is maximum. It doesn't mean that all members of the society should, with impunity, be exposed to these levels, or that any significant number of them will be. It doesn't represent

a rate in any way corresponding with the actual degree of radiation exposure. The exposure to anyone working with a nuclear power reactor, for example, is approximately 1% of the permissible maximum dose.

Q. If there is no threshold assumed for genetic material, what about somatic cells?

A. The repair process in these cells is better understood and there's much more reason to believe that a practical if not absolute threshold exists. There's good evidence that somatic cells do repair themselves. Nonetheless, the threshold assumption has not been used as a hypothesis by the regulatory agencies.

Q. What about the factor of individual variability? Is it sufficient to negate any assumption of safe exposure levels in the general population?

A. Interspecies variability is considerable. But intraspecies variability is not great enough to be a factor in setting up radiation protection standards for a given species such as man.

Q. Is diagnostic radiology overused?

A. Yes, but I don't know to what degree nor do I know what radiologists can do to curb overuse other than to participate in the education of all physicians concerning radiation problems. Diagnostic radiology is an extremely powerful tool. But there is no way for the radiologist to hold down the number of diagnostic procedures since most of his patients are referrals from other physicians, men who have the primary responsibility for the care of the patient and a more intimate knowledge of his history. There is also some minor abuse engendered by legal considerations. The medicolegal precedents are such that a physician places himself in jeopardy in some cases—accidental injury, for instance, if an x-ray examination is not given.

Q. Should diagnostic radiologic examination be included in routine screening procedures or in multiphasic screens?

A. It depends upon the patient population involved. In an affluent, suburban area where the incidence of tuberculosis is low, routine chest mocrofilms may not be justified. But in a disadvantaged area, the incidence of tuberculosis might justify them. You can't give a blanket answer to that question; it depends on questions of population age, incidence of disease, epidemiology, etc. I am in favor, though, of routine chest x-ray examinations on admission to a hospital. These turn up a significant incidence of disease, and the radiation dose received in a routine chest examination is so low that it's difficult to fault the procedure in that situation. In examinations such as those of the gastrointestinal tract, however, the dose received is higher and the incidence of disease turned up is lower. In these cases. I'd have serious doubts about using radiologic procedures in routine screens.

Q. The number of x-ray examinations given each year is increasing faster than the population, and some critics see a potential threat in this. What do you think?

A. The annual increase in the number of procedures is about 7% to 12%, but I don't believe this constitutes any serious threat to our population. For one thing, many of the procedures are done on our growing number of geriatric patients, where the genetic problem is insignificant. The delivery of optimum medical care to our population will undoubtedly mean a continuing rise in radiologic examinations.

Q. Do the new diagnostic procedures contribute to an increase in the hazard of radiation exposure?

A. No. There are many new and sophisticated techniques, but they account for only 3% to 5% of the total number of procedures performed.

Q. What about radioisotope procedures?

A. These are increasing at a rate of about 15% a year, but here again, they don't constitute a health hazard. In general, the dose of radiation per procedure is less than that received in the conventional diagnostic x-ray.

Q. To what degree does background radiation in our society constitute a health hazard?

A. We live in a radiation world. The average dose per person from such sources as cosmic rays, radioactive phosphorus in the food we eat, radium and uranium in the soil, and other background sources is about 100 mr per year. In this country, the range is from 100 to 250 mr per year depending upon the area and altitude. The higher up you are the more exposure you get. It's been calculated that the average genetically significant dose received by the average American from all radiologic examinations is about 55 mr. Thus, a person living at sea level with average diagnostic x-ray procedures receives less in total genetically significant radiation than a man living in the Western mountains who receives no x-ray examinations. I think this may help place the question of x-rays in perspective.

Q. What are the long-term effects of acute exposure to large radiation doses?

A. In the survivors of Hiroshima and Nagasaki, there has been a rise in the incidence of leukemia and a few statistically significant increases in other somatic cancers.

Q. Has the publicity given radiation dangers had any adverse effects on diagnostic radiology; have patients refused x-ray exams, for example?

A. Not to any noticeable degree yet. Maybe patients are more sensible than scientists. If overestimation of the hazards began to have such an effect, though, the result would be detrimental to the public health. This would be far worse than any presumed radiation danger.

Q. If the campaign to lower permissible radiation exposure standards continues, could it hurt the practice of radiology?

A. Yes, if it results in restrictive legislation. It's easy to charge, on the basis of unproven hypotheses, that diagnostic procedures are increasing the incidence of cancer. We all know that radiation in excess is harmful, so might not such a charge concerning low-dose radiation also be true? Unfortunately, a rebuttal requires a lengthy and technical reply that doesn't carry the punch of the initial charge. But so far, legislators have shown a balanced, informed outlook.

Q. Do you feel the public is sufficiently informed about the potential hazards of radiation?

A. A case can be made that they aren't. But it would require an extensive educational program to fully inform the public. I do know, however, that the public is sufficiently protected from radiation hazards. Occasionally there are mistakes, such as the manufacture of a few defective color television sets. But even in this much-publicized instance, the potential amount of radiation exposure didn't constitute a significant health hazard. The largest significant sources of radiation are diagnostic procedures, which are in the hands of trained people.

Q. Are physicians and hospital personnel sufficiently aware of radiation hazards and do they take precautions against excessive exposure of both themselves and patients?

A. The Public Health Service surveyed radiation practices in 1964, and another such study is underway now. The 1964 survey showed no significant degree of radiation hazard from improper x-ray techniques, but indicated that there was still room for improvement. The main problem is to properly collimate the beam with regard to the film size and thus cut the genetically significant dose, and I'm confident that the latest study will show significant progress toward this goal.

SPEECH DELIVERED BY MAJ. GEN. LEO J. DULACKI

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, I am proud and honored to include in the RECORD the very impressive speech delivered by Maj. Gen. Leo J. Dulacki, USMC, commanding general of the 4th Marine Division, on Sunday, October 4, at the Annual Pulaski Day Observance in Philadelphia. It was my pleasure to attend this important ceremony which was held at Independence Hall.

The speech follows:

REMARKS BY MAJ. GEN. LEO J. DULACKI, USMC

Mayor Tate, distinguished guests, ladies and gentlemen:

Szanowne Panie and Panownie.

Ja nie bede mowic po polsku dzisiaj dlatego ze nie mowie bardzo dobrze po polsku, ale chcialem zaznaczic ze jestem polakiem I mowie troche po polsku. I teraz S waszem pozwoleniem bede mowic po angielsku.

Those of you who do not speak Polish will have to depend on your Polish friends to interpret those few words I have spoken in Polish.

It is a distinct pleasure and great honor for me to participate in these proceedings today, in Philadelphia, for two reasons.

It was here, in Philadelphia, almost 200 years ago, that the U.S. Marine Corps first began its long tradition of service to country. Every Marine knows of Tun Tavern, which is not far from this very spot. Every Marine knows that it was here in Philadelphia that the first company of American Marines was raised. So all Marines have a close and warm relationship with Philadelphia, the cradle of liberty.

I also believe it is appropriate for an officer of the United States Marine Corps, even if he were not Polish, to be called upon to pay tribute and render honor to the great memory of General Casimir Pulaski. The Marine Corps was established during the American Revolution to first fight for the cause to which Pulaski was also dedicating himself. You might say that we, the Marine Corps and General Pulaski, are truly brothers-in-arms.

Throughout the years, since its founding, the Marine Corps has nobly and honorably endeavored to defend those principles which first brought Pulaski to the American shores for which he eventually gave his life. The fundamental of those principles is that if the freedom of any man, anywhere in the world is threatened, then the freedom of all men is threatened, and it is the duty of all free men to raise their voices, yes their swords, in the defense of their fellow man.

The heritage of Pulaski is that the cause of freedom is not limited by any boundaries of time, nationality, or geography. The long journey of Pulaski to our shores, many years ago, demonstrates the universality of the cause of freedom.

Today, there are many questions, questions raised by sincere and patriotic Americans, in regard to the commitment of the United States to the struggle in Vietnam. Americans search for an answer to the question: "Why are we in Vietnam and is it worth the great price we are paying?" To find answers to those questions, we should look back to the early days of our Nation's history, as in fact we are doing today, to the days of Pulaski, if you will. History is not impersonal; it is a record of man—his trials and tribulations, his goals, his dreams, his hopes, his achievements. And history shows that the basic desires and

wants of man have not changed throughout the centuries.

The lesson of history is that it has never been easy to protect freedom. In almost every war we have fought, there have been well-meaning voices crying out that the war was unwise or unnecessary. Such cries were also heard during the revolution. But despite those cries, even on distant shores, men like Pulaski heard the voice of freedom crying in anguish and they came forth bravely and selflessly to join the cause of freedom. Those men knew from history that, once a concession is made to a tyrant or to a tyrannical ideology, it is usually the first of an unending series of demands for more concessions. Those men knew that peace cannot be bought for the price of another's people's freedom.

The lessons of history which were true then, are still true today—that freedom is not free, that it cannot be compromised, and that if it is to endure, brave men will frequently be called upon to make sacrifices in its defense. In fact, those lessons are truer today than ever before, since science and technology have so dramatically compressed the distances between peoples and nations and, in effect, have made this world of ours so much smaller. And so what happens in Vietnam, to the struggling Vietnamese people, should be of personal concern to each and every one of us.

Having served in Vietnam for two tours, I can assure you that there has never been a finer and more dedicated group of men than those who carry our colors there today, at this very hour. They have witnessed first hand, the destruction, the tyranny, the terrorism of Communist expansion aggressively at work. They thus well know why they are called upon to suffer and make sacrifices thousands of miles from home. We could call these young American men in Vietnam, the Pulaski's of today. Pulaski would certainly be proud to be a member of their company.

The American youth who today are fighting in South Vietnam are proof of the fact that the spirit of the true American Revolution, and the spirit of Pulaski, are as alive today as they were almost 200 years ago. They struggle for freedom, for other people, in another land, separated from our American Revolution by nearly two centuries. But they have the same firm resolution, the same entrenched hope, the same love of country and freedom, the same singleness of purpose which motivated Pulaski.

If General Pulaski were speaking today, from out of the past, he would hail America's efforts in Vietnam, he would urge us to greater heights and more determined efforts to strengthen free people throughout the world against domination by aggressive foreign powers.

Thousands of young voices, the voices of American men fighting in the heat and mud and jungles of Vietnam cry out the answers to our questions. They are fighting in Vietnam so that man can remain free. Their spirit should give us the faith that our cause is just, the perseverence to carry on, and the confidence that a just peace will eventually prevail.

Someday, through the perspective of history, the accomplishments of the American men in Vietnam will be recognized. The struggle in Vietnam will become another chapter in American history—a history of valor, of patriotism, of sacrifice, of dreams, of dreams come true.

In the words of Abraham Lincoln spoken during similarly troubled and difficult times:

"Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men, in all lands, everywhere. Destroy this spirit and you have planted the seeds of despotism at your doors."

Ladies and gentlemen, the President of the United States must be given the wholehearted support of all American people in bringing the Vietnam war to an honorable end. Resoluteness today can prevent the huge loss of life which a more widespread conflict would bring to the people of the United States.

Appeasement has never bought peace. We cannot give peace to the world by abandoning it to the aggressors. We cannot keep peace for ourselves by withdrawing from the challenges that the enemies of peace present.

Peace at any price is the first step into slavery for our people and oblivion for our country. Hold high the principles of Pulaski, the principles of our Nation aborning, and that day shall never come.

And so I say, long live the spirit of Pulaski. Long live the Polish spirit of freedom. Niech zyje duch Pulaskiego. Niech zyje Polski duch swobody.

THE DRUG CRISIS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. ROBISON of New York. Mr. Speaker, the word "crisis" has been used to describe many different situations, but rarely has it been used with more accuracy as in depicting the drug problem. We do face a crisis—a crisis that knows no geographical, economic, ethnic, or religious boundaries. This is a national crisis and one which we can ill-afford to overlook. The pushers, users, and potential users all must be dealt with by a different strategy, each requires a unique approach. Stereotyping these three groups into one classification is not only nonproductive, it may well be counterproductive.

I include in the RECORD the last of the Christian Science Monitor's drug series, together with a closing editorial on this subject from the same paper:

BUT THERE IS HOPE: THE DRUG CRISIS

With this issue The Christian Science Monitor completes the second of two series it has run this summer on the tragic and growing problems of drug abuse. The first of these traced the international aspects of the conscienceless and depraved trade in narcotics. The second discussed the extent to which drug abuse has become a new American tragedy. Together these articles paint a picture which must profoundly stir anyone concerned over individual human suffering and over one of today's grimmest threats to society. For it is unmistakably apparent that this society has, witlessly and catastrophically, let itself fall prey to circumstances which carry an almost limitless capacity for sorrow and disaster.

It is hardly necessary at this date to detail what narcotics are costing men and society. The number of lives ruined by it rises daily, there perhaps being as many as 200,000 addicts in New York City alone. More and more often one reads of the death of some pitiful youngster hardly in his teens. Large numbers of others become ill, drop out of school, turn from ghetto degredation or middle-class boredom to the shadow world of the drug-user.

Crime, both individual and organized, battens on narcotics and threatens even those who have never laid their eyes on a drug. The cost of legitimate business is mounting swiftly. Even American military discipline in Vietnam has become seriously threatened by the use of drugs. But, gravest of all, is the fact that the whole moral atmosphere of a neighborhood, a city, a nation weakens and drops as drug use spreads.

Although it has been said that there are as many reasons for drug abuse as there are victims, it is possible to isolate some of the general major sources of this problem. One, indeed the most important, is the widespread moral, spiritual, and intellectual disorientation which characterizes these times. Men have heedlessly and recklessly thrown away many time-tested standards either because these stood in the way of personal gratification or because of supposed imperfections. Another excuse for this rejection of moral precepts is the specious claim that, because society retains so much hypocrisy, none of society's restraints are valid.

This inclination, which has faced mankind from the beginning of time, to break away from healthy restraints is reinforced by the conditions of modern life. There are an almost unparalleled restlessness, tension, and seeking to escape. Experience has shown that it is all too easy for individuals to deceive themselves into believing that the way to cope with the challenge of modern life is to slip away into the delusive, materialistic world of drugs.

And one of the most dangerous and insidious aspects of modern society, above all in the United States, is the degree to which such self-deception is continuously dunned into people's thinking by the commercial advertising of that category of drugs which can be readily obtained over the counter. By now it is widely felt that America has become a drug-oriented society. Is it any wonder that this tolerance toward one type of drug should lead to a tolerance for all drugs, even the deadliest?

Yet, however severe the challenge, however great the damage being done, however baffling the problem may seem, answers to it can and must be found. While one of these remedies most obviously lie in the realm of far more efficient police action (local, national, as well as international), the bulk of the effort must still come from other directions. While both the methadone treatment and the residential therapeutic community treatment centers have helped many on hard drugs, they, too, are far from being the ultimate, perfect answer. Nor are they able to prevent newcomers from falling victim to the habit.

In the end, as with virtually every major problem involving men's views of themselves and of their relationship to life, the answers must come *primarily on moral, spiritual and intellectual planes*. It must come from educational efforts which have been worked out more carefully and skillfully than has hitherto been the case.

Above all, the struggle to prevent a turning to drugs and the healing of those who have turned to them must center upon two of society's most deeply rooted and beneficial institutions—the family and the church. The parental guidance which will rid drugs of any appeal must begin in early childhood. It must stem from greater parental wisdom, a clearer insight into life's true goals, prayer for the inspiration to transmit these goals to children, and the steadfast day-by-day, year-by-year devotion which is necessary. Such parental guidance must find reinforcement in the churches, which, while recognizing the need for modern means of communication with youth, can render great help by enlarging men's understanding of mankind's moral obligations and spiritual destiny.

Men are no more helpless and hopeless before drug addiction than before any other material or physical challenge. Large numbers have been healed of such slavery. And among these are those who have turned to the spiritual power inherent in prayer, a power which has destroyed both the desire for drugs and the physical and mental effects of drugs.

Drug abuse is a certain sign of a society which has become unanchored, which is unsure of its goals and its values, which be-

lieves it needs to seek desperate measures for happiness, for release, for escape. It is fostered by parental neglect, folly, or shortsightedness. It thrives where selfishness or hardheartedness creates or perpetuates social, economic, and racial injustice. In short, it finds fallow ground wherever men fail to see themselves or their fellows in the highest light.

All practical, needed steps must be taken to help those already caught in drug addiction, to prevent others from becoming similarly trapped, and to choke off all sources of narcotics. But the primary need, the one which will definitively root this terrible problem out of human experience, is to encourage the growth of those ideals in which narcotics can offer no temptation.

WHEN A PARENT'S LOVE IS SO BADLY NEEDED

(By Darren Stone)

BOSTON.—Parents need not be drug "experts." Parents—and their children—do need a lifestyle that expresses a hope in something better than a euphoric escape with drugs, whether legal or illegal.

Parents should, of course, inform themselves about the commonly abused drugs, what they are said to do, and the dangers of using them. This information can be obtained from the plethora of literature on drug abuse, from a community "hot line," or from a local physician or pharmacist. (See chart below.)

But parents must realize that information is not education. Parents who become preoccupied with "the facts about drugs" too often develop unreasonable fears. Sometimes they cannot see their own child as he is but only as what he might become.

In terms of working for community education and providing treatment centers for people already dependent on drugs, there are no set patterns. As this series has shown, scare tactics and purely punitive action are slowly giving way to a more profound, intelligent approach.

Parents who are newly aroused to community action may do better to seek out the agencies already at work and reinforce their efforts rather than to strike out on their own. Since there is still a good deal of controversy over treatment methods and competition for funds, parents who can work to unify community action are needed.

MISSING THE POINT

What parents can say in their own homes about drug abuse depends on what they are in and out of their own homes and on the relationships they have already built with their own children. A father recently announced to me proudly, "I talked to my boy. I said, 'Look, any time you want to have a talk with me, you feel free to come to me. Whenever anything is troubling you.' "

Obviously the father had missed the whole point. If communication is so sparse that a father has to issue a special invitation to his son, how natural can the conversation be?

In talking with children, parents should also be frank in expressing their own uncertainties. If drug use by youngsters scares us, it is better to explain why then to expect the mere authority of a parental "no" to deter experimentation.

CREDIBILITY JEOPARDIZED

The parent who warns his teen-ager against the "terrible effects" of drugs, while he himself is sipping a martini, will of course lose all credibility. While frankness seldom undermines authority, hypocrisy always does. Among young people, the question often arises: Is the drug abuser only the person who uses illegal drugs or is he anyone who habitually uses mood-modifying drugs, legal or illegal?

It is hypocrisy, in the eyes of the younger generation, that separates the phonys from the real people. The stakes in the drug-abuse problem are so serious that parents must be willing to do a good deal of honest self-examination. Is it possible for us to admit that we, too, need help resisting group pressures? Is it possible for us to react with compassion for our own and our youngsters' mistakes? If our youngsters' lives are at stake, can we be willing to change our own way of life?

And if a young person is already using drugs, what should his parent do then?

The most important answer to that question may be the most difficult to follow: Don't panic! But do seek professional help of some sort. Too often parents react by trying to disown their child. But if ever the child needed a parent's intelligent love, it is then—when the child is being something less than the parent's ideal.

Parents should also remember that mistakes—including those with drugs—are rarely irreparable.

Allen, one of our friends, is a 16-year-old boy who started down the trail of illegal drug use when he was 11. By the time he was a sophomore in high school, he was pushing drugs as well as using them; some days he says he walked around school with several thousand dollars in his pockets.

Allen came from a traumatic home situation marred by two divorces, bitterness, insecurity, almost total independence, and not enough consistent love.

Last year his erratic lifestyle came to a climax. He was arrested and given a suspended sentence for illegal possession of drugs. During the year's probation, Allen knew he had to "come down" and "stay clean" or he would face a prison term.

The last time I saw him the year was about up. "Do you think you'll go back to the drug scene," I asked. "I don't think so," he said. "I know where it goes—nowhere."

"Sure, you knew that before. What makes the difference now? Have you changed?" I pressed.

"I suppose in a way," he said. "I mean I figured out that no one else is going to be responsible for me. So if I want to be alive and worth anything to myself, it's my responsibility."

SOME QUESTIONS RAISED

Allen came to this realization by himself—the hard way. As parents, we hope to save our children from such hard lessons. But perhaps we sometimes give our children insufficient chance to think through their own decisions, to learn along the way the consequences of their decisions, and to discover their own resources.

There are no simple answers to the drug problem, just as there is no such thing as "youth" or "the addict" or "the parent." But these questions may provide clues to what parents can do:

How well do you know your child?

What kinds of drugs are you using?

With whom can your child talk about his successes and failures?

Can you discuss drugs, moral standards, race, and war with your child without blowing your top?

Do you expect your son or daughter to turn to drugs? Is he or she already a failure in your eyes? Is he a special person to you or simply a blurred carbon copy?

What is his image of himself?

How well does your child know you?

It would be simplistic to assert that drug abusers come only from unhappy families or that young people who know they are loved and are capable of loving others never turn to drugs.

But it would be negligent not to point out that time after time, in interviews with sociologists, psychologists, and young people, the profile of the unloved and unlovely drug abuser appears. Drug use is the symptom: The problem is "nobody cares."

In "The Transparent Self," Dr. Sidney Jourard has written an incisive summary of the need: "If I love someone, not only do I strive to know him, so that I can devote myself more effectively to his well-being, I also display my love by letting him know me. . . ."

PARENTS WHO STUCK WITH THEIR YOUNGSTERS

(By Susan Hunsinger)

BOSTON.—"It's a hard time to be growing up, with drugs and the war and all," a son told his mother on his 18th birthday.

It's a hard time for parents, too. Few parents—no matter where they live—can remove their children from the availability of drugs, whether "pot," pills, or heroin.

In the situations that follow, each of the parents has in some sense faced "the drug problem." Some have so far managed to spare their children from any direct drug involvement; others are having to cope with its effects; all are working seriously for a solution.

A HARLEM FATHER OF A 22-YEAR-OLD SON

"When I discovered that my son was shooting heroin, I had to make three efforts to get him into a treatment program," said the father, and ex-addict himself. "The first two times he didn't stay. The problem was that he didn't realize he was an addict—he didn't think he needed help.

"But all the time he was shooting dope he was stealing $20 here, $20 there from home to pay for his habit. Finally, I convinced my wife that we had to put him out. She cried, but she agreed.

"So my son was forced to sleep in the park for a couple of nights. Finally he called me up and pleaded for me to get him into a treatment program. Now he seems to be sticking with it, to want to stop, to want to help himself."

A CAMBRIDGE, MASS., DIVORCEE AND MOTHER OF THREE TEEN-AGERS

"My oldest son, now 18, left home two years ago" to join the "street"—or youth drug—culture, said the mother, school employee, and church-choir member.

"Three years ago my son made a new friend—his first link with 'the drug scene.' I tried very hard to let him know what this boy was, and to say, 'You don't need drugs in your life.' But he ignored me. . . . Aside from moving away, there seemed to be nothing I could do.

"As my 'noes' became more numerous, his rejections became unbearable. . . . One night at the dinner table he announced, 'I won't obey the rules in this house any longer.' He said as soon as he saved enough money, in about three months, he was going to move out. Until then, he said, 'I'm going to say what I want to say, smoke what I want to smoke.'

"I got up from the table, walked down the hall, and then came back and said, 'I've got news for you, son. Either you abide by the rules or you can find a room elsewhere in three days, not three months.'

"He was shocked. But the next day he did get a job, and he soon moved out."

Leaving home, however, did not mean giving up membership in the family.

"I let him know that the door was always open. I went to see his new apartment, took an interest in his new job, invited him for a cup of tea when he finished moving his things out. And he knew that coming home would never be interpreted as a defeat for him—but as a new decision.

"He had several jobs, one in a restaurant. But while he was working out problems for himself, he also was ready to put himself out to help others. Eventually he became a full-time staff member at Project Place, a center for runaways and people with drug problems in Boston.

"From time to time, he would come to see me and I would ask him, 'Where are you at? Are you ready to come home?'

"One day he decided he was and he moved back in. He had lost his preoccupation with drugs.

"My son has made some mistakes, experienced some pain he probably didn't have to. But I think he has come out rejecting what's wrong in the world and taking upon himself what is real and beautiful. . . . I think a child has a right to be right, and a right to be wrong, and to know that his parent will stay with him through it all."

A WESTON, MASS., MOTHER OF TWO TEENAGE SONS

"When our sons began to want to wear long hair, we tried to compromise," said the attractive suburban housewife. "We asked ourselves, 'What's the most important thing—the length of their hair or their basic attitudes toward life?'

"When we do say 'no,' it is because of what's at the center of our lives, in our case religion, which we hope is the basis for every standard we have.

"Parents have to set an example by living by their own standards. . . . But we have to give our children room to question them, and we have to understand that their questioning is not so much rebellion as it is a search.

"As for drugs, they are all over our high school. But they don't seem to touch our boys. In fact, I'm a little concerned that our youngest son, is not too popular at school—he's on a committee to inform kids about drug abuse."

A BOSTON MOTHER OF FOUR YOUNG CHILDREN

"I don't let my children out on the sidewalk alone," said the black mother who lives in Roxbury. "It's dangerous; it's no place for them. We have dope addicts, alcoholics, and demented people out there on the street.

"During the school year, I walk my children to school. And in the summer I take them to work with me.

"But I can't keep them inside all the time. Last week my children saw two men shot and killed in the pawnshop next door. My children are constantly seeing this ugliness—seeing people tossed into the paddy wagon and being bloodied up.

"I can't shield my children's eyes from all this. So I take them to Sunday School and try to offer them something better in life.

"I'm also supporting the establishment of more treatment centers, so that the addicts will have some place to go instead of wandering on the street. And when my kids are old enough, I will take them to places like the Roxbury Girls Club where they will have something to do."

A NEW YORK SUBURBAN MOTHER—AS SEEN BY HER 23-YEAR-OLD DAUGHTER

"I grew up in a New York suburb at a time when everybody was into pot and other drugs," said the girl in retrospect.

"But even though all my friends were into drugs, my mother seemed to see me as I really was. She was not suspicious. She would remind me that a person is known by the company she keeps, but she didn't try to prevent me from seeing my friends.

"Her trust sustained me, though perhaps I didn't appreciate that at the time.

"When I would come home from a wild party, maybe at three in the morning, my mother would come in to talk with me. Sometimes I frankly didn't feel like talking to her—because she could see beyond my current interests and I couldn't.

"But I looked up to her, and I guess I always wanted to be like her. She's a cheerful person—the kind people can't help liking.

"I finally grew out of my old friends," said the girl, who now has a good job and close ties with her mother. "What really hit me was a phone call I got the other night from one of my old friends, who said the others are still at the same level—just vegetating with drugs.

"Then I realized what we had been doing and how different my life is now."

BILL TO TERMINATE AIRLINES MUTUAL AID AGREEMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 7, 1970

Mr. FRASER. Mr. Speaker, the major airlines of our country have modified the terms of their mutual aid agreement for use in case of strikes, to such an extent that it is clearly not in the public interest.

Congress gave the Civil Aeronautics Board authority to approve or disapprove all contracts between airlines. The mutual aid pact should be disapproved. Congress must terminate it at once.

Airline strikes are longer and more damaging to the public and to the communities affected, now that the mutual aid payments start at 50 percent rather than 25 percent of normal operating expenses of the airline that is shut down.

The work stoppage at National Airlines was 4 months long from January 30, 1970, to May 27, 1970. For that period National was paid more than $25,000,000 in mutual aid by the other airlines. As a result National showed a profit of $8 million for the year ending June 30, 1970.

Northwest Airlines has been 75 percent closed down since July 8, 1970—3 months ago. Payments by other carriers were $10 million through August. As a result, Northwest's profits are expected to be normal. The only people who suffer are:

The communities depending on NWA service;

The traveling public;

The 3,500 employees on strike; and

The 5,000 other employees out of work because of the strike.

Northwest Airlines pays the lowest wages in the industry to its employees. Northwest has refused to attend bargaining sessions at the request of the National Mediation Board since September 9.

With millions of dollars in mutual aid coming in, an airline no longer has any incentive to make a sincere effort at collective bargaining and reach a settlement of the dispute. Labor-management relations in the airline industry will soon be in bitter disarray.

In an effort to prevent this from happening, the House should act as soon as possible to withdraw from the Civil Aeronautics Board the authority to approve an agreement such as this and terminate the airlines mutual aid agreement, effective October 5, 1970.

I am happy to associate myself with the following Members of the House who have already agreed to join in sponsoring a bill to terminate the agreement:

Mr. JOSEPH E. KARTH, of Minnesota.

Mr. ARNOLD OLSEN, of Montana.

Mr. ABNER MIKVA, of Illinois.

Mr. WILLIAM D. HATHAWAY, of Maine.

Mr. BENJAMIN ROSENTHAL, of New York.

Mrs. PATSY MINK, of Hawaii.

Mr. LLOYD MEEDS, of Washington.

Mr. RICHARD FULTON, of Tennessee.

The following clippings from the Minneapolis Star and Tribune tell the story of the exorbitant payments being paid under the airlines agreement and the resulting breakdown in negotiations for a settlement of the dispute.

RIVALS PAY NORTHWEST $10 MILLION

Northwest Airlines, Inc., competitors have paid the struck carrier more than $10 million since a July 8 strike by clerical workers, the Civil Aeronautics Board reports.

The payments are made by the airlines when a member of the industry's mutual-aid pact is struck.

The other nine carriers in the aid pact have paid the Minneapolis-based airline revenues they have made on routes over which they would compete with Northwest. They also pay the airline a certain percentage of its normal operating costs.

Through August, the board reported, Northwest has received $10,403,665 from its competitors.

The largest chunk came from United Air Lines, $3.81 million, followed by Trans World Airlines, $2.04 million, Pan American World Airways, $1.29 million, American Airlines, $1.12 million, Western Air Lines, $966,000, Eastern Air Lines, $899,278, and Braniff Airways, $266,433.

No negotiating sessions are scheduled with the 3,500-member striking Brotherhood of Railway and Airline Clerks which had idled about 5,000 other airlines employes.

STRIKE HAS CUT NWA INCOME $92 MILLION—BUT PROFITS WON'T DROP

Northwest Airlines estimates it has lost more than $92 million in operating revenues during the strike by 3,500 clerks employed by the firm, it was learned Monday.

An exhibit filed by the airline in Federal District Court shows that revenues in the third quarter of 1970 totaled $51.08 million. The firm earlier had projected revenues of $143.14 million for the period.

The exhibit was filed in connection with a Northwest suit that seeks to compel members of the International Association of Machinists to cross picket lines and return to work. Final arguments in the suit are scheduled for Wednesday.

The strike by the Brotherhood of Railway and Airline Clerks began July 8 and has forced Northwest to sharply reduce its flight schedules.

While the airline's revenues have dropped, many observers in the financial community believe that the firm's profits will be normal for the strike period.

The continued operation of highly profitable routes, government subsidies and a mutual-aid agreement with other airlines are factors expected to prevent Northwest's earnings from falling.

350TH ANNIVERSARY OF THE MAYFLOWER COMPACT

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. KEITH. Mr. Speaker, I am today introducing a resolution commemorating the 350th anniversary of the Mayflower Compact, which was signed on November 21, 1620, in Provincetown Harbor, Mass. My resolution also calls attention to the first thanksgiving at Plimoth Plantation and designates the week following November 21 of this year as a "National Week of Thanksgiving and Rededication."

I am happy to report that I was joined by 10 other Massachusetts Members as

cosponsors of this resolution. However, I had also invited members of the Virginia delegation to join me in view of the closely related colonial history and traditions of our two States. Since the Jamestown pioneers were around at about the same time as the Massachusetts settlers I thought we would give the Virginians equal mention in our resolution.

Unfortunately, Mr. Speaker, a hardy band of revisionist historians has sprung up down in Virginia. They have been claiming that the first Thanksgiving was celebrated not in Massachusetts, as every schoolboy knows, but in Virginia. Now, I am willing to go half way and make favorable reference to Virginia's contributions to our Nation's colonial history. But, Mr. Speaker, I do not think our Virginia friends can have their turkey and eat it too.

The text of the resolution follows:

H.J. RES. —

October 7, 1970

Joint Resolution to authorize the President to designate the week of November 21–27, 1970 as "National Week of Thanksgiving and Rededication"

Whereas, November 21, 1970 marks the 350th Anniversary of the signing of the Mayflower Compact in Provincetown Harbor, and

Whereas, this document is a milestone in the development of civil liberities and self-government in the New World, and

Whereas, the sacrifices and efforts of the signers of the compact and the earlier settlers of Virginia laid the foundation for the establishment of freedom in the United States, and

Whereas, the American celebration of Thanksgiving recalls the valiant efforts of the Pilgrim Fathers of the Plimoth Plantation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of November 21–27, 1970 as "National Week of Thanksgiving and Rededication."

FEDERAL TAX SHARING LEGISLATION LANGUISHES WHILE THE LOCAL TAXPAYER IS LEFT DANGLING ON THE VERGE OF BANKRUPTCY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. ROE. Mr. Speaker, I would like to voice my wholehearted support for the enactment of legislation which will return a certain percentage of Federal tax receipts to State and local governments with little Federal supervision and control.

Federal tax sharing has received widespread public attention during the past 6 years, but despite its support by the President, by many of my colleagues in the House and in the Senate, by State and local officials and organizations, and by many leading economists, pending legislation still languishes in the Congress, and it is not at all certain whether any of the measures introduced will be enacted before the 91st Congress adjourns.

With State and local financial expenditures spiraling in response to inflationary pressures and to the increasing requirements of their growing populations, local governing bodies are caught in a critical financial bind as they seek to provide the urgent needs of our citizens for essential educational, health, safety and all other necessary community services.

Federal revenue sharing would provide State and local governing bodies with a continuing source of additional revenues upon which they can depend each year without having to bankrupt the local taxpayer throughout our country.

I view Federal-State revenue sharing legislation as one of the most important bills to come before the Congress and have joined with a number of colleagues here in the House in sending a communication to the distinguished chairman of the Ways and Means Committee requesting that hearings be held as soon as possible on this measure in order that this legislation can be considered by the House before adjournment of the 91st Congress.

Local and State taxes in New Jersey border on the confiscatory and the time is long overdue for New Jersey's citizens to receive their equitable, just share of federal tax dollars at least equal to that which we send to Washington. Our State has always been on the deficit side of the Federal tax dollars at least equal to that help, at least in part, to relieve some of the fiscal crisis facing New Jersey and its municipal and county governments. The proposed legislation also seeks to achieve a better allocation of total public resources and seeks to provide the incentive and financial resources for State and local governing officials to effectively carry out their leadership and responsibilities in meeting the needs of our citizens. The measure would help to establish better "home rule" and return to the States a larger portion of the tax funds collected by the Federal Government.

This proposal is by no means new, but public interest has remained particularly strong since 1964, spurred on by the active promotion by President Nixon of such legislation together with the support of some of the leading economists of our time such as Dr. Walter W. Heller, former Chairman of the President's Council of Economic Advisers during the Kennedy-Johnson administrations and by Dr. Joseph A. Pechman, director of economic studies at the Brookings Institution.

Basically, this proposal would return to State and local governments some percentage of Federal tax revenues—usually income tax receipts—to State and local governments with few Federal strings attached.

Congressional support for this legislation has continued strong during the 89th, 90th, and this current 91st Congress. During the 89th Congress, some 51 tax-sharing bills were introduced. During the 90th Congress over 100 measures were introduced on this subject, and during the first session of the 91st Congress, 55 measures were sponsored by about 40 percent of the congressional membership.

The need for enactment of Federal revenue sharing legislation, I believe, is readily apparent and has been well documented by many of its advocates.

It is true that the Federal authorities have recognized the existing fiscal imbalance between the National Government and State and local units, and have attempted to assist these governments by means of extending increasing amounts of funds for grants-in-aid for a wide variety of purposes. During this current fiscal year 1971 alone, some $27.6 billion will be granted to these governments for educational, housing, health facilities and services, highways and for many other purposes. And these grants over the years, I am certain, have made an important contribution toward insuring a better standard of living for our citizens throughout the country to enjoy.

These programs, however, simply are not enough and more must be done to enable State and local governments to provide those programs which are so sorely needed by our citizens. Revenue sharing combined with a continuation of existing federal grants-in-aid will help to bring about some measure of financial relief to our hard-pressed State and local governments.

At the same time, since most of the bills introduced do not impose rigid controls on how the funds shall be spent, enactment of this legislation will give greater latitude to State and local governing units to use this assistance for those programs which they deem most urgent.

We must delay no longer in enacting Federal revenue-sharing legislation which will help give our financially distressed States and cities an additional source of income to enable them to provide our people with those programs they deem most urgent. I for one intend to exert every effort to help bring about enactment of this legislation this year.

AN ERA OF PEACE THROUGHOUT THE WORLD

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MILLER of Ohio. Mr. Speaker, although the President's five-point proposal for peace in South Vietnam has been initially scorned by the other side with its usual manner of caustic rhetoric, it is significant to note that they have stopped short of a complete rejection. The door is apparently open for future discussion of the plan and its implementation. Hanoi has reached a crossroads—either prolong the war and face an increasingly viable and strong foe in Saigon or agree to earnestly seek a meaningful settlement. The President's initiative would seem to make their choice somewhat easier in view of Hanoi's deteriorating military posture in South Vietnam.

The plan advanced by the President last night is comprehensive and realistic. It lays the groundwork for a cooperative venture in peace in Southeast Asia. It is my sincere hope that history will record

that this moment ushered in an era of peace not only in this troubled and torn land but throughout the world.

CONGRESSWOMAN MARTHA W. GRIFFITHS REPORTS TO THE PEOPLE OF THE 17TH DISTRICT OF MICHIGAN

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mrs. GRIFFITHS. Mr. Speaker, at the end of each Congress, I submit a report to the people of the 17th District.

Not too long ago, Congress traditionally adjourned at the end of July, which permitted Congressmen to return to their districts to talk directly with the people and to secure a better understanding of their problems. But, the pace has changed in the last decade. The complexity of legislation, the deepening of the issues of the country, and the interdependence of our social and economic problems are making year-long sessions almost mandatory. While recesses for Congress now are intermittently scheduled, I have continued to emphasize increasing two-way communication with my constituency by means of letter writing, newsletters, personal appointments, and a district office opened weekdays. The results of the 1970 questionnaire, which I sent to the district, are printed at the end of this report.

My committee assignments in the House have afforded opportunity to shape major legislation. On Ways and Means, I worked on the social security, tax reform, and welfare legislation. With my appointment to the new Select Committee on Crime, I joined in an intensive examination of crime in the country. As a member of the Joint Economic Committee and chairman of its Fiscal Policy Subcommittee, I chaired hearings on pension plans and participated in investigations that led to the uncovering of a $2-billion cost overrun of the C–5A transport and an indictment against the Defense Department for wasteful management and purchasing practices, which have greatly inflated the defense budget. A recent recommendation of JEC has called for a halt in funds for the SST, warning of its enormous costs and potential contamination of the stratosphere.

The 91st Congress marked the transition of a new President. Issues centered on Vietnam, the economy, and national priorities.

Debate on Vietnam and amendments to curb expansion of the war, which had my support, were attempts by Congress to reassert control over the war powers, which have been assumed by the Executive, and to assure the people a greater voice in these vital matters.

To curb inflation, which has pushed the cost of living to a record high in 20 years and has deflated the purchasing power of all wages, salaries, and pensions, Congress provided the President with regulatory controls over all forms of credit and standby authority to freeze prices, rents, wages, and salaries. However, the administration has relied on fiscal policies of tight monetary control. The question raised with interest rates at 8½ percent, housing starts off 40 percent, and unemployment at 5.5 percent—the highest in 7 years—is whether or not these administration policies are too long in achieving effective results and whether or not the contrived slack they are creating in the economy is too costly in terms of the burden they are placing on certain segments of society, which are least able to bear them. The joblessness of 4.6 million Americans and the suffering this tolls on their families and dependents cannot be discounted. The economic slowdown has cost the Federal Government an estimated $15 billion in revenues in the last 2 years. Unemployed workers do not pay taxes. Yet proposals by Congress to create employment by meeting some of the housing, environment, and education, and health needs of this Nation have been opposed by the administration.

While Congress acted to curb Government expenditures, its goal was to reorder the Nation's priorities, emphasizing public investment in domestic and human needs, such as education, health care, housing, and pollution control. In fiscal 1970, Congress reduced the administration budget by more than $6.4 billion, slashing defense spending and foreign aid. But, Congress met with Presidential vetoes when it attempted to raise hospital construction funds $349 million and added $1.3 billion for our health, education, and welfare programs.

The following is a summary of the major domestic legislative work of this Congress. The record is not complete, but it does represent substantial effort to meet the national and community needs of a growing America.

For 25 million Americans, a 15 percent across-the-board increase in social security benefits became effective last January. An additional 5-percent boost is included in legislation passed by the House in May, as well as a provision for automatic cost-of-living increases. Major changes in social security would: liberalize the retirement test, permitting a beneficiary to earn $2,000 a year—formerly $1,680—without losing benefits; entitle widows and widowers to the total amount of monthly benefit due to the wage earner instead of the present 82½ percent; eliminate requirements that divorced wives and widows show support to qualify for benefits as dependents—this was a proposal of mine; provide an age 62 computation point for men in determining benefits, the same as for women—this again was another of my proposals; and raise the limit above which social security must be reduced when workmen's compensation is payable. My proposal to permit married working couples to collect benefits based on their combined earnings credit was not adopted. Major changes in medicare would: provide additional power to curb price-gouging by doctors and hospitals; permit persons eligible for medicare and supplemental health insurance to choose to have care provided under a prepaid group health plan; and enable persons not covered by social security to buy medicare coverage for $27 a month.

Amidst threat of Presidential veto, Congress enacted the most comprehensive tax reform bill in the Nation's history, providing tax cuts of $9.1 billion and tax reforms of $6.6 billion in revenues gained. The act is a step forward in closing or narrowing loopholes, which have permitted millions of dollars to escape taxation and to assure a fairer tax structure for everyone. Major provisions affecting tax relief include an increase in the personal exemption from $600 to $750 by 1973; a minimum standard deduction designed to remove from the tax-rolls almost all persons at the poverty level; an increase in the maximum standard deduction from 10 percent with a $1,000 ceiling to 15 percent with a $2,000 ceiling, effective 1973; and a lower rate schedule for single persons to assure that in no case do they pay taxes more than 20 percent higher than married couples with the same income. Major tax reform provisions include reduction of the oil and gas depletion allowance from 27.5 to 22 percent; a minimum tax of 10 percent on sheltered income over $30,000, aimed at preventing wealthy individuals or corporations from escaping Federal taxes; a 4-percent tax on net investment income of private foundations; extension of the unrelated business tax to churches and other tax exempt organizations; and repeal of the unlimited charitable contribution by stages.

Responding to needs to assure a habitable environment, Congress strengthened antipollution programs with increased funding and increased controls. Congress added nearly $600 million to the President's $214 million request for waste treatment plants, which I supported with appropriate legislation, and approved a record $1 million for fiscal 1971 to curb the flow of improperly treated sewage into our waters. Congress also struck at oil pollutants and sewage from vessels, making firms and ship owners liable for water pollution disasters such as oil spills.

With motor vehicle emissions discharging 300,000 tons of pollutants daily into the atmosphere. Congress appropriated $45 million in contrast to the administration request of $18.7 million for research into fuel combustion and amended the Clean Air Act setting strong nationwide air quality standards covering industry, jet planes, and automobiles.

A Council on Environmental Quality was authorized in the Executive Office to make recommendations for the management and care of the environment. This was similar to a bill of mine, H.R. 11942. Funds also were authorized for a stepped-up program of solid waste disposal after warnings were heeded that local communities will be unable to cope with mounds of trash and garbage, creating land blight and breeding grounds for disease and vermin, within 10 years.

The consumer has been a central focus of attention. Both the House and Senate passed legislation to restrict the mailing of credit cards to protect against large-scale theft of these cards and their fraudulent use. The fair credit reporting bill is aimed at preventing credit bureaus from furnishing inaccurate cred-

it status reports about individuals by permitting persons to look into and challenge their credit records. The life of the National Commission on Product Safety was extended to continue investigation and identification of hazardous merchandise. In addition, Congress banned the selling of toys posing mechanical, electrical or thermal hazards to children and expanded the Motor Vehicle Safety Act to require tire manufacturers to notify purchasers of defective tires.

To help local law enforcement fight crime, the House voted a $3.2 billion extension of the Crime Control and Safe Streets Act of 1968. The Federal grant money can be used by localities for police salaries, buildings, equipment, and training. The legislation this year stipulates that States be required to direct money to high crime areas, such as our cities and metropolitan areas.

The organized crime bill awaiting House action broadens Federal jurisdiction in dealing with organized crime and extends the death penalty to terrorist bombings that result in fatalities.

A comprehensive drug bill passed both Chambers providing stiffer penalties for pushers, expanded Federal enforcement powers, controls over the manufacture and legal use of drugs, and funds for rehabilitation of users and a drug abuse education program. Millions of Americans are being affected by increasing drug traffic. The total worth of goods stolen daily by hard-core addicts, who must support their habits, is approximately $25 million. As a member of the Select Committee on Crime, I sponsored several bills to control the manufacture, distribution, and possession of methamphetamines and hallucinogenic drugs. A bill I sponsored calling for a study on the use of marihuana was incorporated into the drug bill.

To stop the flood of unwanted sex-oriented materials into private homes, legislation has been acted upon to prohibit the intentional use of the mails to transport salacious, unsolicited advertising. Strong penalties provide a 5-year sentence for a first offense with a maximum fine of $50,000. Legislation also passed the House making it illegal to mail to minors obscene literature, similar to legislation that I had introduced. The postal law also was expanded to prohibit the mailing of sex-oriented advertising to persons who advise a postmaster they do not want this type of material, whether or not such mail has been received in the home.

Congress reinforced the commitment made to education in 1965 to improve the quality of learning and to assure educational opportunity for all children. Balking the Executive, Congress increased funds for education over $1 billion during the first session and added $454 million to the 1971 administration request over Presidential veto and threatened cutbacks in funds for elementary and secondary education programs, vocational education, the construction of higher education facilities, library services, and national defense student loans. The loss of Federal funds means that property owners in various communities are forced to pick up an added tax to support these programs. Congress further included restrictions in legislation to prohibit the use of Federal money to force schools already desegregated to bus students, and to prohibit funds for college students and teachers, who incite and engage in campus violence.

Despite efforts by Congress to assure adequate health care for the Nation's citizens, Congress met with administration cutbacks. The President's veto of the Health, Education, and Welfare appropriation bill for 1970 resulted in hospital constructions funds cut by $82.2 million and health educational research and library facilities by $22.9 million. Proposed administration budget cuts for fiscal 1971 of $26.4 million have affected heart disease, arthritis and chronic disease research, which I have strongly resisted; and this year when the President vetoed the bill authorizing $2.9 billion in grants and loans for hospital construction and modernization, Congress mustered enough votes to override the veto. Today, our health care needs are approaching emergency proportions. We need 50,000 more doctors, 200,000 more nurses, and 250,000 hospitals beds at a cost of 4 to $6 billion alone.

For health care, Congress provided assistance for the construction of medical libraries. It extended the program of grants for the construction and staffing of facilities for the mentally retarded and expanded coverage to include individuals suffering from neurological handicapping conditions such as cerebral palsy, which afflicts 550,000, and epilepsy and related disorders, afflicting almost one million. In addition, Congress extended the regional medical centers program to help provide physicians and their patients with the latest scientific knowledge in diagnosis and treatment of heart disease, cancer, and stroke, and extended the program to cover kidney disease. A $165 million 2-year program to combat diseases such as tuberculosis, veneral disease, measles, polio, diptheria, and whooping cough was enacted with evidence of the possibility of epidemics in our cities. To alleviate critical shortages of health personnel, Congress acted to extend programs to provide for training grants for allied health personnel; for example, dietitians and X-ray technicians.

On February 9, I introduced a national health insurance bill to establish a program designed to meet the growing financial and organizational crisis in our health care system. Due to soaring health care costs, the average wage and salary earner not only is being priced out of the health care market, but is threatened with possibility of financial ruin should extended or serious illness strike. The effect of my proposal would be to provide incentive for doctors to keep their patients well rather than to let them get sick enough to require expensive hospitalization. The program would be financed by a fund under social security made up of payroll taxes of 1 percent for the employee and 3 percent for the employer. The Government would match the employer contribution out of general revenues.

The President's welfare reform bill that passed the House would guarantee an annual income of $1,600 for a family of four. Assistance would be provided if there were an able-bodied father in the home who is not working, but is seeking work or training. It would permit a father to earn as much as $720 before welfare payments would be reduced, phasing out altogether when income rises to $3,920. A welfare family of four also would be entitled to about $800 in food stamps. The legislation would add millions of people to the welfare rolls and the cost is estimated at $4.5 billion in its first year of operation. I still think my "three meals-a-day" program for children, explained below, would be better.

The poverty program was extended for 2 years helping America's poor with job training and educational services—the tools they need to help themselves. A massive enlargement of the food stamp program also awaits final action which would provide $125 a month in free stamps for a family of four having below an income of $60 a month.

Shocking malnutrition in this country affecting 10 million Americans is well documented and we know its cost in terms of illness and retarded mental and physical growth, particularly among children. But, in my judgment, food stamps alone or our present school lunch programs, which were extended, are not adequate remedies. Under these programs, there is no assurance that the hungry are being fed. For example, in Detroit, 79 out of 224 elementary schools participate in the school lunch program, but among those not participating 78 are located in the slums. For this reason, I have proposed a program to provide three free meals a day, 5 days a week, to all children under 16 who are receiving welfare or whose families are at the poverty level. The meals would be served in public and private schools and other nonprofit child institutions. The Federal Government would pay the cost of installing whatever equipment was needed to serve the meals. The saving would be in reduced welfare costs and elimination of school lunch programs, which for 25 years have missed their target population—the hungry.

With middle Americans being squeezed out of the home market due to high interest rates and inflation, Congress increased the availability of mortgage credit. An attempt was made to increase appropriations for our housing and urban development programs, which would have benefited over 1,800 cities and towns in aid for urban renewal and water and sewage facilities, but the President vetoed the appropriation. Meanwhile, a $4 billion housing bill is awaiting House action to provide funds for public housing; urban renewal; subsidies to help poor families buy and rent homes; and theft insurance to cover homeowners and businesses who cannot buy private policies because of high crime rates.

To help solve our transportation problems, an airport aid bill was enacted authorizing a long-range program to expand and improve the airport and airways system. In addition, both Chambers have acted on legislation authorizing grants and loans to develop mass transit systems and to promote safety in all areas of railroad operations.

For the working man, the unemployment compensation program was extended to an additional 4.8 million workers and 13 weeks of additional benefits were authorized for the unemployed during periods of high unemployment. To protect miners, Congress passed the Coal Mine Safety Act. Awaiting action is legislation which would provide mandatory Federal occupational safety and health standards for all workers in industry affecting interstate commerce. The manpower training bill pending would reorganize our present manpower programs placing projects under the control of State and metropolitan areas, and would provide Federal funds to cover 80 percent of the cost of a public service employment program to hire 250,000 unemployed and underemployed to work in State and local hospitals, schools, police, and fire stations, and other public agencies.

Patterned on the Civil Conservation Corps of the depression days, Congress authorized a Youth Conservation Corps, which would employ about 3,000 young people ages 16 to 18 during the summer each year in national parks and forests. Noting the high rate of unemployment of youth in this age bracket, the goal is to provide these youngsters with both employment and conservation experience.

Equality for all Americans is a national concern. Congress extended and expanded the Voting Rights Act for 5 years to open participation in the political process in areas where citizens systematically have been denied the right to vote. The new act also overrides restrictive residency rules that have acted to disenfranchise many citizens who move out-of-State before presidential elections. A historic provision in the act gives 18-year-olds the right to vote in all elections starting next January. Some 11 million young persons will become eligible to vote if this legislation is upheld by the Supreme Court.

Two constitutional amendments that have passed the House would abolish the electoral college providing for the direct popular election of the President and would apply the 14th amendment of the Constitution to women as it now applies to all other minorities.

To provide a more efficient and self-sustaining postal system, Congress enacted the Postal Reorganization Act, replacing the Post Office Department with an independent Postal Service within the executive branch, free from direct political pressure. The new Service would remove from Congress the functions of appointing postmasters and setting postal rates and pay. For postal employees collective bargaining rights will be assured and workers will have the choice to join or not to join a union. An 8-percent pay raise was granted to postal employees on top of an earlier 6-percent increase in accordance with agreement reached with the administration following the Nation's first mail strike of last spring.

A series of major bills were passed aimed at improving benefits for American veterans. GI educational benefits were raised by 34.6 percent despite administration attempts to limit the increase to 10 percent. Congress also increased from $10,000 to $15,000 the amount of servicemen's group life insurance and enacted an 8-percent increase in compensation rates for over 2 million disabled veterans. While Congress voted $105 million in additional funds to solve problems affecting the service and care in our VA hospitals, the administration vetoed the bill bearing this appropriation. Pending also is legislation which would raise income limitations and provide rate changes averaging 9.5 percent under the VA pension program and assure that no pensioner loses any of his pension because of the social security raise. The bill I introduced to provide a total social security exclusion or to eliminate social security as an income determinant for a veterans' pension was not adopted in committee.

Congress enacted legislation permitting the President to institute a draft lottery system, drafting 19-year-olds first. The objective is to reduce the period of draft vulnerability for a young man from the present 7 years to 1 year and to provide an impartial method of selection, distributing the risk of callup fairly and widely. While proposals were introduced in this Congress to establish a volunteer army, they have not yet been scheduled for discussion by the armed services committees.

The first legislative reorganization bill in 24 years passed the House. Although no changes were made in the jurisdiction of any committees or the seniority system, the bill would offer the public greater opportunity to observe the operations of Congress by encouraging more open committee meetings, requiring that all committee rollcall votes be made public, and allowing broadcasting and television of House committee hearings.

The 91st Congress has been productive and the issues difficult. My thanks to the many of you who wrote or phoned me to express your views on legislation. Knowing how you feel is vital in being able to serve you effectively. For those of you who did not see the results of the earlier 17th District questionnaire, I am printing them below for your review. If ever I can be of assistance to you, please write or contact my Detroit office at 14615 Grand River, 273-6991.

The questionnaire results follow:

RESULTS OF THE 17TH DISTRICT QUESTIONNAIRE

Earlier this year, I sent to every household in the 17th Congressional District a questionnaire to gather your views on several major issues. A total of 5535 responses were received. The results of the questionnaire in percentages are summarized below. I was encouraged at the response and I want to thank all of you who responded.

[Results in percent]

1. Do you support President Nixon's efforts to achieve peace in Vietnam?

Yes	59.9
No	22.2
Undecided	17.9

2. In the event that U.S. troop involvement has not been substantially reduced by the end of 1970, do you favor:

a. Continuing military operations at the present level while pursuing further negotiations	14.2
b Immediate withdrawal	30 5
c. Increased military operations	10.1
d. Phased withdrawal of U.S. troops	38.9

3. Do you approve of the draft lottery system?

Yes	49.9
No	28.5
Undecided	21.6

4. Should first-time drug offenders be subject to mandatory fine and/or imprisonment sentence?

Yes	45.1
No	40.7
Undecided	14.2

5. Do you favor the President's welfare proposal?

Yes	36.0
No	36.5
Undecided	27.5

6. Tax cuts may create a budget deficit which could have an inflationary effect. In which of these areas would you cut spending:

a. space programs	75.9
b. education	8.5
c. aid to cities	14.5
d. welfare	33.1
e. pollution programs	5.7
f. defense	53.5

7. Would you favor federal medical insurance for everyone?

Yes	53.5
No	33.9
Undecided	12.6

8. Interest rates have spiraled to the highest level since the Civil War. Should we:

a. Relax credit restrictions to avoid possible recession	17.0
b. Maintain credit restrictions until inflation is halted	39.4
c. Pursue a policy of selective credit restraints on a voluntary basis to ease pressure on areas of the economy hardest hit by tight money	31.4

9. Do you favor re-establishing wage-price guidelines?

Yes	60.9
No	17.0
Undecided	22.1

10. What do you believe are the principal problems facing our nation today?

Crime	50.8
Pollution	32.7
Vietnam	29.5
Inflation	28.8
Social Unrest	15.6
Drugs	11.5

UNITED MINE WORKERS PRESS FOR MANPOWER TRAINING

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. YATRON. Mr. Speaker, the United Mine Workers of America—UMWA—recently announced that it will press for inclusion of manpower training on the agenda of its upcoming bituminous negotiations.

I strongly agree with the viewpoint outlined by UMWA's president, W. A. "Tony" Boyle, that the mine manpower shortage has contributed significantly to the Nation's energy crisis and that the negotiators must, therefore, address themselves to this acute problem.

I include the Mine Workers' press release of September 23 in the RECORD at this point:

W. A. (Tony) Boyle, president, United Mine Workers of America, today said that the union will include the problem of manpower training in its 1971 bituminous negotiations.

The UMW president noted that the nation now lacks trained mine manpower for both below and above ground mine jobs. He said that the manpower shortage is a major factor in the nation's growing energy crisis.

"A trained labor force is the responsibility of the coal industry which can afford to meet its responsibilities in this regard. We intend to discuss those responsibilities in our coming collective bargaining and to write training opportunity for the present and future bituminous mine labor force into our contract," he said.

Boyle pointed out that the nature of coal mine ownership is changing, and that the new owners increasingly are energy conglomerates and big utilities seeking captive coal supplies. He said that these companies can well afford the investment to insure safe mines and a trained labor force.

"With the price of coal skyrocketing, the operators can no longer validly claim that they cannot afford the human and physical investments that will insure a stable and trained labor force. Such a labor force is in the best interests of the industry and all who work in it.

"Mine safety is required by law and is vital to the recruitment of young men for both replacement and essential labor force growth. The mine operators will serve their own future by living up to the spirit, as well as the letter, of the Federal Coal Mine Health and Safety Act.

"Today's coal mining is highly skilled work, and the day of the pick and shovel mine is over. Mine worker training is the business of our union and every member. It is essential both to the high productivity the nation needs and the modern wages and pensions that coal miners intend to win in their next contract," Boyle said.

AUTO SAFETY: BUMPERS—NO. 2

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 2, 1970

Mr. SCHWENGEL. Mr. Speaker, Mr. Robert Leys, vice president of Allstate Insurance Co., testified at the hearings held by the National Highway Safety Bureau on the problem of bumpers. Mr. Leys' remarks provide some thought-provoking reading for those concerned with the senseless economic loss resulting from our poorly designed bumpers. His remarks follow:

THE ALLSTATE COLLISION INSURANCE DISCOUNT FOR "LESS DELICATE" CARS

The American consumer deserves our help. He is caught in an inflationary storm which is driving his cost-of-living index off the charts. Everything he reaches for is affected—food, shelter, clothing, transportation. But, gentlemen, my company, Allstate, believes that we—the automobile manufacturers and the auto insurance companies, together with enlightened and appropriate support from the government—can do something about that last necessity . . . transportation.

Gentlemen, we have a unique opportunity to add a new dimension to the consumerism movement—but this time the move forward would come voluntarily from the corporate side. Together, we could provide the American consumer real and substantial savings in the use and operation of his automobile—and what is more remarkable, these savings wouldn't cost him anything.

On March 17, we made a relatively modest but innovative proposal. We offered a substantial insurance discount for automobiles designed to eliminate front and rear end damages in barrier impacts at five miles per hour. This single upgrading of the functional design of automobiles could, we estimate, ultimately save the American public almost one billion dollars annually. However, let me hasten to add that we view our offer as only the beginning . . . as an inducement for acceleration in the design of better, safer, more functional and more economical cars.

We are enormously pleased at the quick response of the Ford Motor Company to our announcement. Some of you will recall that Ford Vice President Robert J. Alexander told the press that his organization was as "pleased as punch" over our offer. This should not be too surprising, since the Ford management has demonstrated again and again that it is operating under enlightened and socially responsible principles which guide its marketing decisions. We are pleased to learn that it already had several projects under way aimed at toughening tomorrow's cars.

In addition to Ford's response we have received, privately, constructive inquiries from Inland Products Division and the Pontiac Division of General Motors and from one Chrysler officer. We are, therefore, encouraged both as to the feasibility of the design we seek and as to the possibility of seeing it in production in a reasonable amount of time.

As for the details of our offer, our Chairman Judson B. Branch, announced it in these words: "We are prepared to place into effect in states where approval is not needed, or file for approval in any state where approval is required, a 20% discount on collision insurance coverage for any automobile which the manufacturer can certify, through independent tests, can be crashed into a standard test barrier front and rear at a speed of 5 miles an hour without sustaining damage."

We are talking about a standard SAE test barrier—a concrete block with plywood facing.

We are not automobile engineers and do not pretend to possess the credentials for designing the type of vehicle we are talking about. We are insurance men in a free enterprise environment. In keeping with this environment, we have left the design job to the auto manufacturers, where it belongs . . . with the experts.

I would like to point out that our offer is designed to produce more than insuurance premium savings. Cars which could meet the 5 mile per hour impact standard we are talking about would save their owners the out-of-pocket expenses they now have to pay on the first $50 or $100 "deductible" of repair costs when their cars are damaged at low speed impacts. In addition, for those who do not carry collision insurance, such cars would save them the total cost of repairs from low speed crashes. Such cars also would save their owners the time loss and inconvenience they presently suffer when their cars are in the garage for repair of damage done in low speed crashes.

What are the dollar savings such a design would represent? I can only speak from our knowledge of Allstate customers. If the 4,653,000 cars we now provide collision insurance for were eligible for the 20% discount, their owners would save $42,452,000 per year on collision insurance premiums. If all other insurance companies offered a similar discount, the total savings to the public would be at least $425 million in insurance premiums since we write about 10% of this kind of auto insurance business.

When you add to that $425 million another $500 million which would represent the out-of-pocket repair cost savings of insured motorists with $50 and $100 deductibles and of motorists who carry no collision insurance, we see that 5 mile per hour impact design would save the public an estimated $925 million—almost one billion dollars a year!

We are helping focus the nation's attention on the unnecessary damage to vehicles involved in low-speed accidents, because this type of loss is accounting for major increases in the cost of auto insurance. One essential ingredient for ultimate maximum safety and savings is implementation of your proposed standard for uniform bumper heights.

We can see insurance premium savings of up to 50%—perhaps more on some coverages—once auto manufacturers really apply their skills and resources to the problem of finding ways to limit damage to people and their cars and to build in improved repairability when crashes occur.

A founding member of the Insurance Institute for Highway Safety, Allstate has been instrumental in the crash tests conducted by that organization.

IIHS-sponsored tests revealed that 1969 model cars suffered damages averaging $200 when crashed at 5 miles per hour. Similar models suffered damages averaging $650 when crashed at 10 miles per hour.

Experts have testified in public hearings in the Congress and elsewhere that it is entirely within the ability of automotive engineers right now to design bumpers and related parts which could absorb the impact of crashes at speeds higher than 5 miles per hour. We hope our proposal to save the public money will encourage automobile manufacturers to design more substantial, less delicate cars. We believe customers will show a preference for such cars and are certainly ready and eager for a reduction in their automobile insurance costs.

The public response to such an advance will encourage the automotive industry to provide still more functional designs in the future which could withstand impacts without damage at even higher speeds.

One auto manufacturer—Ford—had indicated willingness to improve bumper and related designs and had asked what the insurance industry would do in return for better design. We believe our offer is the kind of response manufacturers have been waiting for from the insurance industry. We believe other insurance companies will offer similar inducements.

As our Chairman, Mr. Branch, has said, "We believe automobile manufacturers and the insurance industry have a unique opportunity to demonstrate that good business practices pay dividends for all when guided by a sense of social responsibility. Auto manufacturers which seize this opportunity will realize a definite marketing advantage over their competitors which ignore this potential savings for their customers."

What can the National Highway Safety Bureau do in this matter? We urge that you produce the Vehicle Safety Standards necessary to establish uniform height and practical effectiveness of bumpers. We especially would like to see the standards require a functional flat face for the bumper to assure maximum contact surfaces between cars and to minimize bumper overrides and underrides. We would also like to see the standards require minimization or elimination of the dive of the car front and the rise of the rear during sudden stops or unbalanced loading, which otherwise would frustrate the uniform bumper height concept.

We urge that you expedite these standards, since the vast majority of vehicles on the road today are standard American cars and light trucks. We must begin as soon as possible to improve this part of the vehicle population. If further studies are needed for treatment of exceptional vehicles, such as heavy trucks and foreign cars, we urge that the Bureau plan to handle them with subsequent standards, but not hold up the basic standards for American cars.

The American consumer deserves our help. We are in high cost-of-living and inflationary times. The consumer for years has begged

for a break in his auto repair costs and in his auto insurance costs. We three—automakers, insurers and the government—are on the threshold of delivering it to him in the highest tradition of free enterprise merchandising. We at Allstate have but one message: let us begin now—today!

AS I SEEM TO ME

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. NELSEN. Mr. Speaker, recently my good friend and a former Member of the House, the Honorable Harold Lovre, brought to my attention the text of a sermon delivered by Rev. Raymond Shaheen of St. Luke's Lutheran Church in Silver Spring, Md. It was Mr. Lovre's opinion, and in this I heartily concur, that Reverend Shaheen's sermon is a particularly appropriate admonition to people in our troubled society today. The substance of Reverend Shaheen's presentation is that an individual can hardly respect anyone else if he does not have a wholesome respect for himself.

I include the text of Reverend Shaheen's sermon at this point in my remarks because I am sure that my colleagues will be as impressed as I with his thoughtful observations.

The remarks follow:

AS I SEEM TO ME

Text: *". . . should such a man as I flee?"*—Nehemiah 6:11

There's a character in Richard Brindsley Sheridan's "School For Scandal" who becomes the first one to leave a little gathering of people. One does so, you know, at some risk. To be the first to leave? Just think what could be done with your reputation by those who remain. Realizing this possibility so well, Sheridan has his character say (can't you picture the person standing at the door) in departing: "I go, but I leave my reputation behind me!"

Undoubtedly, any bridge club member knows, or as any one of a drawing room set knows, regardless of the situation, there's risk involved in an early leaving. A man's image, depending upon the integrity (or the lack of it) of those remaining could be tossed about quite recklessly by the ones who stay on to the end.

Honestly now, the thing that really matters may not be so much what the other people may think. Rather the important thing is what the character thought of himself, or herself, as he or she left the room!

So! Let me talk with you this morning about this very serious problem of self-esteem. Basically, it can be said, a man behaves according to the opinion that he has of himself. If he's fortunate enough to recognize some element of integrity in his own character, he'll be quite able to withstand the struggle that life eventually brings. Alan Paton perceived this clearly in the life of Albert Luthuli in whose memory he delivered a memorial address: "the real story of his life is the story of his fortitude. If you win in life, you are a successful man. If you lose, you are an unsuccessful man. But if you go on—whether you win or lose—then you have something more than success or failure. You keep your soul."

And that was Paton's superb testimony to the need for a healthy regard for one's self.

Come now, just what do you think of yourself? How is this opinion being fashioned? What is the ground for this opinion that you have of yourself?

Would you believe it? After all that we've said about pride being the worst sin, there is the possibility of a so-called "proper" pride (the word is carefully chosen) which is essential to one's growth and emergence into manhood. How about letting the poet Clough speak to this point: "he who would climb and soar aloft must ever keep alive within his soul the tonic of a wholesome pride."

As I view the current scene, I am convinced that something is happening to us, to all of us. Sometimes I think it's eating away at the very heart of America. We're losing respect for ourselves, for others, for our leaders, for our elders, for our institutions, for our time-tested values, and for God.

I don't have to list the evidences. Anyone who reads the papers, listens to radio and TV, anyone who deals with people at any level knows exactly what such an indictment involves and can give first-hand testimony to attest to the sad situation.

It seems to me that we lose respect for others because we've lost respect for ourselves. Because we don't place much of value upon ourselves we don't much care about the way we dress, the way we talk, the way we think, the way we behave, or the way we treat other people.

And why don't we think rather highly of ourselves? Sociologists may tell us it's because there are so many of us. Whenever there's an increasing quantity of anything, the value of a single item may easily be diminished. Caught up in the masses, we're pushed and jostled, trampled underfoot. We're no longer a country-side civilization. We're fast becoming a people of apartment dwellers or surfacing here and there in sprawling suburbia.

It's the sad, sad story: I'm just one among so many. What difference does it make since I'm only one—one who's at the mercy of seemingly controllable forces and factors? People couldn't care less what happens to me! Why should I?

For years now I get my hair cut whenever I can by a barber in South Williamsport, Pennsylvania. It's where I had my first parish. I remember when he paid his first visit to the Big City. I don't know that he's ever gotten over it. What a far cry from the less concentrated population of those "hills of home." He just couldn't take the impersonality of the mass who shoved him around in Times Square. "God," said Al not profanely, "if a man fell down into a gutter, they'd just push and walk over and around you—they couldn't care less!"

It was all so alien to Al's spirit. You see, Al's been cutting hair for one generation after another—grandfathers and grandsons, great-grandfathers and great grand-children. He knows them by name. He asks about their problems, their successes. He has a warm, personal and healthy regard for each one who comes to his shop.

And I safely presume that Al has a high regard for them because he has a high regard for himself. It's not simply that he's a skilled tonsorial artist, it's also that he places high value on his own family and the stock from which he stems. He remembers how his parents came from the old country, and how they gratefully seized upon every opportunity which America gave them. He doesn't let himself forget how his folks struggled so that their children could grow up in the land of the free and the home of the brave.

Like Al, I would never have believed that we should live so long as to see a day when disrespect could become so flagrant: disrespect for those in authority, an office, an institution, or the church.

In recent years, mark you, even the President of the United States of America and the Vice President have had to weigh carefully the times and places where they would publicly appear or speak lest they be treated disrespectfully. School teachers and church leaders have been booed and ridiculed openly.

Granted there may be here and there among the leaders of our social institutions men and women who fall short of what their office requires or demands. All this, however, does not excuse us from giving the honor and proper recognition to what the office itself deserves! It's a salutary thing to be able to revere and to respect. We are saved by what we regard highly.

To you, the people of this parish, let me provide a very simple illustration as I offer now a public apology to the two deaconesses who have served Saint Luke congregation: Sister Josephine and Sister Dorothy. Had I to do it over again, I would have insisted that when Sister Josephine first came to us that the custom would have been adhered to that the boys and girls in the catechetical class she taught would stand in respect as she entered the room. Humbled and embarrassed as the good sisters might have been, nonetheless it's what they represent that can't be ignored and should be properly recognized. They are the Lord's committed servants who have denied themselves much in order to invest their time and energy in us.

Again, it's this matter of self-esteem that we're talking about. We can't just regard others highly if we've a cheapened notion of ourselves. Years ago I came to the conclusion that you and I do what we do because of what we are, and it doesn't much become a man to hide behind extenuating circumstances. We have our moments when the decisions are clearly made, come hell or high water, primarily on the basis of the kind of people we are—or think ourselves to be.

Jean-Paul Sartre tells how during World War II one of his pupils came to him, seeking his advice. He had an opportunity to escape from France and to live in London. There under the direction of DeGaulle himself he would be able to help in the Freedom for France movement. He was undecided, however, because he was the only son of an aging mother. Torn between patriotism and filial devotion, he wanted Sartre to tell him what to do. The teacher stoutly refused: not because it could be proven that one choice could be morally right and the other morally wrong, but simply on the basis that once the pupil had made the decision he'd have a rather clear-cut idea of the kind of person he would become.

The decisions we make reflect our character. Now all of this is based upon the inspiration that comes from a text, you'll have to go to the Old Testament to find it. It's a very interesting character by the name of Nehemiah. Nehemiah had a responsible position under the king. He also had a keen desire to be of special service to his own people. He wanted to go back to the destroyed city of Jerusalem and re-build the wall, a very noble dream and intention, and he got special dispensation, special permission to do it.

But people don't always appreciate those who are nobly-intentioned. This is part of the hazard that comes to us when we live so—there are those who don't quite understand what we're about. And they stand on the side-lines and make snide remarks, and try constantly to undermine and to ridicule. And that's exactly what happened to Nehemiah, but Nehemiah went back—and can't you picture him there, trying to re-build the wall, putting stone upon stone, in place . . . and then down below, the peanut-minded people making fun of him, trying to destroy him, and some people encouraging him to quit, to go away.

Then at that moment you have Nehemiah drawing up to his full manhood and simply saying: *"Should such a man as I flee?"* Nehemiah was not made of the stuff of which cowards are made. He had this high and lofty opinion of himself. He was meant for

a noble purpose, and he'd forever keep that rendezvous with the basic integrity of his own character.

Have you, my friend, discovered the basic character in your own soul for which you are keeping constantly some kind of a rendezvous? What do you hear when you hear yourself talking to yourself? What do you see when you see yourself in the mirror? *As I seem to me:* what, now, is it?

O. Henry tells about a boy who grew up in a certain small town, in one of his stories, and the boy was very much in love with a pure and an innocent girl. But then, O. Henry says, he leaves the small town and goes to the big city . . . and he completely lets loose and does everything that's consonant with a man who gets a cheap opinion of himself. One day as he's walking down the street, inadvertently his eye falls upon the girl from his home town—she does not see him but he sees her—and it dawns upon him how pure and innocent she really is. And O. Henry has his character leaning against the brick wall and crying out: "O God, how I hate myself!" All of a sudden he got this glimpse of the man he really had become.

But in the sight of God, a man doesn't have to stay there hating himself. Dr. Sangster, a very wonderful pastor, used to tell about his relationship with a man in his congregation who went struggling through life, and every now and then he just found himself in the gutter. His preacher-pastor friend pleaded with him, "Whenever you get headed in that direction, you just come and together we'll wrestle with this thing." The man remembered what the pastor said and he sought him out . . . and in the course of their conversation he said to his pastor, "Tell me, Pastor, for God's sake tell me—tell me I don't belong in the gutter!"

There's something down deep in a man, when he really sees himself, that makes him believe that he was not meant for the gutter, he was not meant to be consigned to Hell. In the sight of God, every man ought to see himself as he is, a child of God, an object of God's love, one for whom Jesus Christ came into the world to suffer and to die and to redeem him! Every Christian has a price tag on his head. It's not to be a price tag that he himself places, but it's the price tag that God himself has placed upon that person.

When the young German martyr, Dietrich Bonhoeffer, lay incarcerated in the concentration camp, regarded by all who knew him as a saint, he himself was filled with self-doubt. And in anguish of spirit one day he wrote this poem:

"Whom am I: this, or the other?
Am I one person today,
and tomorrow another?
Am I both at once—a hypocrite
before others,
And before myself a contemptible,
woebegone weakling?
Who am I? They mock me,
These lonely questions of mine.
Whoever I am, Thou knowest, O God,
I am Thine."

This becomes the ground, the tonic of the wholesome pride for every man who, under God, is entitled to a measure of self-esteem.

TRIBUTE TO BRIG. GEN. CARL SCHUPP

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. PICKLE. Mr. Speaker, this next Sunday is a special day in the proud history of the Texas National Guard. On this day, we will honor Brig. Gen. Carl Schupp II, with an awards ceremony at Camp Mabry, headquarters of the Texas Army Reserve National Guard.

Carl Schupp is a good friend of mine and a friend of all of Texas. He is an uncanny man of strength and intellect. Time and time again, Carl Schupp has proven to be the man with the brains and the muscle to get the job done that only the Guard could do. Once, he even tried to retire to civilian life, only to be called back during the Berlin Crisis. For this duty, Carl was awarded the first oak leaf cluster of the Army Commendation Medal.

Obviously, Carl is a professional soldier in the finest tradition—a personal tradition that began with his graduation as a second lieutenant from the Virginia Military Institute. I know Carl to be a man with the rare combination of precision and compassion, and Mr. Speaker, although I could present a complete list of his accomplishments, my purpose today is to honor the man, himself.

Carl has always tackled any problem with a mixed approach: he is a Yankee by birth but atoned by marrying a delightful Texas girl, the former Miss Irma Rush. Since the 1930's Carl has called Texas home. All in all, he has given 35 years of spirited service to his country and his men.

Actually, Carl is too young to retire. But in retirement, Carl shows us his unselfish nature. Although he would never admit it publicly, I imagine Carl made this decision to retire in order that his junior officers can advance. After all, there are only a given number of officer slots in the Texas Guard and it takes a truly great individual to give way, especially when his career has been so distinguished.

Mr. Speaker, I have been personally acquainted with Carl Schupp for more than 20 years, dating back to his days in Kerrville, Tex. We have worked together on numerous party and civic matters reaching for the goals of Texas. In every test, I have found Carl to be a knowledgeable, courageous and great American citizen.

I am proud to be among the many who salute this man.

THE NATIONAL GUARD AND CIVIL UNREST

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. ASHLEY. Mr. Speaker, on June 11, 1970, I was joined by 32 of my House colleagues in introducing legislation designed to insure that the National Guard is adequately trained and equipped to handle civil disorders. Now, the President's Commission on Campus Unrest has completed its examination of the role of the National Guard in campus disturbances and I think that it is required reading for everyone interested in making sure that the Guard is adequately prepared to meet the rising tide of civil disturbances.

Between September 1967 and June 1970 the National Guard played almost no role in Southeast Asia. On the other hand, during the same period it assisted civil authorities in dealing with urban and campus disorders 221 times. However, as the Commission points out, the training which the Guard receives still focuses heavily on its primary mission of augmenting the active military in time of war or national emergency. In fact, the Guard spends none of its prime training time—neither during the 6-month active duty period nor during its annual 2-week summer camp—on civil disturbance training. Moreover, present National Guard regulations require only 16 hours of such training a year.

To meet this obvious change in priority of function, the President's Commission recommends that the following steps be taken. In the area of training, the Commission recommends that Guardsmen be given additional training during the 6 months of basic training as well as during the annual 2-week summer camp. It also suggests that the Army require that all senior Guard officers attend the Army's Civil Disturbance Orientation Course at Fort Gordon, Ga.

In the area of equipment, the Commission recommends that the Army assign a high priority to providing adequate protective equipment for the Guard; that the Army insure that its members have adequate nonlethal weapons, and that it actively continue research to develop nonlethal weapons control devices for use in civil disturbances.

In the area of discipline, the Commission cites the dangers of issuing lethal weapons to inexperienced or part-time soldiers and recommends that such weapons be used only by trained antisniper teams or when antisniper teams cannot handle the situation. In addition, the Commission recommends that the National Guard adopt and strictly adhere to the standards of restraint for the use of deadly force found in the regulations promulgated by the Army.

Finally, the Commission recognizes the desperate need for coordination between National Guard units and State and local police to handle civil disturbances and calls upon the forces involved to make the necessary plans.

I think that the President's Commission has defined the problem areas explicitly. What is needed now is a mechanism to implement the Commission's recommendations. I believe that H.R. 18036—my bill to establish a Commission to oversee and improve the capability of the National Guard to control civil disturbances—would provide the necessary mechanism for implementing these recommendations.

The basic task of the Commission would be to establish minimum training, doctrine, and equipment standards for the National Guard with respect to its use in civil disorders. The bill, however, does prescribe three specific standards. First, National Guardsmen would be required to devote at least 1 week of their 6-month active duty training solely to civil disturbance training. Second, each

commissioned and noncommissioned officer would be required to participate in an officer training school patterned after the Army's Civil Disturbance Orientation Course. And, third, no command to load and lock weapons may be issued before a National Guard unit is deployed at a disturbance unless there is immediate peril to life.

Any National Guard unit which was not in conformity with the standards prescribed by the Commission would not be entitled to Federal funds.

In addition, the bill would create the States Advisory Council on Civil Disturbances, which would be composed of the National Guard Adjutant General and the chief law enforcement official in each State, with the major objective of attaining coordinated State-National Guard plans in each State to more effectively cope with civil disorders.

Mr. Speaker, I think this bill can carry out the recommendations of the President's Commission and therefore, I intend to introduce it next session where, hopefully, it will receive early consideration.

In the meantime, I commend the following excerpt on the National Guard from the President's Commission on Campus Unrest to my colleagues' attention:

THE NATIONAL GUARD

In recent years the National Guard has been called upon increasingly to intervene in campus disturbances. During May 1970, for example, National Guardsmen were activated on 24 occasions at 21 universities in 16 states, including Kent State University in Ohio. The tragic turn of events at Kent State focused nationwide attention on the Guard—its training, its leadership, and the guidelines under which it operates on campuses. Although it has improved somewhat in response to the criticisms by the National Advisory Commission on Civil Disorders and others of its performance in civil disorders during 1967, we find that the Guard urgently needs to improve further.

TRAINING

Between September 1967 and June 1970 the National Guard played almost no role in Southeast Asia. During the same period it assisted civil authorities in dealing with urban and campus disorders 221 times. However, the training which National Guardsmen receive still focuses heavily on the primary mission assigned to the Guard of augmenting the active military in time of war or national emergency. The six-month basic training for members of the Guard is identical to that received by regular army troops. Only military policemen receiving special civil disturbance training.

When guardsmen rejoin their units after basic training, they receive only limited civil disturbance training. Following the 1967 disorders in Newark and Detroit, the Department of Defense raised the requirement for such training to 33 hours. But since then the requirement has been cut back again to 16 hours of annual refresher training and eight additional hours for new recruits. Moreover, the Department of the Army has instructed the National Guard to carry out this training between January and May, which prevents units from devoting any of their prime training period—the annual two-week summer camp—to learning how to control civil disturbances. All summer camp time is spent in regular combat training.

Guardsmen must receive far more adequate and extensive disorder control training, in recognition of the fact that the National Guard today has a second mission which it performs far more often than wartime duty.

It is not just the lack of technical skill that hampers the Guard when it is called upon to intervene in campus or civil disorders. The Guard is also limited by the dangerous lack of self-confidence that results from inadequate training. The events at Kent State betrayed not merely the Guard's poor preparation, but the poor morale—indeed, the anxiety—that inevitably accompanies poor preparation.

We recommend that additional training in the control of civil disorders be given National Guardsmen during their six-month basic training program and their annual two-week summer training period, and that the federal government provide the states with funds to pay for additional disorder control training.

In some instances the Army has sent senior Guard officers to the Civil Disturbance Orientation Course at Fort Gordon, Georgia, and has established similar courses for junior officers in some states. In a few states the Guard participates in field training exercises with police agencies. We recommend that the Department of the Army ensure that all senior Guard officers attend the Civil Disturbance Orientation Course and that it encourage participation by junior officers in annual field training exercises administrators be invited to attend the course and observe the exercises.

PROTECTIVE EQUIPMENT

The equipment currently worn by guardsmen is designed for combat use not for civil or campus disorders. In most states the Guard's protective gear is far inferior to that worn by the police. This lack of defensive equipment—helmets, face masks, flak vests, etc.—subjects guardsmen to the risk of personal injury, which in turn increases the danger that they will overreact to threatened harm.

Proper protective equipment not only wards off rocks and bottles hurled by demonstrators, it also serves an important deterrent function. As Major General Charles L. Southward of the District of Columbia National Guard told the Commission, the use of visible protective equipment impresses demonstrators with the guardsmen's determination. This in itself often obviates the need to employ force.

Some progress has been made since 1967 in supplying the Guard with protective equipment, but guardsmen have arrived on many campuses without it. We recommend that the Department of the Army assign a high priority to the provision of protective equipment for guardsmen detailed to civil disturbance duty.

NONLETHAL WEAPONS

The Department of the Army must ensure that guardsmen have appropriate equipment for campus and civil disorders, as well as combat equipment. The two separate functions of the Guard—and the different equipment needed for each—must not be confused. Rifles designed for combat use have been inappropriately carried onto the campus in the past. Effective nonlethal weapons are urgently needed by the Guard, so that M–1 rifles or other lethal weapons will not be improperly used in campus disorders again.

The Department of the Army, which has the responsibility for outfitting and arming the Guard, should ensure that its members are provided with the tear gas, batons, and other nonlethal equipment generally appropriate for campus and civil disorders.

After the disorders of 1967, the National Advisory Commission on Civil Disorders urged that the federal government undertake a crash program of research to develop improved nonlethal weapons. Nothing much has come of this research. The need for something more effective than tear gas and less deadly than bullets is greater than ever before. We recommend that the federal government actively continue its research to develop nonlethal control devices for use in civil and campus disorders.

LETHAL WEAPONS

Issuing lethal weapons to inexperienced or part-time soldiers involved in controlling a campus disorder creates a great and unjustifiable danger. We recommend that the states forbid guardsmen to carry rifles, shotguns and sidearms on the campus, except as follows:

First, until nonlethal devices and protective gear are available to guardsmen, it may be necessary, as a last resort, to issue unloaded shoulder arms for defensive and crowd control purposes. But we reiterate that nonlethal devices and protective gear must be made available immediately.

Second, squad or detail leaders trained in the use of sidearms should carry them holstered while on the campus. This creates little risk and affords a measure of protection to the squad or detail in the face of an emergency.

Third, if the command officer is convinced there is a risk of sniper fire, he should deploy specially trained anti-sniper teams operating under guidelines similar to those set forth for the police earlier in this chapter.

Only in the event of armed resistance for which anti-sniper teams are inadequate is it proper to deploy disciplined fire teams, armed with appropriate weapons. They must operate under controls similar to those imposed on anti-sniper squads. They should be available for immediate deployment but held until that time at nearby locations.

The Army manual on civil disturbances and disorders used by the Guard should explicitly describe those situations in which the issuance of rifles and ammunition is inappropriate. The Army and the National Guard Bureau should make every effort to see that these guidelines are adopted.

The provocative appearance of a rifle is multiplied when a bayonet is affixed to it. Using bayonets in a campus situation is unthinkable and should be prohibited. The Department of the Army and the National Guard Bureau guidelines should explicitly forbid it.

USE OF FORCE

The Guard must adopt uniform and restrictive guidelines governing the use of deadly force. The Army guidelines, contained in the manual *Civil Disturbances and Disorders*, specify that only commanders may issue live ammunition to soldiers. The guidelines forbid soldiers to load or fire their weapons without direct orders from an officer. Before such an order can be issued, moreover, the responsible officer must determine that three circumstances exist:

"1. Lesser means have been exhausted or are unavailable.

"2. The risk of death or serious bodily harm to innocent persons is not increased by its use.

"3. The purpose of its use is one or more of the following:

a. Self-defense to avoid death or serious bodily harm.

b. Prevention of a crime which involves a substantial risk of death or serious bodily harm (for example, to prevent sniping).

c. Prevention of the destruction of public health or safety.

d. Detention or prevention of the escape of persons against whom the use of deadly force is authorized in subparagraphs (a), (b), and (c) immediately above."

In almost all states the Guard is nominally committed to adhering to the Army guidelines for the use of force. In actual practice, however, some state units have deviated substantially from the Army guidelines. For example, the Ohio Rules of Engagement provide in part: "In any instance . . . when rioters to whom the riot acts have been read cannot be dispersed by any other reasonable

means, then shooting is justified." We recommend that state National Guard organizations adopt and strictly adhere to standards of restraint for the use of deadly force in campus disorders which at a minimum conform to those promulgated by the Department of the Army.

THE DECISION TO CALL UP THE GUARD

During a number of recent campus disorders, the Guard has been sent onto campuses prematurely. Sometimes this has been the result of inadequate information, planning and coordination. On other occasions political considerations appear to have contributed to the decision. Premature commitment may worsen a tense situation and reduce the likelihood of a peaceful resolution.

Premature commitment of the Guard must not be confused with early mobilization. There is an inevitable lapse of time between a call for the Guard and its arrival in the vicinity of a disorder. If the threat that a campus situation will get out of hand is great, the National Guard should be mobilized, stationed at a place close to the potential trouble spot where it will attract little attention, and retained there on a standby basis until it is needed until the threat has subsided.

There are times, moreover, when the very fact of the arrival of the Guard may avert disorder before any has begun. When reliable information indicates that a mass assembly or demonstration threatens to become violent, the presence of the Guard may serve a deterrent function. The Guard successfully played such a preventive role in New Haven in May 1970.

To facilitate the decision as to whether and when the Guard should be committed, every state should adopt a formal set of guidelines, preferably in the form of a statute or an executive order, setting forth the circumstances that justify the use of the Guard.

Such guidelines should provide, for example, that Guard units not be sent onto a campus unless there is serious and widespread violence that cannot be controlled by local and state police. State constitutions often give governors great discretion in activating Guard units, and guidelines cannot restrict this constitutional power. Nevertheless, a definition of the emergency conditions that justify the use of the Guard, prepared well in advance of a crisis, will help a governor faced with this difficult decision.

The power to activate the National Guard must be clearly fixed. It appears that in some situations the state commanders of the National Guard has acted without authority, or that the governor has delegated his responsibility to the state commander. In one instance, in May 1970, two squads of the Oregon National Guard appeared on the University of Oregon's campus at the personal request of the police chief of Eugene, without the authorization of the state commander. The state commander and governor were unaware of the deployment and, when informed, ordered immediate withdrawal.

We recommend that each state review its laws concerning Guard call-up, and amend them to give the governor sole authority to activate the Guard. Of course, it is extremely important that the governor consult university, local government, and law enforcement officials before making that decision.

DEPLOYMENT OF THE GUARD

The Guard should generally be deployed in a manner that supplements rather than supplants the efforts of local and state police agencies. Guard units should be used primarily for tasks that call for large numbers of men and do not require close or frequent supervision. These include such assignments as establishing perimeter control, manning barricades, guarding buildings, riding with fire department vehicles to protect firemen, and guarding prisoners in open areas.

Whenever possible, confronting crowds of disorderly or violent people should be left to the police. If police need the assistance of guardsmen in these situations, they should assign officers to work with Guard units involved. Such liaison officers can ensure coordination between the Guard's activities and those of the police. The officers also can furnish technical advice and assistance to the Guard, which in most cases has little or no experience with such details of police routine as effecting arrests.

The command relationship between the Guard and the police often presents complex practical, as well as political, problems. When the Guard is deployed to assist a large and knowledgeable police force, the local police chief should command. However, we have noted that local police forces are often too small to respond to a disturbance alone, and officers from neighboring towns, from the county sheriff's force and possibly from the state police are likely to be on the scene.

The Guard's role in this confusing scheme is too important a matter to be decided in the midst of a crisis. It must be determined in advance, and tested and confirmed in joint training exercises.

Some states have enacted statutes defining command relationships when the Guard is called up to help the police. We urge the states that have not yet explored this possibility to do so. In any event, the order activating the Guard should spell out clearly the command responsibility if it has not been previously established. Inappropriate or confused command can prolong or intensify a disorder.

STATE AND FEDERAL RESPONSIBILITY

A governor is the commander-in-chief of the Guard in his state, and he has the authority for directing its activities. Governors must recognize—as not all apparently do—how grave their responsibility is when they call out the Guard to intervene in a civil or campus disorder.

Under existing law, the federal government has little control over how any state Guard conducts its affairs, unless the President federalizes it. Nevertheless, the federal government can and should play a major role in improving the Guard. The Army should assign a much higher priority than it does to equipping and training the Guard for duty in civil disturbances.

In addition, we urge the President to use the power of his office to help persuade the states to bring their Guard up to the standard necessary to deal properly with civil disturbances. The President should invite the governors to meet with him to discuss mehods for improving the Guard and insuring that it has effective professional leadership and the resources it needs. We urge him to do this at once. One Kent State is far too many.

CONCLUSION

In this chapter we have emphasized steps which should be taken to minimize the dangers of violent overreaction to campus demonstrations by the police and the National Guard. The relation of such overresponse to the escalation of violence on both sides is devastatingly clear. The use of excessive force against students, like the dangerous use of violence by students, is a manifestation of the disturbing trend toward polarization in this country.

We have emphasized what must be done to reverse this trend. But we should not fail to note what has already been done. In May 1970, in literally hundreds of cities, thousands of policemen responded to mass student demonstrations with professional skill. The police withstood severe verbal and even physical provocation during extended tours of duty, with intelligence and restraint. In Washington and New Haven, for example, massive demonstrations, which attracted not only peaceful protestors but also small minorities determined to precipitate disorder, were handled with exemplary sophistication and calm.

While the improper use of force by the police or National Guard may enflame campus situations, its proper use can protect the right to protest and prevent the occurrence of violence. Morever, it is clear to us that, in the face of violent and dangerous conduct, the use of force—at the minimum level necessary—is completely warranted to defend the university and our civil society.

The growing disrespect for police is a sad consequence of our national disunity. It will not disappear until as a nation we agree that the cost of injustice and disorder is too high.

It is essential that those committed to law, order, and justice in these difficult times recognize and commend the high standards of professionalism that an impressive number of law enforcement agencies meet.

Police departments are not the independent masters of their own destiny. Police professionalism cannot be further developed without a recognition of its prerequisites by top civilian officials and their decision to support it and give it room to develop.

The police—and the National Guard—cannot meet the new challenges confronting them without assistance. They need broad public support to perform their enormously difficult tasks skillfully and effectively. The prevention of needless and tragic violence is the shared responsibility of all of us.

A BILL TO END ABORTIONS ON DEMAND IN U.S. MILITARY HOSPITALS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. SCHMITZ. Mr. Speaker, I recently introduced a bill which would put an end to the policy announced July 31 of this year, of providing abortions on demand in U.S. military hospitals. The right to life is the most precious and essential of all rights, which the government of any civilized society has a supreme obligation to defend. Especially in view of the fact that it is sometimes argued that abortion is particularly needed or demanded by the young and by women, I would like to share with you a beautiful letter to me from a 17-year-old girl in Anaheim, Calif., on this subject. She has graciously given me permission to present it to you.

The letter follows:

AUGUST 16, 1970.

DEAR CONGRESSMAN SCHMITZ: I am 17-years-old and have written you before about things that now seem unsignificant after what I have just found out. The subject I am referring to is abortion. The subject that puts unsurmountable fear in me, who will be having children of my own soon. How anyone can kill a child conceived in the love of two beings by God's grace, wisdom, and love for us, is beyond the capability of my understanding. I believe anyone so conceived, has the right to enjoy the things God gave us; namely, life. No person has the right to take that away from him, be it a doctor, a law, or God forbid, his mother.

With these thoughts in mind, I ask you to act in any way you can to prevent this from happening. God speed.

Very sincerely yours,

DEBBIE FELLBAUM.

ENVIRONMENTAL CLEAN UP AND CONTROL

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, October 8, 1970

Mr. CRANSTON. Mr. President, the elements of environmental decay—noise, smog, filthy water, power failures, vanishing species, garbage on our city streets and countryside, oil-drenched beaches, urban sprawl, despoiled forests—all are recruiting more and more Americans for the battle against environtal degradation. The major thrust of citizen activity is to influence government, to get our legislatures to enact laws to protect the environment and to get State and national administrations to enforce these laws.

But in addition to these splendid organized citizen efforts, many Americans want to make an individual commitment to saving and enhancing our environment. I am constantly asked what an individual should and should not do in his daily life if he wants to stop participating in our society's lemming-like scramble toward an unlivable world.

Various personal environmental checklists have been devised. The following compilation represents a cross section of suggested actions and prohibitions. I doubt that many Americans conform to all of these guidelines. I must confess that I do not, although I make every effort to avoid the excessive consumption which is the cardinal prohibition underlying all these rules.

The checklist is quite useful both in its specifics and in setting the theme for our personal and social behavior which is more compatible with living in harmony with our environment.

I ask unanimous consent that this checklist be printed in the RECORD.

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

PERSONAL CHECKLIST FOR ENVIRONMENTAL CLEANUP AND CONTROL

Walk or bicycle.

Use public transportation. In unavailable or poorly run in your area, as if often the case, organize citizens' group to establish or improve service.

If the use of a private automobile is essential, keep the number of weekly trips to a minimum. Use car pools whenever possible.

Avoid hobbies that use the internal combustion engine.

Use lead free gasoline.

Keep car tuned up and in top mechanical condition. Poor combustion adds to pollution.

Make certain your car is outfitted with anti-pollution devices and that they are properly maintained.

When it is time to purchase a new car, consider a small one with a small engine. There is no need to drive a car that is made to operate most effectively at illegal speeds.

Urge American car manufacturers to make cars with less horsepower.

Have furnace and air conditioner checked periodically to be sure they are in proper working order.

Do not burn leaves, cuttings, and trash. Create a compost pile.

Use as few paper products as possible. Wash 'n wear napkins make life just as easy. Plastic plates can be used repeatedly for picnics and snacks.

When buying needed paper products stick to plain white. The patterned and solid colored varieties pollute streams with nonbiodregradable dye.

Do not leave water running unnecessarily. Teach children to turn off faucets; fix leaky faucets.

Do not over-water your garden. Water in the evening to reduce evaporation.

Plant ground cover, shrubs, and trees to protect watershed and prevent unnecessary runoff.

Do only full loads when using washing machines, dryers, and dishwashers.

Never litter anywhere, any time. Use a litter bag in your car.

Study the phosphate content of detergents.

HOW MUCH PHOSPHATE?

Even so simple a matter as listing detergents by their phosphate content raises confusing questions. Should such a list be in order of each product's content of *phosphorus*, the element the algae actually use? Most of the accounts that have alerted consumers speak of *phosphates*, the chemical compounds in which phosphorus is actually present in detergents. Why not then a list by phosphate content? That might not be the best choice either—a product whose label calls for only a quarter-cup per wash load might thereby look guiltier than a product of lower phosphate content that required you to use considerably more of it to do your wash. For that matter, *in what terms* should the phosphate content be listed? A variety of compounds are used commercially, all containing different percentages of phosphorus.

CU therefore chose to translate each brand's pollution potential into the phosphate, in the form of PO_4 ion, a single wash or dishwasher load would actually yield. We started with information on phosphate levels the manufacturers had furnished the Reuss subcommittee, modifying the data where the industry advised us of changes. We then calculated each brand's per-load phosphate contribution, noted below, from the minimum amount of detergent the label recommended for a top-loading washing machine (or dishwasher, where appropriate).

We hope that concerned consumers will find the listing useful. But keep in mind that the phosphate content of many detergents is likely to change in the near future as public pressure mounts. We will attempt to update the list periodically as new data becomes available.

LAUNDRY DETERGENTS

	Amount used (cup)	Phosphate per load (gram)
Cold Water All (liquid)	½	0
Duz Soap	1½	0
Ivory Flakes	1½	0
Ivory Snow	1½	0
Lux Flakes	1½	0
Sears Enzyme Laundry Detergent	½	[1] 0
Whirlpool Laundry Detergent	½	[1] 0
A&P White Sail	(2)	2
Jet Power	½	9
Amway S-A-8	¼	16
Easy Bright	1	17
Fyne Tex	1	17
Grand	1	17
Key Food	1	17
Pathmark All Purpose Detergent	1	17
Shop Rite All Purpose	1	17
Staff	1	17
Wisk	½	17
Hudso	½	18
Pathmark Cold Water Detergent	1	18
Service Soft	½	18
Shop Rite Cold Water Detergent	1	18
Market Basket Blue	1½	23
Shopping Bag	1½	23
Vons	1½	25
Brillo Detergent	1¼	26
Cheer	1¼	26
News Detergent	1¼	26
Gain	1¼	27
Lucky Low Suds	¾	27
O-SO-Kleen	¾	27
Stater Bros	¾	27
Rinso	1¼	28
Bio-Ad	1¼	29
Bold	1¼	29
Cold Power	1¼	29
Dreft	1½	29
Fab	1¼	29
Farm Service Laundry Detergent	1	30
Food Giant	1½	30
Sears Laundry Detergent	½	30
Surf	1¼	30
Ajax Laundry	1¼	31
Bonus	1½	32
Punch	1¼	32
Silver Dust	1½	33
Duz Detergent	1½	34
Oxydol	1¼	34
Breeze	2	41
Drive	1¼	41
Cold Water All (powder)	1¼	42
Concentrated All	1	42
Tide XK	1½	[3] 43
Dash	¾	47
Salvo	(4)	47
A&P Blue Sail	1½	48
PRESOAKS		
Amway Tri-Zyme	¼	13
Brion	½	19
Sears Enzyme Presoak	½	22
Axion	½	34
Biz	½	34

AUTOMATIC DISHWASHING DETERGENTS

	Amount used (tablespoon)	Phosphate per load (gram)
Electrasol (soft water)	1½	4.0
Finish (soft water)	1½	4.3
Electrasol (hard water)	1½	6.0
Sears Automatic	1½	6.6
Finish (medium water)	1½	6.9
Amway	2	8.3
Calgonite	2	8.5
All	2	9.8
Finish (hard water)	1½	10.0
Cascade	2½	12.0

[1] As of Aug. 15, 1970.
[2] A "good squeeze."
[3] Only 75 percent of this figure for about ⅓ of present production.
[4] 2 tablets.

For laundry use a combination of low phosphate detergent and washing soda. This combination is just as effective as the enzyme presoak products, which should be avoided. The use of such products involves doubling the phosphate output since clothes soaked must then be washed with more detergent.

Noise is a major environmental pollutant. Keep the volume of radios, televisions, record players, and tape recorders down.

Do not use power tools or other noise producing appliances late at night.

Do not make unnecessary use of the horn on your car.

Do not use electric power needlessly.

Power plants create various kinds of pollution. The more electrical appliances we consider necessary in and around the home and the more often we use them, the greater the level of thermal pollution.

Turn off the lights when leaving the room.

Do not use non-thermostat heaters.

Try to do without or use only when absolutely necessary: electric toothbrushes and other dental hygiene instruments, electric blankets, electric hair brushes and combs, electric lawn mowers and hedge clippers, garbage disposals, electric blenders, electric waffle irons, toasters, vacuum cleaners, air conditioners, electric fans, electric can openers, electric juicers, electric hair dryers, electric shavers, electric typewriters, electric fry pans, sauna baths, electric shoe polishers, electric knife sharpeners, electric massagers, and electric bar equipment.

And, yes, television, too. The overuse of television, particularly by children, has vari-

ous possible dangers, including environmental.

Avoid superfluous electrical gadgetry.

Avoid the use of pesticides and herbicides. A product that contains any of the following ingredients should never be used: Aldrin, Chlordane, DDD, DDT, Dieldrin, Endrin, Heptachlor, Kelthane, Lindane, Methoxychlor, Ovex Tedion, Thiodan, Toxaphene, and any other chlorinated hydrocarbon insecticides.

Hosing down plants will help rid them of aphids and other pests. Ladybugs are an excellent method of fighting aphids, and can generally be purchased in the spring. Dormant sprays are generally the safest to use.

Buy durable merchandise.

Purchase reusable containers, cartons, and bottles. Unreusable items must be biodegradable.

Do not buy products of fur or leather of any endangered species.

Do not buy turtle soup, meat or tortoise shell products.

Do not buy pet food containing whale meat.

Community action is essential. Check in your community to be sure there are well organized citizens' action groups with sound plans designed to fight air, water, pesticides, and noise pollution, to conserve land and recycle solid wastes. Join them.

And if, for example, there is no planning commission, or air pollution control committee, contact your neighbors and organize it.

Work for the establishment of a good recycling program in your area. This must involve the sorting of trash at each dwelling into glass, tin aluminum, and wet garbage, before being picked up.

Research and inform—discover the needs of your area, then inform fellow citizens and enlist their cooperation. Write letters to the editor of your local papers. Use local radio and television.

When you become aware of a local source of pollution, speak to the individuals responsible.

Write to manufacturers concerning offensive products or packaging.

Support bond issues or referenda designed to strengthen pollution control.

THE SUPREME COURT

HON. WALLACE F. BENNETT

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, October 8, 1970

Mr. BENNETT. Mr. President, I stand squarely with President Nixon in his effort to return the Supreme Court to its proper role as an interpreter of the law and not a second legislative body of the Federal Government. I feel progress has been made in that direction. I note that in an article in the October issue of Dun's the prospect of a conservative majority on the Supreme Court is reviewed, particularly in light of its impact upon the business community.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

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

BUSINESS AND THE NIXON COURT

(By FRED P. GRAHAM)

Last spring, after the Senate had turned down the Supreme Court nominations of G. Harrold Carswell and Clement Haynsworth, there was some talk that President Nixon's inexperience in picking judges was beginning to show. But Chief Justice Warren E. Burger pointed out that, on the contrary, Richard Nixon was one of the most experienced selectors of Justices in United States history. Substituting for the President as the after-dinner speaker at a Washington banquet, the new Chief Justice tucked his tongue in his cheek and noted that no President since George Washington had nominated as many Justices in so short a time as President Nixon.

Getting a laugh out of the White House's discomfiture without hurting anyone's feelings was an adroit performance in itself. Yet there was more than a shadow of prophecy in the teasing reference. For not only did the retirement of Chief Justice Earl Warren and the departure of Justice Abe Fortas give the President a rare early opportunity to place a consevative stamp on the Supreme Court by replacing two of its most liberal members; given the age and infirmities of three of the remaining Justices (84-year-old Hugo Black and septuagenarians John Harlan and William O. Douglas), it is likely that President Nixon will be able to appoint a Supreme Court majority, the first President to be afforded such an opportunity since Franklin D. Roosevelt.

By appointing pro-New Deal Justices back in the late 1930s, Roosevelt was able to overturn many of the court's "strict constructionist" decisions and to set its tone for a generation. Now, given President Nixon's campaign criticism of the high court and his pledge to appoint "strict constructionists" if elected, there is every reason to believe that a Nixon-appointed court will reverse the trend once again.

While it is clear that a staunchly conservative court would have a profound impact on such controversial areas as civil rights and the rights of criminal suspects, how would such a shift to the right affect the many complex decisions that concern business? The first year of the Burger court provided only hints of the future course of the new Chief Justice's decisions. But several impressions did emerge.

For one thing, most of Burger's labor decisions favored management. His only pronouncement on the general subject of labor implied that he believes in a Constitutional "right to work"—a First Amendment right to refuse to join a union. This came when the court refused to hear the appeal of a former New York Teamster member who had been denied unemployment compensation because he invoked "conscientious objections" against rejoining the union and thus could not accept a job offer in a union shop. In the odd-couple act of the year, liberal Justice Douglas joined Burger in a dissenting opinion that the denial of benefits "places a burden on the petitioner's freedom of association." Using the terminology employed by the Supreme Court in its defense of a young man's right to become a conscientious objector to military duty, Burger argued that the worker's opposition to union membership could be a "deeply felt belief which falls in the First Amendment area."

The suggestion that workers have a Constitutional right to ignore compulsory union membership arrangements is one that few judges have been willing to kick around in public. Burger's apparent approval of the idea suggests that this unusually independent jurist may have some unhappy moments in store for organized labor.

The court's other labor decisions of last term did not give Burger an opportunity to amplify his philosophy, but his decisons on the rather narrow and technical cases that were decided must have given union lawyers some sober thoughts. Out of ten rulings that decided controversies between workers or their unions and management, he agreed with the employer's position eight times. In the two instances in which he rejected the employer's contention, the issue was apparently so clear-cut that the decision was unanimous.

Burger's conservatism on labor and other issues seems to stem primarily from three beliefs: a feeling that courts should not shortcut established procedures and lines of authority, a conviction that as many problems as possible should be handled by the states, and a strict constructionist's belief that the Constitution and laws should not be given generous reading to accommodate individuals' claims for expanded rights.

What impact will this philosophy have on the court's antitrust decisons, which during Earl Warren's tenure invariably upheld the Justice Department? There is not much to go on here, since antitrust cases were a rare commodity at the court's last session. But in the one case that did come before the court, Burger, joined by Justice-Harlan, did not accept the government's contention that the merger of two Phillipsburg, New Jersey banks violated the antitrust laws. Both Justices, in fact, pointed out the benefits of the merger.

THE FOURTH MAN?

Although he did not joint them on that case, Justice Potter Stewart showed a definite tendency at the court's last session to join Burger and Harlan in objecting to strict governmental regulation of business. Now, as the court term opens this month, the key question as far as business is concerned is whether the court's newest Justice, Harry Blackmun, will be the fourth man in an emerging pro-business alignment.

There are many signs, in addition to his lifelong friendship with the Chief Justice, that Blackmum shares the philosophy of the three conservative justices. Most significantly, he is an unabashed admirer of the late Justice Felix Frankfurter, who was the intellectual leader of the Warren Court's conservative minority.

Blackmum joined the court too late last spring to participate in many cases. But he wrote one dissenting opinion that could prove to be a straw in the wind: He joined Burger and Harlan in favor of giving the states broader discretion to suppress prurient films, books and magazines. This opinion has nothing to do with business, of course. But it indicates a generally conservative outlook and an intellectual kinship with Burger and Harlan.

If these four Justices do gravitate towards a philosophical alignment on the court's right, it could have a significant impact on several business-related cases that are now on the court's docket. And if they were joined in any one case by Justice Byron White, frequently the court's "swing man" between the liberals and conservatives, they would form a majority.

The old problem of secondary boycotts in the construction trades will be back before the court—this time to test the legality of a union's pressure on a neutral employer. The right of national banks to compete with mutual funds by operating commingled agency investment accounts will be decided, as well as the authority of state and federal courts to make unions pay damages to workers who have been wrongfully stripped of their union memberships.

But the most intriguing set of business-related questions are the increasing instances in which individuals seek to invoke concepts of free speech and equal treatment against private companies. In fact, such cases could become the major concern of corporate lawyers.

Item: Ida Phillips of Orlando, Florida was denied a job by Martin Marietta Corp. under a company rule that barred all mothers of pre-school-age children. She claimed that this violated the Civil Rights Act's rule against sex discrimination. Lower courts agreed with the company's assertion that she was excluded not because she was a

female, but because her responsibilities to three small children might detract from her work. Should employers be forbidden to lay down such blanket rules regarding women, and be required to prove in each individual case that the woman would be handicapped in her job because of her sex?

Item: Black workers at the Duke Power Co. plant in Draper, North Carolina were segregated into menial jobs until the federal equal-employment law was passed in 1964. But ever since that time, few of them have been able to move up because the company has instituted a requirement of a high-school diploma or a specified score on an intelligence test as a prerequisite for promotion; Negroes have not fared well on either score. Should employers be barred from applying such a test, even though it is applied equally to all races, unless it can be shown that the tests actually do measure the employees' capacity to do the work?

Item: An interracial group in Chicago felt that Jerome Keefe, a real-estate broker, was guilty of "blockbusting" in their neighborhood—that is, of attempting to panic white homeowners into selling out at deflated prices by suggesting that blacks were moving in. They distributed leaflets that expressed this view but were ordered to stop by a state judge. Does the right of privacy of Keefe and his family outweigh the protesters' First Amendment right to express their views?

Although this issue came to the Supreme Court as a small businessman's racial dispute, many lawyers think that it will come to plague officials of large companies, and not always over racial questions. Large corporations are increasingly becoming the targets of antiwar and environmental activists, who may adopt the tactic of picketing corporate officers' homes if the Supreme Court gives the strategy its blessing. Similar questions seem to be imminent.

What right, for instance, do union members have to demand entry into a privately owned skyscraper in order to picket a company that has offices inside? Does the Constitution give individuals legal recourse against companies that poison the environment with pollutants and radiation? Can a company that holds government contracts be required to go beyond nondiscrimination to hire a certain percentage of Negroes?

These are questions that are either on their way to the Supreme Court now or are likely to gravitate there soon. And their ultimate disposition could certainly be determined by the amount of time that elapses until these cases are heard. For if, say, Justices Black or Douglas—or both—should decide to call it a career, a conservative majority would almost automatically be assured. There is strong indication in the writings of Warren Burger that the Warren Court was presumptuous in some of its declarations of individual rights against the state. Thus, as efforts are made to extend these rights to an individual's relationship with a corporation, a Nixon-appointed court would be almost certain to demur.

It is, of course, true that a man's previous record is not always an accurate guide to how he will act when he takes his seat on the hallowed top court. After all, President Eisenhower was under the impression that Earl Warren was a middle-of-the-roader when he named him Chief Justice.

But President Nixon has selected only men from the Federal Courts of Appeal who have solid track records as conservatives on the types of legal questions that tend to come before the Supreme Court. This is why many lawyers believe that Nixon may indeed succeed in molding a staunchly conservative court that could—much like its liberal predecessor—affect the life of the nation for a generation.

As far as the business community is concerned, such a rightward shift could reshape the court's position in such thorny areas as labor law and antitrust and effectively bar the door to a rush of private complaints against corporations. To quote the late Chief Justice Charles Evans Hughes in one of his unguarded moments, "The law is what the judges say it is."

CONCERN OVER THE FATE OF AMERICAN POW'S

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ABBITT. Mr. Speaker, millions of Americans are becoming increasingly concerned over the fate of American prisoners of war now being held by the North Vietnamese and the National Liberation Front.

Our Government has for many months been attempting to work out some kind of arrangement with the North Vietnamese and the Vietcong over the prisoner-of-war question and efforts have also been made by the Red Cross and other nongovernmental organizations. Efforts have proved unsuccessful due to the adamant attitude of the enemy negotiators.

In the meantime, the families of the American prisoners have been waiting patiently and prayerfully hoping for good news. The valiant wives and parents of these men deserve tremendous credit for their splendid attitude in the face of circumstances which are confusing to say the least. The courage of the American prisoners is matched by the commendable attitude and determination on the part of their families at home.

Several months ago, I joined with other Members in introducing a resolution calling upon Congress to insist that our Government do everything possible to obtain the release of these men. We also urged that pending their release, efforts be made to obtain better treatment of the prisoners and to obtain for our Government and the families of these men full information as to those now being held by the enemy.

I have had the privilege, on several occasions, to meet with the wives of men from my congressional district who are being held by the North Vietnamese and I have been most impressed by their understanding attitude and their determination to carry on in the face of many obstacles. It is an inspiration to talk with them and to realize that they have not given up but are determined to see this thing through. These ladies have received much support from interested groups who are becoming most concerned about the prisoner-of-war issue. I am hopeful that this combined effort will result in bringing more public pressure to bear so that favorable results can soon be obtained.

I believe that these ladies deserve the highest commendation of their fellow citizens in their attempt to alert the American people to the prisoner-of-war issue. Furthermore, it behooves all Americans to share their concern and to attempt to match their dedication to the task of obtaining the prisoners' release.

I, for one, feel that every possible effort should be made to assure that our men are given proper treatment, that the enemy abide by the recognized international procedures regarding prisoners of war and that the prisoners be released as soon as is humanly possible.

I call upon all Americans to share in this responsibility. Obviously, all of us cannot have a direct hand in bringing about the release of these men but we can join their wives and families in the prayerful hope that they will soon be returned to us. These families have borne the sorrow of the Vietnam war to an extent which many of us are unable to fully appreciate. We can, however, share in their concern and lend them our unflinching support in the cause for which they have given so much of their individual effort.

AUTO SAFETY: BUMPERS—NO. 3

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. SCHWENGEL. Mr. Speaker, the Insurance Institute for Highway Safety recently conducted low-speed crash tests on several models of the 1970 autos. These results are frightening in terms of the potential economic loss, and physical suffering which will result from these poorly designed bumpers. A summary of the test results published in the June 16, 1970, issue of the Insurance Institute for Highway Safety's Status Report follows:

1970 CRASH TESTS

Results of the Institute's low-speed crash tests on 1970 model cars were made public during the symposium By Dr. John T. Holloway, vice president for research.

The 1970 tests were conducted on four models of cars in each of three size categories—popular sedans, "pony cars" and small cars.

The tests are an expansion of a series which began in 1969. Results from initial tests were the basis for testimony by William Haddon, Jr., M.D., president of the Institute, before the Senate Anti-Trust and Monopoly Subcommittee in March 1970, and in October 1969.

Haddon had criticized the cosmetic nature of automobile exteriors which, he said, are "aimed at the eye of the consumer in the showroom (but) are pointed directly at his wallet on the road in the low-speed bumps and scrapes so common—and so predictable—in driving and parking today."

Both for 1969 and 1970 models, tests were conducted on the Chevrolet Impala, Ford Galaxie, Plymouth Fury and American Motors' Ambassador. The 1970 model tests added the "pony cars" (Mustang, Camaro, Barracuda and Javelin) and small cars (Volkswagen 1600, Toyota Corona, Ford Maverick and American Motors' Hornet).

In addition, the Institute also crashed each of the 1970 model small cars into a standard steel-and-concrete test pole. Complete, model-by-model test results are given in the chart on page 7.

While five and 10 mile-per-hour crashes produced lower repair estimates for the

lighter "pony cars" than for sedans, that did not hold true in the 15 mile-per-hour crashes, due principally to the test results on one car—Chevrolet's Camaro.

The Camaro's repairs after a 15 mile-per-hour, front-end crash were estimated at $1,052.60, almost twice the $599.35 repair estimate on the Camaro after a 10 mile-per-hour crash, and more than $300 above the average of the other three "pony cars" tested. When considered without the Camaro, those three averaged $741.35, only $12.52 above the four-door sedan average.

One major reason for the 1970 Camaro's high cost of repairs was that in a 15 mile-per-hour front-end crash the car's front windshield had to be replaced.

LOW-SPEED SAFETY HAZARDS

The Institute's low-speed crash tests were conducted initially to determine the degree of fragility and cost of repairs to popular model cars. Films of the crashes, however, revealed that many of the 1970 cars tested contained definite safety defects, even at low speeds. These were shown in a special film at the symposium. Following is a list of the safety defects shown in the film. All cars are 1970 models.

1) Chevrolet Impala, four-door, 10 mile-per-hour, front-pole crash—hood latch opens on impact.

2) American Hornet, two-door, 10 mile-per-hour, frontpole crash—driver's seat back unlocks, flies forward.

3) Chevrolet Camaro, two-door, 10 mile-per-hour, front-barrier crash—passenger's seat back unlocks, flies forward.

4) Plymouth Barracuda, two-door, 5 mile-per-hour, front-barrier crash—driver's seat back unlocks, flies forward.

5) Volkswagen 1600, two-door, 15 mile-per-hour, front-barrier crash—windshield pops out.

6) American Hornet, two-door, 10 mile-per-hour, front-side crash—window shatters on driver's side.

7) Chevrolet Camaro, two-door, 10 mile-per-hour, front-side crash—window shatters on driver's side.

8) Plymouth Barracuda, two-door, 10 mile-per-hour, front-side crash—window shatters on driver's side.

9) American Javelin, two-door, 10 mile-per-hour, front-side crash—window shatters on driver's side.

10) Ford Mustang, two-door, 5 mile-per-hour, front-barrier crash—drops from neutral into forward on impact.

11) American Javelin, two-door, 5 and 10 mile-per-hour, front-barrier crash—drops from neutral into forward on impact.

12) Ford Galaxie 500, four-door, 15 mile-per-hour, front-barrier crash—drops from neutral into reverse on impact.

INSURANCE INSTITUTE FOR HIGHWAY SAFETY—1970 CRASH TEST RESULTS

Model	5 m.p.h., front	5 m.p.h., rear	10 m.p.h., front	10 m.p.h., front/rear	10 m.p.h., front/side	10 m.p.h., front/pole	15 m.p.h., front
Sedans:							
Chevrolet Impala	$196.20	$247.30	$491.40	$421.30	$481.80	(1)	$740.40
Ford Galaxie	185.80	325.25	459.05	513.45	478.35	(1)	703.10
Plymouth Fury	171.30	202.05	600.05	483.60	515.75	(1)	652.30
AMC Ambassador	309.25	100.05	615.75	813.80	521.55	(1)	819.50
Average	215.64	218.66	541.56	558.04	499.36	(1)	728.83
Pony cars:							
Ford Mustang	160.30	147.05	400.70	615.65	402.35	(1)	661.35
Plymouth Barracuda	176.60	197.10	332.90	379.75	409.70	(1)	876.05
AMC Javelin	262.67	132.40	618.85	550.59	502.05	(1)	686.65
Chevrolet Camaro	130.10	174.00	599.35	465.60	437.90	(1)	1,052.60
Average	182.42	162.64	487.95	502.90	438.00	(1)	819.16
Small cars:							
Volkswagen	120.25	64.45	322.35	228.20	381.55	$335.75	518.70
Toyota	133.70	69.30	410.94	305.57	316.34	370.03	486.86
Maverick	153.10	204.75	427.35	449.80	423.30	400.55	590.55
Hornet	204.50	193.85	508.40	590.20	591.75	474.60	636.75
Averages	152.89	133.09	417.26	393.44	428.24	395.23	558.22
Final average	183.65	171.46	482.26	484.79	455.20	395.23	702.07

[1] Not tested.

SPACE: THE INTERNATIONAL APPROACH

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, Al Rockwell, chairman of the board, North American Rockwell Corp., a highly respected civic leader of Pittsburgh, Pa., has made a thought-provoking and timely speech on the subject of space. Mr. Rockwell calls for an international approach to space exploration program and feels it offers a practical vehicle for international peace in the years to come.

This speech comes at a time when the world is torn with strife and armed conflict, but through practical proposals we can see hope and light ahead for peaceful progress. The speech is also timely since the Independent Offices appropriations bill vetoed by the President is back before the Congress for action. There is some talk of further cuts in space from this bill even though it is $64 million below the rockbottom figure submitted by the President to the Congress. Indeed, the $3.268 billion approved by the Congress in the appropriations bill is barely enough to keep alive NASA installations and communications facilities and the projected space program and should not be cut further.

I feel that Mr. Rockwell's words before the Canadian Club of Toronto are indeed far-reaching and prophetic and should be read by all Members of this body. Having been invited to address the Canadian Club this spring, I know what an outstanding and influential group of business and professional Canadian citizens are represented in its membership.

The speech follows:

SPACE: THE INTERNATIONAL APPROACH

(By Willard F. Rockwell, Jr.)

Ladies and Gentlemen: Nearly two hundred and forty-nine years elapsed from the first voyage of Columbus, in 1492, and the last great voyage of discovery in the New World, Vitus Bering's discovery of Alaska in 1741.

In those two hundered and forty-nine action-packed years, every great land mass was uncovered and virtually every shore charted, and the foundation was laid for the development of the world as we know it today.

By contrast, it has only been fourteen months since man made his epic "first small step" on the surface of the moon. Neil Armstrong, speaking on the anniversary of this great feat, already has voiced his disappointment at the aftermath.

His words were directed, not at the abrupt redirecting of national priorities that has slowed the thrust into space, but at the failure of the moon voyage to achieve the peaceful effect so greatly desired among men of all nations. "I had hoped," Armstrong said, "that the (voyage) might take our minds away from some of the more mundane and temporal problems which we as a society face. . . ."

FEAT OF MAN

In the dreams of Armstrong and many others, space conquest should be one of the cooperative cohesive forces that would bring men together.

In a way, we all share Neil's disappointment. I believe each of us who watched the snowy TV picture, as that futuristic figure touched hesitantly on the lunar surface, had the same deep-rooted hope—perhaps this was the time, perhaps this was the one feat of man that would finally bring the world together.

President Nixon expressed that hope in the congratulatory words he conveyed by radio telephone to the two men on the moon:

Quote. "For one priceless moment in the whole history of man, all the people of this earth are truly one—"

Yet, one year later, Armstrong has been disappointed in the first year's progress, but a substantial U.S. space program is still in operation, and appropriation procedures are now pending in the U.S. Congress.

I think the world *is* moving closer to that cooperation.

UNIVERSAL PEACE

I think it will be the feats of Armstrong and Aldrin, and Collins and Conrad and Bean and Shepard and Mitchell and the hundreds who will follow in the seas of space, that will continue to be the core of endeavor which eventually will draw all nations together.

I hope that on the tenth anniversary of Neil Armstrong's journey he will be able to speak with encouragement and satisfaction with continued space progress. I sincerely hope by that time we will have realized a goal that has so long eluded us . . . universal peace.

I do not minimize the obstacles in the way.

In the United States, as you know, there has been a continuing cut back in the space effort, the result of new, and surely desirable reassessments of national priorities. Today the budget for American space effort represents just 1.7 percent of the total national budget as compared with 41 percent for human resources.

Let me assure you, even with this reduced percentage of U.S. Federal government funds allotted to the space effort, these space, research, development and exploration programs will continue. I am an optimist.

According to the Christian Science Monitor, the money spent on tobacco and cosmetics in the United States equals that spent on the space program!

And the space effort receives only half of what is spent in New York City alone on legal gambling!

CUTBACKS IN THE BUDGET

The space effort must continue. To do otherwise, to halt the voyages of the new Magellans could, in effect, shut the door on

the hopes and aspirations of untold billions of our world's peoples.

To erode the U.S. space program, as the cutbacks in the budget are doing, theatens the technological future of the United States and its capabilities to cope with environmental problems.

Events happen so quickly in this hypertense world of ours that it's sometimes difficult to grasp the enormity of feats accomplished in such a short span of time. It's difficult to grasp that the entire thought, vision, and horizon of the world has been changed within our lifetime, especially in the last ten years.

It is within the lifetime of many in this room that all this drama has taken place. Most of you were unaware of the beginning less than fifty years ago. I know I was a boy in Pittsburgh when Doctor Robert Goddard in March 1926 launched the first liquid propellant rocket on a farm near Worcester, Massachusetts.

Dr. Goddard worked in obscurity. But on that day he unlocked the universe when he proved that rocket velocities greater than the speed of sound could be attained.

LIQUID ROCKET ENGINE

Dr. Goddard proved that escape from Earth, bizarre though it seemed, was just a question of more propellants, and of a more dependable rocket chamber. He proved that a rocket could act in a vacuum, that it was the perfect engine to leap beyond the atmosphere into the unknown seas of space.

Dr. Goddard, however, could not control the destiny of the liquid propellant rocket engine. For better or worse it led to the German V–2 rocket, and to the intercontinental ballistic missiles, but it led also to Saturn V, the vehicle that lifted men on the voyage to the moon.

It opened a major new era of intense scientific activity.

As early as 1955 world scientists were talking openly of the possibility of orbiting manmade satellites about the Earth. But it was not until three years later and a national humiliation that America placed its first basketball-sized satellite, Explorer 1, in orbit in January 1958.

These were cautious steps, hesitant steps. These were the first moves toward the development of Mercury, the one-man spacecraft developed to orbit the Earth and to introduce the name John Glenn to the hall of fame. But understandably the nation, and to certain extent, the scientific world, were confused.

MAJOR PAYLOADS

What was it America wanted? What were the goals? What were the purposes of these expenditures that were already beginning to mount in cost from $145 million in 1959 to $400 million the following year, and $744 million in 1961? For several years we were the victims of a form of Russian progress, acting and reacting to Soviet advances in space. We *DID* know that the prize had to be more than just beating the Russians.

One reason for the hesitancy was that we lacked the great rocket power necessary to place major payloads into space orbit.

The rocket engine dilemma, the need for power, was solved with the contracts awarded to North American Rockwell for the development of the F–1 rocket engine, and later for the J–2 liquid hydrogen engine.

With the planned development of the engines, we had the potential power. What we still lacked was a purpose.

It was then that John F. Kennedy stood before the Congress of the United States and electrified his audience and the world on May 25, 1961 with a ringing statement: "Now is the time to take longer strides, time for a great new American enterprise, time for this nation to take a clearly leading role in space achievement, which in many ways may hold the key to our future on Earth.

NONE SO DIFFICULT

"I believe this nation," the President continued, "should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth.

"No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish." End quote.

That was the start.

Eight years and twenty one billion dollars later, man stood on the moon.

One of the most awesome aspects of the Apollo effort was the cooperation needed, within the country itself, and on a worldwide basis to support the space vehicle tracking network.

At no time in history had so many companies—20,000—been mobilized for a single undertaking. Never before had there been an undertaking that equalled it in size. It was comparable in scope to the Manhattan Project that developed the atom bomb.

STRIKING DEMONSTRATION

It was an epic in management, and it was an epic in cooperation.

The job was so immense that American industry found, in the words of Homer, that, quote "No man is able of himself to do all things." Unquote.

It was a time of the most striking demonstration of international interdependence. The very nature of the project demanded specialization. And the thousands of scientists and engineers involved learned to depend on others for success in areas beyond their own specialties.

Apollo, for the most part, was an American venture. However, most heartening is the present indication that future efforts will not involve one nation alone, nor two nations, but a family of nations.

We will see affirmation of the fact that space does not belong to the United States alone, nor to Russia alone, nor to the United States and Russia combined. Space is universal and it must be explored in that fashion.

From its inception in October 1958 the National Aeronautics and Space Administration, NASA, has been mandated by Congress ". . . to cooperate with other nations and groups of nations in work done pursuant to the aims of NASA and in the peaceful applications of the results thereof."

CONTRIBUTIONS FROM BOTH SIDES

NASA, according to Congressional guidelines, should cooperate with other nations in projects directed to useful scientific objectives which contribute to the interests on both sides. The effort should benefit from contributions from both sides, and each side should bear its own costs.

As early as September 1963 President Kennedy, speaking before the United Nations, urged that the United States and Russia investigate the possibility of joint exploration of the moon.

Evidently that suggestion never made much headway. However, I don't want to leave you with a negative thought. There *has* been close and continuing cooperation with other countries.

All told, NASA has joined with some seventy-four countries in activities which have ranged from ground-based studies to actual flight of satellites designed and built abroad.

FIVE HUNDRED SOUNDING ROCKETS

Twelve foreign satellites have been launched with Canada and ten European countries.

More than five hundred sounding rockets have been launched in programs involving scientists in nineteen countries.

NASA has been working closely with your Canadian space scientists for eight years, and other projects now under consideration will continue that effort for at least two more years. Canada, in conjunction with the United Kingdom, Germany and Italy, has been our most active space partner.

I am happy to say that seventeen foreign experiments already have been flown; four more have been selected for flight; and thirty-five others are being considered.

Up to this time the cooperation has involved smaller sounding rockets; cooperative information exchange with the European Space Research Organization, ESRO; NASA assistance in developing the satellite launch capabilities of other countries; communication satellites, and the placement of complete experimental packages aboard space vehicles such as Apollo.

A team of French scientists, for example, came to the NASA facility in Wallops Island, Virginia, and launched a series of small rockets that probed the upper atmosphere. India's scientists trained at Wallops Island in preparation for opening their own launch facilities at Thumba in India. American scientists have used the Canadian facilities at Churchill.

It has been an excellent application of international scientific cooperation. Norway and Sweden, for example, concentrated on the phenomena of the auroral zone; India and Pakistan on the atmospheric circulation in the Indian Ocean Basin.

Argentina's participation opened an entirely new approach to scientific space study in the southern hemisphere. Brazil's new space center near Natal has been a valuable scientific aid in reasearch.

The success of Apollo has opened the universe for scientific exploration never before possible.

Why shouldn't the family of nations cooperate not only in the experiments, but also in the building of the vehicles that will be making those journeys?

That question is now being answered.

A new phase of cooperative international space effort has started, and I believe it is of the greatest significance.

EXPLORATORY FLIGHTS

There are presently three major space efforts underway. One is the continuing exploration of the surface of the moon, a task that was started by the Apollo 11 crew under Neil Armstrong, and Apollo 12 under Pete Conrad, and will be continued on the next flight under the command of Alan Shepard, Jr.

These exploratory flights, as you know, have been severely curtailed. However, our Company Space Division is still preparing spacecraft for the four flights that yet remain, just as they have for the entire series of Apollo launches.

The second major space effort now in design stage is the development of a second-generation space station, which should be in prolonged orbit about the Earth late in the 1970s. It will stay in Earth orbit perhaps for ten years, as a permanent space laboratory. There will be twelve scientists, on a rotating basis, always in the station, and the entire universe will be their laboratory.

Our Company Space Division is competing for this contract.

Finally, we come to what may be the most challenging project undertaken in space to date—the development of a re-usable space shuttle.

It will be as big as a 707 jet liner. It'll be boosted into space on a re-usable craft that in itself will be as big as a 747 jumbo jet.

The space shuttle will transport crews and cargo from Earth to the space station and then return to Earth.

HYPERSONIC TRANSPORT

Christopher Kraft, Jr., deputy director of the NASA's Manned Spacecraft Center at Houston, said, "What we're trying to build in the shuttle is a hypersonic transport that will fly into and out of space."

"We are attempting to provide something which is going to revolutionize the space program."

I might add that the technology from the shuttle could lead to a global transportation system. For example, vehicles will take off from the eastern part of Canada and fly to Australia in less than an hour.

The requirement for the shuttle that makes it a challenging task is that it must be capable of 100 missions carrying it through the furnace of re-entry on each return to Earth, and that it must have a fast two-week turnaround between each mission.

This means of course, the end of these extraordinarily expensive one-shot launches that we have had to date. It means a startling reduction in cost-per-pound placed in orbit. But it also means an engineering and scientific task whose challenge is as great as that we faced when we undertook Apollo in the early 1960's.

What better place to call for international cooperation?

North American Rockwell's Space Division has launched such a cooperative effort, one that could open space to every nation in the world by virtue of its low cost.

A short time ago we announced that the British Aircraft Corporation and Messerschmitt-Boelkow-Blohm had been selected for negotiation as the United Kingdom and German firms who will work with our company on the space shuttle program. We expect a French partner to join us in the near future.

These will be working agreements. These companies will have their engineers stationed at our company's Downey, California plant, and they will have counterpart operations in their own plants in Britain, Germany, and France.

Let me emphasize that these companies are paying their own way. Their governments are funding their efforts, and they have welcomed the opportunity to participate in this exciting engineering feat.

These companies and their countries can see tangible benefits for both their national and business interests. In the United States we estimate that our windfall of technology from the space program is already returning four dollars of value for every dollar invested.

Our foreign partners want to share in that kind of return—they want the flow of space technology to be applied to a host of other earth-bound endeavors in their countries.

For a decade Canadian industry has been a valuable partner in the scientific space projects of the United States. You have a great deal of valued expertise to offer on international projects.

For that reason, after the necessary government-to-government negotiations, we would like to see Canada numbered among the participants. We'd welcome queries from your industries. At the invitation of the Senate of Canada, this spring, the U.S. Congress through the House of Representatives Science and Astronautics sent four outstanding and experienced U.S. Congressional leaders in space programs to Ottawa for three days of consultations, exchange of views on space progress, and discussions of present organization and interaction of U.S. and Canadian space programs, under the leadership of Congressman Daddario, now candidate for Governor of the State of Connecticut, and Congressman James Fulton of my own city of Pittsburgh, recognized by our U.S. Congress as two of our most technically competent space program experts.

Gentlemen, nine years ago John Kennedy said, "Space achievement may hold the key to our future on earth."

That future is here.

Space achievement does hold the key.

Space activities, already in daily use, are unlocking new resources in the seas, extending the life of valuable forests, and bringing a new science of control to agriculture. Many billion-dollar benefits are already being realized from resource and communication satellites, already in use, or about to be launched.

Dr. Wernher von Braun of NASA states, "The real payoff from space flight (will be) in enriching our economy, and our science in new methods, devising new procedures, uncovering new knowledge, and advancing technology in general."

Gentlemen, with that type of progress and enrichment awaiting every nation on the globe, I feel I cannot too strongly emphasize this fact:

We must have a continuing high level of space activity, not for the benefit of any one country alone, but for the benefit of the entire world.

To do otherwise would be to ignore our responsibilities to our children and to the future of mankind.

NINETY-FIRST CONGRESS VOTING RECORD

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ICHORD. Mr. Speaker, 8 years ago I began the practice of compiling my voting record for the people of the Eighth Congressional District of Missouri in order that they may know exactly how I vote. By this compilation, numerous speeches, press, radio, and TV releases, and newsletters, I have endeavored to keep those I represent informed of my activities in their behalf on legislative issues considered by Congress.

By this time this, the 91st Congress, adjourns, approximately 30,000 bills and resolutions will have been introduced; and over 800 rollcalls will have been taken in the House of Representatives, including over 350 quorum calls. House deliberations totaling over 25,000 pages of the CONGRESSIONAL RECORD will have been recorded. In addition, my two committees have held a combined total of 172 days of hearings—102 by the Armed Services Committee and 70 by the Committee on Internal Security which I have the duty of chairing. In addition, the Committee on Internal Security has held 35 executive meetings.

According to latest docket information available from the office of the Clerk of the House, I answered to my name when the roll was called on legislative action better than 90 percent of the time, I was recorded as "not voting" on legislation or questions only 26 times during the past 2 years, and most of these absences were made necessary by scheduled speaking appearances in Missouri and the recent primary election.

The Eighth Congressional District, as presently constituted, and according to latest census figures, is the largest in Missouri and one of the largest, if not the largest, in the United States—approximately 608,000 people from 15 counties and three townships in St. Louis County. The complexity of interests and myriad of pursuits, such as education, labor, small and large business, farming, mining, and the seat of State government at Jefferson City, make it practically impossible for everyone to agree with every vote I have cast; but whether or not one may consider my vote "right" or "wrong," the RECORD does show, I submit, that my work and votes, both, have been the product of my own thinking as to what is best for our district, our State, and our Nation.

An examination of my voting record reveals that I have voted both for and against an increase in the national debt limit as shown by my votes on H.R. 8508 and H.R. 17803. I do not consider these votes inconsistent. On March 19, 1969, when H.R. 8508 was under consideration I stated on the floor of the House that I recognized the financial chaos that could well result if the Government failed to increase the debt limit to cover money it had already spent; however, I served notice at that time that I did not intend to vote for another increase unless the executive department made a strenuous effort to balance the budget or in the event of emergency conditions. Hence, my vote for H.R. 8508 and against H.R. 17803.

I have directed my staff to make certain that all major and controversial votes are included in my voting record with a brief description of the subject matter and issues involved. The following compilation is as broad as limitations on length and printing costs for distribution throughout my district would allow, and it is complete up to and including July 15, 1970, the latest official vote tabulation prepared and released by the Clerk of the House.

1ST SESSION

Bill No.	Description	My vote
H. Res. 2	Resolution imposing a fine of $25,000 on Member Adam Clayton Powell and the seating of said Member. (Passed 254 to 158.)	Yes.
Motion	House action on counting electoral votes—On motion objecting to counting the electoral votes of the faithless Presidential electors from North Carolina who cast the State's electoral votes for George Wallace and Curtis LeMay although the plurality of the State's votes were cast for Richard M. Nixon and Spiro T. Agnew. A "yes" vote is against the counting of said electoral vote. (Failed 170 to 228).	Yes.
H. Res. 89	Resolution I offered which established the House Committee on Internal Security. (Passed 307 to 80.)	Yes.
H.R. 8508	Bill to increase the public debt limit from $365,000,000,000 to $377,000,000,000. (Passed 313 to 93.)	Yes.
H.R. 4148	Bill to amend Federal Water Pollution Control Act. (Passed 392 to 1)	Yes.
H.R. 514	Green amendment to Extend Elementary and Secondary Education Act for 2 years and providing educational block grants to the States. (Passed 235 to 184.)	Yes.
H. Res. 17	Resolution creating a select committee to conduct study and investigation of all aspects of crime in the United States. (Passed 345 to 18.)	Yes.
H.R. 5554	Bill to extend indefinitely the special school milk program. (Passed 384 to 2.)	Yes.
H.R. 11400	Amendment to Higher Education Act to permit any college or university to withhold federal funds to any student found guilty of participating in campus disturbances. (Passed 329 to 61.)	Yes.

Bill No.	Description	My vote
H.R. 11400	Final passage of higher education appropriation bill for fiscal year 1970. (Passed 439 to 40.)	Yes.
H.R. 11612	Amending U.S. Department of Agriculture 1970 appropriation bill to establish a $20,000 ceiling on farm subsidy payments to farmers. (Passed 225 to 14.)	Yes.
H.R. 693	Bill eliminating the "pauper oath" for veterans past 72 years of age in connection with hospital care and providing additional medical benefits to elderly, seriously disabled veterans. (Passed 302 to 3.)	(1).
H.R. 11102	Bill to amend provisions of the Public Health Services Act relating to construction and modernizing of hospitals and other medical facilities. (Passed 351 to 0.)	Yes.
H.R. 11271	Bill authorizing fiscal year 1970 appropriations for NASA for research and development; construction of facilities, etc. (Passed 330 to 52.)	Yes.
H.R. 1035	Bill limiting use for demonstration purposes of any federally owned property in the District of Columbia. (Passed 327 to 51.)	Yes.
H.R. 12290	Bill to continue the income tax surcharge and the excise tax on automobiles and communication services. (Passed 210 to 205.)	No.
H.R. 11651	Bill to amend National School Lunch Act to provide free or reduced-priced meals to needy children not now being reached. On motion to suspend rules and pass. (Passed 352 to 5.)	Yes.
H.R. 12781	1970 Appropriation bill for the Department of Interior and related agencies. (Passed 399 to 6.)	Yes.
H.R. 9825	Bill to increase civil service retirement benefits for Members of Congress and other Federal employees. (Passed 359 to 48.)	No.
H.R. 13080	Bill to temporarily extend the surcharge withholding tax for 15 days from July 31, 1969 to Aug. 15, 1969. On final passage. (Passed 307 to 105.)	No.
H.R. 13111	Joelson amendment to Office of Education bill providing a $894,547,000 increase in funds for impacted area aid, school libraries, equipment, guidance and counselling, vocational education, higher education construction, and 4-year undergraduate programs, student loan program and Elementary and Secondary Education Act. (Passed 294 to 119.)	Yes.
H.R. 13111	Amendment to 1970 appropriation for Office of Education to prohibit the use of Federal funds to any individual at an institution of higher education involved in campus disruption. (Passed 316 to 95.)	Yes.
H.R. 13018	Motion to recommit military construction authorization bill to committee with instructions to strike provisions making picketing of a military installation or personnel a crime. (Failed 87 to 323.)	No.
H.R. 13018	Final passage of fiscal year 1970 military construction authorization bill. (Passed 376 to 30.)	Yes.
H.R. 12085	Amending the Clean Air Act research program relating to fuel and vehicles. (Passed 332 to 0.)	Yes.
H.R. 11039	Final passage of bill to extend the Peace Corps. (Passed 282 to 52.)	No.
H.R. 13194	Bill to amend Higher Education Act to allow federally subsidized interest payments to lenders on student loans of up to 3 percent over the present limitation of 7 percent. (Passed 322 to 60.)	No.
H.J. Res. 681	Proposing an amendment to U.S. Constitution providing for direct election of President. (Passed 338 to 70.)	Yes.
H.R. 12549	Bill amending Fish and Wildlife Coordination Act to provide for the establishment of a council on environmental quality. (Passed 372 to 15.)	Yes.
H.R. 13369	Bill extending authority to set interest rates on mortgages to veterans. (Passed 340 to 21.)	Yes.
H.R. 4314	Bill to permit joint labor-management trust funds for scholarships and child care centers. (Passed 354 to 1.)	Yes.
H.R. 13300	Extending the Railroad Retirement Act and Railroad Retirement Tax Act. (Passed 372 to 17.)	Yes.
H.R. 14000	Authorizing appropriations for fiscal year 1970 for procurement of aircraft, missiles, naval vessels and tracking combat vehicles, research, development, test, and evaluation for the armed services and prescribing authorized personnel strength of the selected reserves. (Passed 223 to 141.)	Yes.
H.R. 13304	Bill to provide for educational assistance for gifted and talented children. (Passed 353 to 0.)	Yes.
H.R. 372	Liberalizing and modifying annual reporting requirements relating to pensions for veterans and veterans' widows and remarried widows who have been on nonservice connected pension rolls for more than 2 years. (Passed 352 to 0.)	Yes.
H.R. 14159	Appropriations for public works program of water pollution control and power development for the Corps of Engineers, the Panama Canal, Federal Water Pollution Control Administration, Department of Interior, Tennessee Valley Authority, and the Atomic Energy Commission. (Passed 397 to 3.)	Yes.
H.R. 13310	Bill to provide for special programs for children with specific learning disabilities. (Passed 353 to 0.)	Yes.
H.R. 13000	Bill to implement Federal Salary Comparability Act of 1969. (Passed 310 to 52.)	Yes.
H.R. 4293	Bill to provide for continuation of authority for regulation of imports. (Passed 273 to 1.)	Yes.
H.R. 13950	Bill to provide for protection of health and safety of persons working in coal mining industry. (Passed 389 to 14.)	Yes.
H.R. 14001	Bill to amend Military Selective Service Act of 1964 to implement lottery system for selecting persons for induction into armed services. (Passed 382 to 15.)	Yes.
H.R. 14252	Bill to authorize grants for special educational programs and activities concerning the use of drugs. (Passed 294 to 0.)	Yes.
H.R. 14465	Bill to provide for expansion and improvement of Nation's airport and airways system and imposing user charges therefor. (Passed 337 to 6.)	Yes.
H.R. 14751	Bill making appropriations for military construction for Department of Defense for fiscal year 1970. (Passed 337 to 8.)	Yes.
H.R. 14580	Amendment to foreign aid authorization bill reducing total authorization by $50,000,000 for fiscal year 1969 and 1970. (Passed 185 to 157.)	Yes.
H.R. 14580	Final passage of foreign aid authorization bill. (Passed 176 to 163.)	No.
H. Res. 613	Resolution entitled "Toward Peace with Justi (e in Vietnam," with amendment directing the President to conticnue to press the Government of North Vietnam to abide by the Geneva Convention of 1949 in treatment of POW's. (Passed 392 to 0.)	Yes.
H.R. 15090	Bill making appropriations for Department of Defense for fiscal year 1970 amended to preclude funds contained in the act to be used for publicity or propaganda purposes not authorized by Congress. (Passed 330 to 33.)	Yes.
H.R. 15149	Foreign aid appropriation bill. (Passed 200 to 195.)	No.
H.R. 4249	Extending Voting Rights Act and establishing a nationwide suspension of literacy tests and Attorney General's authority to monitor elections, initiate voting rights lawsuits, and establish uniform residency requirements for presidential elections. (Passed 234 to 179.)	Yes.
H.R. 12321	Amendment to OEO Act of 1964 to make antipoverty program subject to greater control by the Governors of the States. (Failed 163 to 231.)	Yes.
H.R. 12321	Final passage of 1970 amendments to Office of Economic Opportunity. (Passed 276 to 117.)	No.
H.R. 15095	Bill to provide for a 15-percent increase in social security benefits and other amendments to Social Security Act. (Passed 400 to 0.)	Yes.
H. Con. Res. 454	Calling for humane treatment and release of American POW's held by North Vietnam and the National Liberation Front. (Passed 405 to 0.)	Yes.
H.R. 15091	Bill to lower interest rates and fight inflation to help housing, small business, and employment by authorizing Federal Reserve Board to purchase federally guaranteed mortgages to meet national housing goals. (Passed 260 to 136.)	Yes.

2D SESSION

Bill No.	Description	My vote
H.R. 13111	Vote to override Presidential veto of 1970 appropriation for Department of Health, Education, and Welfare, including Office of Education. (Failed 226 to 191—⅔ vote required.)	Yes.
H.R. 14864	Bill to provide effective measures to ban subversives from employment in defense plants and for protection of defense production. (Passed 374 to 65.)	Yes.
H.R. 15165	Bill to establish a commission on population growth and American future. (Passed 371 to 13.)	Yes.
H.R. 15931	Bill authorizing funds for Department of Health, Education, and Welfare and Office of Education with amendment adding $80,000,000 for impacted area aid. (Passed 315 to 81.)	Yes.
S. 2523	Extending Mental Health Centers Act to improve programs of assistance to communities for treatment of alcoholics, narcotic addicts, and establishing programs for mental health of children. (Passed 369 to 0.)	Yes.
H. Res. 799	Resolution providing for consideration of H.R. 12025, the Timber Supply Act. (Failed 150 to 229.)	Yes.
H.J. Res. 1112	Resolution providing for settlement of labor dispute between certain railroad carriers and their employees. (Passed 343 to 15.)	Yes.
H.R. 15143	Bill to provide grade of lieutenant general for Chief of National Guard Bureau. (Passed 269 to 44.)	Yes.
H.R. 15628	Bill to extend Foreign Military Sales Act through 1972, authorizing $545,000,000 for 2 years and a credit ceiling on military sales of $550,000,000 and to broaden existing prohibitions on military sales and guarantees to dictators who deny social progress and fundamental rights to their own people. (Passed 351 to 26.)	No.
H. Res. 884	Resolution authorizing operating funds for Committee on Internal Security. (Passed 307 to 52.)	Yes.
H.R. 15733	Bill to amend Railroad Retirement Act to provide increase in railroad annuities. (Passed 379 to 0.)	Yes.
H.R. 16844	Bill increasing pay of Federal employees. (Passed 372 to 7.)	Yes.
H.R. 16311	Bill to implement President Nixon's "Family Assistance" welfare program, with provisions for a guaranteed minimum income, uniformity of welfare payments in all States, and liberalizing qualifying requirements for welfare awards. (Passed 243 to 155.)	No.
H.R. 16516	1971 Appropriation bill for NASA for research, development and program management. (Passed 229 to 105.)	No.
H.R. 15693	Excluding use of U.S. postal service for mailing purposes for sexually oriented material offered for sale to minors. (Passed 375 to 8.)	Yes.
H.R. 17123	Fiscal year 1970 Armed Forces procurement authorization bill. (Passed 326 to 69.)	Yes.
H.R. 17604	Fiscal year 1971 military construction authorization bill. (Passed 335 to 47.)	Yes.
H.R. 17550	Amending the Social Security Act to provide increase in benefits, to raise earnings tax base, and make improvements in medicare and medicaid. (Passed 344 to 32.)	Yes.
H.J. Res. 1117	Resolution creating joint Congressional Committee on Environment and Technology. (Passed 287 to 7.)	Yes.
H.R. 17803	Bill to increase public debt limit from $380 billion to $395 billion. (Passed 236 to 127.)	No.
H. Res. 976	Resolution authorizing creation of a Select House Committee to Study developments in Southeast Asia. (Passed 224 to 101.)	Yes.
H.R. 11102	Bill to amend Public Health Services Act relating to construction and modernizing of hospital and other medical facilities and authorizing Federal loan guarantees and grants for such construction and modernization. (Passed 378 to 0.)	Yes.
H.R. 17255	Bill to amend Clean Air Act to provide for more effective program to improve quality of Nation's air. (Passed 375 to 1.)	Yes.
H.R. 15361	Bill to establish Youth Conservation Corps. (Passed 256 to 54.)	Yes.
H.R. 17070	Bill to improve and modernize the postal service and to reorganize the Post Office Department. (Passed 359 to 24.)	Yes.
S. 2315	Bill to restore golden eagle program to Land and Water Conservation Fund Act. (Passed 314 to 1.)	Yes.
H.R. 11833	Bill to amend Solid Waste Disposal Act to provide financial assistance for construction of appropriate facilities to improve research programs. (Passed 339 to 0.)	Yes.
H.R. 11102	Vote to override Presidential veto of hospital modernization program of Public Health Services Act. (Passed 279 to 98.)	Yes.

Footnotes at end of table.

2D SESSION—Continued

Bill No.	Description	My vote
H.R. 17399	On a motion that the House recede from its disagreement to Senate amount providing for additional $587,500,000 in unbudgeted funds for urban renewal programs. (Failed 137 to 236.)	No.
H.R. 17495	Bill to increase availability of mortgage credit for financing of urgently needed housing with committee amendments. (Passed 324 to 2.)	Yes.
H.R. 16916	Making appropriations for U.S. Office of Education—motion on amendment to preclude forced bussing to achieve racial balance. (Yes vote is against forced bussing.) (Passed 191 to 157.)	Yes.
H.R. 17825	1970 Amendments to Omnibus Crime Control Act of 1968. (Passed 345 to 2.)	(3).
H.R. 16065	Bill to amend National Foundation on Arts and Humanities Act of 1965 to 1973. (Passed 262 to 78.)	No.
S. 3592	Bill to amend Federal Meat Inspection Act to clarify provisions relating to custom slaughtering operations. (Passed 297 to 2.)	(3).
H.R. 16327	Bill authorizing additional funds for Peace Corps. (Passed 316 to 48)	(4).
H.R. 279	Bill to exempt from antitrust laws certain joint newspaper operating arrangements. (Passed 292 to 87.)	Yes.
H.R. 15628	Bill to amend Foreign Military Sales Act. (Passed 247 to 143)	Yes.
H.R. 17070	On motion to table the Henderson amendment on postal reform bill to permit postal employees the right of freedom of choice in joining labor unions. (Failed 153 to 230.)	No.

[1] Not voting. In Missouri to deliver commencement address at Valley Park.
[2] Not voting. In conference with State chamber of commerce officials.
[3] Not voting. In Missouri for speaking engagement.
[4] Not voting. In Missouri for primary elections.

NIXON'S PEACE PROPOSAL

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. GOODLING. Mr. Speaker, President Nixon's peace proposal for Vietnam centered on the theme of letting the shooting stop and the talking start.

It is interesting to note that there were no preconditions or coercion in Mr. Nixon's proposal, and it represented an honest and earnest effort to set the stage for getting on with peace in Vietnam. The core of the President's recommendation is to abandon the battlefield and use the peace table in seeking a solution for the conflict in Vietnam.

The President's proposal placed a heavy stress on the humane aspect. In the first instance, he recommended, as an initial step, a cease-fire arrangement that would save lives and, at the same time, quiet the thunder of the battlefield and set the stage for seeking peace. In the second instance, Mr. Nixon suggested that all prisoners of war held by both sides should be immediately and unconditionally released, thereby establishing good faith and creating a climate for negotiation.

An international peace conference served as an important part of the Chief Executive's proposal. The conflict in Indochina is spread out over such a vast area and involves so many localities that it is difficult to recognize them all as being part of one war. A conference of involved parties would do much to bring this scattered war condition into proper focus so that it could be dealt with in one piece. In the meantime, the Paris negotiations would go forward as a prelude to any settlements that might emerge from the peace conference.

It is apparent that President Nixon is anxious to press forward with his Vietnamization policy, for he evidenced an eagerness to negotiate an agreed timetable for complete withdrawals of forces from the Vietnam area. Such a timetable would, undoubtedly, involve the withdrawal of enemy troops as well as that of American forces. Mr. Nixon already has reduced our troop ceilings in South Vietnam by 165,000 men. It is expected that by spring of next year these withdrawals will have totaled in excess of 260,000 men; that is, just about one-half of the number of American troops that occupied South Vietnam when he took office. The President's proposal did not make any provision for additional troop withdrawals, and it is apparent that Mr. Nixon feels it is time for the enemy forces to demonstrate some initiative in this troop-withdrawal area.

The President's proposal also urged that both sides should search out a political settlement. In this respect it is clear that the emphasis in such a settlement would fall on South Vietnam and that the United States would refrain from dominating negotiations directed toward a political solution. The United States will not, however, tolerate a coalition type of government in South Vietnam but would accept any kind of political structure that was approved by the people of South Vietnam.

President Nixon's proposal is the most comprehensive peace plan ever offered by an American President. He has gone the second mile in his efforts to find peace in Vietnam. The President of the United States has proposed, and now it is up to the other side to dispose.

COLUMBUS DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ROONEY of New York, Mr. Speaker, with our fellow Americans all over the Nation observing this Monday, Columbus Day, as a national holiday, some of us can take particular personal pride in this event. For those of us who struggled year after year to secure the enactment of legislation to give adequate honor to the intrepid navigator who first set foot on our shores, the nationwide observance of Columbus Day is a rich reward for our efforts. This is particularly true of the fine Italo-American organizations who have long sought such recognition for their cherished kinsman, Christopher Columbus.

It would be well for every American to remind himself of the characteristics of the man who braved the awesome unknown reaches of the seas by sailing "on and on." The courage and determination of Columbus should inspire every one of us. His leadership and his belief in himself are truly worthy of our emulation.

Although Columbus did not reach his destination of the East Indies, he did prove his thesis that the world was round. Although he did not return to Spain with the holds of his tiny ships filled with riches, the lands which he discovered enriched Spain far in excess of even a full cargo of gold for the *Niña, Pinta,* and *Santa Maria*. Columbus on his first voyage proved to the old world the existence of a new world. On his subsequent voyages he proved the feasibility of navigating the broad ocean stretches to and from this new-found continent. He proved, too, that he had found new products far richer than the jewels and rare spices which he had initially sought.

These splendid human traits of Columbus had a positive influence on the navigators and men who made the explorations after him. His rugged determination and dauntless valor were passed on to the settlers who pioneered the establishment of our new civilization.

These same traits of greatness still manifest themselves in our citizens who pride themselves on their Italian heritage—those citizens who today are foremost in honoring the glorious name and deeds of Christopher Columbus. These Italo-Americans number in the millions—and constitute one of this Nation's greatest assets; yet even so they are a minority group. They like our citizens who were born or descended from parents born in Poland or Germany, in Norway or Greece, in Iceland or Mexico, in any country of Europe, Asia, Africa, or Latin America constitute minority groups throughout our land.

As minority groups they have all too often suffered hunger and privations. All too often they have encountered bias and discrimination in employment, in housing and in public welfare. But even more tragic all too often they have been the butt of ridicule and scorn.

In literature they have been cast as villians, dolts and simpletons. They have been labeled with derisive and abusive nicknames. Yet, all too often their fellow Americans have done little to encourage their immediate adoption into the social and political structure of our society. In consequence many of our finest ethnic or nationality groups began as a means of self-protection. However, over the years these organizations with their memberships reaching into the millions have come to be recognized as a major factor in bringing the divergent and dissident peoples together into the common bond of American citizenship. No groups in our country have done more to protect the working man and his family. No groups have shown greater loyalty or patriotism than the nationality groups from which hundreds of thousands of our finest fighting men have come forth in

defense of our liberty. But in spite of general recognition of the magnificant programs and civic awareness which identify these groups, there still is a tendency for many slurs being cast upon the ethnic groups.

In recent days distinguished Members of this body have challenged television and the movie industry for being guilty of slurring ethnic, racial and religious groups. Although these Members are not proposing legislation directly affecting television or the movie industry, they are anxious to have their colleagues in Congress join in condemning the degradation of these groups through portraying Italian Americans as flashy, illiterate people, depicting Spanish-speaking Americans as lazy, sleepy, tequila-imbibing peasants, or casting the Irish as hard-drinking cops.

Mr. Speaker, I deplore the acts of any group or any individual who casts aspersion upon any fellow American because of his ethnic background, his religious beliefs or the color of his skin. I particularly deplore any organization which derives its livelihood from the support of the American people for the unforgiveable act of making fun of any group or individual Americans. Whenever our fellow citizens are cast in a demeaning role or subjected to repetitive typing in belittling patterns, we should voice our forceful opposition to those guilty of such practices.

The situation has become so pronounced that numerous church and lay groups have taken action to protest the same situation which my colleagues and I have protested.

I feel that it is indeed fitting for all of us on the day set aside to honor Christopher Columbus to remind ourselves not only of what this heroic Italian means to every American, but what the thousands of Italo-Americans have meant to us as well. Columbus Day might well be dedicated as a reminder of the priceless contribution which all ethnic and nationality groups have made to our life and culture. This national holiday could serve as the stimulus needed for all of us to free ourselves of any personally held bias or prejudice and to participate in a public condemnation of any act which detracts from any man's enjoyment of all the blessings of our democracy.

NATIONAL NEWSPAPER WEEK CELEBRATED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. RODINO. Mr. Speaker, while it has often become popular to criticize the media—especially the newspapers for their press coverage—the service which they provide and the responsibility which they confront their task is in the main admirable.

Whatever one's philosophy, we must all recognize the safeguards which a free press provides in a democratic society. I am pleased to salute the newspaper industry during National Newspaper Week and I commend to my colleagues the following recent editorial from the Glen Ridge Paper:

CAN'T PLEASE EVERYONE!

National Newspaper Week is October 4–10, and that is the time members of the fourth estate receive recognition and often words of praise. The special tributes are often sincere and those we appreciate. This year, however, the editors of this newspaper are forgetting their modesty to blow their own horns.

We aren't the best-liked people in the world. How can we be? Our views cannot always be in agreement with everyone, and we must publish the good and the bad. But our faithful attendance at meetings and our sincere watch-dog tactics permit us to be a good authority on most matters. The news is reported like it happens, and if it doesn't come across as intended, that is not our fault. Officials should put themselves in the chairs of the audience when having their disagreements, and nine times out of 10 they would understand the reporting.

Newspapers, especially weeklies, do a great service to both the officials, and citizens. Therefore, we ask them to take a few minutes away from their daily routine to appreciate us, whether they be elected officials, school board officials, clubwomen, parents or anyone else. They should be aware of our responsibility and above all, our patience. We will continue to report the news the way it happens. We hope the readers appreciate our responsibility. It's not easy, but we do our job to the best of our ability. Don't always remember us for our mistakes! We do a lot of good, even if it doesn't please everyone!

THE SOCIAL THEORISTS STRIKE AGAIN

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. DICKINSON. Mr. Speaker, the social theorists have struck again.

Wire service dispatches called to my attention this past weekend indicate that the administration is continuing its harassment of the South by announcing that efforts are underway deep in the Federal bureaucracy to tamper directly with teaching methods. According to my information, the Department of Health, Education, and Welfare intends to initiate action to prevent "ability grouping" of students in some of our schools.

Mr. Speaker, this is going too far. As far back as anyone in this Chamber can remember, students have been grouped according to their ability so that those of similar capacities can progress at a similar rate of speed. After all, why should an entire class be held back because a handful of students are slower learners. It makes more sense to put the slow learners in a separate class so they will not impede the progress of others and so they can be given more individual attention and, hopefully, increase their educational capacities.

Mr. Speaker, I have served as a member and as chairman of a city board of education in Alabama for over 6 years. I have some experience in dealing with education and problems associated with our schools. However, even when I served on the board of education, I did not attempt to tell the educators how to conduct their classes, and I do not intend to do so now. The Department of Health, Education, and Welfare should follow the same course.

Will books and other instructional materials be the next category to feel the heavy hand of the Washington social theorists?

WHO ARE THE ADDICTED?

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MINISH. Mr. Speaker, I was inspired to read in today's New York Times what I believe to be a most illuminating message. It was obviously written by some very thoughtful people. It concerns contemporary problems, and was written as the High Holy Day message of the Jewish Theological Seminary of America.

I believe it is important to bring a message of this significance to the attention of as large an audience as possible, and, therefore, take this opportunity to insert it into the RECORD:

WHO ARE THE ADDICTED?

It is not hard to point out those who are addicted: who turn to alcohol or drugs or violence, seeking a quick release from problems they feel helpless to attack.

But why do *we* so often try short-cuts to the good, deceiving ourselves that it can be easily achieved?

It is, of course, easier to see this in the lives of others than to recognize it in our own.

We see it tragically today in the growing numbers of our young who addict themselves to drugs.

They profess to be living *more fully* when they seek to make their contact with the good through the chemistry of drugs.

Yet in so doing are they not refusing to face the challenges, the persistent struggles, and even the frustrations, required to achieve *any* good?

Are they living more fully—or, instead, are they evading life?

Yet how many of their elders are also addicted, in their own ways, to evading reality?

AS PARENTS

How many of today's parents are facing-up to the reality that there are *no* short-cuts to the good, within their own home?

They will often imagine, with all sincerity, that they are providing a good life for their children and themselves by multiplying every material security for their family. As though any amount of material goods and ambitions can be *enough* to create a healthy family.

To be a parent, instead of only a provider, is to give our children our presence, as well as our presents. It is to understand them; and to give them our patience as well as our love.

It is not only to instruct but also to listen; not only to criticize them but to accept and respond to their criticism, as well.

For how else can we teach our children to listen and respond to us?

In what other ways can we hope to reach our children deeply enough to shape their characters and their lives for the good?

To imagine there is some lesser or easier way is to be addicted to an evasion of reality.

OUR TEACHERS

How many educators, in this age of wonderful technologies, have become addicted to the uses of short-cuts to a good education?

We must never diminish our attention to the crucial needs for improving and expanding all of our educational resources.

Yet, all of us will fail to face reality if we assume that *any* combination of the *material resources* for good education can be substituted for the primary educational resource: a good teacher.

It never was easy to be a good teacher. Nor can it be. Involvement in one's subject is essential, but even more insistent is the unending need to be involved in the lives of one's students: to work unremittingly to transmit to them, not information alone, but also *the desire* to learn—and to build the student's character by the teacher's consistent example of what good character means.

We can be sure that nothing less can teach wisdom as well as knowledge; nothing less can truly educate our young.

THE LEADERS OF OUR SOCIETY

Our leaders fail us whenever they turn to illusory short-cuts to the good.

We, and they, must not lose sight of the inescapable fact that no new weapon-systems, no new laws, no new government programs, important as they may be, are *enough* to bring the solutions to the problems which overwhelm us today.

Anyone who imagines he has found, or can find, some abrupt way to solutions is wrong. And leaders who yield to the temptation of offering simple answers, where there are none, are turning their backs on reality instead of coping with it. They too are addicted to the immediate rather than the good.

Such addictions become profoundly dangerous as we move against the stubborn, complex problems of our time: of our cities, of our nation, of the world—of our bitter racisms, our violences at home and abroad, the stain of our poverty-stricken and of the world's poverty-stricken.

What we need from our leaders—as much as from ourselves, our young, our parents and our teachers—are the great strengths of reality: vision *and* character. We need their determination and dedication, and our own, to keep advancing on the long road to the good—whatever difficulties and disappointments and frustrations we may find on the way.

Therefore, we must know that, in every aspect of our lives, and of society . . .

It is as much an error to be overconfident, when some small advance toward the good is achieved, as it is to be pessimistic because more has not yet been accomplished.

The day is short. The work is hard . . . Ours is not to complete the task. Yet neither are we free to neglect it. (Ethics of the Fathers [2:20].)

EDITORIAL COMMENT ON THE MIDDLE EAST SITUATION

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. CHAMBERLAIN. Mr. Speaker, I would like to share with my colleagues the recent editorial comment from Station WJIM–TV, which serves Lansing, Jackson, and Flint, Mich., concerning the situation in the Middle East. In view of the gravity of this problem and the profound concern felt by all Americans, I commend this analysis from Michigan to the Members of the House:

WJIM–TV EDITORIAL

While the Middle East remains the most explosive trouble spot on the globe . . . and will likely continue to have this dubious distinction for some time to come, the performance of President Nixon in grappling successfully with the most recent flare-up crisis is commendable in every respect.

Confounding his severest critics, the President acted with restraint and with a sure understanding of the proper use of power. In less expert hands the provocations of the past two weeks might have quickly escalated and signaled American military involvement. However, unlike Guatemala and the Bay of Pigs our intelligence resources functioned with a high degree of accuracy and it is clear that the President received sound advice that contributed to keeping the lid on.

Too frequently in the past American intervention has been triggered by emotional reaction to only a partial analysis of the facts. Our current, unhappy relationship with Cuba resulted from a long series of naive miscalculations that produced a text book example of an intelligence and diplomatic apparatus gone haywire.

All the ingredients have been present in recent weeks for a repeat of the Vietnam scenario but Nixon determined to substitute patience for bravado. The era of The Monroe Doctrine and the "carry a big stick" philosophy is moribund. In the age of the atom bomb *everybody* carries a big stick.

Todays victories . . . and tomorrows will not flow from massive displays of armaments . . . the victories will come from conciliation and compromise.

It is not that we have become soft in this country . . . we're simply a little smarter and more sophisticated. In the first half of this century our ascendancy as a nation resulted from our use of power. During the past two weeks our international stock has risen because we have demonstrated our knowledge that power has its logical limits.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 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?

REPORT TO THE PEOPLE OF THE EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—XXIV

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, I am pleased to submit my 24th annual report to the people of the Eighth Congressional District of Wisconsin on my voting and attendance record in the House of Representatives.

The furnishing of this report continues a service I began in 1947. The purpose of these reports is to collect in one place and in concise form information which is scattered through thousands of pages of the CONGRESSIONAL RECORD. I do not believe my constituents should be deprived, through the sheer difficulty of getting the facts, of knowing how I voted on the issues. I believe it is my responsibility to furnish such a voting record.

The 24 consecutive reports I have issued show how I voted on 3,492 questions in the House of Representatives. Based on quorum calls and record votes, they also show an attendance record of 93 percent.

The report I am issuing today includes all rollcall votes in this session through September 30, 1970. Even though there will be additional votes in this session which is expected to continue after the election, I have decided to publish the report now in order to make it available to my constituents at once. I believe they should have this record before the election so that they can more properly evaluate my stewardship.

The descriptions of the bills and amendments or motions in the report were prepared by the Legislative Reference Service of the Library of Congress. The descriptions are for purposes of identification only; no attempt is made to describe the legislation completely or to elaborate upon the issues involved. This word of caution is advisable in view of the fact that the descriptions used are, for the most part, taken from the titles of the bill which, unfortunately, do not always reflect the nature or true purpose of the legislation.

Upon request, I will be pleased to furnish more complete information concerning any particular bill as well as a summary of the issues involved and the reasons for my vote.

In addition to the votes shown in this report, there were 140 quorum calls in the House which are omitted to conserve space. This accounts for the nonconsecutive numbering of the rollcalls. I was absent for 10 quorum calls and I was present for 130 quorum calls.

My record follows:

VOTING RECORD OF HON. JOHN W. BYRNES OF EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN

Roll-call No.	Date	Measure, question, and result	Vote
4	Jan. 27	H.R. 15149: To make appropriations of $2.5 billion for Foreign Assistance and related programs for fiscal 1970. Adoption of conference report. (Passed 202 to 162)	Yea
5	Jan. 27	H.R. 860: To amend section 302(c) of the Labor-Management Relations Act, 1947, to permit, in certain instances, employer contributions for joint industry promotion of products. On passage. (Passed 189 to 186)	Nay
7	Jan. 28	H.R. 13111: To make appropriations of $19,747,153,200 for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for fiscal 1970. To override veto. (Failed 226 to 191; 2/3 vote required)	Nay
9	Jan. 29	H.R. 14864: To amend the Internal Security Act of 1950 to authorize measures to protect defense production and classified information released to defense industry against acts of subversion. On passage. (Passed 274 to 65)	Yea
12	Feb. 16	H.R. 1049: To amend the Anadromous Fish Conservation Act of 1965, relating to the conservation of Anadromous fishing resources. Motion to suspend rules and pass. (Passed 301 to 19; 2/3 vote required)	Yea
14	Feb. 17	H.R. 15062: For the relief of sundry claimants. Hall motion to strike title I (H.R. 3732) to provide for the relief of Robert G. Smith. (Failed 59 to 288)	Nay
15	Feb. 17	H.R. 15062: Gross motion to strike title II (H.R. 5000) for the relief of Pedro Irizarry Guido. (Failed 56 to 290)	Nay
16	Feb. 17	H.R. 15062: Brown motion to strike title III (H.R. 6378) for the relief of Noel S. Marston. (Failed 67 to 288)	Yea
17	Feb. 17	H.R. 15062: Duncan motion to strike title IV (H.R. 2214) for the relief of the Mutual Benefit Foundation. (Failed 51 to 306)	Nay
18	Feb. 17	H.R. 15062: To provide for the relief of sundry claimants. On passage. (Passed 318 to 51)	Yea
22	Feb. 18	H.R. 15165: To establish a Commission on Population Growth and the American Future. On passage. (Passed 371 to 13)	Yea
25	Feb. 19	H.R. 15931: To make appropriations of $19.4 billion for the Departments of Labor, and Health, Education, and Welfare for fiscal 1970. Previous question. (Passed 238 to 157)	Yea
26	Feb. 19	H.R. 15931: Michel recommittal motion with instructions to provide authority for the President to withhold 2 1/2 percent of the funds. (Failed 189 to 205)	Yea
27	Feb. 19	H.R. 15931: On passage. (Passed 315 to 81)	Nay
29	Feb. 24	H.R. 10937: To authorize a study of the construction of an Eisenhower National Memorial Arena. On passage. (Failed 136 to 230)	Nay
30	Feb. 24	H.R. 10335: To revise certain laws of the District of Columbia relating to offenses against hotels, motels and other commercial lodgings. On passage. (Passed 246 to 117)	Yea
31	Feb. 24	H.R. 14608: To change the procedure for return and cancellation of liquor licenses in the District of Columbia. On passage. (Failed 97 to 262)	Yea
33	Feb. 26	S. 2523: To amend the Community Mental Health Centers Construction Act, to extend programs of assistance to community mental health centers, for the treatment of alcoholics and narcotic addicts, and for the mental health of children. Adoption of conference report. (Passed 369 to 0)	Yea
34	Feb. 26	H. Res. 799: To provide for the consideration of H.R. 12025, the National Forest Timber Conservation and Management Act. On passage. (Failed 150 to 228)	Nay
36	Mar. 3	H.R. 15931: To make appropriations of $19.4 billion for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for fiscal 1970. Motion to lay on table the motion to instruct House conferees to agree to the amendments of the Senate. (Failed 164 to 222)	Nay
37	Mar. 3	H.R. 15931: Motion to instruct House conferees to agree to amendments of the Senate. (Passed 231 to 152)	Yea
39	Mar. 3	H.R. 15931: Adoption of conference report. (Passed 324 to 55)	Yea
40	Mar. 4	H. J. Res. 1112: To prohibit strikes or lockouts in the railroad dispute until 12:01 a.m. April 11, 1970. On passage. (Passed 343 to 15)	NV[1]
42	Mar. 5	H. Res. 862: To provide for the consideration of S. 2910, to amend Public Law 89-260 to authorize additional funds for the Library of Congress James Madison Memorial Building. On passage. (Passed 289 to 62)	Nay
43	Mar. 5	S. 2910: Snyder recommittal motion with instructions not to report back until plans and designs are completed. (Failed 150 to 196, "present" 1)	Yea
44	Mar. 5	S. 2910: On passage. (Passed 209 to 133, "present" 1)	Nay
46	Mar. 11	H.R. 15945: To authorize $429,300,000 in fiscal 1971 to build and operate American merchant ships. On passage. (Passed 370 to 12)	Yea
48	Mar. 16	H.R. 15143: To provide the grade of Lieutenant General for the Chief of the National Guard Bureau. Motion to suspend rules and pass. (Passed 269 to 44; 2/3 vote required)	NV[1]
49	Mar. 16	H.R. 14896: To provide for the preservation of additional historic properties. Motion to suspend rules and pass. (Passed 317 to 9; 2/3 vote required)	NV[1]
54	Mar. 18	S. 952: To provide for the appointment of additional Federal district judges. On passage. (Passed 366 to 18)	Yea
56	Mar. 19	H.R. 16196: To reorganize the courts of the District of Columbia; to revise the procedures for handling juveniles in the District of Columbia; to codify title 23 of the District of Columbia Code. On passage. (Passed 294 to 47, "present" 1)	Yea
59	Mar. 23	H.R. 15728: To authorize the loan of surplus naval vessels to foreign countries. On passage. (Passed 281 to 66)	NV[1]
61	Mar. 24	H.R. 15628: To extend the Foreign Military Sales Act through fiscal 1972. On passage. (Passed 351 to 26)	Yea
62	Mar. 25	H. Res. 884: To authorize the expenditure of $450,000 for the expenses of the House Committee on Internal Security. On passage. (Passed 307 to 52)	Yea
63	Mar. 25	H.R. 4148: To amend the Federal Water Pollution Control Act. Adoption of conference report. (Passed 358 to 0)	Yea
66	Apr. 7	H.R. 514: To extend programs of assistance for elementary and secondary education, aid to impacted areas, and other education legislation. Adoption of conference report. (Passed 312 to 58)	Yea
67	Apr. 7	H.R. 15733: To amend the Railroad Retirement Act to provide a temporary 15 percent increase in annuities. On passage. (Passed 379 to 0)	Yea
70	Apr. 9	H.R. 16844: To increase the pay of Federal employees. Corbett recommittal motion with instructions to delete sections establishing unrelated allowances or benefits for Army Corps of Engineer dredge workers and certain personnel who perform duty at remote worksites. (Passed 261 to 124)	Yea
71	Apr. 9	H.R. 16844: On passage. (Passed 372 to 7)	Yea
73	Apr. 13	H.R. 16900: To make appropriations of $9,492,702,000 for the Treasury and Post Office Departments, the Executive Office of the President and certain independent agencies for fiscal 1971. On passage. (Passed 333 to 3)	Yea
75	Apr. 14	H. Res. 909: To concur in the Senate amendments to the House amendment to S. 3690 (H.R. 16844), to increase the pay of Federal employees. Previous question. (Passed 309 to 65)	Yea
77	Apr. 15	H. Res. 916: To provide for the consideration of H.R. 16311, the Family Assistance Act. On passage. (Passed 205 to 183)	Yea
80	Apr. 15	Motion to adjourn. On agreement. (Passed 81 to 75)	NV[1]
82	Apr. 16	H.R. 16311: To authorize a family assistance plan providing basic benefits to low-income families with children; to provide incentives for employment and training to improve the uniformity of treatment of recipients under the Federal-State public assistance programs; and to otherwise alter such programs. Collier recommittal motion with instructions to delete the word "suitable" from the description of the employment welfare recipients must accept. (Passed 248 to 149)	Yea
83	Apr. 16	H.R. 16311: On passage. (Passed 243 to 155)	Yea
85	Apr. 20	H.R. 10666: To establish a National Commission on Libraries and Information Science. Motion to suspend rules and pass. (Passed 261 to 11; 2/3 vote required)	Yea
86	Apr. 20	H.R. 780: To authorize $28.5 million for the Merlin Division, Rogue River Basin Project, Oregon. Motion to suspend rules and pass. (Passed 271 to 15; 2/3 vote required)	NV[1]
89	Apr. 23	H.R. 16516: To authorize appropriations of $3,600,875,000 to the National Aeronautics and Space Administration for fiscal 1971. On passage. (Passed 229 to 105)	NV[2]
91	Apr. 27	H.R. 14714: To encourage, through the National Park Service, travel in the United States. Recommittal motion. (Failed 111 to 222)	Yea
92	Apr. 27	H.R. 14714: On passage. (Passed 238 to 94)	Nay
93	Apr. 27	H.R. 14385: To authorize subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Maryland. On passage. (Failed 64 to 273)	Nay
95	Apr. 28	H.R. 16200: To extend through fiscal 1971 and 1972 authorizations for the Arms Control and Disarmament Agency. Gross recommittal motion with instructions to reduce funds from $17.5 million to $13.125 million. (Failed 87 to 280)	Nay
96	Apr. 28	H.R. 15693: To prohibit the mailing of obscene materials to persons under 17 and to permit persons to preclude such materials from coming into their homes by mail. On passage. (Passed 375 to 8)	NV[1]
100	May 4	S. J. Res. 193: To provide for appointment of James E. Webb as citizen regent of the Smithsonian Institution. Motion to suspend rules and pass. (Passed 309 to 16; 2/3 vote required)	Yea
103	May 6	H.R. 17123: To authorize fiscal 1971 appropriations of $20,237,489,000 for procurement of military equipment and weapons, and for other purposes. Previous question on recommittal motion. (Passed 248 to 146)	Yea

VOTING RECORD OF HON. JOHN W. BYRNES OF EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—Continued

Roll-call No.	Date	Measure, question, and result	Vote
104	May 6	H.R. 17123: On passage. (Passed 326 to 69)	Yea
107	May 7	H.R. 17399: To make supplemental appropriations of $5,764,115,791 for fiscal 1970. Previous question on recommittal motion with instructions. (Passed 220 to 134)	Yea
108	May 7	H.R. 17399: On passage. (Passed 334 to 6)	Yea
110	May 11	H.R. 17138: To amend the District of Columbia Police and Firemen's Salary Act of 1968, and the District of Columbia Teacher's Salary Act of 1955 to increase salaries. On agreeing to committee amendments. (Passed 183 to 142)	Yea
111	May 11	H.R. 16595: To authorize fiscal 1971 appropriations of $527,630,000 for National Science Foundation. Roudebush recommittal motion with instructions to cut authorizations from $527,630,000 to $500,000,000. (Failed 137 to 188)	Yea
112	May 11	H.R. 16595: On passage. (Passed 312 to 6)	Yea
117	May 13	H.R. 14465: To provide for the expansion and improvement of the Nation's airport and airway system, to be financed in major part by user taxes. Adoption of conference report. (Passed 362 to 3)	Yea
118	May 13	H. Res. 960: To disapprove Reorganization Plan No. 2 of 1970 creating a Domestic Council and enlarging the Bureau of the Budget, to be called the Office of Management and Budget. On passage. (Failed 164 to 193)	Nay
120	May 14	H.R. 17575: To make appropriations of $3,106,956,500 for the Departments of State, Justice, Commerce, and for the Judiciary, and related agencies for fiscal 1971. On passage. (Passed 321 to 14)	Yea
121	May 14	H.R. 14685: To amend the International Travel Act of 1961 in order to promote foreign travel to the United States. On passage. (Passed 173 to 88)	Nay
123	May 18	S. 2624: To alter the judicial machinery in customs courts. Motion to suspend rules and pass. (Passed 301 to 0; 2/3 vote required)	Yea
124	May 18	S. 1508: To amend provisions of the law relating to the retirement of Federal judges. Motion to suspend the rules and pass. (Failed 109 to 198; 2/3 vote required)	Nay
125	May 18	H.R. 3328: To authorize annexation of the Soboba Indian reservation to the Metropolitan Water District of Southern California to provide for construction of a water supply for the reservation. Motion to suspend rules and pass. (Passed 287 to 11; 2/3 vote required)	Yea
127	May 19	S. 952: To provide for the appointment of additional district judges. Adoption of conference report. (Passed 331 to 21)	Yea
130	May 20	H.R. 17604: To authorize $1,999,634,000 for military construction. Previous question on recommittal motion. (Passed 251 to 133)	Yea
131	May 20	H.R. 17604: On passage. (Passed 335 to 47)	Yea
132	May 21	H. Res. 1022: To provide for the consideration of H.R. 17550, to increase Social Security benefits by five percent. Previous question. (Passed 201 to 181)	Yea
133	May 21	H. Res. 1022: On passage. (Passed 297 to 83)	Yea
135	May 21	H.R. 17550: Betts recommittal motion with instructions to add amendment providing for automatic cost-of-living increases. (Passed 233 to 144)	Yea
136	May 21	H.R. 17550: On passage. (Passed 344 to 32)	Yea
137	May 21	H.R. 15424: To amend the Merchant Marine Act of 1934. On passage. (Passed 307 to 1)	Yea
139	May 25	H.R. 17601: To exempt FHA and VA mortgages and loans from D.C. usuary laws until April 1972. On passage. (Failed 118 to 176)	Yea
140	May 25	H.R. 15073: To amend the Federal Deposit Act to require insured banks to maintain certain records; to require that certain transactions in United States currency be reported to the Department of the Treasury. On passage. (Passed 302 to 0, "present" 1)	Yea
141	May 25	H. J. Res. 1117: To create a Joint Committee on Environment and Technology. On passage. (Passed 285 to 7)	Yea
143	May 26	H. Res. 796: To amend House rules relating to financial disclosure. On passage. (Passed 335 to 1)	Yea
146	May 27	H.R. 17755: To make appropriations of $2,579,579,937 for Department of Transportation and related agencies for fiscal 1971. Previous question on recommittal motion. (Passed 176 to 162)	Yea
149	June 3	H. Res. 1051: To provide for consideration of H.R. 17802, to raise the temporary and permanent debt ceilings. Previous question. (Passed 273 to 85)	Yea
150	June 3	H.R. 17802: On passage. (Passed 236 to 127)	Yea
152	June 4	H.R. 17867: To make appropriations of $2,220,961,000 for Foreign Assistance and related programs for fiscal 1971. On passage. (Passed 191 to 153)	Yea
154	June 8	H. Res. 976: To authorize an Indochina Study Committee. On agreeing to Committee amendment to enlarge from 11 to 12 members. (Passed 227 to 95)	Yea
155	June 8	H. Res. 976: Previous question. (Passed 246 to 80)	Yea
156	June 8	H. Res. 976: On passage. (Passed 223 to 101)	Nay
157	June 8	H. Res. 976: On agreeing to Committee amendment to strike the preamble. (Passed 210 to 84)	Yea
161	June 10	H.R. 11102: To extend authorizations for three years for Federal grants for modernization and construction of health facilities. Adoption of conference report. (Passed 378 to 0)	Yea
162	June 10	H. Res. 1069: To provide for the consideration of H.R. 17255 to authorize the Secretary of HEW to establish nationwide air pollution standards. On passage. (Passed 336 to 40)	Yea
164	June 10	H.R. 17255: On passage. (Passed 374 to 1)	Yea
167	June 11	H.R. 17970: To make appropriations of $1,997,037,000 for military construction and family housing. On passage. (Passed 308 to 57)	Yea
168	June 15	H.R. 17958: To increase the rates of disability compensation and to alter criteria for determining the eligibility of widows for benefits. Motion to suspend rules and pass. (Passed 313 to 0, "present" 1; 2/3 vote required)	Yea
169	June 15	H.R. 15361: To establish the Youth Conservation Corps. On passage. (Passed 256 to 54)	Yea
171	June 16	H. Res. 1077: To provide for the consideration of H.R. 17070, to reorganize the postal system. Previous question. (Failed 139 to 219)	Yea
175	June 17	H. Res. 914: To provide for agreeing to Senate amendments (including the lowering of the voting age to 18 and uniform residency requirements for voting in presidential elections) to H.R. 4249, to extend and amend the Voting Rights Act of 1965. Previous question. (Passed 224 to 183, "present" 2)	Nay
176	June 17	H. Res. 914: On passage. (Passed 272 to 132)	Nay
179	June 18	H.R. 17070: To reorganize the postal system. Gross recommittal motion with instructions to report the bill back with a recommendation to delete the entire bill except an 8-percent pay raise for postal employees and a reduction to 8 years required to reach the top pay steps within a grade of postal field service. (Failed 77 to 306)	Nay
180	June 23	H.R. 17070: On passage. (Passed 359 to 24)	Yea
182	June 22	S. 2315: To restore the golden eagle program for annual permits of entry to all national parks and forests. On passage. (Passed 314 to 1)	Yea
184	June 23	H.R. 11833: To extend and amend the Solid Waste Disposal Act. On passage. (Passed 339 to 0)	NV[1]
188	June 25	H.R. 11102: To extend program of Federal grants for construction and modernization of health facilities. To override veto. (Passed 279 to 98, "present" 2; 2/3 vote required)	Nay
189	June 25	H.R. 17399: To make supplemental appropriations for fiscal 1970. Cohelan motion to agree to Senate amendment adding $587.5 million for urban renewal grants. (Failed 137 to 236)	Nay
190	June 25	H.R. 17495: To alter the availability of mortgage credit for the financing of housing. On agreeing to committee amendment to provide for establishment of National Development Bank. (Passed 216 to 112)	Yea
191	June 25	H.R. 17495: On passage. (Passed 324 to 2, "present" 1)	Yea
194	June 30	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. Flood motion to table motion of Cohelan to instruct House conferees to agree to Senate amendments striking provisions prohibiting use of funds for busing or the closing of schools and providing for freedom of choice plans. (Passed 191 to 157)	Yea
195	June 30	H.R. 17825: To authorize $3.15 billion in Federal law enforcement assistance funds for fiscal 1971, 1972, and 1973. On passage. (Passed 345 to 2, "present" 1)	Yea
196	June 30	S. J. Res. 88: To create a commission to study bankruptcy laws. On passage. (Passed 334 to 12)	Yea
197	June 30	H.R. 16065: To authorize funds through fiscal 1973 for the National Foundation on the Arts and Humanities. On passage. (Passed 262 to 78)	Nay
199	July 6	S. 3592: To amend the Federal Meat Inspection Act, to permit custom slaughterers to engage in the retailing and wholesaling of meat. Motion to suspend rules and pass. (Passed 297 to 2; 2/3 vote required)	Yea
201	July 7	H.R. 16327: To authorize appropriations for the Peace Corps. Gross recommittal motion with instructions to reduce authorizations by $28.8 million. (Failed 118 to 245)	Nay
202	July 7	H.R. 16327: On passage. (Passed 316 to 46)	Yea
203	July 7	H.R. 8673: To establish a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver. On passage. (Passed 351 to 9)	Yea
205	July 8	H. Res. 1031: To authorize the House Committee on Standards of Official Conduct to investigate lobbying and campaign contributions. On passage. (Passed 382 to 0)	Yea
206	July 8	H.R. 279: To exempt from antitrust laws certain joint newspaper operating arrangements. On passage. (Passed 292 to 87, "present" 2)	Nay
207	July 9	H.R. 15628: To amend the Foreign Military Sales Act. Previous question on agreeing to send to conference. (Passed 247 to 143)	Yea

VOTING RECORD OF HON. JOHN W. BYRNES OF EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—Continued

Roll-call No.	Date	Measure, question, and result	Vote
208	July 9	H.R. 15628: Hays motion to lay on table Riegle motion to provide that House conferees be instructed to concur in Senate-passed Cooper-Church amendment on Cambodia. (Passed 237 to 153, "present" 1)	Yea
209	July 9	H.R. 17070: To reorganize the postal system. Dulski motion to table Henderson motion to instruct House conferees to insist on right-to-work provision in House-passed version of the bill. (Failed 153 to 230)	Yea
210	July 9	H.R. 17070: Henderson motion to instruct conferees. (Passed 227 to 159)	Nay
211	July 9	H.R. 16968: To provide for adjustment in Government contribution with respect to the health benefits coverage of Federal employees. Gross recommittal motion with instructions to reduce the contribition from 50 percent to 38 percent. (Failed 146 to 200)	NV
212	July 9	H.R. 16968: On passage. (Passed 284 to 57)	NV½
213	July 13	S. 3215: To authorize appropriations through fiscal 1973 for the National Foundation on the Arts and Humanities. Adoption of conference report. (Passed 237 to 69)	Yea
216	July 15	S. 2601: D.C. Court Reform and Criminal Procedure Act of 1970. Adoption of conference report. (Passed 332 to 64)	Yea
217	July 15	H.R. 16595: To authorize $537,730,000 for activities of the National Science Foundation plus $2,000,000 in excess foreign currencies for fiscal 1971. Adoption of conference report. (Passed 311 to 76)	Nay
219	July 16	H.R. 14685: To amend the International Travel Act of 1961 to expand U.S. Government efforts to attract foreign tourists. Adoption of conference report. (Failed 174 to 207)	Nay
220	July 16	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. Adoption of conference report. (Passed 357 to 30)	Yea
221	July 20	H.R. 18253: To increase availability of guaranteed home loan financing for veterans. Motion to suspend rules and pass. (Passed 326 to 0; 2/3 vote required)	Yea
222	July 20	H.R. 14114: To improve administration of the national park system. Motion to suspend rules and pass. (Passed 325 to 0; 2/3 vote required)	Yea
228	July 22	H.R. 17619: To make appropriations of $2,028,524,700 for the Department of the Interior and related agencies for fiscal 1971. Adoption of conference report. (Passed 387 to 3)	Yea
231	July 23	H.R. 14705: To extend and alter the Federal-State unemployment compensation program. O'Hara motion to recommit the conference report with instructions to agree to Senate amendment extending coverage to certain agriculture workers. (Failed 170 to 219)	Nay
232	July 23	H.R. 14705: Adoption of conference report. (Passed 388 to 3, "present" 1)	Yea
233	July 23	H.R. 18515: To make appropriations of $18,824,663,000 for the Departments of Labor, and HEW, OEO and related agencies for fiscal 1971. On passage. (Passed 362 to 14)	Yea
238	July 29	H.R. 17548: To make appropriations of $18 billion for Independent Offices and the Department of Housing and Urban Development for fiscal 1971. Motion to recommit conference report. (Failed 156 to 227)	Yea
242	July 30	H.R. 15733: To provide a temporary 15-percent increase in railroad retirement annuities. Adoption of conference report. (Passed 344 to 0)	Yea
243	July 30	H.R. 13100: To extend for three years programs of assistance for training in the allied health professions. On passage. (Passed 343 to 1)	Yea
244	July 30	H.R. 14237: To amend the Mental Retardation Facility and Community Mental Health Centers Construction Act of 1963. On passage. (Passed 339 to 0)	Yea
247	July 31	H.R. 17880: To amend the Defense Production Act of 1950. Blackburn recommittal motion with instructions to report back with a provision requiring the President to freeze prices, rent, wages, salaries and interest at their May 25, 1970 level and authorizing a ceiling of no more than $2 billion to carry out provisions of the freeze. (Failed 11 to 270)	Nay
248	July 31	H.R. 17880: On passage. (Passed 257 to 19)	Yea
250	Aug. 3	H.R. 18260: To authorize $45 million through fiscal 1973 to establish programs on environmental education. Motion to suspend rules and pass. (Passed 289 to 28; 2/3 vote required)	Yea
251	Aug. 3	H.R. 11032: To prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. Motion to suspend rules and pass. (Passed 322 to 4; 2/3 vote required)	Yea
252	Aug. 3	H.R. 2076: To provide for the withholding from the salaries of Federal employees income taxes imposed by certain cities. Motion to suspend rules and pass. (Failed 145 to 184; 2/3 vote required)	Yea
255	Aug. 5	H. Res. 1117: Relating to compensation of two positions created by H. Res. 543, 89th Congress, providing for a staff member for both House Democratic Steering Committee and House Republican Conference. On passage. (Failed 90 to 284)	Nay
256	Aug. 5	H.R. 18546: Agricultural Act of 1970. Teague recommittal motion with instructions to delete titles dealing with payment limitations, and wheat, feed grains, cotton and land-retirement programs. (Failed 167 to 218)	Nay
257	Aug. 5	H.R. 18546: On passage. (Passed 212 to 171)	Yea
259	Aug. 6	H.R. 17070: To reorganize the postal system. Adoption of conference report. (Passed 338 to 29, "present" 1)	Yea
260	Aug. 6	S. 1933: To establish uniform Federal rail safety standards and guidelines for transporting hazardous materials. On passage. (Passed 359 to 0)	Yea
262	Aug. 10	H. J. Res. 264: To propose a constitutional amendment banning discrimination on account of sex. Motion to discharge the Committee on the Judiciary from further consideration. (Passed 332 to 22)	Nay
263	Aug. 10	H. J. Res. 264: McCulloch recommittal motion with instructions to hold hearings thereon. (Failed 26 to 344)	Yea
264	Aug. 10	H. J. Res. 264: On passage. (Passed 350 to 15)	Nay
265	Aug. 10	H.R. 18619: To establish a nonvoting delegate from the District of Columbia in both the House and Senate. On passage. (Passed 338 to 23)	Yea
266	Aug. 10	H.R. 18725: To establish a Commission on the Organization of the Government of the District of Columbia and to provide for a nonvoting delegate in the House from the District. On passage. (Passed 300 to 57)	Yea
269	Aug. 11	H.R. 18110: To amend the Public Health Service Act to extend assistance programs to states and localities for comprehensive health planning. On passage. (Passed 275 to 1)	Yea
271	Aug. 11	H.R. 18434: To amend the Communications Act of 1934 to exempt major party candidates for the Presidency from equal-time provisions of the Act and to establish limitations on campaign spending for political broadcasting. On passage. (Passed 273 to 98)	Yea
274	Aug. 12	H.R. 8298: To amend the Interstate Commerce Act to alter certain restrictions upon the application and scope of the exemption provided therein. Nelson amendment in the form of a substitute for the Committee amendment. (Failed 181 to 194)	Yea
275	Aug. 12	H.R. 8298: Nelson recommittal motion. (Failed 141 to 230)	Yea
276	Aug. 12	H.R. 17570: To amend the Public Health Service Act to extend and alter the existing program relating to education, research and training in the fields of heart disease, cancer, stroke, and other major diseases. On passage. (Passed 365 to 0)	Yea
278	Aug. 13	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. On passage to override veto. (Passed 289 to 114; 2/3 vote required)	Nay
279	Aug. 13	H.R. 17548: To make appropriations of $18 billion for Independent Offices and the Department of Housing and Urban Development for fiscal 1971. On passage to override veto. (Failed 204 to 195; 2/3 vote required)	Nay
280	Aug. 13	S. 3302: To amend the Defense Production Act of 1950. Adoption of conference report. (Passed 216 to 153)	Nay
281	Aug. 13	S. 3547: To authorize the Secretary of Interior to construct, operate, and maintain the Narrows Unit, Missouri River Basin Project, Colorado. Adoption of conference report. (Passed 337 to 4)	Yea
283	Aug. 13	H. Res. 1182: To provide for two hours debate on H.R. 17809, to provide an equitable system for fixing and adjusting rates of pay for prevailing rate employees of the Government. Previous question. (Passed 235 to 86)	Yea
287	Sept. 9	H.R. 17809: On passage. (Passed 231 to 90)	Yea
288	Sept. 9	H.R. 16542: To provide for the regulation of the mailing of unsolicited credit cards. On passage. (Passed 301 to 0)	Yea
290	Sept. 10	H.R. 17795: To amend Title VII of the Housing and Urban Development Act of 1965. On passage. (Passed 282 to 32)	Nay
291	Sept. 10	H.R. 11913: To amend the Public Health Service Act to provide authorization for grants for communicable disease control. On passage. (Passed 312 to 1)	Yea
293	Sept. 10	H.R. 9306: To provide for the establishment of Apostle Islands National Lakeshore in Wisconsin. Kyl recommittal motion with instructions. (Failed 29 to 197, "present" 1)	NV½
295	Sept. 14	H.R. 18306: To authorize United States participation in certain international financial institutions. On passage. (Passed 177 to 140)	Yea
299	Sept. 16	H.R. 16900: To make appropriations of $3,004,711,000 for the Treasury and Post Office Departments, the Executive Office and certain independent agencies for fiscal 1971. Adoption of conference report. (Passed 342 to 8)	Yea
300	Sept. 16	S. 3637: To amend the Communications Act of 1934 to exempt major party candidates for the Presidency from equal-time provisions of the Act and to establish limitations on campaign spending for political broadcasting. Adoption of conference report. (Passed 247 to 112, "present" 2)	Nay

VOTING RECORD OF HON. JOHN W. BYRNES OF EIGHTH CONGRESSIONAL DISTRICT OF WISCONSIN—Continued

Roll-call No.	Date	Measure, question, and result	Vote
304	Sept. 17	H.R. 17654: Legislative Reorganization Act of 1970. Schwengel amendment to provide that no vote may be cast by proxy. (Failed 156 to 187)	Nay
305	Sept. 17	H.R. 17654: On passage. (Passed 326 to 19)	Yea
307	Sept. 21	S. 2763: To provide for purchase of systems and equipment for passenger motor vehicles over statutory price limitations. Motion to suspend rules and pass. (Passed 264 to 42; 2/3 vote required)	Yea
308	Sept. 21	H.R. 14678: To alter provisions for penalties for illegal fishing in territorial waters and contiguous fishing zone of the U.S. Motion to suspend rules and pass. (Passed 315 to 0; 2/3 vote required)	Yea
309	Sept. 21	H.R. 15911: To provide for an increase in rates of pension and dependency and indemnity compensation. Motion to suspend rules and pass. (Passed 316 to 0, "present" 1; 2/3 vote required)	Yea
310	Sept. 21	H.R. 16710: To authorize loans for mobile homes for veterans. Motion to suspend rules and pass. (Passed 297 to 0; 2/3 vote required)	Yea
311	Sept. 22	H.R. 18127: To make appropriations for Public Works and the Atomic Energy Commission for fiscal 1971. Evins motion to recede and concur in Senate amendment reported by conferees providing $807,000 in planning funds for the Dickey-Lincoln power project in Maine. (Failed 131 to 230)	Nay
312	Sept. 23	H. Res. 1220: A resolution citing Arnold S. Johnson for contempt of Congress. On passage. (Passed 337 to 14)	Yea
315	Sept. 24	H.R. 18583: To alter existing drug abuse education programs, prevention, treatment and rehabilitation programs, revising the Federal narcotics laws and penalty structure, and providing additional law enforcement methods. On passage. (Passed 341 to 6, "present" 1)	Yea
317	Sept. 28	S. 2264: To provide authorization for grants for communicable disease control and vaccination assistance. Adoption of conference report. (Passed 292 to 2)	Yea
318	Sept. 28	S. 1933: To alter existing standards for railroad safety and hazardous material control. Adoption of conference report. (Passed 311 to 0)	Yea
320	Sept. 29	H.R. 17123: To authorize $19,929,089,000 for defense procurement research and Safeguard antiballistic missile construction for fiscal 1971. Adoption of conference report. (Passed 341 to 11)	Yea
321	Sept. 29	H.R. 18185: To provide long-term financing for expanded urban mass transportation programs. Boland amendment to reduce aggregate authority to $3.1 billion from $5 billion for grants and loans. (Passed 200 to 145)	Yea
322	Sept. 29	H.R. 18185: On passage. (Passed 328 to 16)	Yea
324	Sept. 30	H.R. 18679: To amend the Atomic Energy Act of 1954 to eliminate the requirement for a finding of practical value. On passage. (Passed 346 to 0)	Yea
325	Sept. 30	H.R. 19444: To provide for guards to accompany aircraft operated by U.S. air carriers in order to prevent hijackings and to raise revenue for that purpose. On passage. (Passed 323 to 17)	Yea

[1] Absent. If present, would have voted "yea".

[2] Absent. If present, would have voted "nay".

An Explanation of Terms

Of necessity, the report contains parliamentary terms with which the reader may not be familiar. An explanation of some of these terms may, therefore, be helpful:

A. A *quorum call* consists of a calling of the roll of Members to determine whether or not a quorum—a majority of Members—is present. No business may be conducted when it is found that a quorum is not present.

B. *Recommittal:* Generally, on all important bills, a motion to recommit the bill to a committee, with or without instructions, is voted upon by the House before it votes upon passage of the bill. If such a motion is adopted, it means that the bill will be changed, delayed, or even killed. However, when a motion to recommit is accompanied by instructions, the vote generally indicates whether the Member is in favor of or opposed to the change in the legislation proposed by the instructions and does not necessarily indicate his position on the bill as a whole. A motion to recommit with instructions, if adopted, does not kill the bill.

C. *Rule:* Important bills, after approval of the committee concerned, go to the House Committee on Rules where a rule, in the form of a House resolution (H. Res.) is granted covering the time allowed for debate, consideration of amendments, and other parliamentary questions.

D. *Conference Report:* Representatives from both Houses of Congress meet in conference to work out differences existing in the legislation as passed by the two bodies. Upon conclusion of their conference, a report is submitted to each House setting forth the agreements reached. Each House then must act by way of adopting or rejecting the conference report in whole or in part.

E. *Previous question:* A motion which, if adopted, shuts off further debate on the question before the House and prevents further amendments to such proposition.

F. *Laying on the table:* A motion to lay a bill on the table, if adopted, kills the bill.

G. The type of bill can be determined by the letters which precede its number. All bills that originate in the House are designated by an "H," those that originate in the Senate by an "S." There are four main types:

(1) *H.R.* (*S.*) designates a bill which, when passed by both Houses in identical form and signed by the President, becomes law.

(2) *H.J. Res.* (*S.J. Res.*) designates a joint resolution which must pass both Houses and be signed by the President before becoming law. It is generally used for continuing the life of an existing law, or in submitting to the States a constitutional amendment, in which case it does not require the signature of the President but must be passed by a two-thirds majority of both Houses.

(3) *H. Con. Res.* (*S. Con. Res.*) designates a concurrent resolution. To become effective it must be passed by both the House and Senate but does not require the President's signature. It is used to take joint action which is purely within the jurisdiction of Congress. Many emergency laws carry the provision that they may be terminated by concurrent resolution, thus eliminating the possibility of a Presidential veto.

CEASE-FIRE IN VIETNAM

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mrs. DWYER. Mr. Speaker, the President has made it unmistakably clear that the United States is determined to stop the killing, end the war, and bring lasting peace to South Vietnam and Indochina.

He made it equally clear that a standstill cease-fire is the first and essential step toward these objectives—a position with which I heartily concur.

Though he recognized a cease-fire may be hard to obtain and difficult to maintain, it is obvious that he is fully committed to this course, that he sees a cease-fire as the quickest way to stop the killing, to bring about fruitful negotiations and to permit total withdrawal of all foreign troops, and that he will persist in his cease-fire proposal even if it is, at first, rebuffed.

After 4 years of persistent effort to win support for a Vietnam cease-fire—a cease-fire initiated by the United States, protective of our troops' security, and mutually enforceable—the President's decision was especially gratifying to me.

This was the President's best speech on the subject of Vietnam. It was open, positive, clear, and unequivocal. It cannot be ignored or dismissed. It will, I hope, mark the point where pursuit of a tragic and devastating war took a decisive turn toward lasting peace.

GROUPING EYED BY EDUCATORS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. WHITEHURST. Mr. Speaker, it was with considerable concern and consternation that I learned that the Department of Health, Education, and Welfare has announced plans to prohibit ability grouping in schools because it has been used in some cases to continue segregation.

Having been an educator for nearly 20 years before I became a Member of Congress, I am distressed that such a move is being considered, as are many of the teachers and students in my District. For this reason, I am introducing into the RECORD an article by Mr. Richard C. Bayer which appeared in the September 6, 1970 issue of the Norfolk, Virginia Ledger-Star. I would call particular attention to the statement by Dr. Kenneth E. Fulp, which points out that under the proposed ruling the retarded children would be made to suffer, because they, too, would be denied special classes.

Mr. Speaker, it seems to me that there are far better and more effective ways of implementing integration than by denying professional educators the right to group children according to their ability. Let me reiterate the words of

Dr. Luther McRae, who urges that these possible cases of segregation be handled on an individual basis. Let us return the control of education to the educators.

GROUPING EYED BY EDUCATORS

(By Richard C. Bayer)

NORFOLK.—Federal Judge J. Skelly Wright is best remembered by educators as the man who came up from New Orleans and outlawed tracking (ability grouping) of students in the Washington, D.C., public schools.

He ruled in that 1967 case that the poor and the black should have the same educational opportunities as middle class whites and that tracking had separated the races in the Washington system and created inequalities.

Last week, the Department of Health, Education, and Welfare announced that it is drafting a prohibition against ability grouping because it is being used by some school districts to segregate students by race within schools.

All four school systems in the Norfolk area practice some sort of grouping of students.

While school officials say this is done without regard to race there are indications now that some school systems are looking at the racial composition of ability or achievement groups.

Dr. Kenneth E. Fulp, assistant superintendent for instruction for the Chesapeake school system, said:

"We treat all the children the same regardless of their race and in some cases goups are predominantly white and in other cases they are predominantly black.

"I'd have to say that if it happens they are all black or all white we go back and balance things out a bit."

Fulp said he thought HEW wasn't being very realistic.

"If we follow what they are implying, we couldn't even have special education classes (for the mentally retarded)."

Judge Wright's decision, Fulp said, had actually resulted in this.

In Virginia Beach, where racial problems are minimized since the percentage of black children in the system is below 10, the whole concept of grouping is under a re-evaluation.

Mrs. Mary Barns, chairman of the study committee, said a survey showed both students and teachers favored grouping.

E. Ralph Newton, director of elementary education in the Norfolk system, interviewed about grouping before the HEW announcement, said:

"We're concerned with race and we're trying to integrate each class within each grade.

"We don't think we'd be on safe ground if we had all-black classes or all-white classes."

Newton and other area educators interviewed stressed that grouping can only be fair and effective if the student is not "locked" into one study group.

The student might study reading with an advanced group, but move to another group where achievement in mathematics is lower.

"We're looking at anything we do in the light of race," Newton continued. "We don't want to develop isolation of white students or black students."

The fine art of allowing children to progress at their own achievement rate is then balanced by the pervading issue of race.

Dr. L. C. McRae, assistant superintendent for instruction in the Portsmouth schools, commented on HEW plans to prohibit grouping:

"If they are trying to rout out practices where grouping is done to get around desegregation orders, it should be handled on an individual basis.

"I'm sure they have some cases where school systems have segregated classrooms, but grouping makes it possible for boys and girls to catch up and learn and it allows the above average student of both races to be challenged."

COLUMBUS DAY

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ROTH. Mr. Speaker, I would like to speak of the significance of Columbus Day. To my mind, it has not been properly dealt with in terms of its meaning for our own times. Of course, every schoolboy knows about the great man Christopher Columbus who in 1492 discovered America. But what manner of man was he? What led him on this extreme quest in the face of the unknown perils which lurked beyond the Atlantic horizon?

I would put two qualities first when speaking of the adventures and travels of Christopher Columbus. These are, optimism in his initial appraisal of what could be accomplished by the individual on his own and extraordinary courage when the trials to be overcome emerged far more fiercely than he had ever assumed they would.

Consider his optimism first. In this day and age, it is popular to imagine great leaders in world events as tough men, perhaps even cynical and pessimistic men. This is unfortunate, in my view. For it should be clear that our greatest accomplishments have come from those who have pointedly underestimated the task before them. But this is an irony which only turns out to be patent commonsense when examined. Only those who have underestimated a great trial are prepared to undergo it. Only those who laugh off what the greater part of mankind perceive as certain tragedy can achieve greatly in the face of apparently insuperable challenges. How did Columbus underestimate the challenges before him? For instance, he set great store by the apocryphal Old Testament "Book of Esdras," and was influenced by its cosmography, notably the statement that the waters cover only one-seventh part of the earth. His overestimate of the amount of land composing the earth's surface, combined with what has been called his "fortunate underestimate of distance" between Spain and India, derived from Ptolemy, was a powerful factor in his determination to undertake the westward voyage. Another basic geographical concept of Columbus was that the length of a degree is 56⅔ miles—a figure first given by the Arab philosopher Alfraganus, in Arabic miles, which gives a fairly accurate estimate for the earth's circumference; but Columbus' miles were those on his Portuguese navigational charts, which means that he made the earth about one-fourth smaller than it is.

Some people might scorn Columbus' simplicity in these matters—his general unpreparedness, if you will. But I think that would be unwise. Would we have beaten Hilter's dread threat had we been totally realistic about all the prices we were going to have to pay in doing so? Would we have reached the moon without a generally romantic notion that we could do it, no matter what? Would we have been able to stave off both Communist imperialism and a general war to end all mankind if we had thought too long about the cost of each move? All the answers to these questions must be no. Progress does not serve the timid and the cynical, but rather raises to eminence those whom their fellow men often think of as simpletons, when their final triumphs give the lie to their critics.

So it was with Columbus the optimist. But what also must not be forgotten is his courage and his stick-to-it-iveness when the going got rough. He never gave up, but remained always faithful to his original dream. Ridicule, disgrace, apparent failure, and arrest—none of these daunted him, but rather spurred him on his way. Three tempestuous roundtrips he made across the wild Atlantic in what would now be called a very small vessel. But if he were ever afraid, his fear made him stick only that much more closely to attaining his goal. He thought he had discovered India, but even that perhaps is the mark of a very great man—to discover something of enormous value whose significance is not appreciated until many, many years later.

In Columbus' manner, we must also pursue our course on this frail vessel called America. The going will be rough, but we must not lose sight of the dream which sent us on our way as one people in the first place—that our ship of state would remain the land of the brave and the home of the free.

Christopher Columbus was only the first Italian to make a mark of greatness in America. Another was Enrico Fermi, the famous Italian physicist and Nobel Prize winner who emigrated to these shores in 1938. Although he never marched in the ranks, he must be acknowledged as one of the great heroes of World War II. For it was Enrico Fermi who split the atom and thus beat Hitler's scientists to the punch. Still another eminent Italian to come to this country was Arturo Toscanini, who became the greatest concert conductor of our time and, in so doing, vastly enriched the American cultural scene. There are also many famous and nationally revered Italian Americans. Their names would include: Magellan, Joe DiMaggio, Rocky Marciano, and the late, beloved Coach Lombardi of pro-football fame.

Here at home some of our most prominent Delaware leaders and families proudly bear Italian names. I shall mention but one—Father Balducelli, who has worked tirelessly to make our community a better place in which to live.

YOM KIPPUR

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ROONEY of New York. Mr. Speaker, for those of us who enjoy a close personal relationship with our devout Jewish friends, the past days of penitence observed by them have given us renewed inspiration even though these holy days belong to those of another faith. These days have reemphasized for us the importance which Jewry places

upon the days immediately following the observance of the Jewish New Year which began with Rosh Hashana.

As our friends celebrate Yom Kippur, beginning tomorrow at sundown, which is the most solemn of all Jewish holy days, we cannot but be deeply grateful for the vicarious spiritual uplifting which comes to us from their beautiful rituals. For those of the Jewish faith this sacred Day of Atonement on Saturday is one of deep spiritual significance. To those of us of other faiths this day has great meaning also, since we, too, can share in the beauty and solemnity of it.

As this period of deep religious dedication and devotion comes to an end, I want to again extend my warmest New Year's greetings to my host of Jewish friends and neighbors wishing them health, happiness and prosperity in abundance. For my many friends in Israel observing these days, including the staff and all the girls at Bayit Lepletot Home in Jerusalem, I have a special wish for them—a wish that these tempestuous days of war and political unrest throughout the Middle East may soon be over and that a just and righteous peace may prevail.

THE LUNATICS ARE RUNNING THE ASYLUM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. SCHMITZ. Mr. Speaker, in a short three pages Al Capp does more to shed light on the violence which has plagued the college campuses of this country than can be found in all the reams of material put forth by one of the more recent Presidential commissions.

Mr. Capp contends that the major problem the colleges face is that they are being run by lunatics. I suppose that this article might be termed controversial since it does not put the onus of guilt for the college situation on the heads of the middle-class American, the police, the National Guard, militarism, the current administration, incipient racism, U.S. imperialism, the war in Vietnam, inevitable historical processes, the technological revolution, or even on Mayor Daley. In fact, he does not even divide the guilt up equally between these well-known causes of campus unrest. Mr. Capp seems to feel that the sacking, looting, bombing, and general disheveled state of affairs might possibly be due to criminals posing as students and morons posing as learned men. This is a novel approach to the situation and deserving of more intensive study. But let us not appoint a commission to do it.

Mr. Capp's article was taken from the Young Americans for Freedom monthly magazine New Guard, as follows:

THE LUNATICS ARE RUNNING THE ASYLUM

(By Al Capp)

I've made a careful study of the college situation and I have good news for you. Our colleges have only one problem. The lunatics are running the asylum.

The university was once a place we sent our loved ones who were going through one of life's most ludicrous and irrational stages—puberty . . . in the hope they'd pick up some useful knowledge, and, more importantly, some useful connections . . . and to get them out of our sight while their minds and their complexion cleared up. Our colleges were once run to introduce some order into the disordered thinking of our pubescents, to elevate their morals above the chimpanzee level, and to discipline their muscles.

Today, they are run to suit the wildest whims of their unbalanced minds, it has sunk to a moral level that a chimpanzee can live with, but only a chimpanzee, and it grovels at the flexing of their muscles.

A college education once humanized its puberty-maddened. Today, it is a temple of puberty-worship.

And what I say is that any administration of men over 40 who consider students under 29 as smart as they are—is probably right. Too many colleges have become a combination playpen and pigpen because it disregards one of the immutable facts of nature . . . and that is the inferiority of the college students to any other class.

The non-college student is a citizen who announces to the world that he can be useful to it, four years before a student can.

But when a college student registers as one, it is his confession to the world that he needs four more years of its indulgence and charity before he can contribute anything to it. It is a shameful and pitiful state, and it would seem prudent for anyone in it not to attract attention to himself.

Until lately, students were decently aware of their low condition, and hoped not to be noticed, while they strove to rise above it.

And, until today, college administrations were aware of their intellectual and moral superiority, and treated students with the benign contempt they deserve. And while they did, the alumni were content to support institutions like Princeton to trust its young to their administrations, to bestow honors upon its great administrators and in some cases, to pay them a living wage.

It was, however, when they began to treat academics as equals that the trouble started.

I live in Cambridge, Massachusetts, a quarter of a mile from Harvard Square as the crow flies. Today what you see flying above Harvard are mainly deans, propelled by student feet.

SCHLESINGER AND GALBRAITH

I remember how amusing it was once, at Cambridge dinner tables, to listen to Arthur Schlesinger Jr., and Ken Galbraith tell how they'd run the country if they had the chance. You could enjoy their fantasies in perfect safety because you knew they'd never have the chance. Then, suddenly, they had the chance.

It wasn't amusing anymore. It wasn't fantasy anymore. It wasn't even safe anymore. It became the way it is now. And it's going to get worse, until we stop being sentimental about this thing and realize that those in the academic world simply are not the equals of those in the real world. In the real world, one must outsmart one's superiors. To succeed in the academic world, one need only to outsmart one's inferiors—students. That's not anti-intellectualism. It's a defense against it.

I've worked in both worlds and I am appalled at the anti-intellectualism of our intellectual community. Although they are the world's highest paid babysitters, they lack the intellect to understand, and the manners to respect the immeasurably superior intellect of those who created the wonderful and complex and imperfect outside world, who support the academic world they whine about the outside world *from*, and who, from time to time, are called on to protect the whiners from the lunatics they've made of so many of our children.

But the whining doesn't stop. When we protect them, as Jack Kennedy put it, with all necessary vigor, they whine *more* loudly, as they did at Kent State.

John Lindsay wasn't wrong to fly the flag at half-mast for the kids at Kent State. His mistake was that he flew it for the wrong bunch. The martyrs at Kent State were those kids of ours in National Guard uniforms—who we ordered to protect the University from the mob that the Mahysers and Kellys and Falks of its campus had goaded into madness. The martyrs were the kids who had left their constructive lives to stop the destruction at Kent State because we ordered them to. Those who whined for us to give that order are now whining that we didn't also order them to let the lunatics stone them to death.

Lunacy at our schools isn't homicidal—not yet—but it *is* getting there. Here you have lunatics of all ages—in all positions—from the most humble dean to the most powerful freshman, running things.

You won't find a more perfect example of perfect lunacy in Kafka and Krafft-Ebbing, in Laurel and Hardy, even in Schlesinger and Galbraith, than the events at Princeton during the second week in May.

EVENTS OVER AT IDA

Several hundred students, egged on and fired up by a flock of faculty Fagins, decided that this country would never again need to be defended. They marched to end all operations at the Institute for Defense Analyses. They barred the entrance with bicycle chains, saving out a few of the heavier type to be used on any IDA employees unscrupulous enough to try to sneak in and go to work.

Then they linked their arms, toes, and tails, and created a barrier of bodies, and body odor. President Goheen, with the courage that has made him a legend, stormed onto the scene and instructed IDA deputy director Neuwirth to tell the mob that they could go right on with anything they had in mind, providing they remained non-violent, didn't damage the building, and didn't interfere with anyone's rights. He then told the IDA scientists to go home. One job they left unfinished in the building was the final development of a device to detect hidden human beings, which would save countless lives from attack from ambush not only in this war, but in any war to come. But, with the lunatics running the asylum it was decided there would never be any more attacks on us, and no further need to go on with such silly experiments.

The mob agreed to be non-violent, not to damage the IDA building, and not to interfere with anyone's rights. They non-violently broke a large antenna off the roof and replaced it with a peace symbol, the Viet Cong flag. They didn't damage the building. They painted obscene words and filthy pictures on all four walls and dropped a stench bomb into the ventilator. They didn't interfere with anyone's rights. Anyone who approached the building had the right to duck the rocks they hurled at them. The administration, stern disciplinarians to the end, served them sandwiches, doughnuts and hot coffee; and while the mob and their faculty Fagins were busy munching their picnic lunches and smoking their pot, President Goheen called a faculty meeting that lasted until 4 A.M. to discuss ways to handle the situation.

I don't know if anyone suggested that one way might be to turn firehoses on them . . . or to expell them on the spot, declare them trespassers, vandals and public nuisances and permit the Princeton police to pile them into paddy wagons.

I don't know if anyone reminded President Goheen that Princeton's commitment to the government was to continue to operate the IDA until 1975, and there wasn't a

student lunatic or faculty Fagin in that mob Princeton was committed to tolerate beyond the next thirty seconds.

Which commitment did Princeton honor?

Its commitment to the defense of the nation or its commitment to the lunatics whose sickness is the fantasy that, because they prefer to enjoy America's affluence in peace, our enemies will be lunatic enough to let them, once we destroy our capacity to maintain that peace?

Princeton didn't order the obsenity howling, stench-bomb throwing mob off the campus. It ordered off the scientists from the IDA.

No, there wasn't a single move in that that a sane man would make, or a lunatic wouldn't. And then there was the appointment of one of the leaders of your 1968 riot here to your Board of Trustees—an act comparable to appointing Richard Speck night watchman to the nurses dormitory or Adolph Eichmann Chief Rabbi of Berlin.

When the lunatics take over, everything goes crazy, right down the line.

RACISM IN THE IVY LEAGUE

Princeton exists because of the revolution of men who wanted to be free. Now there are those at Princeton who teach revolution against the freedom they won. But they don't give the students a full course. They aren't taught that revolution doesn't consist wholly of wearing Che Guevara's old hairdo, Leon Trotsky's old beard, and Audie Murphy's old uniform, and going out and lobbing rocks at the other side. They aren't taught that in a revolution, the other side, whether they're cops, or construction workers, or other kids in National Guard uniforms—can fight back. And when they do, the half-baked revolutionaries cry their hearts out, and those who sent them to the barricades half-raw, demand that we cry *for* them.

Princeton, which once, when reason reigned, abhorred racism, now teaches it, by example, as they do at Yale and Harvard. It comes in a more sophisticated form, but that's because the Ivy League can afford a more expensive type of bigot. At Yale when Kingman Brewster said that no black man could get a fair trial in the state of Connecticut, what he also said, in effect, was that there weren't 12 honest white men in the state of Connecticut. Now racism is racism no matter which race it is directed against.

If Kingman Brewster had said there weren't twelve honest black men in the state of Connecticut, the Yale faculty would have demanded his dismissal, and I'd have cheered them. But, when the Vice President demanded his dismissal, the Yale faculty supported Brewster fully. The Yale faculty endorsed its president's racism as blindly as the faculty of any backwater Alabama school has ever endorsed the racism of its governor.

At Harvard last year, four black students in its Black Studies department, designated specifically by color, were granted powers to vote on the hiring and firing of instructors in that department, equal to that of any dean. Only Oscar Handlin, one of the handful unaffected by the lunacy there, pointed out that a University that grants privileges based only on the color of a student's skin, can also withhold privileges on the same basis. You can't get anymore racist than that, but you can try . . . and Princeton has.

Princeton's racism isn't as coarse as Yale's, or as flagrant as Harvard's. It runs so deep, it's victims can't detect it. But they're uneasy, unhappy; they're beginning to suspect it. Black students here aren't treated as men are; they're indulged as pets are. In infinite, and often almost invisible ways, they are given the special treatment one gives to those one considers inferior.

It is racism at its most deceptive, its most degrading, its most destructive. Until Princeton allows its black students to demonstrate that they are as capable of acts of honor and achievements of intellect, as any white, it will remain what the lunatics have made of it, an institution of sophisticated sanctimonious racism.

LUNACY IN ADMISSIONS

The lunatics have taken over the admissions office, too. Certainly it wasn't easy to burble, that the group of students accepted here this year showed a dramatic increase in non-academic achievement. Before Princeton went off its rocker, any student who showed a dramatic increase in non-academic achievement was kicked out.

The new lunacy now dominates the old ceremonies. It has made carnivals of commencements, so obscene that only the student hysterics and hyenas, the brawlers and the bedwetters, the muggers and the arsonists, the criminals and the creeps, can safely attend them, and at our colleges for young ladies, only the bathless and the bra-less. Some come to those ceremonies solely to stomp out of them, shrieking slogans from old editorials in the Daily Worker or from the sermons of Rev. William Sloan Coffin. Some, whose talent for obscenity has earned them the honor of speaking for their class, come to curse their parents, guests and faculty hosts. But the mindless and mannerless minority *all* come, in complete confidence that no matter how beastly their acts, how foul their mouths, they will be welcome and protected.

Two students this year, more typical of the majority, didn't dare come to their graduation. They knew their colleges would not dare protect them from the hyenas, or even from being hurt by them.

These two had committed such social crimes as attending classes instead of riots, and of getting married *before* they moved into an apartment together.

But, most unforgiveable of all, these two came from families considered by many in Princeton's social science department, to be more ill-bred than the Jukes of the Kallikahs; they came from families which had each bred a President.

GRADUATION 1970

1970 is the year Julie and David Eisenhower were, in effect, barred from their graduations. It is the year Jerry Rubin and Abbie Hoffman took charge. It is the year of the lunatic.

What will college be next year, or the year after, if the lunatics go on running it? Will there be an ivy league school next year, or the year after, that any thoughtful parent would send his kid to—or that any prudent parent would spend a dime on to support his kid in?

If the lunatics remain, and I include among them those too flabby to stand up for sanity, only those will come here whose parents don't care whether their kids get educated. And they'll come here mainly because there isn't anywhere else to go where you can commit crimes and be given a year of graduate school instead of a year in jail.

If the lunatics keep running our schools, you won't have to send missionaries out to the slums—they'll create a moral and academic slum here.

NEW COURSES

Next year is the year for action—and next year should begin today. It should have begun a year ago today.

Next year should be the year we introduce two new courses. One, a course in B.S. Identification. I won't identify the words B.S. stands for . . . it'll become clear as I go along.

There isn't a course yet in B.S. identification anywhere. There would have been a year ago, if I could have accepted the first chair in the subject at a California college. The purpose of B.S. Identification is to monitor all lectures and seminars, all teach-ins, sit-ins, and bend-overs, and especially all speeches by visitors such as William Sloan Coffin, and to identify the B.S. that's flung around by them.

Now no one should be denied the right to spread B.S.—especially William Sloan Coffin—it would be comparable to imposing a vow of silence on him—but no one should be denied the right to identify the B.S. students are being studded with for what it is.

And then a course in Love. Not the sort of Love the professional Love people—those who wear love beads, carry love flowers, flourish love signs—not the sort of Love they have any affection for. I mean Love of America.

It should be a course that doesn't overlook America's foolishness, but that will also look at America's greatness.

It should be a course that doesn't overlook America's history of callousness to some of its own, but that will also look, and with reverence, at our history of generosity to the humble and hopeless of all the world, a record no other nation, ever, has matched.

Basic love of country won't be an easy course to get any big academic name to teach. Becoming known for Love of Country isn't the way you become a big name in academic circles—not lately.

Once, after I spoke at Penn State, a student came up to me, shook my hand, and said, "Mr. Capp, it took courage to tell an audience of students you love America."

I've never been paid a compliment that made me sadder. Have the faculty Fagins and the young they've B.S.'ed into lunacy made our campuses places where it now takes courage for an American to tell other Americans he loves America?

I don't think so. I think our young want to hear the truth, and the truth is that America is, for all its faults, the loveliest and most liveable of all nations; and that Americans are, for all their errors, the most generous and Christian of all people. And what makes it that isn't anything we found here. It's something we created here—it is the freedom we have to forever repair and renew America—not in the way of the Fagins and the lunatics—the way of hate and hysteria, but the way of patience and persuasion, the way of thinking men.

HORTON COMMENDS WAYNE HARRIS FOR HIS FIGHT AGAINST POLLUTION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. HORTON. Mr. Speaker, Wayne M. Harris is chairman of the Air and Water Pollution Committee of the Monroe County Conservation Council in Rochester. He is one of the leading conservationalists in New York State.

Long before the issue of ecology became popular, Wayne worked toward cleaning the environment, often at a risk to his law profession.

Wayne's work was recently recognized in the September–October issue of Fitness for Living. I would like to share with my colleagues the article and the example of what one man can do in the fight against pollution:

WHAT'S WAYNE HARRIS UP TO NOW? YOU'VE PROBABLY NEVER HEARD OF HIM—BUT ROCHESTER, NEW YORK HAS

(By Barry Ott)

Next month more than 6,000 high school and college students in Rochester, New York, will begin a 16 mile hike through the city. Two thousand or more will finish the course. A couple of hundred will jog the whole distance. Most will walk, and the late stragglers will come in at the finish line two or three hours after the runners will get there.

It doesn't really matter. What matters is that all will be paid for their efforts. The last one may be earning as much money as the first. And some will undoubtedly be earning money at the rate of $50 to $75 a mile—more than $200 an hour.

But the student's won't keep a cent of it. In fact, foot wear, lunches and any other expenses incurred on the way come out of their own pockets.

The hike, tentatively called Walk for the Environment, is a method of raising money to fight environmental pollution in the city of Rochester—and at the same time to popularize physical exercise. Forty-four-year-old lawyer Wayne Harris, one of the men who dreamed up the Walk, describes it this way:

"Every person who participates in the hike (he needn't be a student—older folks are welcome, too) has to find sponsors. These are people who will pay him a minimum of 10 cents per mile for every mile he walks. But we know from the experience of others who have used this method to raise funds that most sponsors will give a dollar a mile or more.

"The ambitious hiker doesn't stop with one sponsor. There's no end to the number of sponsors a person can get."

By the time the hike ends on a warm Saturday night next month, the Monroe County Conservation Council (MCCC) will have the money it needs to continue what has shaped up in recent years to be one of the most forceful and successful citizens' attacks on environmental pollution in the nation. In a city of only half a million people, the Monroe County Conservation Council claims 5,000 active members. And none is more active than the Council's Air and Water Pollution Committee chairman Wayne Harris. An outdoorsman and hiking enthusiast, Harris abhors the concept, popular among some major industries, that the environment is nothing more than a garbage can.

Fresh out of law school some 20 years ago, Harris became involved in conservation thorugh the MCCC. "People asked me why I wasted my time with a thing like that," he says today. "There's no money in it, they would tell me. And of course they were right. In fact, in the early 1950's opposing pollution was a dangerous business for an up-and-coming lawyer."

One politician put it bluntly one day in Wayne Harris's office: "If you don't get off the anti-pollution bandwagon, you might as well throw your law practice out the window. There's not an industry in this city that will hire you for a case. You'll be washed up."

But Harris figured silence was too high a price to pay for a successful law practice, so with zealous determination he began a systematic attack on pollution and the polluters.

In the beginning he was called an oddball, an eccentric and a few names which family magazines don't print. He was threatened, bribed, but never ignored. He became president of MCCC in 1956, and that year he and the council experienced their first major victory.

The state was then classifying all rivers according to a scale from A to E. "A" meant that the river must be kept clean enough for drinking. "B" meant good enough for swimming. "C" was for fishing. "D" and "E" meant good for nothing except carrying sewage.

Harris and the MCCC demanded a "B" classification for all rivers flowing through Monroe County. They were up against the City Hall, the Chamber of Commerce, the County Health Department and local industries. The hard facts of Rochester life were that the city's many industries relied heavily on local rivers for industrial disposal. They fought strenously for the "D" classification—but they were no match for 5,000 members of the Monroe County Conservation Council and its then-president, Wayne Harris.

After a state hearing, the river was given a special "B" rating. Today it is an official "B," which means that, theoretically anyway, all the rivers in Rochester may be used for bathing.

"Unfortunately," Harris points out, "you still can't swim in them because the classifications aren't enforced. Dumps leach into them, inefficient sewage plants discharge into them, industries pour wastes into them, and the Health Department does nothing about it. You see, if they jump on Henrietta (one of the big Rochester area towns), they'll have to jump on Pittsford, another large town, and on Kodak and on the city of Rochester and so on. They don't want that.

"But God help you if you're a home owner and a leak develops in your septic tank. They'll hop on you right away. The City of Rochester and Eastman Kodak can foul the Genesee (Rochester's main river) with thousands of gallons of effluence each day. But you, a little guy with a leaky septic tank, they'll tell you to get that fixed quick. You're a health hazard and a menace to the community!"

The battle over classification of the rivers was hardly over before Harris began a new campaign. With an outstanding scientist, E. Grant Pike, and a leading professional engineer, John Bennett, both members of MCCC, Harris took tests to determine pollution levels at the county's two beaches—Ontario and Durand-Eastman. "Federal regulations are that coliform—which is an indicator of sewage bacteria in water—shouldn't exceed 1,000 parts in 100 c.c. of water," says Harris. "In New York, we're more lax and have set a count of 2,400 as our standard. So, we took tests at the mouth of the Genesee, where our beaches are, and where our kids swim, and got counts of 800,000."

"The whole thing was a sad joke," says Harris. "We need as many opportunities as possible to get out and exercise and enjoy physical activities. Swimming is one of the best ways to exercise and have a good time doing it. Yet, swimming in these lakes was downright hazardous to health.

"The area's sewage plants were completely inadequate and Rochester was dumping 93 million gallons of untreated sewage into the lake every day."

Harris and the MCCC decided to "tell it like it is." They printed posters saying, "Warning—This Water is Polluted. Swimming or Fishing is Hazardous to Health." The signs were posted on the beaches, the whole story splashed all over the local papers. Soon the lakes were closed to bathers. Today, the public swimmers and fishermen especially are demanding they be cleaned up and reopened.

On many weekends during the winter as well as the warmer months, Wayne and his wife, Joan (a stockbroker) and one or more of their six children can be found hiking along the edge of a river or lake in the Rochester area. Each of the expenditions has a dual purpose: to get some fresh air and exercise as well as to track down pollution sources. One such expedition recently took the Harris family and John Bennett 15 miles along the Honeoye Creek in an effort to find the source of pollution which caused an extremely high coliform count in the water. "They really hide those outlets sometimes," says Harris. "You practically have to dig for them."

But after many hours of searching, the Harrises came upon the pipes which emptied into the water. "It was a milk processing plant," says Wayne, "that was greatly overloading the sewage treatment plant of this village and therefore the sewage treatment plant almost stopped working. The result was that a great amount of raw sewage poured into this fine river."

Whenever he discovers an outflow pipe. Harris takes a sample of the water and has it analyzed. He also take photographs, often color, so that he can illustrate his case graphically when he begins to battle the polluter in earnest.

The battle itself may be launched in several different ways. As a lawyer, Harris may turn to the courts to have local, state and federal anti-pollution laws enforced. Such a battle recently led to the building of a sewage system around an entire lake. In the past, sewage from surrounding areas was poured untreated into the water of Conesus Lake. Conesus, an Indian word meaning "always beautiful," is a rare example of such a far-reaching step to combat pollution on a large scale.

In general, though, Wayne Harris is not satisfied with the results the courts can give. For one thing, anti-pollution laws have no teeth in them. Companies who are found guilty of breaking the laws know that it is less expensive to pay fines on a regular basis than to go to the expense of discontinuing the pollution. And of course the judiciary system is cumbersome. Lawyers can drag environmental pollution cases out for two or three years. During that time the pollution often continues. The company pays nothing more than lawyers' fees. The big price is paid by the people who have to live—and die—with the pollution.

In general, Harris and the MCCC prefer raising public pressure and indignation to get results. First, the MCCC gets the facts—and there are enough scientists belonging to the Council to do the necessary research without charge. "If you talk in general terms about lost beauty and how the rivers are full of junk," says Harris, "you'll get nowhere. To impress the politicians and bureaucrats you need test results, expert witnesses, samples, photos and statistics."

That was the approach last year when Harris become concerned about the carbon monoxide concentration in Rochester's biggest underground parking lot, The Mid-Town Underground Garage. First, he had tests made which showed carbon monoxide levels of 120 to 300 parts per million. According to the federal government, these levels should not surpass 50 parts per million except when humans will breathe the air for only five minutes. Then, the government allows 100 parts per million.

After writing to local, state and federal officials and getting no results, Harris once again turned the spotlight of publicity on the problem. Along with assemblyman Frank Carroll, Harris walked through all three levels of the Mid-Town Garage one afternoon in May and posted signs reading: "Warning—Air in this Garage Hazardous to Health." The story, with photographs, was featured in the Rochester papers. As a result, the city is now under immense pressure to provide adequate ventilation for the garage.

Wayne Harris and the Monroe County Conservation Council have proved that concerned citizens really can fight even the biggest polluters. Today, New York spends more money for pollution control in Monroe County than in any other county in the state—including the boroughs of New York

City. What it takes is determination—the kind of determination that has prompted Harris to dedicate 20 to 30 hours a week to fighting pollution.

"It is more than preserving the natural beauty of our country, although that is important," says Harris. "Our physical fitness, and the very future of our children depends upon our dedication and the effort we are willing to exert to protect and improve our environment, the crucial issue. The whole thing is a lost cause if we can't get this environment cleaned up soon."

CHRISTOPHER COLUMBUS DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MINISH. Mr. Speaker, this Columbus Day marks the end of an era of neglect of that hardy explorer to whom we owe so much.

I was honored to sponsor the bill that became law, which added Columbus Day to the list of national holidays. He certainly merits the respect and prestige of our entire Nation. It was Christopher Columbus who first braved the vast expanse of uncharted ocean to discover the New World.

Christopher Columbus achieved one of the most far-reaching geographical discoveries in the history of this planet. By his tenacity, his faith and indominable will, he set an example for all to follow. In the future, when explorers and navigators reach out to other planets through uncharted paths, they will hark back to the qualities of Columbus. His belief that through perseverance he could succeed, exemplify his great stature. The lesson that he taught countless generations remains valid today.

Our debt to Christopher Columbus can never be repaid, and it is for that reason that we pay tribute to his memory.

CONGRESS MUST PASS MILLS BILL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. WYMAN. Mr. Speaker, the American Footwear Manufacturers Association just circulated some revealing statistics regarding the harmful effect foreign imports are having upon the industry nationally. These figures, which indicate a 21.3-percent increase in the amount of imported footwear articles over the same period last year—August 1969—point to the need for immediate enactment by Congress of legislation limiting imports to a prescribed percentage of prior base period imports.

Mr. Speaker, the so-called "Mills Bill" will help put a stop to additional closings of production shops and factories of this and other vital New England industries. As a cosponsor of the legislation, I have pointed out time and again that the arguments of free-traders that this is protectionist legislation is false. We will not cut off imports with this bill—we limit them to a reasonable level to avoid dumping in this country. We are obligated as representatives of the interests of American industry and its work force to offer at least this much. Even if Congress should stay in session until the 1st day of November, we have an obligation to the sorely-pressed shoe and textile industries to enact the "Mills Bill." Unless we act in this Congress, we are going to have to begin the process all over again in a new Congress which would mean months more delay with the probability of many additional closings and the loss of thousands of jobs.

I urge action on this legislation next week or on November 16 as a matter of first priority of the Congress as a first responsibility of a majority of the Members of this body to our constituencies.

The statistics follow:

IMPORTS: JANUARY–AUGUST 1970

A total of 16,166,700 pairs of non-rubber footwear were imported into this country in August—22.1% above last August. Imports for the first eight months of 1970 totaled 168,753,100 pairs—an increase of 21.3% over the same period last year. The f.o.b. value to date of non-rubber footwear imports totaled $372,321,900—a 29.8% increase over the same period last year.

All major types of imports showed increases:

LEATHER AND VINYL FOOTWEAR FIRST 8 MONTHS

	Percent change 8 months 1970/1969 (percent)	Average value per pair	Estimate retail value
Men's boys' leather	+12.8	$4.38	$14.19
Men's and boys' vinyl	+66.5	1.14	3.69
Women's and misses' leather	+26.8	3.23	10.47
Women's and misses' vinyl	+11.7	.87	2.82
Children's and infants' leather	+18.8	1.46	4.73
Children's and infants' vinyl	+11.1	.76	2.46

OUTLOOK FOR THE YEAR

Based on the first eight months of 1970, imports of non-rubber footwear:

(1) will total 237,200,000 pairs

(2) will be worth $557,500,000 at the f.o.b. level

(3) will be worth $903,150,000 at the wholesale level

(4) will be worth $1,806,300,000 at the retail level

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[In thousand pairs; thousand dollars]

Type of footwear	August 1970 pairs	Percent change 1970/1969	8 months 1970 Pairs	8 months 1970 Dollar value	8 months 1970 Average dollar value per pair	Percent change 1970/1969 Pairs	Percent change 1970/1969 Dollar value
Total, leather and vinyl	16,166.7	+22.1	160,661.9	360,549.1	$2.24	+19.5	+27.7
Leather excluding slippers	7,511.0	+20.6	85,020.8	292,487.3	3.44	+22.1	+26.3
Men's, youths', boys'	2,271.0	+7.6	23,102.5	101,139.3	4.38	+12.8	+19.7
Women's, misses'	4,687.4	+28.3	54,809.4	176,785.7	3.23	+26.8	+33.2
Children's, infants'	255.4	+40.6	4,854.5	7,085.3	1.46	+18.8	+11.8
Moccasins	44.7	−27.2	389.9	416.2	1.07	−13.5	−23.9
Other leather (including work and athletic)	252.5	+15.5	1,864.5	7,060.8	3.79	+36.0	−5.5
Slippers	21.3	−52.2	164.1	401.6	2.45	−26.8	−9.4
Vinyl supported uppers	8,634.4	+23.9	75,477.0	67,660.2	.90	+16.9	+34.6
Men's and boys'	1,398.8	+75.4	11,005.4	12,548.7	1.14	+66.5	+68.1
Women's and misses'	6,449.7	+18.3	56,978.4	49,543.5	.87	+11.7	+29.5
Children's and infants'	660.2	+19.8	6,391.1	4,875.9	.76	+19.1	+24.4
Soft soles	125.7	−23.5	1,102.1	692.1	.63	−10.7	+9.2
Total, other nonrubber types	1,298.2	+98.9	8,091.2	11,772.8	1.46	+74.3	+151.7
Wood	266.7	+200.0	3,079.4	7,790.6	2.53	+364.7	+393.5
Fabric uppers	953.1	+103.3	4,395.6	3,146.1	.72	+28.0	+27.0
Other n.e.s.	78.4	−17.5	616.2	836.1	1.36	+13.0	+34.6
Total, nonrubber footwear	17,465.0	+25.7	168,753.1	372,321.9	2.21	+21.3	+29.8
Rubber soled fabric uppers	4,701.5	+44.6	32,208.4	27,122.7	.84	+4.7	+17.8
Grant total, all types	22,166.4	+29.3	200,961.5	399,444.6	1.99	+18.3	+28.9

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

Source: American Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquires to the association, room 302, 342 Madison Ave., New York, N.Y. 10017.

POEMS OF PVT. JAMES J. RICE, VIETNAM HERO

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. PHILBIN. Mr. Speaker, I would like to include in the RECORD several poems written by Pfc. James J. Rice, son of Mr. and Mrs. John P. Rice of Newtonville, Mass., in my district.

This gallant young marine made the supreme sacrifice for his country on February 7, 1968, and has been awarded three medals posthumously—the Bronze Star with V for Valor, the Cross of Gallantry from Vietnam, and the Meritorious Bravery Award from Vietnam.

I believe his poetic offerings are worthy of recognition and a lasting tribute to his memory.

I extend prayers and most heartfelt sympathy to the grief stricken family of this young American hero. God love and bless them all.

The poems follow:

THE TORCH-OF-LIBERTY

The sun has gone down and the time is night,
When Flashes light up the cold black sky
I think of those who fight with me
My prayers are all for the men whom I am with.
The mountains echo our mighty fire power
As we strike blows for freedom hour by hour
We must all look to the heavens for strength
And pray for the war's shorter length.
If you could see our Marine type smile
When from battle we rest awhile
Your heart would go out to these of our nation
We do our hard job without hesitation
We left our homes so warm and gay
To fight for a country whose future looked gray
We look not for glory for what we have done
Only hope when it's over, this war we'll have won
Yes, the sky it lit up with Flashes tonight
Cause it's liberty's torch we're trying to light.

A U.S. MARINE

In Vietnam this far off land,
In the midst of fighting there walks a man.
He wears a uniform of faded green,
He's proud of his heritage, this U. S. Marine
He doesn't ask much, this fighting man
And does his job as best he can
From dawn to dusk under blazing sun
He's fought in such places as 881
From Saigon to Chu Lai
And on up to Phu Bai
In mountains and plains
Through heat and rains
His jobs are many and often varied
Maybe he's single or happily married
He could be 18 or 35
But he's a Marine, that can't be denied
To do a job in this green hell
And strike a note of freedom's bell
And he hopes someday when this war is through
He'll go home to stay with loved ones so true
But he'll never forget what he's done and seen
And above all, he's proud to have been a U. S. Marine.

WHY?

Why must man in greed and hate
Design the fortunes of his fate
Fashion the tools that spell his doom
And haunt him in his silent tomb?
Why must man throughout the years
Always live in constant fears
In fear of death, famine and flood
Of hunger war and wasted blood?

Why must man, God's gift supreme
Spend countless years in useless dreams
Letting precious years speed on
When life, so sweet, so soon is gone?

Why cannot "Peace on earth to men"
Come other than by poets pen
Then, only then, will you and I know at last, the answer. Why?

A hot, sizzling sun beats upon my brow
And sweat trickles down, my head starts to bow

My helmet is heavy, it weighs many pounds
My ears are alert for the enemy's sound

My pack is so heavy it feels like lead
And all I can dream of is a nice soft bed

My boots weigh a ton, full of water and earth
I curse the jungle and the day of my birth

My rifle is awkward, not filmsy or light
But in many a battle it's a beautiful sight

It's stock is coated with mud and sweat
And the rifle is heavy as a rifle can get

We move on cursing, the trail never ends
And our thoughts drift to sweethearts and loyal friends

They're back home safe, we hope from all harm
And to be back there now, I'd give my right arm

But it's not my fate to be safe and sound
It's not my fate to picket and frown

Or burn my draft card in mock apathy
But show to the world this land shall be free

I don't have a single word of praise
For these home soldiers, to me they amaze

They can stand there and yell we want peace
But not one ounce of support will they give to me

For this is the enemy worse than VC
An enemy at home not in front of me

They're not very big or brave in my eyes
And when we get there, they're in for a surprise

'Cause we're trying to win and keep our land free
And many are dying for real democracy

So listen out there and listen well
I don't need your support, I'll see you in hell

Your support isn't welcomed, not at all
We need some encouragement or else we'll fall

What good is your fighting if your people say no
And tell us we're suckers, to make us feel low

But we believe we're doing right
And we'll fight from dawn through the night

"LAMEDUCK" SESSION

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. COLLIER. Mr. Speaker, while the return of the Congress to complete its legislative duties after the November election is eminent, I believe that the "lameduck" session will be a mistake.

While I appreciate that many Members are faced with a real problem in getting sufficient time to go back and campaign in the few days remaining before November 3, it does not alter the fact that there has been excessive foot dragging in this session that has resulted in the postponement of consideration and votes on issues of major importance.

I would be remiss if I were not particularly critical of the manner in which the Congress has delayed passage of appropriation bills, and I would much prefer to stay here until election eve if necessary to at least get this work behind us.

It is not bad enough that legislation which has moved through the one body or the other has been delayed, but many important measures recommended by the Nixon administration have been stalled in committee. The delay in handling appropriation bills clearly points to the need of a reappraisal of the procedures which permit the fiscal year to move well along with agencies of Government unable to proceed in an orderly manner in the performance of their administrative duties.

If we must have a "lameduck" session as appears to be a certainty, I sincerely hope that we will recognize the error of our ways to insure that no future Congress should be obliged to indulge in this type of legislative procedure. It is not in the best interest of the legislative process and I sincerely doubt if it will be in the best interest of the people of the country.

THE CURBING AND CONTROL OF CRIME

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1970

Mr. CELLER. Mr. Speaker, I want to remark upon the diligence and the painstaking solid work of the members of the Committee on the Judiciary, of which I am chairman, in its attention to the bills relating to the curbing and control of crime. The facts speak for themselves and after reviewing these facts, the conclusion is inescapable that a goodly portion of the time of this committee in the 91st Congress has been spent in wrestling with the problems of crime—street crime, organized crime, the courts and judicial machinery. I list the major bills and point to the number of days of hearings held thereon. In addition to these days of hearings, there were days of subcommittee consideration, full committee consideration, the writing of the reports, and floor consideration.

S. 952: To provide for the appointment of additional district judges, and for other purposes. This gave the much needed manpower to the courts. Hearings were held October 29, 30, and November 5, 12, and 25, 1969. Public Law 91–272, June 2, 1970.

H.R. 14485: 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. Passed House December 1, 1969.

H.R. 10019: To provide for the establishment of a Commission on Marihuana. Hearings were held October 15 and 16, 1969. Reported to the House April 23, 1970.

H.R. 14116: To increase criminal penalties under the Sherman Antitrust Act. Passed House February 16, 1970.

H.R. 6951: To enact the Interstate Agreement on Detainers into law. Passed House May 4, 1970.

H.R. 17825: To amend the Omnibus Crime Control and Safe Streets Act of 1968. Hearings were held on February 18, 19, 25, 26, and March 2, 6, 9, 11, 12, 13, 17, and 19, 1970. Passed House June 30, 1970.

H.R. 11032: Prohibit the use of interstate facilities, including the mails for the transportation of salacious advertising. Hearings were held September 25; October 1, 9, 23, 28; November 5, 12, 13; December 10 and 17, 1969; January 28; March 5, 16; and April 16, 1970. Passed House August 3, 1970.

H.R. 16699, H.R. 18573: To strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto. Included in S. 30. Hearings were held July 15, 16, 22, 29, and 30, 1970.

H.R. 17269: To provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes. Hearings were held June 17, July 29 and 30, 1970.

H.R. 12806: To amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrail detention of dangerous persons, and for other purposes. Hearings were held October 16, 21, 29, 30, November 19, 20, 1969.

S. 1461: To amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States. Hearings were held June 18 and 25, 1970. Passed the House October 5, 1970.

H.R. 11157: To amend title 18, United States Code, to prescribe the manner in which a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination and to define the scope of the immunity to be provided such witness with respect to information provided under an order. Included in S. 30. Hearings were held August 7, 1969. Reported to the House.

S. 3564: To amend the Federal Youth Corrections Act—18 U.S.C. 5005 and following—to permit examiners to conduct interviews with youth offenders. Hearings were held May 7, 1970. Public Law 91-339, July 17, 1970.

S. 30: Relating to the control of organized crime in the United States. Hearings were held May 20, 21, 27, June 10, 11, 17, July 23, August 5, 1970. Passed House October 7, 1970.

H.R. 2175: To amend title 18, 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. Hearings were held June 25, 1970. Passed the House October 5, 1970.

Those who would call this committee and Congress "a-do-nothing Congress" with relation to crime have not bothered to learn the facts. In other words, acting responsibly, refusing the easy path of acceptance without scrutiny of proposals that were packaged crime, this committee undertook, in the very best sense of the word, to protect the public interest. Proposals were examined for defects and nonworkability. On S. 30 alone there were some 50-odd changes made to the bill as it came over from the Senate. These amendments served to strengthen its provisions and to resolve ambiguities.

On amendments to the Omnibus Crime Control and Safe Streets Act of 1968, the bill relating directly to crime in the streets, the committee labored long and hard listening to the testimony given by Governors, city officials, penologists, administration officials, so that which has become one of the major concerns of our people—street crime—would be treated with the absolute thoroughness it merits. Convinced by the testimony that there was urgent need for more money in order to assist the States and local communities to deal with this problem, this committee reported a bill which increased the amount to $650 million for fiscal year ending June 30, 1971 and authorize $1 billion for the following year and $1½ billion for the third year. In addition to greater financial assistance to States and cities, the bill which passed the House on June 30, 1970 proposed the following:

First. Appropriations authorization for the next 3 fiscal years;

Second. Abolition of the present three-man board which administers LEAA and substitution of a single administrator;

Third. A new program for the construction, acquisition, and renovation of correctional facilities with provision that Federal grants may be up to 75 percent to the cost of a particular project. The bill also earmarked 25 percent of total appropriations for the purposes of corrections, including probation and parole;

Fourth. A requirement that LEAA approval of a State plan for law enforcement assistance be based on a finding that areas of high crime incidence receive an adequate share of assistance;

Fifth. A requirement that the State contribute one-quarter of the non-Federal share of funding for programs of local government receiving assistance under the State plan;

Sixth. A revision of the limitations on Federal expenditure share—so-called matching requirements—for discretionary grants to permit Federal funds to pay up to 90 percent of such program costs and in certain circumstances authority to pay up to 100 percent if LEAA determines that the applicant is unable to provide any funds;

Seventh. LEAA authority to develop and support regional and national training programs, workshops, and seminars in such fields as organized crime to instruct State and local law-enforcement personnel; and

Eighth. Miscellaneous amendments to eliminate obsolete language, to clarify ambiguous terminology, and to improve the staff capabilities of LEAA.

Under the act, law enforcement assistance includes: First, support of State planning agencies to encourage States and units of local government to prepare and implement comprehensive law enforcement plans; second, Federal grants to the States and units of local government to implement programs and projects to improve law enforcement based on comprehensive State plans; third, provision of funds to institutions of higher education, and grants and loans to law enforcement officers and other students enrolled full time or part time in an approved program leading to degrees in areas related to law enforcement; fourth, establishment of the National Institute of Law Enforcement and Criminal Justice which develops and demonstrates new equipment techniques and devices to improve law enforcement, disseminates information about law enforcement science and technology, and operates a criminal justice information and statistical center; and fifth, extension of technical assistance to States and units of local government, and public and private agencies and organizations and institutions in matters relating to law enforcement.

Upon the wake of the terror of the blowing up of buildings and the maiming and killing of people, the committee reviewed not only the administration proposals but proposals by individual members, some of which proposals were later adopted by the administration as a result of these hearings.

It, therefore, cannot be said that the Committee on the Judiciary has been idle or indifferent to problems of crime. When one considers that this committee not only discharged its responsibilities toward the curbing and control of crime, but took upon itself as well such major responsibilities as electoral college reform, extension of the Voting Rights Act, an intensive investigation of conglomerate mergers, improving judicial machinery in customs courts, the Newspaper Preservation Act, immigration revision, and major bankruptcy reform, it cannot be denied that this committee acted affirmatively, directly, and without delay in its service to Congress and to the people.

THE SST

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MEEDS. Mr. Speaker, the argument over SST rages, and many imponderables are advanced as reasons either for or against proceeding through the prototype development. In the New York Times of October 6, 1970, there appeared a letter to the editor from Henry C. Wallich, professor of economics at Yale and a former member of President Eisenhower's Council of Economic Advisers. I think Professor Wallich capsulizes very appropriately the salient reasons why we should proceed through the prototype development stage.

I insert his remarks in the RECORD:

SOONER OR LATER WE SHALL GET THE SST

To the Editor: My view that we should build two prototype SST's has been commented on, in unflattering terms, by Anthony Lewis in a column of Sept. 22. In the same issue you criticized the SST editorially and cited the views of a number of leading economists whose adverse comments appeared in the Congressional Record.

Mr. Lewis objects to the SST mainly because the plane may pollute the environment with noise and perhaps worse. The economists criticize it principally because it offends their faith in free markets and free enterprise, including freedom from Government subsidies.

If private enterprise could build the plane on its own, these latter objections would fall to the ground, and the plane would fly. Within a few years, this capability will very probably come into existence. At best, therefore, Mr. Lewis can hope to postpone slightly the evil day.

But his chances of accomplishing even this little are poor. The British Concorde and the Russian TU–144 are already flying. Mr. Lewis thinks that we could compel the British and French to cancel this enterprise in which they have invested considerable money and national pride, by banning the Concorde from American coastal airports (overland flights are out in any case).

No doubt we could, if not just by banning the plane, then by more drastic measures. The fact is, however, that the U.S. Government does not ordinarily deal with friends and allies in that manner. More likely, we shall use our bargaining power to effect such marginal improvements as the Concorde may be capable of, and then put up with the rest of the noise.

One way or another, sooner or later, we shall get the SST. There is, as I said, no escape, any more than there was from the automobile and television. The only question is whether it will be our plane or somebody else's. I support the proposal to build two prototypes now which will allow us to capture at least part of the market and to influence somewhat the ecological qualities of the plane.

The final decision whether to go ahead with commercial production or to stretch out the gestation period while engaging in further research and development is not yet due. If my economist colleagues believe that the $290 million which are needed now for two prototypes are needed also for other public purposes, there are ways of raising the money other than by cutting out the SST.

If I knew how, by halting the SST, we could halt all supersonic flights thereafter, I would support doing that. Since I see no escape, I think we might as well have part of the market.

HENRY C. WALLICH,
NEW HAVEN, *September 28, 1970.*

SUMPTER TOWNSHIP WATER-MAIN PROJECT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, I will be participating this weekend in an inspection of a water-main project in my congressional district which is an outstanding example of how this Congress has made it possible for local communities to solve their problems through cooperation with Federal agencies.

The water-main project is located in Sumpter Township, a community of some 8,000 persons lying to the west of Detroit. It is being built at a cost of $1,231,000, with $431,000 supplied by a water and sewer facility grant from the Department of Housing and Urban Development.

Sumpter Township officials, recognizing the need for expanded water facilities, applied for this grant 4 years ago, and called upon me for assistance. Together we worked with the Department of Housing and Urban Development, and received approval of the grant.

Construction was begun last month, and completion is expected early in 1971. It will add 11½ miles of water mains to the community's existing 24 miles, and provide water service for an additional 290 homes and 850 mobile-home sites.

Sumpter Township was one of the last suburban communities in Wayne County to undergo the kind of extensive development which has typified Detroit suburbs in the past three decades. The new waterlines will enable township officials to make plans for orderly growth in the coming decade. The community has no sanitary facilities at the present time, but plans are also being made to have sewer lines installed, also with Federal aid.

Too often, we in Congress are not aware of the end results of the many programs that we authorize. This program in Sumpter Township shows how much these programs can and do mean to local officials and citizens.

The water-expansion program was conceived and brought into being by a dedicated group of township officials, which now includes Supervisor William D. Gouger, Clerk Robert D. Marble, Treasurer Bertram J. Bradley, and Trustees Clarence Hoffman, Jr., Henry Majors, and Paul Krystyniak. Another trustee, and former supervisor, Michael Kozma, died this morning—October 8—after many years of service to the community.

Other incumbent officials include Constables Robert Demski, Clinton Brown, Howard Galloway, and Ralph Griffith; Attorney William McKay; Police Chief Terry Williams; and Fire Chief Stanley Sliwa.

Financial consultant for the program was Shannon & Co. Consulting engineers were Brender-Hamill & Associates. Grant application assistance was provided by Stratton Associates.

Others who have served as township officials during the years this program was developed were Henry Seitz and Dorothy Williams, supervisors; Fred Hogan, attorney; J. Rolland Sampson and Robert Beattie, trustees.

To this outstanding group of public servants, I offer my sincere congratulations for an excellent example of how enlightened cooperation between Federal and local agencies can help progressive communities plan for the future, and put Federal tax dollars to work on local projects to benefit local residents.

DR. SAMUEL KLEIN OF MAPLEWOOD, N.J.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MINISH. Mr. Speaker, I should like to insert into the CONGRESSIONAL RECORD an article from the South Orange News Record of October 1, 1970. The article concerns Dr. Samuel Klein of Maplewood, N.J., which I have the honor of representing in the Congress.

Dr. Klein is the recipient of many honors, not the least of which is a Gold Service Ribbon, the highest award of the U.S. Office of Civil Defense. He has been listed in "Who's Who in the East," and "Leaders of American Science." Moreover, he holds not only a doctor of science degree from the University of Albuquerque, he also holds certificates in plastic engineering and preflight aeronautics.

I believe that my colleagues would be interested in reading about the many accomplishments of Dr. Klein.

The article follows:

A SECOND GLANCE AT DR. SAMUEL KLEIN

At 68, Dr. Samuel Klein of Maplewood is returning to college—not as a student but as a performer on two radio programs over WMFU–FM, radio station of Upsala College in East Orange.

In a serious vein, Dr. Klein will present Health Science News, starting October 29, and on ensuing Thursdays, 7:30 to 7:45 p.m. A comedy program, Dr. No-all Webster—King of Pun, is scheduled to start later.

Another Maplewoodian, Bill Bertenshaw, is an associate producer of the two shows, as is Dr. Klein.

Just a second glance really isn't adequate to cover the gamut of Dr. Klein's activities. Third and fourth glances are necessary.

He holds a doctor of science degree from the University of Albuquerque, which he also serves as a visiting professor in pharmacology. A graduate in pharmacy from Rutgers University, he also holds certificates in plastic engineering and in pre-flight aeronautics from the same school.

He writes a newspaper column about health news. An accumulation of earlier radio monologues has been published in book form by Samuel French & Co., New York and London, under the title Webster's Standing Dickshunerror, and was acclaimed as "a contribution to American humor" by the International Mark Twain Society.

Dr. Klein, who lives at 449 Richmond Avenue, holds a food and drug inspector's license in New Jersey, is a registered sanitarian in Massachusetts, and is a licensed physical therapist, also in New Jersey.

Almost at the risk of painting the lily, it should be mentioned that his biographical resume lists him as a fellow of the American Institute of Chemists, of the American Association for the Advancement of Science, and of the Royal Society for Health.

In his spare time, he has found time to develop a tobaccoless cigaret and, currently is doing research in foods and medicines, out of which has come a product designated as Flavorist, an artificial sweetner employing one-third less saccharin than comparable products.

All in all, it seems fair to say that Dr. Klein has led, and is leading, a full life.

A TRIBUTE TO CASIMIR PULASKI—SOLDIER OF FREEDOM

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ANNUNZIO. Mr. Speaker, October 11 marks the 191st anniversary of the death of Count Casimir Pulaski, the great Polish patriot who gave his life in our American War of Independence in order that America might achieve freedom and self-determination.

It is appropriate, therefore, that we in the Congress commemorate this important anniversary and it is a privilege to join my colleagues in the House of Representatives in paying tribute to the memory of this gallant soldier of freedom.

Casimir Pulaski was born in the Province of Podolia in 1748, and from his earliest childhood, demonstrated the qualities of organization and leadership which were manifested all his life. Before he reached the age of 20, he had organized a small group that fought valiantly to prevent the partition of Poland. However, his efforts were to no avail and he barely managed to escape with his life.

In 1777, he met Benjamin Franklin in Paris, and Franklin was so favorably impressed, he gave Pulaski a letter of introduction to General George Washington. It was Washington who suggested to the Continental Congress that young Pulaski be entrusted the grave responsibility of reorganizing the American cavalry forces. This Pulaski accomplished with such skill that he was placed in command of all our cavalry forces, and proceeded to distinguish himself in every subsequent encounter with the enemy.

In the Seventh Congressional District of Illinois, which I have the honor to represent in the Congress, there exists a large Polish population. In fact, the Poles comprise the largest single ethnic group in my district. I have lived among the Polish people, I have nieces and nephews who have Polish fathers, and I have always had close ties with the Polish people. From this close association, I have come to know the Poles as a courageous, dedicated and patriotic people whose lofty principles have never faltered during their continuing struggle for a free Poland in the face of overwhelming odds.

All of these characteristics serve to make up an extraordinary people, and General Pulaski, as a descendent of the extraordinary Polish people, is a man to be remembered with pride and gratitude. In 1779, at the age of 31, he gave up his life on the battlefield while leading his famous cavalry legion in the Battle of Savannah. He neither lived to see victory achieved on that battlefield, nor did he live to see America win her fight for independence. Yet his valiant fight was instrumental in establishing our own country, and consequently, the name of General Pulaski has become a symbol of the ties uniting the American and Polish people.

We are honoring the great Polish patriot who gave his life in our American War of Independence. Yet, there are some in our society who would speak of men like Kosciusko, Pulaski, Abraham Lincoln, Thomas Jefferson, George Washington, Alexander Hamilton, Marquis de Lafayette, and others as radical liberals. However, without the radical liberals, there would have been no American revolution, and today, there would be no America. Somehow we seem to have lost sight of the fact that it was men like Pulaski and the others I have mentioned, whose unwavering belief in the right of men to be free and to have governments of their own choice helped to establish America. America is fortunate to have had so many people from foreign lands with this zeal for freedom and with this fighting spirit who were willing to die for these lofty principles.

It is, therefore, with a sense of real pride that I join my colleagues today in commemorating the 191st anniversary of General Pulaski's death.

ENERGY SHORTAGE AND LEGISLATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. PICKLE. Mr. Speaker, there is increasing public and governmental concern over the possible shortage of energy which may hit this Nation this winter.

Obviously, the energy shortage is not easily solved and there is activity on several related fronts. For example, the Federal Trade Commission presently is being asked to investigate monopoly charges levied against the oil and gas companies. Shortages of oil tankers are claimed. On another front, the Federal Power Commission has just closed hearings on the nationwide price structure. And, a Texas Senator has introduced legislation which, at first glance, appears to relieve the FPC from all control over regulating the price. This, then, is the new vogue—to combine charges of higher fuel prices and hints of monopoly with the shortages of supply.

For the past several years, many of my colleagues and I have anticipated the potentially critical situation which exists today. We, and spokesmen from the supplying industries, have warned of the problems facing the Nation and its consumers. The accuracy of these warnings are now being recognized—recognized mainly because recent developments have brought public attention to the problem:

First. In a number of East Coast States, certain electric utilities have been unable to supply all the electricity demanded by their customers. Basically, however, this is not a problem of fuel shortage. Rather, it is one of inadequate generating capacity to meet peak summer requirements.

Second. Several large distributors of natural gas have announced that they cannot accept additional business because of the limited supplies of natural gas. Moreover, this situation may require reduction or termination of deliveries to some factories whose contracts allow interruption of gas deliveries if full capacity of pipelines is needed to meet the demands of the domestic consumer and other firm contracts. The unjust and unsupported allegations by some critics of the industry that an artifiicial gas shortage exists today created by producers holding back gas supplies in the hope of higher future prices has been refuted in a public statement by Federal Power Commission officials.

Third. Developments in the Middle East have created an extraordinary demand for tankers to move oil around Africa resulting in a sharp increase in spot tanker rates and higher costs for imported oil. This oil, recently termed "cheap" by critics of the domestic industry, now costs in excess of oil from my home state laid down in New York Harbor.

Fourth. Requirements of State and Federal laws relating to air quality have also created a heavy demand on clean-burning fuels, chiefly natural gas and low-sulfur oil and coal.

Fifth. In addition, I wish to note the existing shortage in low-sulfur coal. This shortage is, in part, attributable to the shortage of railroad transportation facilities and, in part, attributable to the unanticipated delay in the construction of nuclear powerplants.

The situation in regard to energy is not easily solved. However, with the exception of the problems recently experienced by some electric utilities, the shortage of those types of coal and fuel oil which satisfy the standards of recently enacted air quality regulations would not be of such critical importance if there was an adequate amount of gas supplies.

Why then do not adequate amounts of gas exist? Two reasons come to mind. First, is that there has been a continuous increase in demand because of consumer recognition of the inherent advantages of natural gas; that is, that gas is both clean-burning and convenient. The second is that Federal policies have worked for years in the direction of discouraging investment in the search for new domestic reserves because of the unrealistically low prices being allowed producers for natural gas in the interstate market and the uncertainty, created by Federal control, in the other terms of the contracts between pipelines and producers.

Under present regulation by the Federal Power Commission of gas producers who sell in interstate commerce, once the producer contracts to sell and commits his gas to the pipeline company, he does not know: First, the price he will receive; second how long he will receive any price set by the contract or the Commission; third how much gas he must deliver; and fourth, how long he must maintain deliveries. These uncertainties, the unrealistically low pro-

ducer prices set by the Commission and the interminable delays incident to its proceedings have not only caused gas producers to seek sales in the intrastate market, where they have certainty of price and other contract terms, but have resulted in a decline in exploration drilling and in the discovery of new reserves so that for the past 2 years new gas additions are insufficient to replace current production and meet projected growth.

As a representative from an oil- and gas-producing State, Texas, I recognize that the free market mechanism could be the best method for determining the price to be paid to the independent producer for his gas. However, the political realities of the situation, which we must recognize give little hope for a return to a free, unregulated market for the gas producer who sells in interstate commerce.

How then can we stimulate exploration, drilling and production of natural gas in order to supply the consumers of the Nation with this clean and convenient fuel?

As I said earlier, one of the Members of the other body has introduced legislation to ostensibly terminate the present power of the FPC to set the price of new gas at the wellhead.

This might sound good and get a few headlines in Texas during an election month. However, the introduction of this legisltion might be, I believe, a disservice to the industry and to the solution of a recognized problem. At first glance, the bill appears to be deregulation of the gas industry. However, a closer inspection shows that the bill only deregulates the setting of the price of natural gas while leaving the other terms of the contract under the regulation of the FPC. I don't see how this type of bill would really help the industry, or anyone else. It might sound appealing to some industry people, but on a closer inspection, it does not solve the issue.

The Congress, in view of the interest of consumers and the public in general, is not inclined to completely deregulate the natural gas industry. Therefore, the introduction of any legislation that sounds like deregulation such as the bill recently introduced in the Senate, might make some industry leaders feel better, but is a misleading bill if they swallow it and expect relief. Such legislation as the Senate bill at this time only raises a red flag and alerts unfriendly groups to take preparatory steps toward opposition of any meaningful and good legislation that might be introduced later.

Perhaps the most regrettable outgrowth of this Senate bill is the inference that the gas industry is secretly sponsoring this legislation . . . . Personally, I have seen no indication that the gas industry as a whole is sponsoring deregulation. This area of natural gas shortage is a gray and sensitive area. Public groups, industry, and the Federal Power Commission have been working laboriously for 10 years trying to find a better answer than the present law.

My belief is that the industry and the public would be better served by a law that honored contract agreements, than by a law granting complete deregulation—no matter how strong a few might want complete deregulation. Indeed, the advocacy of the wrong bill could cause grave dissention in the ranks of industry and public bodies.

I hope the public recognizes that there must be corrective legislation in the area of natural gas production and price setting. Also, the public should be aware that the industry as a whole is not asking for legislation that is unduly protective.

Working with the natural gas industry—producers, pipeliners, and distributors—it becomes clear to me that the quickest and most feasible solution has two parts: The prices set by the Federal Power Commission must be high enough to balance supply with demand, and the producer must be assured that he has a firm contract.

The former is action required of the FPC. The latter will require legislation.

Mr. Speaker, all of us who sincerely wish to remedy this situation realize that the introduction of legislation in the present Congress is a futile move. This session is too close to its termination for any effective action to be taken. We all know that new, complicated legislation cannot be introduced and passed on the eve of adjournment.

Therefore, shortly after the opening of the 92d Congress, I plan to join with some of my colleagues to introduce "contract sanctity" type legislation.

This type legislation adequately protects the consumer from unreasonable prices at the producer end of the business by requiring that all new producer contracts be submitted to the Commission for an initial one-time review and approval. If the Commission refuses approval, there is no valid contract; on the other hand, if the Commission does approve, there is a firm contract upon which the producer, pipeliner, distributor, and consumer can rely.

Existing contracts will remain subject to the Natural Gas Act as it now exists except that once a rate is approved, it will be a firm price and not subject to reduction.

Members of the FPC have been quoted in the press as favoring "Sanctity of contract" type legislation as a means of helping the supply situation.

Such legislation has strong support among all segments of the gas industry.

The importance of this legislation to the Nation and to the consumers of the country can be realized by a review of a few statistics. These data show clearly the alarming situation existing today as to supplies of gas for the Nation's consumers, a situation brought about by an attempt of the FPC to regulate its sale at the well, a responsibility placed upon the Commission by a Supreme Court construction of a law passed by the Congress for a different purpose.

In an effort to obtain technical facts about the problem, I have contacted the gas industry representatives who have given me some most interesting statistics.

One barometer of natural gas supply is the ratio of reserves to production in a given year. For example, in 1946, the total reserves at the end of the year were 160.58 trillion cubic feet after the production of 4.94 trillion cubic feet in the year. Thus, the reserves were 32.5 times the production for the year. Therefore, the reserve production ratio was 32.5. Between 1947 and 1957, net gas production increased over 100 percent and by about 60 percent over the next decade. Reserves increased at a much slower rate and in 1967 were only 18 percent greater than in 1957. As a result, the reserve-production ratio fell from 32.5 in 1946 to 14.8 in 1968 with a further decline to 13.2 last year.

Another measure of gas supply which reveals the deteriorating situation is the relation between total new gas supplies and net production each year. By new supply we mean new discoveries, extensions of previous discoveries, and revisions of estimates of reserves of previous discoveries.

New supplies have not kept pace with increasing net production. In 1946, new supply was 17,729 billion cubic feet and net production was 4,943 billion cubic feet.

Thus, the ratio of new supply to net production was 3.59. In other words, new supply was over 3½ times production. This ratio has steadily decreased until 1968 and in that year production actually exceeded new supply by over 5,557 billion cubic feet and in 1969 production exceeded new supply by over 12,241 billion cubic feet. This means our gas reserves have been reduced by over 17,798 billion cubic feet in the last 2 years.

Mr. Speaker, because legislation dealing with the well head prices of natural gas has been introduced in the Senate in these closing days of this Congress, and because of the futility of such introduction and my conviction that no attempt will or can be made in this session to pass such legislation, I feel it is my duty to advise the Members of this Congress my plans for the introduction of comprehensive legislation on this subject in the next Congress. I think such an approach will have the support of many leading Members of Congress, representatives of all the industry segments, general sympathetic support of the Federal Power Commission, and endorsement of many public bodies.

FAMILY ASSISTANCE PLAN HOPEFULLY DERAILED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ASHBROOK. Mr. Speaker, the resounding defeat handed the House-approved version of the family assistance plan by the Senate Finance Committee today is welcome news indeed. I understand the committee, by an overwhelming vote of 14–1, expressed its dissatisfaction with the approach embodied in the House bill. Approved instead was authorization for a few pilot programs in select areas around the country.

This approach makes a lot more sense. As I stressed in a detailed critique

of the welfare proposal which appeared in the CONGRESSIONAL RECORD of March 4, 1970, the administration should be able to cite some hard data that would tend to prove that these utopian theories have at least a chance of achieving a modicum of success in practice before making such grandiose claims and imposing a greater onus on the already straining and complaining taxpayer. I asked at that time:

Why this headlong rush into an uncharted wilderness before the results of our federal pilot projects are analyzed?

And pointed out that we had but sketchy results and fragmentary data from the few pilot projects testing the theories which underpinned the administration's proposals.

In remarks make on May 4 I expressed my disappointment that the House of Representatives is apparently not the deliberative body it should be, and the inquiry it should have made into the glaring defects of the family assistance proposal was left to the Senate Finance Committee. Fortunately for the country, the Senate Committee took a closer look at the President's welfare "reform" proposals.

I had illustrated through the use of comparison charts in testimony before the Rules Committee and in remarks on the floor of the House that under the family assistance plan, as presented to us in the House, it would not in many cases pay to work. This anomalous result in a program purportedly having a strong incentive not only to encourage but to require welfare recipients to work obviously would undermine the whole program. Yet, as obvious as it seemed to me and 154 of my colleagues in the House, this fatal flaw in the bill apparently was either not seen or deliberately overlooked by the 243 Members of this body who chose to support the bill.

I read with interest the other day in the Washington Evening Star that the administration had all but given up hope that the Finance Committee would report out an acceptable measure in the waning days of this Congress. The article went on to say that the administration was therefore shaping a more liberal proposal it wants introduced on the Senate floor as an amendment to other legislation, possibly the bill to amend the Social Security Act.

First of all, I would emphasize my strong conviction that what is acceptable to the administration is by no means necessarily what would be acceptable to the taxpayers of this country, part of whose daily wages would provide the funding for the guaranteed annual income that would be disbursed to those on the doubled welfare rolls.

Second, if the administration's welfare proposal comes before the Senate, I hope that body will take a cue from the wisdom exhibited by its Finance Committe and not hastily endorse in a lame-duck session this radical plan.

Preferably, the administration will abandon its efforts to force this revolutionary proposal through the 91st Congress and will instead recognize that it is far more prudent to first test it on a modest scale before deciding whether to embark on such a leftward course. To do otherwise would be a grievous error such as the headlong rush into medicare and medicaid and, again, the recipients as well as the taxpaying public would suffer.

COMPREHENSIVE MANPOWER ACT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. LANDGREBE. Mr. Speaker, as a member of the Education and Labor Committee, I wish to express my views on H.R. 19519 the Comprehensive Manpower Act and particularly on title III, creating the so-called public service employment program.

While the original bill did receive some discussion, it is well-known that in its amended form, it is the product of a dubious compromise which the administration was forced to accept in order to get any bill at all. This so-called "compromise," 82 pages in length was reached in late-night bargaining without the general knowledge of the committee and then rammed through the full committee in just 15 minutes.

I do not approve of such tactics and would be justified in voting against the bill for this reason alone. But, more importantly, while there are many needed and worthwhile sections in the bill, the most objectionable, irresponsible, and costly section is title III, the public service employment program.

This is simply a "make-work" program, a "warmed-over WPA" project, which will make the Federal Government the employer of last resort. If adopted, this program would create make-shift jobs for thousands of people at the taxpayers expense, with no guarantee whatsoever that they will ever be off the Federal employment rolls. The only certainty that does exist is that once these programs are established, they will expand into an enormously expensive and, ultimately, bankrupting operation for this Government.

The proponents of this provision say that we must adopt this program in view of the recently reported 5.5-percent unemployment rate. In fact, however, that figure is misleading. The Bureau of Labor Statistics, to develop its monthly figure, takes the statistics for the first full week of the month. And the first full week of September 1970, happened to include Labor Day.

During this particular week, unemployment figures invariably take a sharp jump. The reason is that students have finished their summer jobs but have not yet returned to school. Technically—and statistically—they are unemployed. But it is certainly no call for reopening of the soup kitchens.

The statistic with real meaning for the economy is the number of heads of households unemployed during the reporting week. That figure is a much less alarming 2.8 percent.

The proponents have also indicated that the public service jobs contemplated under this program would be in schools, hospitals, city and State agencies, and in conservation work. The Federal Government would pay 80 percent of the cost of their salaries and the House bill has provided $1.4 billion over 3 years and the Senate bill $7 billion over 4 years. The assumption is that these people will receive work experience which will ultimately lead to permanent employment in the private sector. But, as I have said, there is no guarantee or provision in this bill which would assure this result. Frankly, the people of my district would not and could not accept such a Federal program. I suspect there are millions of other Americans who feel the same and I believe their voices should be heard in giving this giant giveaway program the resounding defeat it deserves.

When hundreds of jobs go begging these days for want of a willing hand, when this Nation has a gigantic debt and extended commitments, both domestic and foreign, and when our basic American beliefs and tradition tell us that no man is owed a living by his Government, I urge my colleagues to carefully consider the consequences of this legislation and the catastrophic effects its provisions could have for this nation and its fiscal well-being. I sincerely urge the defeat of this bill in its present form.

I include in the RECORD the article taken from the front page of the Indianapolis Star October 4, 1970, that supports the point made above, that many jobs are awaiting the willing hand:

JOBLESS MEN OFFERED $120-A-WEEK WORK—THEY TURN IT DOWN

(By Thomas R. Keating)

One morning last week, a dozen men were offered jobs while they stood in line to draw unemployment compensation checks from the state unemployment office—and all refused the work.

The job they were offered—as a concrete worker—promised to be a hard one, much harder than doing nothing. But, then, the pay was approximately triple what one can make doing nothing these days.

The concrete job would have paid $3 an hour—$120 for a 40-hour week.

The maximum for state unemployment checks is only $40 a week, with $3 extra for every dependent up to four.

Yet, no one wanted the job.

Why?

The reasons varied but basically most of the men admitted the work was just plain too hard and they weren't that hungry yet.

No one seemed too excited about the fact they were out of work and no one saw any particular logic in accepting a job, even at triple the unemployment money, when they could get by doing nothing.

Many of the men offered jobs said they were "only temporarily laid off." To many, who were skilled laborers or white collar workers, the prospect of a concrete job obviously was distasteful.

Some of the men explained their reluctance to take the concrete job by saying that they had "nesteggs" or supplemental income from unions or employers.

A husky 28-year-old father of three, who was laid off recently at Detroit Diesel, Division of General Motors, said his family could "get along real well for a while."

He said he expected to be back at work long before the unemployment checks ran out. The checks can be drawn for a maximum of 26 weeks.

"This is kind of like a vacation for me" he said with a sad smile. "My wife has all kinds of plans for me to get some work done around the house that I've put off for a long time."

Another man in his late 40s said he didn't really feel up to the heavy work involved in the concrete job.

"What if I had a hernia or a heart attack," he asked. "Then what? I'd be out of work even longer."

"You gotta be kidding, man. That concrete work is for the grunts," said a young man who measured about 6-feet, 3-inches to the top of his be-bop cap.

"I done that stuff in the summers when I was a kid. Not again. Come home all dirty at nights and too tired for my women. No thanks, man, no thanks."

Another man, in his middle 30s, said he had always been an office worker and that concrete work would be too much of a comedown.

"I don't mean that I look down on men who have that kind of job," he added hurriedly. "But it's just not for me, even on a temporary basis.

"I have more training than to do something like that. "I mean, I guess it sounds like I'm afraid to get my hands dirty," he said holding up clean hands. "But, that's not it entirely. Maybe that's part of it, but pouring concrete is tough work and I feel like I deserve better."

A gaunt man, who admitted only to being "over 40," said he had tried hard to find work for five weeks before filing for unemployment compensation.

"I suppose there is still some stigma attached to taking money for not working," he said. "But it's not easy for a man my age to pick up a good job. I can't do that concrete work. I wouldn't last a day."

"I don't think times are all that bad, even though I have been laid off," said a well dressed man, about 30 years old.

"I'm just going to take it easy for a while and play some golf and watch a lot of football games. I'm pretty sure to get my job back when things pick up, so I'm not worrying. Life's too short.

"Times have been pretty good and I've got some money in the bank and no big bills or wife to worry about.

"So what the hell, why sweat it?"

TWO LEADING ANTIWAR MEMBERS SUDDENLY INTERESTED IN BRAZILIAN PRISON SYSTEM

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. SCHERLE. Mr. Speaker, I note that two of the leading antiwar Members of the other body are rushing eagerly to involve themselves in the way the Brazilian Government runs its prison system. While no one would deny that it is humane to protest any action by any government that is inhumane to people, the logic of their sudden interest in the Brazilian Government is questionable.

Their rationale for dumping our Vietnam commitment has been that we have no business being involved in the internal affairs of another country. Yet, these same "hands-off" advocates now are pledging extensive investigations before U.S. Senate committees on the affairs of the Brazilian Government.

Could it be that they detected some time ago that the Vietnam war was not extremely popular and they could safely forget that we are there simply to prevent mass executions, torture, and other inhumane treatment of the South Vietnamese by the Communist? Could it be that they detected a few headlines in castigating the Brazilian Government, shielded by the unassailable cloak of "humanity"? Or could it just be that they operate from a policy of expediency—which dictates that it is all right to condone mistreatment of South Vietnamese, but we must protest when it happens in Brazil?

PULASKI DAY

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ROTH. Mr. Speaker, I welcome an opportunity to salute a man of gallantry and steadfastness in the cause of liberty. Too seldom does history show men standing up for a just cause to the bitter end, but in the life of Casimir Pulaski we see just that. He was one of freedom's rare sons. Polish patriot and loyal soldier, the eldest of the sons of Count Joseph Pulaski, Casimir was born in Podolia, Poland. Returning from abroad a full-grown man in 1768, he joined in active rebellion with his father against the iron heel of Russian expansion. His military exploits as a fighter for Polish national independence became a matter of historic renown, yet his forces were finally obliterated by the menace from the east, his lands auctioned off as those of an outlaw in his own land, and he was forced to flee Poland in 1772. For several years he tried to incite Turkey into taking arms against Russia, but to no avail; and, in 1775, he came to Paris, where he met the American commissioners, Silas Deane and Benjamin Franklin. He at once enlisted on freedom's side in the American War of Independence.

Franklin and Deane advanced him the money to come to these shores and Gen. George Washington placed him in command of all the American cavalry. He commanded the cavalry in the winter of 1777 at Trenton, at Flemington, and later, together with Gen. Anthony Wayne, scouted for food for the starving, brave few at Valley Forge. But he incurred the hostility of General Wayne, and, in order to end an unhappy situation, resigned his command in the early spring of 1778.

In 1779, he was ordered to join General Lincoln in South Carolina. Learning that the British were advancing from Savannah, he rushed to the attack, but was defeated. He then joined forces with General Lincoln and, assisted by the French fleet, prepared to attack Savannah. There, on October 9, in the midst of a gallant charge of his cavalry forces against the adversary, Casimir Pulaski fell with a fatal wound. He was brought to the brig *Wasp*, where he died as an American hero on October 11.

Casimir Pulaski had all the marks of a tragic hero. He literally fought that men today might live in freedom as he never had, and to that end he gave his life. What more could be said of such a man that his life should not only stand for the gallantry of one man or of one nation, but should be recognized as being what it is: the badge of courage of men everywhere who strive to make a better, freer, more peaceful world. To that end, let us follow today the magnificent example set for us by Casimir Pulaski.

SPECIAL REPORT ON THE MIDDLE EAST

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BROOMFIELD. Mr. Speaker, the momentous events in the Middle East indicate a new assessment of American-Israeli relations as we approach the year 1971.

As a Member of the House Committee on Foreign Affairs, I have studied the Israeli situation from day to day. I was sensitized to the justice of Israel's cause by a dramatic encounter with the Israelis in the summer of 1967. It was just after the guns of the Six Day War ceased firing. I visited Israel with a distinguished fellow Member of the Foreign Affairs Committee, Congressman LEONARD FARBSTEIN of New York. I returned convinced that Israel's survival is in the national security interest of the United States to a degree that most Americans may not fully comprehend.

I reported to the committee on my return in 1967 that Israel should not withdraw from a single inch of occupied territory unless there is a real peace treaty and credible evidence that the Arabs will devote themselves to normalizing relations. The Arabs have refused to enter such a peaceful undertaking. Instead, they have opened the region to Communist involvement and introduced new and more vicious weapons and tactics.

NO ONE-SIDED PEACE

I did not concur in any American role at the United Nations or in concert with the Soviet Union, France, or Britain to impose a dubious "peace" at Israel's expense. The Russians and their Arab friends extracted considerable propaganda value from negotiations in which they tried to extract one-sided concessions from Israel.

It came as no surprise that the Soviets and Egypt violated terms of the 90-day cease-fire last summer by moving missile systems forward. Far from withdrawing their missiles from the standstill zone along the Suez Canal, the Soviets continued their installations and dispatched more Russian troops and equipment.

The so-called "liberation" forces of the Arabs meanwhile embarked on a new campaign of airline hijacking. The Arab extremists emerged as flagrantly anti-American. Our Nation was shocked when two U.S. airliners were blown up and American citizens held as hostages and

treated as "prisoners of war." There were attempts to discriminate between American hostages of the Jewish faith and non-Jews. I am very pleased that President Nixon vigorously rejected this Nazi tactic.

SOVIETS WARNED

Pro-Communist Arab guerrillas then sought to overthrow the Kingdom of Jordan. They were striking not only against Israel but to subvert every nonradical Arab government. The Arab "revolution" emerged. Israel was its scapegoat. The real target was the non-Communist and anti-Communist "establishment" which they would replace with a pro-Communist establishment.

President Nixon's recent trip to the Mediterranean was intended to impress Moscow and its Arab clients with the resolve of U.S. power. Russia was warned against misinterpreting the Nixon administration's peace-seeking policies as a sign of weakness and withdrawal from the world. We were clearly telling Moscow that it could not expect to violate the Middle East cease-fire with impunity.

President Nixon told NATO commanders of "the primary indispensable principles of American foreign policy. And that principle is to maintain the necessary strength in the Mediterranean to preserve the peace against those who might threaten the peace. The Mediterranean is the cradle of many great civilizations of the past, and we are determined that it shall not be the starting place of great wars in the future."

The President made a surprise visit to the airport near Rome to welcome the Jewish and other hostages just released by the fanatics in Jordan. He told them that "as difficult as your experience has been, what you have done may have crystallized this issue so that the possibility of it happening in the future will be reduced."

President Nixon said that, to save the hostages, "we had to show power, and at the same time we had to demonstrate restraint." The hostages told the President that was exactly the right policy.

We have now moved into an entirely new relationship with Israel. The Israelis compromised their security by trusting American assurances that Egypt and Russia would not explcit the cease-fire along the Suez Canal. Soviet missiles were moved forward in the most cynical manner. Repeated violations of the truce took place on the Egyptian side of the canal.

I did not trust the Egyptians or the Russians and shared Israeli skepticism. I felt we were very slow in confirming and denouncing the truce violations.

Congress has now responded to new administration initiatives to redress the balance in the Middle East. This gives me a sense of relief because I had become deeply concerned about Israel's military needs. It was my conviction that a strong American support of Israel was essential to deter Communist and Arab belligerency.

The Israeli Air Force, few in numbers but great in courage, reminds me of the British Royal Air Force during the year of 1940 when Britain stood alone, outnumbered, against the Nazi onslaught The Israeli youths are doing now what the British then did in service of freedom.

But we must do more than praise the brave Israelis. We must take meaningful actions. Accordingly, I look with great favor on the new lend-lease concept of aid to Israel.

Israel's security has suffered at the Suez Canal because Israel trusted us. This places a moral obligation on the United States to bolster the Israeli defensive capacity. However, another obligation is to our own security. The defense of Israel is linked with the defense of the United States. It is consistent with the desire of our Nation to preserve freedom and to oppose totalitarianism. It is linked with the fate of NATO and the future of civilization.

I abhor the line now emerging that we should return to isolationism and refuse to involve ourselves on the side of Israel. Some new leftists and others have displayed duplicity in proclaiming support for Israel while undermining the capacity of the administration and our military forces. They oppose the development of new and better weapons for the defense of freedom but tell us that they favor provision of such arms to Israel.

It is vital that Israel receive the best available American arms. Weapons, expensive as they may be, are cheaper than the lives of Israeli youths. The Soviet Union has dispatched its most ultramodern instruments of destruction to the Suez Canal.

We must resist the blandishments of neoisolationism. When we cease missile research and vote against the development of newer and better jets, we lessen our capacity to aid Israel. We also invite aggression.

When Israeli Prime Minister Golda Meir visited Washington in September, I urged that the visit should be marked by positive actions to bolster Israel's security, including a resumption of U.S. economic aid and the granting without charge of weapons to meet the new situation. I felt that we could not afford to provide Israel with too little, too late.

It is reassuring to learn that considerable supplies of weapons, including additional Phantom jets and anti-missile devices of latest design, are being delivered. Indeed, more and better arms have been delivered to Israel in the last few months than ever before in the history of American-Israeli relations.

In addition to granting arms and providing economic aid to Israel, we must find a way to reduce the time between the original request of Israel for weapons and final delivery of the equipment.

The United States must continue to insist that the Egyptians and Russians respect the cease-fire and roll back the violations. President Nixon was fully justified in halting the Four Power ministerial-level talks. The talks were loaded against Israel. The Russians and French are biased in favor of the Arabs, the British allegedly neutral, with the United States the only one of the four prepared to see that justice is done for Israel.

We are moving in the proper direction. I subscribe to action by the Armed Services Committee to improve the readiness of the U.S. 6th Fleet in the Mediterranean. It must be brought to a state of readiness in response to the aggressive and dangerous Russian role in that region. The 6th Fleet must operate units regularly in all sections of the Mediterranean, including the eastern Mediterranean. We must provide the best ships and personnel while embarking on new research and development to meet the Russian challenge.

Israel is under great financial strain. She is finding it impossible to continue financing the expensive arms required to restore the military balance. The United States should grant the required sum—about $400 million assistance for each of the next 2 years, in accordance with the assessment by our defense experts of the Soviet and Egyptian buildup.

The pretensions of Arab extremists that Israel should make unilateral concessions to gain the tender compassion of the Arabs is exposed by the cruelty and bloodletting in Jordan, by the hijackings, and by the brutal resort to terrorism. Israel must stand ready for peace, but prepared for war, until the Arabs come to their senses. Since Russia has intervened, the President is well-advised to pursue the new policies on which we have embarked.

There are reports of Chinese Communist involvement in the guerrilla cause, of the supply of weapons, money, and even technical advisers. We know that some Arab terrorists have found support and encouragement in North Vietnam where they were personally commended by General Giap for killing Jewish "imperialists." It is ridiculous to oppose Communist aggression in Southeast Asia while failing to make all possible provision for Israel.

I am proud of my support of the conference report on H.R. 17123, the Armed Services Procurement Authorization Act of 1971. This new law reflects the recognition of the Congress of the real danger to Israel. Not only does it provide the authority of our country through the President to take necessary steps to aid Israel, but it contains some unprecedented language.

The bill states that:

> The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States.

That is a direct statement of policy by the U.S. Congress.

Enactment of this legislation provided the President with the funds and authority to give Israel any weapons required except the atomic bomb. I am certain that its passage was noted in the Kremlin.

We now must consolidate our position in support of Israel by backing up with actions what we have pledged in words. A strong start has been made.

Trying days will confront us. But the American people will remain true to our resolve to continue as a free Nation. The support of Israel is clearly consistent with this objective. Indeed, the survival

of democracy here is to a considerable degree contingent upon the fate of Israel.

Israel and America have grown closer together in recent months. I am sincerely encouraged by the response of our Government to the grave crisis that still confronts us.

"WE NEED TO LISTEN TO EACH OTHER"

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. PREYER of North Carolina. Mr. Speaker, in this time of crisis and questioning, we need more than ever the ability and the desire to understand our fellow Americans. We need to listen to each other.

Expressing this concept most eloquently in a recent speech to the Blue Key Annual Banquet at the University of Georgia, was the very distinguished Junior Senator from the State of South Carolina, Senator ERNEST F. HOLLINGS.

It is a pleasure to call to the attention of my colleagues his very memorable address:

ADDRESS BY SENATOR ERNEST F. HOLLINGS, D–S.C., AT BLUE KEY ANNUAL BANQUET, UNIVERSITY OF GEORGIA, ATHENS, GA.

My temptation today is to give a rip roaring speech, because we in Georgia and South Carolina live hard, we work hard, and we are proud of our progress. But, somehow it strikes me that we have had enough rips and roars in our society today and that what is needed most is a talking of sense to our people. For truly America is fed up—America is in turmoil. Everyone is shouting and no one is listening. And, rather than bring us together, the mood at this moment is—leave us alone. Gone is the old sense of community that united us for the challenges of the past. We don't face problems together anymore. We meet them as special interest groups, as members of impatient minority blocs and organizations. We identify not as Americans, but as hard hats or students or militants or women liberators or as members of the silent majority.

As little groups and cliques we shout our non-negotiable demands, attempting to drown out all differing points of view. We fight for a spot in front of the television camera in the street, on the misguided assumption that emotional outbursts will somehow bring needed change. Our own group is always right. Our own group, if given its way, could usher in the millennium. The radical demands thorough change by sun-up tomorrow. "I have seen the vision," he says. "Follow me to Utopia." The arch-conservative sits, stubborn as a mule, refusing to concede that any change is desirable. Each group must have things its own way. Each would construct an America in its own straight jacket image. And the creed is—do things my way or get out. "America, love it or leave it"—but always with the stipulation that "I will decide what America means." The hard hat wants no dialogue with the student—he wants the student to shut up. The student seeks no compromise with the hard hat—he hopes for an America without hard hats. The clamor of rhetoric increases decibel by decibel until the voices of reason are now effectively silenced. Meanwhile, everyone is in flight—fleeing from the city to the suburb, fleeing from the disorder of crime and violence, fleeing from government, And, more important, fleeing from responsibility to one another. A country once excited by the challenge of change is now beset by fear. And so, the challenge tonight is the same as 100 years ago—"shall we meanly lose or nobly save the last best hope on earth."

I say, in all solemnity, there is a disturbing similarity between our America of 1970 and the America of 1860. A hundred years ago we lost patience with one another—we ran out of tolerance. We lost the spirit of compromise. We came apart at the seams. The nation disintegrated and it took the bloodiest war in our nation's history to put this country together again. It seems that everyone would realize that America did not grow to maturity on a one-way street of non-negotiable demands. It progressed instead on a broad avenue of give and take—of reasonable argument and of taking what was best from the many diverse groups who settled in this land. It seems that everyone would remember the day when we depended on each other—when Franklin set the mood of this country with his cry, "We must all hang together, or assuredly we shall all hang separately." It seems that we would realize that a society wherein each group sees itself infallible will choke on its pride—a society in which each insists on doing his own thing is a society wherein nothing gets done. And, it seems that we would remember our 100 years of trying it alone without national government.

South Carolina is presently celebrating its 300th birthday. But the nation is only 200 years old. We are just now refreshing our memory of that hundred years without a representative national government. Just above the name of John Hancock is written the founding spirit of this Republic, "We mutually pledge each other our lives, our fortunes, and our sacred honor." We cannot be reminded too forcefully that in the Declaration of Independence, there was also a declaration of dependence. "United we stand, divided we fall." That was the challenge of the 1770's. That is the challenge of the 1970's.

No one can visit a college campus and discuss the nation's problems without giving attention to the role of youth today. Many of my friends are annoyed by the attention public officials now accord the students. Twenty years ago, the only attention the student received from a Senator was a commencement talk on graduation day. It was a one-time appearance. We spoke and the students listened. Today, the average campus will be visited by four or five Senators or Congressmen. Some students won't listen to anything. But, the overwhelming majority are listening. They are more concerned about the future of this country and what it stands for than my generation. They approach their vision of what America should be with a religious zeal. They ask questions—they want results.

The student will want to know why people still go hungry in this land of plenty. Why do we want to start another Vietnam in Cambodia? And, why do we in America want to emulate the sayings of Mao that all power is derived from the barrel of a gun? There will be dialogue—there will be questions that you can't answer—and there will be questions that you can't leave unanswered. Students will have an effect. The Senator takes his homework back to Washington and the legislative mill begins to grind.

We can credit the students with consumer protection, automobile safety, meat inspection and the fairness doctrine. The test for each Senator now is—is it fair? The draft law—is it fair? The tax law—is it fair? And, many times while the best brains of industry are telling us it can't be done, the students prove otherwise.

I have just left Washington with America's automotive industry up in arms. Not just because of a strike, but because of a requirement under consideration for the production of an emission free automobile engine. The House bill required a 90 percent emission free standard by 1980 and the Senate is prepared to require this by 1975. Impossible say the Detroit industrialists. Yet, this past Labor Day a group of some 50 students under the sponsorship of MIT drove their self-designed automobiles across the country and two of the winners actually exceeded the standards envisioned for 1980. What the industrial establishment says can't be done, the students have done. So, society learns from its students.

Of course, the students must learn from society. For one thing, once the students decide a matter, they believe it is right for America. Students must learn that they are not a majority. Even if all America's students agreed upon a point, there are nearly 200 million other citizens and 75 million other voters. In fact, they are a minority of the young. The Bureau of the Census reports that there are 10½ million 18, 19 and 20 year olds. Only a quarter of these are students. Fifty percent—or five million—of this age group are breadwinners, workers and hard hats. One million are new mothers. So, when we discuss finding out what the young people want, we go not just to the campus, but to those other vital groups too.

Many times, the students seem to know the cost of everything and the value of nothing. They come into your office and, in expert fashion, describe and psychoanalyze the Viet Cong. They can give you his height and weight, how he lives, and how he thinks, and give you his reaction. But, the student has not the remotest idea of how the hard hat lives, what he thinks, and why he reacts the way he does. Yes, the student knows all there is to know about an Asian peasant 10,000 miles away, but often shows no understanding whatever for the guy next door who, in his way, is working and building this country.

Impatience is the mark of the student. Born and bred on instant food, raised and schooled on instant credit, they expect instant government. The student movement that followed Gene McCarthy was motivated by the hope for peace and new leadership. The students made their mark in over a dozen primaries. But, when they failed in Chicago, they immediately cried fraud and quit. Our generation would have savored the progress made, come back and tried again. But, not today's generation—they fail to appreciate that America and the road to freedom is not the 100 yard dash, but the endurance contest.

We in the establishment must understand that we are responsible for the contest; that we need self-discipline just as much as the students—that we need to listen. And, we must be responsive.

I don't speak politically. I don't speak as a member of one political party, for I realize as DeTocqueville said over 130 years ago, "There are many men of principle in both parties in America, but there is no party of principle." That has not changed. Lyndon Johnson is just as much responsible for today's inflation as is Richard Nixon. Lyndon Johnson stumbled and fumbled on the war just as much as Richard Nixon and, unfortunately, both lead from consensus rather than concern. Both attacked the politics of the problem rather than the problems themselves. If we can outlive the age of demonstrations—if we can outlive government by political polls, we shall be a blessed nation indeed.

On the other hand, how many of you really feel that government is responsive to the needs and desires of the average American? How many really find credible the words and actions of our government? Who knows what the policy is? Who can truthfully say they feel a sense of trust in the nation's leadership? Who feels that the idea of America persists—"All government shall derive its just powers from the consent of the governed"? If I sense the tempo of America today, people feel that government

is deriving its just powers from dissent rather than consent. People just don't feel themselves a part of government anymore.

Part of the fault lies with a government too quick to politick. We never have come clean with a position on this war. The policy is retreat, but the rhetoric is attack. You ask why would anyone politick with war. We know that President Nixon would like to end it all in the next hour. But each President has feared the reaction of the home front when it learned we had failed at the battle front. No one has wanted to be in the chicken coop when the chickens come home to roost. Kenneth O'Donnell writes that President Kennedy's decision to get us out of Vietnam was delayed by his not wanting to face the reaction of the people on the heels of withdrawal. President Johnson thought he could politick it. It would be a painless war—there would be no threat of World War III because there would be no threat to annihilate the enemy. We would come with men and machines, bluff and gusto—but we wouldn't let the military really fight. We would minimize casualties so as to minimize complaints from home. No one would stay over a year. We wouldn't call up the National Guard or Reserve. We would have guns and butter both—business as usual. If the people at home didn't suffer—if they didn't feel any real impact of war, then his mandate for a Great Society in 1964 could be repeated in 1968.

At first, it appeared that Mr. Nixon and the Congress would stop trying to out-politick each other on the war and get in step with a clear policy. Mr. Nixon stated that he no longer sought military victory and announced in June of last year a policy of withdrawal. In the same month the United States Senate approved Senator Fulbright's commitment resolution, stating that hereafter no foreign commitment of the United States would be considered valid unless approved by the Congress as well as the Executive. President Nixon approved this policy. When debate ensued on Laos and Thailand, 81 Senators joined together and approved the first Cooper-Church Amendment prohibiting U.S. ground combat troop activity in Laos and Thailand. Cambodia was not specifically included because of Administration statements that it was a sanctuary and no action was contemplated there. The President stated that he was pleased with the amendment and signed it into law on December 29th.

However, when the Cambodian fiasco occurred and the United States Senate with the second Cooper-Church Amendment tried to get back in step with the President so that we could present a united front to the people of this land, the President chose the political route of his predecessor. At no time did Mr. Nixon object to the substance of this measure. He did not object to the restriction on combat activity. In fact, he said no American troops would be used in Cambodia after July 1st. And he denied any commitment to the Lon Nol government. But, instead of working with Congress, which after six years of bloody warfare was trying desperately to set a policy as to our Far-Eastern commitments, the President filibustered. Cooper-Church advocates were pictured as less than 100 percent Americans. They were accused of undercutting his authority as Commander-in-Chief. They were even said to be encouraging the first military defeat the United States have ever suffered. The President's floor leader stated that the introduction of the amendment was an affront to him as an American. But, later, he voted "aye" and so did 75 percent of the people's representatives in the United States Senate.

Relishing the popularity shown in political polls on this score, Mr. Nixon supplanted his Southern strategy with a "Support the Commander-in-Chief Strategy." It is somehow un-American to criticize the President. The strategy is applied now not just to the South, but to the entire land by sending the Vice President to the attack. And, for an Administration dedicated to "Bring Us Together" the Vice President in ranting rhetoric rips us apart.

The office of Vice President over the years has been built to one of responsibility. The Vice President could bring us together as Chairman of the President's Council on Youth Opportunity. But, in his first 16 months in office, Mr. Agnew has not once convened a council meeting. Quite a record for the self-styled expert on youth. And, while I have been trying desperately for an oceans program, Mr. Agnew refused for ten months to meet with the Marine Science Council—yet he is its chairman. In February, the President created a new Office of Intergovernmental Relations. The Vice President is its head, charged with improving federal relations with state and local governments. But, when the governors met in Missouri this summer, the Vice President was absent. Last Spring, the President named Mr. Agnew to chair a cabinet committee on school desegregation. But, the Vice President missed its last seven meetings in the critical weeks before the schools opened this Fall. The Vice President is Chairman of the National Aeronautics and Space Council; the President's Council on Indian Opportunity; and the President's Council on Physical Fitness. But, he has ignored all three. Most importantly, he has ignored his primary constitutional duty—President of the United States Senate. As campaigner-in-chief for the "Support the Commander-in-Chief Strategy," he has been absent 98 percent of the time roaming the land, tearing down the Senate as an institution.

The "Support the Commander-in-Chief" or else "you are un-American" jag is supposed to carry until November 3. Come 1971, dramatic Vietnamization will occur. The news of large numbers of returning troops will be laid on for the 1972 election. For whatever reason, we will welcome it.

But when the day arrives when it will no longer be unpatriotic to ask the question why, the exacerbation of disappointment and disillusionment fostered by Mr. Agnew will certainly make a chaotic country for our boys to come home to.

Leadership by political bamboozle is equally rampant when it comes to the issues of domestic life. We have heard much about the hunger issue in the past couple of years. The President held a top-level White House Conference on Hunger and told it, "that hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable." Yet, he has given no leadership on the problem of eradicating hunger.

On another front, the school board member sacrifices good name and good will in his community when he agrees to implement controversial guidelines to bring progress on the racial front. What happens? He is quickly cut down by another department of government. The assistant secretary of commerce who tells it like it is, is promptly fired. The leader dedicated to a program is turned away by being told that his first allegiance must be politics. And, the Cabinet member who opens his eyes is swiftly blindfolded with a White House rebuff. And just last week a top Justice Department official warned federal employees that those who publicly differ with the Nixon Administration can expect to possibly lose their jobs.

What confidence can there be in an Administration whose announced creed is "judge us by what we do, not by what we say?" Why must there be any difference between what government says and what it does? We have been practicing the art of self-government for nearly 200 years. I believe we are mature enough to face the truth. We won't be practicing self-government very much longer if that government tells us to ignore what it says. That is not the way Andrew Jackson or Woodrow Wilson or Harry Truman ran the Presidency. Perhaps they made mistakes, but at least the people knew where their government stood. The great Presidents used rhetoric to implement action, not to obscure it. Courthouse politics is not good enough for the courthouse, leave alone the White House. By no means can we afford courthouse politics at the highest level. We can't say "no more Vietnams" and then start another one in Cambodia under the guise of self-defense. We cannot have a Nixon plan for the East and a Marshall plan for the West. We can't go to New Orleans saying we don't like Northerners pointing their fingers at the South and then when we try to get equal treatment for the South with the Stennis Amendment have the President order his congressional lieutenants to kill the amendment. We can't, in the name of eliminating the separate but equal doctrine, establish a separate but unequal policy by calling segregation in the South de jure and the same segregation in the North de facto. We can't jawbone against inflation by publicly vetoing education and hospital bills while refusing to jawbone the labor and business leaders to stop the spiral of wages and prices. We cannot signal the creed of this Administration as "Bring us Together" and then legislate us apart with a take over of the electoral college and by direct elections, write into the law status for every divisive group in America.

I cannot honestly tell you what the President's intention was when he invaded Cambodia. If I told you that I knew what the President's plan to end the war is, what his terms are, I would be less than candid. I don't know what the President really thinks about civil rights, and neither does anybody I talk to in Washington. I don't know where he stands on stopping inflation, eradicating poverty, on school busing, on textile imports, or on anything else.

We must quit playing politics and lead. The country stands in need of a clarion call, a summons to greatness. It was Paul in his first epistle to the Corinthians who said, "If the trumpet give an uncertain sound, who shall prepare himself for battle." We are not preparing and the reason is the uncertain trumpet of our national leadership. The road ahead is by no means clear. Shall we continue down this clamorous road of drift and division, insuring the collapse of all that has been built by patient toil and sweat? Or, can we get back on the road of a forgotten America?

The first thing we must do is go to work. We have given up on politics too soon. John Gardner recently said, "Out of thousands of years of experience in domesticating the savagery of human conflicts, man has distilled law and government and politics. As citizens we honor law—or we have until recently. We neglect government and we scorn politics. No wonder we are in trouble." Gardner went on to say, "It is precisely in the political forum that free citizens can have their say, trade out their differences and identify their shared goals. Where else, how else can a free people orchestrate their conflicting purposes?"

There is no other way. Only through rational government and politics can we find the road to meaningful change. The hard hat will not find a pot of gold at the end of the rainbow simply by ridding America of the student. Nor will the young find a brave new world simply by insistence on everyone doing his own thing.

Like 100 years ago, the politics of hope have given way to the politics of despair. Too many of us are seeking change outside the political realm, outside all the institutions which can make productive change possible. Our problems cannot be solved in the streets. A just society cannot be built on the ashes of burned buildings or the beaten bodies of those with whom we disagree. A just society cannot be built when so many of us sit home in front of the TV, cheering for our side as our adversaries receive their comeuppance.

No problem confronts this country that cannot be solved within the system. We must

all do our part. The citizen must rededicate himself to the spirit of tolerance and compromise that makes meaningful change possible. This demands self-discipline. A just society must be an orderly society. We must discipline to fulfill our responsibilities as citizens. The blessing of civilization is to have open exchange and open expression and a pursuing of one's talent to its ultimate development. This open-ended pursual and free expression can only be done within an ordered system. From the Supreme Court on down to the average citizen, we must act on the belief that while the First Amendment says you can think as you please and speak as you please, you cannot do as you please. The law of the jungle cannot co-exist with the rule of law.

This movement must be led. We in the Congress, those in city hall and statehouse, all in government must realize that our function is to make headway and not headlines. Government must be responsive. The Congress cannot legislate truth-in-lending and practice secrecy in voting. Most importantly, the President must summon the American people to renewed greatness. We stand in need of Presidential leadership that will move decisively to tackle the many issues which currently plague us. Action must supplant rhetoric, and government must come clean with the people. In an era of grave dissension, we can ill afford leadership that feeds on the disunity of the nation.

Finally, a just society must have compassion. It was a wise doctor who prayed that he would never lose the sense of pain felt by his patients. One cannot heal wounds that he cannot feel. The Negro is edgy that his newly-won gains of the past decade might be lost. His fear is deeply felt. All the while he is being pressured by the black militant. Unless we feel this sense of pain and fear, the militant will gain influence in the black community. The housewife is disillusioned at the grocery bill, and there must be compassion for her when we contemplate costly new welfare programs. The mother wonders when drugs will hit her child. The workingman wonders how long he can hold his job. The head of the house worries for the safety of his family as the crime statistics soar ever higher. In the meantime, our sons continue to die without knowing the reason why. Unless we realize that every man has hopes and dreams, grievances and fears, we will lack the spirit of community necessary to a united fight against our many problems. We need not only confidence in government, but confidence in each other. Wise leadership can encourage that dedication, but first we must find it in our will to make a national declaration of dependence.

Whatever decision we make, there is a new America around the corner. What kind of America will it be? It is up to you and me to decide.

HAIL TO ISABELLA

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

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

[From the Washington Post, Oct. 6, 1970]

HAIL TO ISABELLA

It's really quite a feat for anyone to be remembered as much as 25 years after death, so just imagine how great a feat it is when 466 years after dying, people are still quoting, reading and remembering Queen Isabella, the woman extraordinaire who was responsible for what we are about to celebrate on Oct. 12 known as the 478th Anniversary of the Discovery of America by Spain.

The history of America has direct linkage to the birth of Queen Isabella. She is a daughter of America, as well as of Spain.

The great heights of discovery which we are reaching now in the 20th century are made possible by those in past centuries whose dreams of the future were far-reaching. Upon the faith and vision of those like Queen Isabella of Spain we have built and are building a world to reach the infinity of space.

Queen Isabella's courageous gamble in backing the voyage after every other power of that day turned it down has earned her a unique place of honor in the annals of our history. The qualities which prompted this monarch to finance the trip of an explorer whose claims sounded absurd to the typical 15th century man are qualities we admire today. This country owes that far-sighted queen a substantial debt of gratitude.

JOHN PAUL PAINE.

HARRISBURG, PA.

HORTON SALUTES EDITOR ANDREW D. WOLFE FOR SAGE OBSERVATIONS ON SHORTCOMINGS OF YOUTHS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. HORTON. Mr. Speaker, most everyday seems to be open season for today's youths to take potshots at the older generations. In many cases the criticisms are well-founded, if not always tastefully presented. Certainly the world today suffers because of the mistakes of people who populate it. However, in my opinion, never in history have so many well-meaning people been as deeply concerned about the problems, nor have they ever tried harder to right the wrongs.

Impetuosity, however, seems to be one of the attributes of youth, and I daresay it has always been so. Today's young people, in a hurry about most everything, just cannot seem to have the patience that maturity brings. So we of the older generations oftentimes are critical of youth and their seeming unwillingness to take it a bit slower and easier in seeking to correct the things that are wrong.

For a while, however, the older generations publicly appeared intent upon hiding behind a facade of embarrassment and a tacit admission of guilt of all the charges leveled by the young people. There was a reticence even to speak up in any sort of defense. This only encouraged the young antagonists to make even more and often unfounded, charges of wrongdoings by the more matured generations.

Now, as is always the case under such circumstances, there are those who believe the limit has been reached. The older generations are beginning to say "enough, we will no longer take your jibes and charges without retaliating. While not completely guiltless, we deny the charges as made and the motives as alleged. Besides, while we are at this business of accusation, let's do a bit of an inventory on the faults of the young people and see what we come up with."

In other words, there seems to be a desire to apply the terms of the old quotation "Let him who is without sin cast the first stone."

It may come as a surprise to some of the youths of today, when their shortcomings are pointed out and totaled up, to find that they, too, have a wide variety of stances which could be considerably improved.

Recently in my congressional district one or more misguided youths, for no apparent reason, hauled down an American flag that was flying at the village of Pittsford town hall. The flag was set afire and then run back up the flagpole.

As can be imagined, this incensed all reasonably minded people to a high degree of rage. A senseless act such as this, serving no apparent purpose except vandalism to property and insult to Old Glory, widens the so-called generation gap.

Of course not all of today's youths are guilty of the wrongdoings usually associated with them. By the same token, not all of the alleged wrongdoings of the older generations are accurate either.

The flag incident, perhaps more than any other, prompted an unusually fine editorial by my good friend Andrew D. Wolfe, editor and publisher of the Genesee Valley Newspapers, Inc.

Andy enumerates some of the charges made by the younger generations, and he pointedly answers each one by listing a countercharge. He doesn't deny the charges against his generation. He effectively parries them with a rather scathing recital of some of the behavior patterns established by the young to show their feelings.

Andrew Wolfe titled his editorial "Heroes" but after hearing it, I am sure all will agree that word is used in sarcasm. I believe Andy, by this splendid editorial, is standing up to be counted as one who is saying to the youths "enough."

The editorial appeared in the Brighton-Pittsford Post and I would like to share it with my colleagues in the Congress

The editorial follows:

HEROES

So there's a race problem in the United States.

So you smoke pot all night.

So colleges are antiquated in their teaching methods.

So you mess up the dean's office.

So the political system doesn't accommodate itself to your ideas.

So you march around and call policemen pigs.

So you think the older generation doesn't understand you.

So if you're a young woman you take off your bra and if you're a young man you take off your pants.

So your parents have their hang-ups.

So you don't wash and wear a uniform of sneakers, jeans, and an old shirt.

So you find society guilty of hypocrisy.

So you ornament your speech with words describing body functions which have been vernacular since the Anglo-Saxons ran about in animal skins.

So you think America ought to get out of Vietnam.

So you paste a peace symbol on your auto.

So you think democracy is being made a mockery of.

So you attend a meeting and make so much noise a speaker can't be heard.

So you think America is not being true to its early ideals.

So you sneak up to the Pittsford Town Hall in the wee hours, make sure no-one is watching, and burn an American flag.

Big deal.

AMERICA AS A GUN CULTURE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BOLLING. Mr. Speaker, America as a gun culture is the subject of a serious and timely article by Richard Hofstadter in the American Heritage of October 1970. The article follows:

AMERICA AS A GUN CULTURE

(By Richard Hofstadter)

Senator Joseph Tydings of Maryland, appealing in the summer of 1968 for an effective gun-control law, lamented: "It is just tragic that in all of Western civilization the United States is the one country with an insane gun policy." In one respect this was an understatement: Western or otherwise, the United States is the only modern industrial urban nation that persists in maintaining a gun culture. It is the only industrial nation in which the possession of rifles, shotguns, and handguns is lawfully prevalent among large numbers of its population. It is the only such nation that has been impelled in recent years to agonize at length about its own disposition toward violence and to set up a commission to examine it, the only nation so attached to the supposed "right" to bear arms that its laws abet assassins, professional criminals, berserk murderers, and political terrorists at the expense of the orderly population—and yet it remains, and is apparently determined to remain, the most passive of all the major countries in the matter of gun control. Many otherwise intelligent Americans cling with pathetic stubbornness to the notion that the people's right to bear arms is the greatest protection of their individual rights and a firm safeguard of democracy—without being in the slightest perturbed by the fact that no other democracy in the world observes any such "right" and that in some democracies in which citizens' rights are rather better protected than in ours, such as England and the Scandinavian countries, our arms control policies would be considered laughable.

Laughable, however, they are not, when one begins to contemplate the costs. Since strict gun controls clearly could not entirely prevent homicides, suicides, armed robberies, or gun accidents, there is no simple way of estimating the direct human cost, much less the important indirect political costs, of having lax gun laws. But a somewhat incomplete total of firearms fatalities in the United States as of 1964 shows that in the twentieth century alone we have suffered more than 740,000 deaths from firearms, embracing over 265,000 homicides, over 330,000 suicides, and over 139,000 gun accidents. This figure is considerably higher than all the battle deaths (that is, deaths sustained under arms but excluding those from disease) suffered by American forces in all the wars in our history. It can, of course, be argued that such fatalities have been brought about less by the prevalence of guns than by some intangible factor, such as the wildness and carelessness of the American national temperament, or by particular social problems, such as the intensity of our ethnic and racial mixture. But such arguments cut both ways, since it can be held that a nation with such a temperament or such social problems needs stricter, not looser, gun controls.

One can only make a rough guess at the price Americans pay for their inability to arrive at satisfactory controls for guns. But it can be suggested in this way: there are several American cities that annually have more gun murders than all of England and Wales. In Britain, where no one may carry a firearm at night, where anyone who wants a long gun for hunting must get a certificate from the local police chief before he can buy it, and where gun dealers must verify a buyer's certificate, register all transactions in guns and ammunition, and take the serial number of each weapon and report it to the police, there are annually about .05 gun homicides per 100,000 population. In the United States there are 2.7. What this means in actual casualties may be suggested by the figures for 1963, when there were 5,126 gun murders in the United States, twenty-four in England and Wales, and three in Scotland. This country shows up about as badly in comparative gun accidents and, to a lesser degree, in suicides. There is not a single major country in the world that approaches our record in this respect.

Americans nowadays complain bitterly about the rising rate of violent crime. The gun is, of course, a major accessory of serious premeditated crime. Appealing for stronger gun controls in 1968, President Johnson pointed out that in the previous year there had been committed, with the use of guns, 7,700 murders, 55,000 aggravated assaults, and more than 71,000 robberies. Plainly, stronger gun controls could not end crime, but they would greatly enhance enforcement of the law (as New York's Sullivan Law does) and would reduce fatalities. Out of every one hundred assaults with guns, twenty-one led to death, as compared with only three out of every one hundred assaults committed by other means. In five states with relatively strong gun laws the total homicide rate per 100,000 population—that is, homicides from all causes—runs between 2.4 and 4.8. In the five states with the weakest gun laws this rate varies from 6.1 to 10.6.

In 1968, after the assassination of Robert F. Kennedy and Martin Luther King, Jr., there was an almost touching national revulsion against our own gun culture, and for once the protesting correspondence on the subject reaching senators and representatives outweighed letters stirred up by the extraordinarily efficient lobby of the National Rifle Association. And yet all that came out of this moment of acute concern was a feeble measure, immensely disappointing to advocates of serious gun control, restricting the mail-order sales of guns. It seems clear now that the strategic moment for gun controls has passed and that the United States will continue to endure an armed populace, at least until there is a major political disaster involving the use of guns.

Today the *urban* population of the nation is probably more heavily armed than at any time in history, largely because the close of World War II left the participating countries with a huge surplus of military obsolescent but still quite usable guns. These could be sold nowhere in the world but in the United States, since no other country large enough and wealthy enough to provide a good market would have them. More weapons became available again in the 1950's, when NATO forces switched to a uniform cartridge and abandoned a stock of outmoded rifles. These again flooded the United States, including about 100,000 Italian Carcanos of the type with which John F. Kennedy was killed. Imported very cheaply, sometimes at less than a dollar apiece, these weapons could be sold at enormous profit but still inexpensively—the one that killed Kennedy cost $12.78.

It has been estimated that between four and seven million foreign weapons were imported into the United States between 1959 and 1963. Between 1965 and 1968 handgun imports rose from 346,000 to 1,155,000. Domestic industries that make cheap handguns are approaching an annual production of 500,000 pistols a year. Thus a nation in the midst of a serious political crisis, which has frequently provoked violence, is afloat with weapons—perhaps as many as fifty million of them—in civilian hands. An Opinion Research poll of September, 1968, showed that 34 per cent of a national sample of white families and 24 per cent of blacks admitted to having guns. With groups like the Black Minute Men not to speak of numerous white vigilante groups well armed for trouble, the United States finds itself in a situation faced by no other Western nation. One must ask: What are the historical forces that have led a supposedly well-governed nation into such a dangerous position?

It is very easy, in interpreting American history, to give the credit and the blame for almost everything to the frontier, and certainly this temptation is particularly strong where guns are concerned. After all, for the first 250 years of their history Americans were an agricultural people with a continuing history of frontier expansion. At the very beginning the wild continent abounded with edible game, and a colonizing people still struggling to control the wilderness and still living very close to the subsistence level found wild game an important supplement to their diet. Moreover, there were no enforcible feudal inhabitants against poaching by the common man, who was free to roam where he could and shoot what he could and who ate better when he shot better. Furthermore, all farmers, but especially farmers in a highly settled agricultural country, needed guns for the control of wild vermin and predators. The wolf, as we still say, has to be kept from the door.

Finally, and no less imperatively, there were the Indians, who were all too often regarded by American frontiersmen as another breed of wild animal. The situation of the Indians, constantly under new pressures from white encroachments, naturally commands modern sympathy. But they were in fact, partly from the very desperation of their case, often formidable, especially in the early days when they were an important force in the international rivalries of England, France, and Spain in North America. Like the white man they had guns, and like him they committed massacres. Modern critics of our culture who, like Susan Sontag, seem to know nothing of American history, who regard the white race as a "cancer" and assert that the United States was "founded on a genocide," may fantasize that the Indians fought according to the rules of the Geneva Convention. But in the tragic conflict of which they were to be the chief victims, they were capable of striking terrible blows. In King Philip's War (1675–76) they damaged half the towns of New England, destroyed a dozen, and killed an estimated one out of every sixteen males of military age among the settlers. Later the Deerfield and other frontier massacres left powerful scars on the frontier memory, and in the formative days of the colonial period wariness of sudden Indian raids and semimilitary preparations to combat them were common on the western borders of settlement. Men and women, young and old, were all safer if they could command a rifle. "A well grown boy," remembered the Reverend Joseph Doddridge of his years on the Virginia frontier, "at the age of twelve or thirteen years, was furnished with a small rifle and shot-pouch. He then became a fort soldier, and had his port-hole assigned him. Hunting squirrels, turkeys and raccoons, soon made him expert in the use of his gun."

That familiarity with the rifle, which was so generally inculcated on the frontier, had a good deal to do with such successes as Americans had in the battles of the Revolu-

tion. The Pennsylvania rifle, developed by German immigrants, was far superior to Brown Bess, the regulation military musket used by British troops. This blunt musket, an inaccurate weapon at any considerable distance, was used chiefly to gain the effect of mass firepower in open field maneuvers at relatively close range. The long, slender Pennsylvania rifle, which had a bored barrel that gave the bullet a spin, had a flatter and more direct trajectory, and in skilled hands it became a precision instrument. More quickly loaded and effective at a considerable distance, it was singularly well adapted not only to the shooting of squirrels but to the woodsman's shoot-and-hide warfare. It struck such terror into the hearts of British regulars as to cause George Washington to ask that as many of his troops as possible be dressed in the frontiersman's hunting shirt, since the British thought "every such person a complete Marksman." The rifle went a long way to make up for the military inconsistencies and indifferent discipline of American militiamen, and its successes helped to instill in the American mind a conviction of the complete superiority of the armed yeoman to the military professionals of Europe.

What began as a necessity of agriculture and the frontier took hold as a sport and as an ingredient in the American imagination. Before the days of spectator sports, when competitive athletics became a basic part of popular culture, hunting and fishing probably were the chief American sports, sometimes wantonly pursued, as in the decimation of the bison. But for millions of American boys, learning to shoot and above all graduating from toy guns and receiving the first real rifle of their own were milestones of life, veritable rites of passage that certified their arrival at manhood. (It is still argued by some defenders of our gun culture, and indeed conceded by some of its critics, that the gun cannot and will not be given up because it is a basic symbol of masculinity. But the trouble with all such glib Freudian generalities is that they do not explain cultural variations: they do not tell us why men elsewhere have *not* found the gun essential to their masculinity.)

What was so decisive in the winning of the West and the conquest of the Indian became a standard ingredient in popular entertainment. In the penny-dreadful Western and then in films and on television, the western man, quick on the draw, was soon an acceptable hero of violence. He found his successors in the private eye, the F.B.I. agent, and in the gangster himself, who so often provides a semilegitimate object of hero worship, a man with loyalties, courage, and a code of his own—even in films purporting to show that crime does not pay. All mass cultures have their stereotyped heroes, and none are quite free of violence; but the United States has shown an unusual penchant for the isolated, wholly individualistic detective, sheriff, or villain, and its entertainment portrays the solution of melodramatic conflicts much more commonly than, say, the English, as arising not out of ratiocination or some scheme of moral order but out of ready and ingenious violence. Every Walter Mitty has had his moment when he is Gary Cooper, stalking the streets in *High Noon* with his gun at the ready. D. H. Lawrence may have had something, after all, when he hade his characteristically bold, impressionistic, and unflattering judgment that "the essential American soul is hard, isolate, stoic, and a killer." It was the notion cherished also by Hemingway in his long romance with war and hunting and with the other sports that end in death.

However, when the frontier and its ramifications are given their due, they fall far short of explaining the persistence of the American gun culture. Why is the gun still so prevalent in a culture in which only about 4 per cent of the country's workers now make their living from farming, a culture that for the last century and a half has had only a tiny fragment of its population actually in contact with a frontier, that, in fact, has not known a true frontier for three generations? Why did the United States alone among industrial societies cling to the idea that a substantially unregulated supply of guns among its city populations is a safe and acceptable thing? This is, after all, not the only nation with a frontier history. Canada and Australia have had theirs, and yet their gun control measures are far more satisfactory than ours. Their own gun homicide rates, as compared with our 2.7, range around .56, and their gun suicide and accident rates are also much lower. Again, Japan, with no frontier but with an ancient tradition of feudal and military violence, has adopted, along with its modernization, such rigorous gun laws that its gun homicide rate at .04 is one of the world's lowest. (The land of hara-kari also has one of the lowest gun suicide rates—about one-fiftieth of ours.) In sum, other societies, in the course of industrial and urban development, have succeeded in modifying their old gun habits, and we have not.

One factor that could not be left out of any adequate explanation of the tenacity of our gun culture is the existence of an early American political creed that has had a surprisingly long life, albeit much of it now is in an underground popular form. It has to do with the antimilitaristic traditions of radical English Whiggery, which were taken over and intensified in colonial America, especially during the generation preceding the American Revolution, and which became an integral part of the American political tradition. The popular possession of the gun was a central point in a political doctrine that became all but sacrosanct in the Revolution: a doctrine that rested upon faith in the civic virtue and military prowess of the yeoman; belief in the degeneration of England and in the sharp decline of "the liberties of Englishmen" on their original home soil; and a great fear of a standing army as one of the key dangers to this body of ancient liberties. The American answer to civic and military decadence, real or imagined, was the armed yeoman.

By the same reasoning the answer to militarism and standing armies was the militia system. It had long been the contention of those radical Whig writers whose works did so much to set the background of American thought, that liberty and standing armies were incompatible. Caesar and Cromwell were commonly cited as the prime historical examples of the destructive effects of political generals on the liberties of the people. The Americans became confident that their alternative device, an armed people, was the only possible solution to the perennial conflict between militarism and freedom. Their concern over the evils of repeated wars and institutionalized armies was heightened by the eighteenth-century European wars in which they were inevitably involved. Blaming the decay that they imagined to be sweeping over England in good part on the increasing role of the military in the mother country, they found their worst fears confirmed by the quartering of troops before the Revolution. John Adams saw in the Boston Massacre "the strongest proof of the danger of standing armies." The Virginian George Mason, surveying the history of the nations of the world, remarked: "What havoc, desolation and destruction, have been perpetrated by standing armies!" The only remedy, he thought, reverting to one of the genial fictions of this school of thought, was the ancient Saxon militia, "the natural strength and only stable security of a free government." Jefferson reverted to the idea of a popular Saxon militia by providing in his first draft of the Virginia Constitution of 1776 that "no freeman shall ever be debarred the use of arms."

Washington, who had to command militiamen, had no illusions about them. He had seen not a single instance, he once wrote, that would justify "an opinion of Militia or raw Troops being fit for the real business of fighting. I have found them useful as light Parties to skirmish in the woods, but incapable of making or sustaining a serious attack." Despite the poor record of militia troops in the Revolution, as compared with the courage and persistence of Washington's small and fluctuating Continental Army, the myth persisted that the freedom of America had been won by the armed yeoman and the militia system, and the old fear of a standing army was in no way diminished now that it was not to be under the command of an English aristocracy but of native American generals. In the mid-1780's, when the Americans had won their independence and were living under the Articles of Confederation, Secretary of War Henry Knox found himself the administrator of an army of about seven hundred men. In the 1790's, when it was proposed under the Constitution to add only about five hundred more, Pennsylvania Democrat Senator William Maclay anxiously observed that the government seemed to be "laying the foundation of a standing army"! Only the disastrous performance of militiamen in the War of 1812 persuaded many American leaders that the militia was a slender reed upon which to rest the security of the nation.

In the meantime the passion for a popular militia as against a professional army had found its permanent embodiment in the Second Amendment to the Constitution: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." By its inclusion in the Bill of Rights, the right to bear arms thus gained permanent sanction in the nation, but it came to be regarded as an item on the basic list of guarantees of *individual* liberties. Plainly it was not meant as such. The right to bear arms was a *collective*, not an individual right, closely linked to the civic need (especially keen in the absence of a sufficient national army) for "a well regulated Militia." It was, in effect, a promise that Congress would not be able to bar the states from doing whatever was necessary to maintain well-regulated militias.

The Supreme Court has more than once decided that the Second Amendment does not bar certain state or federal gun controls. In 1886 it upheld an Illinois statute forbidding bodies of men to associate in military organizations or to drill or parade with arms in cities or towns. When Congress passed the National Firearms Act of 1934 forbidding the transportation in interstate commerce of unregistered shotguns, an attempt to invoke the Second Amendment against the law was rejected by the Court in what is now the leading case on the subject, *United States v. Miller* (1939). In this case the Court, ruling on the prosecution of two men who had been convicted of violating the National Firearms Act by taking an unregistered sawed-off shotgun across state lines, concluded that the sawed-off shotgun had no "reasonable relationship to the prevention, preservation, or efficiency of a well-regulated militia." The Court ruled that since the gun in question was not part of ordinary military equipment, its use was unrelated to the common defense. The Court further found that the clear purpose of the Second Amendment was to implement the constitutional provision for "calling forth the Militia to execute the Laws of the Union, suppress insurrections and repel invasions" and declared that the Second Amendment "must be interpreted and applied with that end in view."

While the notion that "the right to bear arms" is inconsistent with state or federal gun regulation is largely confined to the obstinate lobbyists of the National Rifle Asso-

ciation, another belief of American gun enthusiasts enjoys a very wide currency in the United States, extending to a good many liberals, civil libertarians, and even radicals. It is the idea that popular access to arms is an important counterpoise to tyranny. A historian, recently remonstrating against our gun policies, was asked by a sympathetic liberal listener whether it was not true, for example, that one of the first acts of the Nazis had been to make it impossible for the nonparty, nonmilitary citizen to have a gun—the assumption being that the German people had thus lost their last barrier to tyranny. In fact Nazi gun policies were of no basic consequence: the democratic game had been lost long before, when legitimate authorities under the Weimar Republic would not or could not stop uniformed groups of Nazi terrorists from intimidating other citizens on the streets and in their meetings and when the courts and the Reich Ministry of Justice did not act firmly and consistently to punish the makers of any Nazi *Putsch* according to law. It is not strong and firm governments but weak ones, incapable of exerting their regulatory and punitive powers, that are overthrown by tyrannies. Nonetheless, the American historical mythology about the protective value of guns has survived the modern technological era in all the glory of its naivete, and it has been taken over from the whites by some young blacks, notably the Panthers, whose accumulations of arms have thus far proved more lethal to themselves than to anyone else. In all societies the presence of small groups of uncontrolled and unauthorized men in unregulated possession of arms is recognized to be dangerous. A query therefore must ring in our heads: Why is it that in all other modern democratic societies those endangered ask to have such men disarmed, while in the United States alone they insist on arming themselves?

A further point is of more than symptomatic interest: the most gun-addicted sections of the United States are the South and the Southwest. In 1968, when the House voted for a mild bill to restrict the mail-order sale of rifles, shotguns, and ammunition, all but a few of the 118 votes against it came from these regions. This no doubt has something to do with the rural character of these regions, but it also stems from another consideration: in the historic system of the South, having a gun was a white prerogative. From the days of colonial slavery, when white indentured servants were permitted, and under some circumstances encouraged, to have guns, blacks, whether slave or free, were denied the right. The gun, though it had a natural place in the South's outdoor culture, as well as a necessary place in the work of slave patrols, was also an important symbol of white male status. Students in the Old South took guns to college as a matter of course. In 1840 an undergraduate at the University of Virginia killed a professor during a night of revelry that was frequently punctuated by gunfire. Thomas Hart Benton, later to be a distinguished Missouri senator, became involved, during his freshman year at the University of North Carolina, in a brawl in which he drew a pistol on another student, and was spared serious trouble only when a professor disarmed him. He was sixteen years old at the time. In the light of the long white effort to maintain a gun monopoly, it is hardly surprising, though it may be discouraging, to see militant young blacks borrowing the white man's mystique and accepting the gun as their instrument. "A gun is status—that's why they call it an equalizer," said a young Chicago black a few years ago. "What's happening today is that everybody's getting more and more equal because everybody's got one."

But perhaps more than anything else the state of American gun controls is evidence of one of the failures of federalism: the purchase and possession of guns in the United States is controlled by a chaotic jumble of twenty thousand state and local laws that collectively are wholly inadequate to the protection of the people and that operate in such a way that areas with poor controls undermine those with better ones. No such chaos would be tolerated, say, in the field of automobile registration. The automobile, like the gun, is a lethal instrument, and the states have recognized it as such by requiring that each driver as well as each car must be registered and that each driver must meet certain specified qualifications. It is mildly inconvenient to conform, but no one seriously objects to the general principle, as gun lobbyists do to gun registration. However, as the United States became industrial and urban, the personnel of its national and state legislatures remained to a very considerable degree small town and rural, and under the seniority system that prevails in Congress, key posts on committees have long been staffed by aging members from small-town districts—worse still, from small-town districts in regions where there is little or no party competition and hence little turnover in personnel. Many social reforms have been held back long after their time was ripe by this rural-seniority political culture. Gun control is another such reform: American legislators have been inordinately responsive to the tremendous lobby maintained by the National Rifle Association, in tandem with gunmakers and importers, military sympathizers, and far-right organizations. A nation that could not devise a system of gun control after its experiences of the 1960's, and at a moment of profound popular revulsion against guns, is not likely to get such a system in the calculable future. One must wonder how grave a domestic gun catastrophe would have to be in order to persuade us. How far must things go?

THE HUMAN ENVIRONMENT—HEARINGS BY DEMOCRATIC POLICY COUNCIL

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Friday, October 9, 1970

Mr. EAGLETON. Mr. President, the Democratic Policy Council's Committee on the Human Environment, which I am privileged to chair, held a day and a half of public hearings on September 24 and 25 here in Washington. In the course of those hearings, the committee heard testimony from Senators and Congressmen and from a number of other distinguished experts on our urgent environmental, consumer, and occupational health and safety problems.

As I indicated in my opening remarks for the hearings, the Committee on the Human Environment functions under the auspices of the Democratic National Committee. Our purpose in holding the hearings was not solely or even principally partisan in nature, though. We sought to bring back into public view many urgent environmental, consumer, and occupational health and safety problems that have been neglected during the past 21 months. Our purpose was to determine the current status of those problems and to take stock of how we as a Nation have progressed—or failed to progress—in dealing with them.

Mr. President, the record made before the Human Environment Committee is necessarily incomplete. The September 24 and 25 hearings did not deal with housing, education, and many other critical problems. However, that record will assist us in our efforts to separate the verbiage of the past 21 months from the actual commitments and accomplishments of the period in the three important areas with which the hearings were concerned.

Mr. President, I ask unanimous consent that the record made before the Committee on the Human Environment be printed in the Extensions of Remarks.

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

SENATOR THOMAS F. EAGLETON: STATEMENT OPENING HEARINGS BEFORE THE COMMITTEE ON THE HUMAN ENVIRONMENT

During the past 21 months our air and water have become more foul.

Americans find that the goods and services they pay for are worse in quality, shorter in quantity, and sometimes downright dangerous.

Many Americans believe we have lost rather than gained ground in our efforts to solve these critical problems during the last two years under the Nixon Administration.

Although this Committee functions under the auspices of the Democratic National Committee and to that extent is a partisan body, our function today is not solely or even principally partisan. Our principal function today is to bring back into public view those pressing national problems that have been allowed to slip from the public's mind during the last 21 months. We want to know about the current situation on the problems, and to take stock of how we have progressed—or failed to progress—in dealing with them over the last 21 months. As the Nixon Administration reaches its half-way point, it is time to take stock of what has been accomplished—and what has been left undone. It is time to separate verbiage from actual commitments and accomplishments.

The purpose of these hearings is to evaluate our national efforts in areas that most directly affect the lives of all Americans.

As I came in to work this morning I noticed that the lights are dimmed in the Capitol offices for the third consecutive day. From the forecasts offered by the power companies and the Administration I would judge that we have a few more days of the same to look forward to.

This is but another example of the Administration's neglect of an urgent national problem. The Administration has been warning the American people about an impending power crisis for almost two years. Yet it has done virtually nothing to help ease the situation, and indeed has taken a negative stand on legislation designed to help solve this critical problem.

A more complete description of the power shortage crisis and the Administration's lack of leadership is included in a statement I issued several weeks ago on behalf of this Committee.

With the concurrence of the Committee, that statement will be included in the record of this hearing. A few copies are available on the press table for members of the press.

SENATOR THOMAS F. EAGLETON: NIXON ADMINISTRATION FAILING AMERICANS IN CRITICAL ELECTRIC POWER SITUATION

WASHINGTON, August 29.—Senator Thomas F. Eagleton, chairman of the Democratic Policy Council's Committee on the Human Environment, said today the Nixon administration "is failing to meet its responsibilities to protect the interests of American electric power consumers."

The Missouri Democrat, in a statement issued by the Democratic National Committee,

called on the administration to take prompt steps to alleviate a critical shortage of electric power—in ways that will protect the environment.

"The administration," said Eagleton, "is failing to provide leadership and encouragement to American industry in solving the serious problems of electric energy supply in ways that will not wreck our environment. Continued timidity and inaction by the administration in the face of its clear responsibilities on these matters can only create serious doubts about its willingness and capacity to serve the nation."

"This summer," Eagleton said, "the electricity shortage is an inconvenience. This winter, and in years to follow, it can well become a threat to the health and safety of the American public."

Eagleton detailed the nation's critical electric power needs and the Nixon administration's failures in this field in his statement, the text of which follows:

The Nixon administration must take immediate action to provide lasting solutions to the nation's urgent electric power shortage problem.

We face a critical need to develop new, more efficient, and environmentally safer ways of producing electricity. A one-million kilowatt, coal-burning electric generating plant every day spews 500 tons of sulfur oxides, 100 tons of nitrogen oxides, and 7 tons of fine particulate (solid) matter into the air we breathe, even if it operates with electrostatic precipitators that remove 99 percent of the pollutants that would otherwise be discharged from it. Power plants now use 80 percent of all water used by all industries for cooling purposes. And our most efficient power plants convert only 40 percent of their fossil fuels such as coal, oil, or gas into electricity; the remaining 60 percent of their fuel is wasted. We are damaging the environment and wasting our natural resources by continuing to generate electricity as we are now.

If we don't find new ways to generate and transmit electric power soon, we will have to pay in the future a still heavier price in fouled air, water, and landscapes. For example, the 300,000 miles of power lines that currently occupy over 4 million acres of land will increase by 1990 to 500,000 miles of transmission lines taking up over 7.1 million acres—an area twice the size of the state of Delaware.

By 1980 one-sixth of all of the fresh water runoff available in the United States will be used to cool power generating plants—and in some cases the temperature of our streams and lakes may be increased by as much as 25 degrees, killing fish and wildlife and turning them into hot, algae-clogged cesspools.

Yet the peak demands for electricity in 1990 will be five times greater than they were in 1965, and by the year 2000 will be seven times the demand in 1965.

ADMINISTRATION INACTION

The Nixon administration has reacted timidly and reluctantly to the obvious need to find ways to generate electricity without damaging the environment. Mr. Nixon's suggestion that we judge the administration by what it *does* rather than what it says produces the following track record:

The President's Office of Science and Technology in its June 1969 report recommended to the President a full-scale MHD (magnetohydrodynamics) research and development program, and called for a $2 million effort. The promising MHD process for generating electricity is reportedly 50 percent more efficient than existing steam generating plants, and produces a minimum of air and water pollution. Yet the administration has made only a token contribution of $700,000 to research on MHD.

Research into the conversion of coal into cleanburning, "synthetic" natural gas for electric power generation and other uses which would produce a minimum of pollution is being funded at a level of only $11 million, compared with $400 million for the development of nuclear power plants.

At a time when the administration is placing virtually complete reliance on nuclear power plants to serve the nation's long-range electricity requirements, it is devoting far too little manpower and money to answering the serious questions of whether nuclear generating plants can operate without exposing us and the environment to unacceptable radiation and heat by-products.

STOP-GAP MEASURES

With a lot of luck and 650,000 kilowatts of electricity from the government-owned Tennessee Valley Authority power plants, the administration was able to bail out New York's Consolidated Edison Company, Chicago's Commonwealth Edison Company, and other hard-pressed power companies that faced critical power shortages in late July. But there is a limit to the amount of government power that can be made available to rescue power companies when they get in trouble.

The administration obviously was right—but only half right—when it predicted serious power shortages this summer. True to its prediction, there have been more than 50 major blackouts this year in which electricity was cut off from customers, and hundreds of brownouts in which power companies cut back the voltage in their customers' lines—sometimes without telling them it was happening. The other half of the story the administration is reluctant to tell is that thousands of American homes are heated, as well as cooled and lighted, by electricity, and we are facing serious electricity shortages this winter and for the next ten years.

This summer the electricity shortage is an inconvenience. This winter, and in years to follow, it can well become a threat to the health and safety of the American public.

As Americans have become more aware of the damaging effects of power plants and power lines on our air, water, and land resources, groups of citizens have joined to block the construction of power plants and power lines in areas where they would do serious environmental damage. The administration is merely trying to shift the blame for its own failures when the Republican chairman of the Federal Power Commission, John N. Nassikas, and other administration spokesmen say those citizen groups are responsible for the present electrical shortage because they have delayed construction of new facilities needed to generate power to serve the growing demand.

The real story is that the administration is failing to live up to its responsibility for resolving the conflicts between power plants and the environment—conflicts these citizen groups have identified and brought to public attention.

As the recent transfer of Tennessee Valley Authority electricity to New York City indicates, the power supply problem is more than just a local or regional problem. It cannot be solved by the power companies alone, or by the power companies and the states alone. Industry and government at all levels must face up to the urgent need for more interconnection of regional power systems and individual utility companies to assure greater reliability. There is an urgent need for federal participation and leadership in planning new facilities so that they are built *when* and *where* they are needed, and so that they will cause the least possible environmental damage.

ELECTRIC RELIABILITY—THE SILENT ADMINISTRATION

Immediately after the massive New York City blackout in 1965, the Democratic administration carefully studied the electric power supply problem and the environmental problems connected with generating and transmitting electricity. As a result of those studies, legislation to deal with these problems was developed by the Federal Power Commission and unanimously transmitted to the Congress. President Johnson made electric reliability legislation a high priority subject in his 1967 Message on Consumer Protection.

When Mr. Nixon took office, these studies and the concrete proposals which grew out of them were cast aside. Now, nearly nineteen months after Mr. Nixon took office, his administration has failed to propose *any* alternative to the legislation proposed by the Johnson administration or to a number of other bills introduced more recently by Democratic senators and representatives including Senators Kennedy, Magnuson, and Muskie, and Representatives Friedel, Long (Maryland), Macdonald, and Moss (California) on which congressional committees have held extensive hearings.

Rather, Mr. Nixon has passed the buck to another of his special White House task forces which has been restudying the problem for more than a year while the power shortage crisis has become more critical with each passing day. Meanwhile, the chairman of the Federal Power Commission, Mr. Nassikas, a former lawyer for private utilities, has stated to congressional committees that he would recommend another presidential veto if Congress should pass the electric reliability legislation which is before it. Like the power companies he is supposed to regulate as chairman of the Federal Power Commission, Mr. Nassikas favors so-called "voluntary" and "co-operative" action between the power companies and state and federal authorities to solve the power crisis—with the federal government and the states having no real power to look out for the best interests of power consumers or to prevent actions by the companies that would damage our air, water, and land.

Many experts outside the administration blame the "voluntary" and "cooperative" approach for the problems we now face, including the industry's failure to make adequate plans to serve today's electricity needs. Those experts feel this approach can't be expected to solve the problems it caused in the first place.

It takes as much as 10 years to plan and build new power plants and power lines. So it is critical that the administration stop filibustering and footdragging on legislation to resolve the conflicts between power plants and power lines, and the environment. The administration should either support one of the bills that has been pending for more than a year before the Congress, or propose a bill of its own, or admit to the public that it is incapable of protecting the interests of the American people in assuring reliability of electric power service and protection of the environment.

There are further urgent steps the administration should take to assure a more rational use of our natural resources:

1. It should take immediate action to review carefully the electricity rates for industries that use large amounts of power—rates that encourage them to waste rather than conserve electrity. It should also scrutinize the promotional practices of electric utilities that encourage consumers to use more power than can be made available to them.

The administration has a responsibility to the American public to see that our natural resources are wisely used and not wasted,

and it should take immediate action to live up to that obligation.

2. Utilities are faced with widespread and rapidly worsening shortages of low-pollution oil, natural gas, and coal, which are used to generate electricity. The administration should permit the greater importation of less-expensive, low-pollution oil which is in critically short supply, for power generation purposes.

3. There is increasing evidence that some natural gas producers are holding substantial supplies of their low-pollution natural gas out of the market in anticipation of a rise in gas prices. The administration should use its existing authority under the Outer Continental Shelf Lands Act to direct those gas producers to produce the gas being held out of the market and make it available to power companies at today's prices for power generation purposes.

4. Low-pollution coal is becoming scarcer and more expensive as the result of shortages of railroad coal cars, strikes and unrest in the coal fields attributed to the administration's half-hearted and reluctant enforcement of the landmark Coal Mine Health and Safety Act passed by Congress last year. The administration should begin immediately to enforce vigorously the Coal Mine Health and Safety Act, as congressional leaders have repeatedly urged, so the miners will go back to work and produce the clean-burning coal needed to meet the present electricity crisis. And the Interstate Commerce Commission should take immediate steps to alleviate the coal-car shortage by requiring that cars be returned to shippers instead of being held for short-term coal shortage by coal users.

5. The administration should seriously consider using the broad allocation and price control authority avaliable to it under the Defense Production Act. Mr. Nixon was all too eager to use the authority of that act to bail the Penn Central Railroad out of its financial difficulties; he should be equally willing to use that authority to require that low-pollution fuels be made available to fuel-short power companies at reasonable prices in their time of great need.

SENATOR EDWARD M. KENNEDY: CONTROLLING THE QUALITY OF OUR LIVES

I am delighted that the Democratic National Committee has organized this Symposium on the human environment. For the present environmental movement is neither a fad nor a diversion. Rather, it is part of a long struggle to control the forces of technology, to control the quality of our lives.

This control has always been far beyond the reach of many Americans. The poor and all those who have been disowned by society—the Indian, the migrant worker—have little choice about their surroundings. They can either live in rural squalor or urban squalor. Their environment is imposed on them.

But what is striking about America today is that regardless of income, all of us are losing control over the quality of our lives. None of us can run away from air pollution, water pollution, and noise pollution. None of us can escape shoddy and unsafe products.

The problem is complex, but its roots are clear. This society has become too permissive. We have become too permissive about oil companies which use faulty drilling rigs and leaky tankers. We have become too permissive about automobile companies which ignored urban smog for decades and now say they cannot make significant improvements by 1976. We have been too permissive about chemical companies which dump mercury into our lakes and rivers, about factories that pump smoke into the sky, about drug companies which do more advertising than testing, about food producers which adulterate the things we eat.

For years we have allowed the government agencies which protect our environment and safety to be understaffed and underfunded. Here are just a few examples:

The National Air Pollution Control Administration has increasingly heavy responsibilities to protect the air we breathe. Yet it had fewer employees in 1970 than in 1967. In 1969, it had only one person assigned to the crucial task of checking how well the new pollution control devices on cars were working. In 1970, as the environmental movement gained momentum, they doubled the staff—a second person was added.

The recently resurrected Refuse Act of 1899 prohibits the discharge of any refuse matter into any navigable waters of the United States except under a permit obtained from the Army Corps. Corps figures show that there are no existing permits for industrial discharges in 23 states, and that there are only 266 permits in effect in the entire nation. Thus, if the Corps would begin to enforce the permit requirement, it could greatly reduce water pollution in the United States. But the Corps is simply not equipped to take on this massive task. Its permit and enforcement office in the Detroit District, for instance, has only two men. Along with other assigned duties, these two men have surveillance responsibility for over 3,000 miles of shoreline.

The Bureau of Labor Standards is supposed to implement the Walsh-Healy Act, which sets safety requirements for factories working on federal contracts. But as of June of this year, there were only 22 inspections for all such factories throughout the nation. Most state inspections systems are not any better. It is hardly surprising, therefore, that some 14,500 Americans are killed on the job each year and that two and one half million suffer disabling injuries.

Last year the Administration could not even spare a single full-time employee for the administration and enforcement of the Fair Packaging and Labeling Act, which was intended by Congress to provide protection for consumers from deceptive practices by manufacturers. And when budget time came around this year, the Administration requested not one dollar to implement enforcement of the Act.

This governmental permissiveness and neglect must end. We must have more effective government regulation—new laws, new agencies, new approaches. But while we are pressing for these changes, we must bear in mind the mistakes of earlier generation of reformers. First, we must find ways to keep governments from being captured by the very people they are supposed to regulate. And second, we must not rely too heavily on bureaucratic solutions; we must give every citizen a direct opportunity to reassert control over his environment.

It is not easy to keep governments from being captured, and, hence, permissive. Any industry which has the ability to pollute our physical environment on a significant scale also has the ability to pollute our political environment. The "Politics of Oil" is a case in point, as the recent decision on oil import quotas amply demonstrates.

In 1959, President Eisenhower established an oil import quota which now costs the American consumer over five billion dollars a year in higher oil prices. President Nixon, to his credit at the time, appointed a Cabinet-level Task Force to study the issue. The Task Force concluded that the "present import control program is not adequately responsive to present and future security considerations" and urged substantial modifications of the quota system. Confronted with this, the President simply appointed another committee. And then as the Congressional elections drew near, the White House announced that the present system of quotas would be retained. Summing up the situation, the Wall Street Journal stated, "A decision permitting more oil imports will wait; it could offend Texas oil men financing GOP Senate candidates." Meanwhile, of course, New England and other sections of the country are suffering from oil shortages, soaring prices, and the distinct possibility of a crisis this winter.

An Administration which buckles under to the oil industry on the question of import quotas can hardly be trusted to deal forcefully with the oil spillages polluting our oceans. If it does nothing about the needs of New England consumers, it may well do nothing about the oil-stained New England beaches. That is why Americans must change the political environment. They must create so much pressure on the government, they must play so active a part in political campaigns, that the contributions of giant industries like oil lose their significance. Only in that way we can begin to get more aggressive and energetic government regulation.

But even as we press for stronger governmental action, we must develop methods for ensuring that our citizens do not have to rely solely on government agencies. Americans should not be left at the mercy of bureaucratic inertia or bureaucratic politics. They should be able to take more direct action to protect the quality of their lives. I have a proposal which may enable Americans to play a more direct role in environmental matters. There are many thousands of products on the market today, ranging from automobiles to gasoline to detergents to containers, which have an impact on our environment. Within a given type of product there are often some individual brands which have a less detrimental effect upon the environment than others. If—and this is a big if—consumers had accurate information on the environmental impact of various brands, then they could use the vast influence of their purchasing power to persuade those with a poor rating to improve—or to face a serious sales drop. My specific proposal is that the Democratic National Committee stimulate the creation of an independent testing and evaluation service which would provide consumers with the information they need to exercise their power.

I would go so far as to suggest that after the fall elections, the DNC consider undertaking a public subscription drive to initiate this effort. I think the public would be grateful to a political party which is willing to be a service organization and which is willing to enable consumers to use their purchasing power more effectively.

Aside from becoming more discriminating consumers, Americans have other ways of taking direct action to protect the quality of their lives. And I am happy to say that the Democrats have sponsored important legislation which recognizes this. For example, the Air Pollution Bill passed by the Senate, Tuesday, enables any citizen to go into court to enforce the new clean air standards. Thus, if a factory or power company is violating the law, it will not be able to purchase immunity from legal action with a campaign contribution. And if the relevant agencies are too busy to sue, a private citizen or an environmental group will be able to take up the slack.

The Consumer Class Action Bill is an even more significant example of the direct approach. Today, a consumer who is the victim of unfair practices has no effective means of securing relief. He can sue on his own, of course, but the cost of suing is usually higher than the damages suffered. The Class Action Bill, which I have cosponsored, changes that. It permits a single suit to be brought on behalf of all the consumers who have been damaged by a particular unfair practice. This in effect, makes it possible for all the affected consumers to join to-

gether to pay for the costs of their lawsuit. It would finally give consumers an effective remedy against retailers and manufacturers.

The Administration position on Class Actions in incredibly revealing. Under pressure from business groups, the Administration has proposed a substitute legislation which is virtually meaningless. Consumer class actions would be permitted only after the Justice Department or the Federal Trade Commission has successfully sued the retailer or manufacturer. In other words, the Administration would leave the consumer completely dependent on two agencies of the government.

And what agencies? The Justice Department is already overburdened. It does not have enough staff now to deal with civil rights, antitrust, organized crime and all the other areas under its jurisdiction. Furthermore, under the present Attorney General, the Department has become increasingly political. This means that suits which should be brought may not be brought for political reasons.

As for the Federal Trade Commission, its lethargy is legendary. Everyone who has studied it, from Nader's Raiders to the American Bar Association, has said that it is now ineffective. Several of the Commissioners themselves have called for sweeping reforms. But the Administration feels that the FTC is good enough for the American consumer.

The Administration may be able to thwart the Consumer Class Action Bill and similar measures for a while. But the Administration posture will not prevail for long. Increasingly, Americans are demanding an opportunity to control the quality of their lives. The task of our Government, and of the Democratic party is to facilitate this demand. We must find ways—peaceful, democratic and effective ways—to guarantee power to the people.

Senator George McGovern—Environmental Law and Order

I welcome the opportunity to appear here today, in some measure because the year 1970, rather than the year 1972, is going to be remembered as the midpoint of the Nixon-Agnew provisional government. It is therefore important that we assess its record while time allows. Although such a task is much like reading backwards through a wordless book, the nation is entitled to an accounting of what lies between the empty lines.

In America today, frustration abounds in nearly every area of human concern—the ending of a tragic war, the eradication of the silent violence of hunger, the extension of racial and human injustice, the halting of mindless terrorism and crime, and the reversing of an inexorable environmental tragedy which began two centuries ago.

Yet, we find these pillagers of the human spirit meekly confronted by an Administration whose basic concern is self-perpetuation. We find an Administration which makes a rhetorical plea for a healthy environment and immediately establishes guidelines in the Department of Justice which prohibit suits against large industrial polluters. We find an Administration which proposes a $10 billion clean water program which turns out to be a $4 billion eyewash. We find national leadership which refuses to spend the money appropriated by Congress for new parklands and refuses to prosecute the major auto companies under the antitrust laws for delaying the development of anti-pollution devices. We find an Administration which recommends $6 million for the tragic Cross-Florida Barge Canal project and refuses to halt the dumping of 60,000 tons of refuse into Lake Superior. We find, Mr. Chairman, an Administration which isolates its chief environmental advisor—the Secretary of the Interior—and builds rhetorical card houses while the nation festers. We find ourselves faced with an Administration whose Department of Justice opposes—repeatedly, and on the record—the right of citizens to bring polluters to the bar of justice, while its own legal advisors to the Environmental Quality Council overwhelmingly vote in favor of legislation which would afford citizens that right. We are again reminded that much of the remaining conscience of the Department of Justice is a guilty one.

Mr. Chairman, the clear position of the present Administration on environmental matters, combined with the inherent deficiencies of the present system, requires that we fashion new approaches to this crisis. Last March Senator Hart and I introduced in the Senate, and Congressman Udall in the House, the "Environmental Protection Act of 1970"—S. 3575. The bill offers, we believe, a hope to individual citizens that the balance of environmental power may yet be tipped in their direction. It proposes, essentially, three things:

First, it grants all citizens the right to the protection, preservation and enhancement of their environment; second, the bill gives citizens an effective means for enforcing that right by assuring their right of access to the federal courts; and third, the "Environmental Protection Act of 1970" recognizes the continuing necessity for administrative procedures but, at the same time, affords citizens the judicial standing to protect the environmental rights guaranteed by the bill. The essence of the legislation is that individual citizens—those whose fisheries are destroyed by refuse, whose livelihoods are destroyed by pollution, whose health is destroyed by unbridled technology—be allowed to challenge unlawful activities of industry and government in the courts.

In according citizens the right to enforce their environmental rights through the courts, it recognizes that much environmental legislation has created agencies rather than solutions, and that agencies themselves often become the most serious obstacles to environmental protection.

They too often come to serve narrow, special-interest constituencies, and too frequently follow a set of priorities which makes the environment a poor cousin. In almost every instance, regulatory agencies are unduly oriented toward the industry which they are designed to regulate rather than toward the public which they are directed to serve. Their regulatory and administrative procedures are often impossible. At the same time, their enforcement authority is woefully weak.

The Federal Water Pollution Control Act, for all its promise, exemplifies the infirmities of the present system. Nationwide monitoring is non-existent. Appropriations have been meager. And after the entire enforcement process is carried out, a polluter is allowed to continue his despoliation—regardless how destructive—if the "economic" benefits of his activity are deemed sufficient.

Efforts in the field of air pollution have been similarly ineffective, in large measure because of inadequate financing as well as unrealistic quality standards. For example, of the 55 State and territorial air pollution programs being financed by Federal grants in 1970, only 6 have reached an annual per capita expenditure of 25 cents. Only 23, including the 6, are spending as much as 10 cents per person per year. Moreover, State air pollution agencies are sorely understaffed. Over half of these agencies have fewer than 10 positions budgeted. The 1970 HEW report to the Congress, "Manpower and Training Needs for Air Pollution Control," estimates that by 1974, State and local agencies will need 8,000 trained employees if they are to implement the Clean Air Act properly, even without consideration of the sweeping amendments currently before Congress. This represents an increase of over 300 per cent of the personnel currently employed by those agencies.

In this area especially, we in Congress and in the Democratic Party must do more, for the Administration offers little help. We must establish air and water quality standards which will heal the wounds that the nation has suffered. We must provide substantially more funds for this effort. And I believe we must afford citizens an opportunity, through the courts, to require of industry and government the same lawful conduct which the courts require of our citizens.

The Environmental Protection Act of 1970 does no more than that. It simply requires a compliance with standards of reasonableness and lawfulness which we all require of one another. It does not usurp the legislative function, but rather serves to assure that it is respected, for if agencies and industry do not carry out the will of Congress, then only the citizen and the courts remain.

The legislation follows a well-respected tradition in American law. Perhaps the most notable example is the provision in the Federal antitrust laws giving citizens a right to sue for treble damages when their rights have been infringed. Similar environmental bills have been introduced in the States of California, Colorado, Massachusetts, New York, Pennsylvania, Tennessee and Texas. The prototype of this legislation has already been signed into law in Michigan. So we do not propose a revolutionary concept which would radicalize our courts or bypass our legislatures. We simply attempt to ensure, by this legislation, that the citizen be heard and that the law be obeyed.

Recently, the courts have begun to reflect the growing sensitivity to the environmental crisis by a few favorable decisions, particularly in the area of standing to sue. Thus, environmental groups have successfully secured judicial review of the Trans-Alaska Pipeline System, the Hudson River Expressway, the Storm King hydroelectric project, the detonation of underground nuclear devices, and sea-dumping of nerve gas. In all cases, the review was simply and properly a determination of whether government and industry had acted lawfully. However, without S. 3575, the uncertainties of achieving judicial review of the lawfulness of public and private activities are many. For example, just last Thursday the Ninth Circuit Court of Appeals ruled that a conservation group with a membership of 78,000—the Sierra Club—did not have a sufficient legal interest to challenge the legality of a massive private development in Sequoia National Park and Forest. There is no logic in a decision which prevents citizens from protecting lands which are held in trust for them by the United States. A spokesman for the Sierra Club accurately remarked that:

"What, in effect, they are saying is that it doesn't matter if the Government is acting illegally, it doesn't matter if public interest is being shoved aside, no one can complain about it because no one is economically affected. . . ."

The provisions of S. 3575 would ensure that environmental rights receive their day in court equally with economic rights, and that the judiciary be given the full power to determine the lawfulness of actions taken by government and industry.

It is reasonable that the judiciary be given this authority, since it has served traditionally as an institution for heightening the public awareness of social problems, for resolving controversies free from unwarranted pressures and for allowing citizens to participate in decisions which gravely affect their lives. Most important, the courts, quite simply, enforce the law of the land. Commissioner Philip Elman of the Federal Trade Commission has described the problem and the possibilities very well.

Regulatory agencies were created in order to redress those injuries to the public which

can best be remedied by administrative action. Where only private interests are aggrieved, the proper remedy is a private action in the courts.

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Just as the administrative process should not be used to insulate businessmen from the rigors of a free-enterprise economy, it should not be used to relieve the courts of their duty to redress violations of private rights.

Earlier this summer, at hearings before Senator Hart's Subcommittee on Energy, Natural Resources and the Environment, the Department of Justice strenuously opposed S. 3575. In so doing, they suggested that cleaning up America should be left to the administrators and the experts, and that citizens should have no direct voice in that effort. Leaving aside the cynicism of this attitude, the empty record of the Nixon-Agnew Administration itself demonstrates that leaving the environment to these experts is like leaving the forest to the fire. It is simply unacceptable to leave environmental litigation and policy to an agency which directs its attorneys not to file actions against major industrial polluters.

As we are aware, there is much promising legislation presently before the Congress dealing with environmental problems. I am convinced, however, that no piece of legislation is more critical to the success of our efforts than this bill. It is truly a demonstration of our confidence in citizens to make their own victories free from the mysteries and constraints of an Administration which does not care.

Mr. Justice Holmes once remarked that "a river is more than an amenity, it is a treasure". This legislation permits the citizen a legal arm to protect his share of the national treasure.

Senator Walter F. Mondale: Our Environment Balance Sheet

One delightful thing about testifying before the Committee on "The Human Environment" is that no one can tell when you're off the subject. The human environment takes in just about everything worth talking about.

Everyone has been talking this year about our environmental crimes and the magnitude of the task that lies ahead.

What we owe are reparations to nature—and to our children—for what we have done to our world. And we seem to be overwhelmed by the burden of these reparations. Think of the *enormous cost* of atoning for our past crimes and repairing our water, our land, our air, our cities, and our children that have fallen victim to something we call progress.

We hear a figure like $100 billion for cleaning our nation's waterways—and it sounds like a cruel joke which no one can appreciate who hasn't tried to add a few hundred thousand dollars to a federal budget for a vitally needed education or poverty program.

Gaylord Nelson has set for a goal a commitment of $20-25 billion a year!

Just last spring I put in the Clean Lakes Act of 1970 in which I called for $1.5 billion spread over four years in order to start cleaning up our nation's 100,000 inland lakes.

But this is only the beginning. We have received estimated bills for the repair of our cities—and it runs to the tens of billions. We could spend tens of billions more simply to realize the goals of the 1965 Education Act—to achieve for every child true educational opportunity. We have seen a $64 billion estimate for meeting our housing needs—according to goals that were set over 20 years ago.

Such figures seem overwhelming . . . perhaps unthinkable. And we haven't even begun to add up the full price tag for a pollution-free automobile, for the beautification of our highways, for the elimination or reuse of the disposable bottle and other solid waste, or for new ways of controlling insects and crop diseases. We are only starting to think seriously of the price tag for eliminating health and safety hazards . . . for bringing our life expectancy and child mortality rates up to the level of other industrial nations.

In fact, many of us have been pointing out, the costs I have cited are *not* all that great. The question is really one of *priorities*—whether the preservation of our water is *really* worth only about half as much as the next step in an unworkable ABM . . . whether the control of air pollution is *really* worth less than the beginning of a space shuttle for our next space spectacular . . . whether federal programs to provide food for hungry children is really worth only two-thirds of what we will spend on a new supersonic transport?

Is $100 billion—to clean and preserve all our waters—a vast amount of money? Sure—but it's less than we've poured into the jungles of Southeast Asia without even counting the cost of 50,000 dead American boys.

Is $20–25 billion—what Senator Nelson said we should commit each year to our environmental clean-up—a staggering sum? Of course . . . but why weren't we more staggered by the GAO reports of $20 billion in cost *overruns* alone on our major weapons systems . . . or by the Brookings and the Joint Economic Committee reports indicating possible $10-20 billion cuts in Pentagon budgets with no real threat to our national security?

But perhaps we should go beyond the priorities issue. I am coming more and more to believe that the fault lies not simply in our *values,* but in our *arithmetic* . . . not just in what we do or don't do, but in how we *measure* the effect of our action—or our neglect. Maybe what we need is simply a *new balance sheet.*

For example, every dollar spent in preserving or restoring our precious lakes and rivers is now counted as an expense—something to be ashamed of, hidden, reduced, or eliminated altogether.

But our "balance sheet" does *not* count the *enormous loss* we incur every day as lakes and rivers further depreciate. Why didn't we start amortizing the worth of Lake Erie about 50 years back, to be carried on the government books until paid in full in 1970 when it is virtually worthless.

Why don't we put down an expense somewhere the millions of dollars attributed to air pollution alone?

Why don't we put on the government books—as a drain on the budget—the discrimination which costs our economy $30–40 billion a year.

How can we reel among in horror from the thought of a $10–12 billion bill this year for a truly effective water pollution program when *that's precisely what our carefully engineered recession has cost the federal government*—not to mention the $20 billion lost to the wage earner, the $7 billion to the stockholder, and the $2 billion to state and local governments?

The President vetoes the last two education bills—presumably, we assume, because he thought they "cost" too much. But where in his calculation, did he put the cost to society of 18.5 million Americans who can't read well enough to survive? I know where aid to higher education came in the budget—it was a "cost" which the Administration kept as low as possible. But where in the budget was the "cost" of losing 600,000–1,000,000 of college potential who do not go on simply because they cannot afford it?

Sometimes I think we allow our accounting standards to set our priorities. Why should you count equally as expenses a bombing raid high over some remote Laotian pass—which leaves behind little but broken vegetation and perhaps a hut or two—and a program to reclaim lost wilderness and create a magnificent park to bring joy to thousands for years to come?

How can you calculate and compare cost and return of our moon program and our medicaid program . . . of a dollar spent by HEW in researching and combating air pollution with a dollar spent by the Pentagon public relation team—which spend over 40 million of them a year?

How do you compare the cost of an occupational health and safety program with the social and economic costs of *not having one*—measured in illness, injury, lost income, and crushed pride?

I'm not asking for more spending; I'm only asking for *smarter* spending. We don't have money by neglecting the environment—we only waste money and "up the ante" for that day when the awful price of past neglect catches up with us.

We don't save money by neglecting our deprived children—we only waste human beings, and here we "up the ante" for that day when we must either reclaim them or be reconciled to the loss of their product, their intellect, or their social allegiance.

The tragic irony is that the Republicans consider fiscal responsibility their own thing—yet they are the greatest wasters of them all. Talk about deficits—the current Administration is ringing up bills all around the world. These won't show in his budget. We don't get have line items for economic, human, social, and environmental waste. But that's only the fault of the balance sheet.

My balance sheet—the one that would show the true cost and returns for what is done and what is not done—shows that we are going to have a lot of outstanding bills to pay—many from centuries of a profit-and-loss system which makes industrial pollution part of *the profits*—and many from the current Administration with a fiscal system that places the integrity of their balance sheet above the health and welfare of our children.

Senator Walter F. Mondale: "The Human Component of the Human Environment"—Submission for the Record

I am not sure, frankly, what tone to strike in approaching this issue of "human environment." For we are not doing well in this area, as many have pointed out. In fact, it is not clear yet whether our earth will survive our abuse.

But I also believe that we have been alerted in time, if we act now, to rescue ourselves. We owe that chance to the foresight and leadership of eminent men like Senators Gaylord Nelson and Ed Muskie, who have called us to account.

We must particularly become aware, as I have often stated before, that the crisis of natural environmental destruction is closely bound to human social losses. Both are derived from mistaken public policies and misplaced national priorities.

The Democratic Party recognizes that *"the environment" is people.* Policies which put production, or technology or profit ahead of people will not work, and they will continue to levy a terrible cost.

The federal government bears an urgent and direct responsibility in the development of new policies to meet the crisis. Population increase, urbanization, mobility, and growth across state lines and regions—all demand federal coordination. Explosive technological advance in energy utilization, communications, transportation and elsewhere all require federal planning and financing.

What we need most of all, of course, is human concern. There is no room here for benign neglect. We need visible, creative leadership rather than low profiles.

For example, the environment in which millions of our citizens earn their living must be of greater concern to this government. Far too often we find conditions of

production or technology which are hazardous to the workers directly involved, as well as to the natural surroundings. Every hour 8 to 10 workers are killed on the job.

It is becoming increasingly clearer that the radiation hazards associated with nuclear power plants are not fully understood or controlled. As in other areas of new technology previously "safe" levels of exposure are now being questioned by many scientists.

For several years environmental interests in nuclear plants has centered around thermal water pollution and its effects on marine life. Now we realize that direct effects are even more pressing. There needs to be more federal government concern for the safety of the atomic workers involved, as well as for the external pollution associated with these plants.

Farm workers are victims of a similar crisis. They are in immediate danger of injury, sickness, or death from the effects of chemicals and pesticides. Rachael Carson and others alerted us to the long term dangers of DDT and other pesticides. But the immediate effects on workers of these and even substitute agents has been neglected. The result is a human loss we cannot calculate.

Workers in mining industries are also plagued by hazards of harmful dust and gasses. We know of tragic losses of life due to black lung and other work-related disabilities of miners. Accidents associated with hazardous machines, unsafe excavations and explosives have also taken the lives of far too many miners. It is true that the mines have damaged the surrounding natural landscape with acid and other polluting leakage, vast waste heaps, and enormous open pits. But this must not obscure the direct human losses to workers.

Industrial plant employees often work without adequate exhaust of toxic gasses, dust, and chemicals. A recent study showed these conditions in 13% of the industrial plants in one of our largest cities. These same pollutants help create the choking smog over our cities. But inside the plants they contribute to the thousands of deaths and millions of serious injuries suffered nationwide by our workers each year.

If we have the will and the imagination, we can best these problems. Yet the present Administration has shown neither the will nor the way to do this.

The Atomic Energy Commission rebukes its scientists who call for more adequate protection standards, and objects when States attempt to set protection standards more stringent than its own. The Nixon Administration's priorities are revealed in the AEC budget which allocates less than *one percent* to protective regulatory functions.

The same conflict between interests of development and regulation exists within the Department of Agriculture. While farmworkers are struck down by chemicals, the state and Federal Departments of Agriculture argue about "legal tolerance limits."

The Nixon Administration's handling of coal mine health and safety borders on the criminally negligent.

The Administration has consistently failed to implement or support effective occupational health and safety legislation across the board.

As I said in speaking to student on Earth Day, our "environment" now is tragically a mood of retreat. Those in high office would replace urgency and idealism with self-interest.

"The Administration's environment" is a federal budget which allocates:

$200 million to feed hungry children and $200 million for the SST;

$800 million for the preservation of our water, and $1.5 billion for the second stage of ABM.

Most of all "their environment" is a culture which does little to conserve the earth, and almost completely ignores more direct human losses.

For example, what kind of *environment* do we provide for children? Children and young adults spend over half their waking hours inside schools. Our nation's progress depends on adequate education, including knowledge gained about protecting natural resources.

Yet, we have not provided an environment for our children which is worthy of a great nation. *30%* of the public school buildings in our large cities are more than *40* years old, and are unsafe and inefficient. *Ten million* elementary school children have *no* libraries in their schools. We pay *teachers twenty-five percent less* on the average than their counterparts in other occupations.

These factors make schools a "polluted environment" for our children.

The Federal government must continue to act to improve the situation, for it is clear that local tax sources are increasingly inadequate. Yet the Office of Education is funded at *50%* of authorization, while we are supporting military and space efforts at above *90%* of authorizations. Mr. Nixon vetoed the education appropriation as being inflationary. The direct loss in human resources in a weak educational environment is a national calamity.

The nation is also paying an unnecessary high price in human terms for its transportation system. Unrestrained highways mar the countryside and stimulate urban air pollution. Hundreds of thousands of mostly low income city residents have lost homes to freeways. Equally important, many tens of billions of tax dollars have been preempted by road building and lost to more efficient means of mass transit.

The poor and minorities are particularly hurt by shortage of cheap transit as industrial jobs move outside the core city. Expressways also hastened the decline of cities by encouraging middle class city workers to move to beltway suburbs.

The resulting loss of population diversity is changing the character of cities as surely as air pollution and parking lots. The Nixon Administration has not adequately supported alternative transportation systems. It has indeed neglected mass transit and railroad development while sponsoring the obnoxious supersonic transport.

We are often urged that we must be willing to pay the costs of environmental protection. I agree that we must pay. But I would ask "Who shall pay what amounts?" There are many expenses: Paper companies must treat effluents formerly dumped untreated. Power companies must wire underground, build cooling towers, or attach smoke abatement equipment. Auto makers must build exhaust control devices. Fuel producers must seek new clean materials. All companies must spend to protect employee health and safety. Municipalities must build new waste treatment facilities, transit systems, and schools.

The costs of these changes must be shared. The stockholders cannot be expected to directly absorb all production costs from profits.

The federal government cannot be expected to subsidize all protection costs, either through budget shifts, new taxes or tax incentives. Employees cannot forego needed wage increases. Local taxpayers cannot bear the full burden of local improvements.

And consumers cannot be expected to absorb the full costs through direct price increases or rate changes.

There must be a sharing of effort in ways which have not previously been considered, through methods which will take into account the human aspects of environmentalism.

John Kennedy, in his preface to Stewart Udall's book, *The Quiet Crisis*, said, "We must expand the concept of conservation to meet the imperious problems of the new age. We must develop new instruments of foresight and protection."

If we do not now heed that advice, if we squander another decade in neglect and ignorance, we will not be given a second chance. The crisis is here and now in the environment. The human tragedies are taking place every day.

For pollution of people and nature is like some insidious cancer of the national body. If we fail to act on the fateful diagnosis we have heard, if we refuse to apply every cure we have, there will be no hope for the patient.

SENATOR EDMUND S. MUSKIE: ADMINISTRATION CHALLENGED TO SUPPORT SENATE-PASSED AIR POLLUTION BILL

Mr. Chairman. Thank you for this opportunity to appear before the Committee today.

Yesterday I submitted for the record a prepared statement which I had intended to present to the Committee personally at that session. Rather than read that statement today, I would like to make some more general comments concerning our environmental perspective.

A century ago, the Massachusetts Board of Health—the first of its kind in the country—made the following declaration:

"We believe that all citizens have an inherent right to the enjoyment of pure and uncontaminated air and water and soil; that this right should be regarded as belonging to the whole community; and that no one should be allowed to trespass upon it by his carelessness or his avarice or even by his ignorance."

We are finally beginning to appreciate that point of view—even those of us who have never flown up the East Coast from Washington, looking down through the smog.

The environmental point of view requires more than philosophy . . . more than poetry . . . more even than speeches.

It requires action—action that is prompt and decisive.

Too many Americans have a sense of drifting uncontrollably from problem to problem . . . of being dominated by events beyond their grasp . . . of facing challenges that our institutions—both public and private—seem unable to meet.

Our environmental problems have contributed greatly to that self-doubt and fear of what the future may hold.

For the nation which has sent men into space—unlocked the mysteries of the atom; built the most powerful industrial base in the world—has not yet halted the deterioration of its air, its water and its land.

And so the time has come to determine whether we still possess the courage, the ingenuity and the skill to pursue a common cause—not only of survival, but of a better life.

During the last decade, a number of us in the Senate began trying to shape an effective policy for the preservation and improvement of our environment.

We have worked at it—in every session.

And over the years, we have had to fight public apathy, overcome Presidential and congressional reluctance to appropriate the necessary funds, and break down industry resistance.

As a result, we have not done nearly enough.

We have not even kept pace with the pollution.

And it is clear to me that we can no longer accept "business as usual."

I do not suggest that we put companies out of business: repeal technology; or return to a primitive state of nature.

But I am convinced we can no longer continue to pay the price of a steady deterioration of the basic elements of life.

We need to change our attitudes; our operations; and our standards of what *is* sufficient to protect the public health and what is not.

Take, for example, the problem of air pollution.

Each year, over 200 million tons of pollutants are released into the air—soiling our clothes . . . our homes . . . and our lungs; destroying plant and animal life; threatening to change forever our atmosphere and our climate.

In hard economic terms, it has been estimated that a 50 percent reduction in air pollution in our major urban areas could save the country well over $2 *Billion* a year in medical costs and lost work days alone.

But think of the human price.

That same 50 percent reduction could reduce deaths from bronchitis by up to 50 percent; deaths from lung cancer by 25 percent; deaths from heart and blood vessel disorders by 20 percent.

And we all know that no single statistic or set of statistics can really explain what it feels like to take a breath of fresh air.

For all the progress we have taken pride in technological advances; industrial development; material comforts our fathers and their fathers before them filled their lungs with better air than we now have at our disposal.

Unless we act—and act now—the smog alerts throughout this country will eventually become death watches of the grimmest kind.

And the public outcry which *would* result would force Congress to enact crisis legislation of the most stringent variety—legislation which might provide for Federal preemption of state and local governmental authority . . . for Federal control over industry decisionmaking . . . or for nationalization itself.

These are solutions that none of us wants.

But they will be demanded, unless we make the hard choices now that just might save us.

That is why we voted Tuesday—in the Senate—for the National Air Quality Standards Act of 1970.

The critics of that Act are right in some of the things they say.

This Act does *put* industry under pressure.

This Act *will* cost money and time and effort.

This Act may ultimately close down the worst offenders.

But this Act is necessary.

It is sensible.

It is possibly our last chance.

And so—with respect to stationary sources of pollution—industrial plants of every description—the Act establishes national ambient air quality standards for major contaminants that must be met by national deadlines; provides rigorous national standards of performance for newly-constructed sources of pollution; grants authority to the Secretary of Health, Education and Welfare to prohibit completely the emission of hazardous substances.

Why do we need to police the way in which industry affects the air?

Not because our industries are intentional sinners.

But because we can no longer expect them to become intentional saints.

I recognize that the requirements of the Act will be difficult to meet.

But American industry—its technological know-how and its managerial ability—has been challenged in the past.

And it has not fallen short.

In this Act, we have required that a 90-percent cleaner car be developed by 1975.

Industry doubts whether this goal can be met.

But it must be—and we shall all breathe easier again.

In 1968, moving sources were responsible for more than 42 percent of the total emissions of the five major air pollutants—including 64% of the carbon monoxide and 50% of the hydrocarbons.

That is no way to run the automotive industry.

The auto manufacturers have told us that Americans cannot live without the automobile.

We are telling them, if that is so, then make an automobile with which Americans can live.

Now we must challenge the Administration to put action behind rhetorical commitments . . . to support the Senate-passed National Air Quality Standards Act . . . and to ask for the funding to make the Act work.

We are all running out of time.

And the public policies on which we are staking our common future must deal with those problems with businesslike precision; with fixed targets; and with tough performance standards.

Remember—this is only a single aspect of the whole environmental challenge facing us at the beginning of the 1970's.

It should be obvious to us by now that the problems of the environment require more from us than a determination to clean up the mess we have created, although that is important.

We must also—at this point in time—start changing the very habits that permitted us to abuse our environment in the first place.

After all, all Americans breathe dirty air, vacation beside dying lakes, and travel on crowded roads.

All of us feel the side effects of uncontrolled technology—and yet we are certainly not prepared to give up the comforts of contemporary life.

So we *must* work together to develop national and orderly methods of planning for the future; to adopt meaningful and enforceable criteria; to achieve economic progress *and* environmental improvement.

And to avoid the apocalypse which James Thurber once warned us about:

"Man is flying too fast for a world that is round. Soon he will catch up with himself, in a great rear-end collision, and man will never know what hit man from behind was man."

Thank you.

SENATOR EDMUND S. MUSKIE: NEW DIRECTIONS AND NEW PHILOSOPHIES IN ENVIRONMENTAL PROTECTION

One of the most troubling aspects of our national mood is the crisis in confidence which afflicts too many Americans in all walks of life. It is a crisis marked by self-doubt, by a fear that our problems may be greater than our capacity to solve them, that our public and private institutions may be inadeqaute at a time when we need them most.

Our environmental problems have contributed heavily to that self-doubt and fear. A nation which has been able to conquer the far reaches of space, which has unlocked the mysteries of the atom, and which has an enormous reserve of economic power, technological genius, and managerial skills seems incapable of halting the steady deterioration of our air, water and land.

Our response to this environmental challenge will reflect the depth of our commitment and our faith: in our institutions, in our capacity to find answers to difficult economic and technological problems, and in our willingness to make difficult choices.

In the final analysis, our success in repairing the environment will depend *less* on our technological skills and imagination and *more* on our readiness to make *new* choices.

First, we should all recognize that a clean, healthy environment will not come cheap. The air pollution bill that was passed by the Senate two days ago will cost four times more to operate in fiscal 1973 than the President requested for the program for this fiscal year.

That may seem like a lot, but this year the President asked for almost *three* times as much money for the SST as he asked for air pollution control.

What did he request for water pollution control? This year the President asked for $800 million. The Congress said that was not enough, and appropriated $1 billion. Again, this may seem like a lot, but not in light of the President's other requests—$3.4 billion for the space program or $7.3 billion for arms research and development.

Billions for arms, space and the SST . . . small change for our water and air. *That* is big spending . . . and *bad* spending. Here we must make *new* choices . . . we must show a new *commitment*.

Spending the money to clean up the past mess is only the first of the new commitments we must make. At the same time, we must start changing our attitudes that permitted this environmental abuse in the first place.

For example, electric utilities have been regulated—inadequately in many cases—by State commissions and the Federal Power Commission with respect to rates.

But few commissions have told the utility companies where they can or cannot build their plants, where they can or cannot run their transmission lines, how large their reserves must be, or how they should interconnect.

We have taken electric power for granted. We use it to improve the quality of our lives.

We have assumed it will be there when we need it. We have assumed that it is clean. We have assumed that those who supply it will respond to our needs. And we have assumed that someone in government somewhere is looking after our electric power interests.

Now we know . . . that it is *not* always there when we need it . . . that it is *not* very clean . . . that the companies do *not* respond to our needs . . . and that no one in government *anywhere* is effectively looking after our interests.

What does all of this mean for the human environment?

It means that we are in danger of massive power shortages and failures, not just brownouts.

It means that we are losing the race between the capacity of people to use electricity and the capacity of our nation to supply it.

It means that electric power is responsible for about 14 percent of our air pollution.

It means that the people have become environmentally conscious and will not permit electric power plants in their backyards.

And it means that our planning and protection in this area is a national disgrace. We are at the state of the first incandescent lightbulb.

All levels of government have failed to fashion the tools to deal with this crisis.

Local and State governments have failed to work out regional plans. The Federal Power Commission has not faced up to the need for a national power network. And the Nixon Administration still has not delivered on its promise of a national power policy, nor has it offered any leadership.

This crisis could stop America in its tracks. Only a public demand for national policy to cope with it can head us in the right direction.

The electric power industry is only one of many American industries with a double edge. On the one hand, they improve the quality of our lives . . . and on the other hand, they degrade the quality of our environment. This double edge is not unavoidable . . . and we can no longer afford it.

The new choices we must make to protect our environment involve new directions and new philosophies.

In the past, the double edge of America industry has forced us to make a choice between a clean environment and economic growth.

It is time we demanded the advantages of both . . . it is time to discard the double edge, and to follow the lead of the National Air Quality Standards Act of 1970 just passed by the Senate. That Act tells American industry that nothing is more important to the American people than our health and the quality of our environment; that business as usual is no longer acceptable; and that we refuse to pay the price of a continued deterioration in the quality of our lives.

Why do we need to police the way in which industry affects our health and our environment? Not because our industries are intentional sinners, but because we can no longer expect them to become intentional saints.

Earlier in my statement I spoke of commitment and faith . . . and of a willingness to make difficult choices.

The only way to conquer our doubts and fears . . . to halt the deterioration in the quality of our environment . . . is to talk sense about what is important to the American people . . . to spend our dollars wisely . . . and to stand up to those who would continue to degrade the environment and tell them it is time to stop.

These are the new choices, the new directions and the new commitments the Democratic Party can offer.

REPRESENTATIVE HENRY S. REUSS: WATERS AND WETLANDS

We are now well along with the first year of the Environmental Decade. I congratulate the Committee On the Human Environment for its timely holding of these hearings.

Though this Committee is a unit of the Democratic Policy Council, you will not take it amiss if I record some good environmental deeds that have been accomplished by this Republican Administration. President Nixon, after some initial opposition to the idea, supported and signed into law the first bill of the year, that establishing the Council On Environmental Quality. And he has appointed first rate men to the Council. Secretary of the Interior Hickel showed courage and insight in stopping the violation of the Everglades, and the totally unjustified land fill in the Potomac south of Washington at Hunting Creek. In one of the most pleasant surprises of all, the Corps of Engineers has been getting right with the environmentalists with a vengeance: it has appointed a blue ribbon group of ecological advisers, and has finally adopted some environmental guidelines that have brought deserved cheers from us conservationists.

But this *is*, after all, the Democratic Council. So let me talk about the dark side of the Republican moon.

What has been the Administration's record with respect to those who pollute our waters and despoil our wetlands? The record is not good.

1. *Inventory of industrial polluters.*—For 7 years the House Government Operations Committee has urged that the Executive branch undertake, in cooperation with industry, an inventory of industrial wastes. To date, none has been established.

Instead the Interior Department and the Budget Bureau, at the urging of industry, have toyed with the contents of a questionnaire form while industrial pollution of our waters increases daily. This pollution of our waterways continues to degrade our environment, but the Executive branch refuses to utilize fully the tools at its command to bring it to a halt.

Section 5 of the Federal Water Pollution Control Act has since 1956 authorized and directed the Secretary of the Interior to "conduct . . . investigations . . . relating to the causes, control, and prevention of water pollution." It also authorizes him to "collect and make available, through publications and other appropriate means, the results of and information" obtained from such investigations.

But though the Federal Water Quality Administration has considerable data on wastes discharged from municipalities and Federal installations, it woefully lacks data on wastes discharged from industrial plants.

The volume of industrial wastes is growing daily. Secretary Hickel on September 10, 1970 said in a news release that industries use "over 17 trillion gallons of water a year from ground and surface sources but treat less than 5 trillion of this total before discharges." In addition, new kinds of industrial discharges create new forms of pollution. Secretary Hickel's release of September 10 noted that "55 new chemicals are developed each year by chemical and allied industries."

Over two years ago, the House Committee on Government Operations, issued its report (H. Rept. 90–1579, June 24, 1968) entitled "The Critical Need for a National Inventory of Industrial Wastes." That report recommended that Interior establish a national industrial waste inventory, and that the Budget Bureau approve the questionnaire form proposed by Interior. The Bureau met in August, 1968, with the Advisory Council on Federal Reports, which is organized, financed, and its members appointed by the Chamber of Commerce, the National Association of Manufacturers, and other national business organizations. When the Council opposed the inventory, the Budget Bureau withheld its approval.

During 1969, we corresponded with the Interior Department and the Budget Bureau several times about the status of the inventory. In July, 1969, we were told that the only remaining question was whether all data received would be held as confidential, and that this question would be resolved in a few weeks. But early in 1970 the Budget Bureau (now called the Office of Management and Budget) ordered the inventory killed.

The Interior Department has repeatedly agreed that an industrial wastes inventory is needed. The Federal Water Quality Administration's report to Congress of March 1970, entitled "The Economics of Clear Water," stated (Vol. 1, p. 8) that the "lack of an industrial waste inventory precludes meaningful improvement" of FWQA's estimate of the cost of clean water. FWQA's report puts it plainly as follows (p. 18):

"The lack of reliable information on industrial water pollution control activities might be considered to be intolerable, if the nation had not become quite habituated to it. The guessing process has gone on for so long that it is considered quite normal; and every effort to initiate an industrial waste inventory has been frustrated without noticeable public comment."

To abate water pollution, we must have data as to the source, composition, quantity, frequency, treatment, and points of discharge of the wastes.

The present mercury crisis could have been largely averted if industrial polluters and the Budget Bureau had not been so successful over the years in preventing a national inventory of just exactly what industries are dumping into our nation's waters. If this national industrial pollution inventory had been implemented, mercury discharges would in all probability have been stopped or curtailed.

At a hearing of our Conservation Subcommittee on September 17, 1970, the Budget Bureau finally agreed to let the inventory request go out to the 12,000 water-using industries. Better, I suppose, late than never.

2. *Prosecuting industrial polluters.*—Early this year the House Government Operations Committee rediscovered the 1899 Refuse Act. That act prohibits an industry from discharging polluted matter of any kind into a stream or lake, unless it has obtained a permit from the U.S. Army Corps of Engineers.

Since 1899, the Corps of Engineers has issued only 415 permits, only 266 which are in effect today. In 22 states, including industrial states like Connecticut, Maryland, Michigan, Rhode Island, Virginia and West Virginia, no permits has ever been issued. In only eight states have more than 11 permits ever been issued. Thus the number of industrial polluters in violation of the 1899 Act is in the tens of thousands.

Violation of the Refuse Act is subject to criminal penalties of not more than $2,500 nor less than $500 for each violation, or imprisonment for not less than 30 days nor more than 1 year. The act provides for the furnishing of information on industrial pollution by citizens, who are entitled to one-half the proceeds of the fine. The Act specifically directs U.S. Attorneys to "vigorously prosecute all offenders".

Since the discovery of the Refuse Act, the Conservation Subcommittee has sent out, upon request, more than 8,000 anti-pollution kits to citizens in every state in the union, kits which explain how citizens may bring instances of pollution to the attention of the U.S. attorney, who is duty bound to "vigorously prosecute".

Many a U.S. Attorney has shown a commendable desire to "vigorously prosecute" instances of pollution referred to him.

Unfortunately, the Department of Justice is not very long on law and order when it comes to "vigorous prosecution" under the Refuse Act. Assistant Attorney General Shiro Kashiwa in a letter to our Conservation Subcommittee of June 11, 1970, set forth the somewhat languid interest in industrial pollution at the Department of Justice:

It would not be in the genuine interest of the Government to bring an action under the Refuse Act to secure a criminal sanction against a company which admittedly is discharging refuse into the navigable waters of the United States, but which, pursuant to a program being conducted by the Federal Water Quality Administration, is spending significant amounts of money to secure abatement of that pollution.

In other words, if the polluter is continuing to pollute, but spending "significant amounts of money" to abate the pollution, he is apparently privileged to violate the law.

This ridiculous position was further solidified in the Justice Department's formal guidelines of July 10, 1970. Those guidelines advised U.S. Attorneys to enforce the Refuse Act only where the polluter causes "significant discharges, which are either infrequent or accidental, but which are not of a continuing nature resulting from the ordinary operations of a manufacturing plant." In other words, if a polluter drops an occasional orange peel into the stream, prosecute him vigorously. But if day in and day out, the polluter floods the stream with arsenic cyanide, mercury, and all manners of fecal coliform bacteria, forget it as far as the Department of Justice is concerned.

The Department of Justice encourages disrespect for law when it violates its mandate to "vigorously prosecute". It should start obeying the law.

Meanwhile, the Corps of Engineers wants to do a good job of detecting industrial pollution. It is desperately short of qualified employees to monitor and discover industrial waste. Its Detroit District office, for example, with 3000 miles of shoreline to protect, has two employees on pollution work. For a modest $4 million annual appropriation, the Corps has testified, it would be able to discharge its duties to identify and prosecute industrial polluters. The Bureau of the

Budget—the same outfit which has been holding up the inventory of polluters—has been playing possum on the Corps modest $4 million request. As of today, the Bureau has not approved the $4 million request.

This failure to find $4 million for essential anti-pollution work is typical of our misplaced priorities. Thus the current budget contains $106 million for combating air pollution, and $290 million for making air pollution via the SST.

3. *Phosphates in detergents.*—One of the major causes of the degradation of our nation's waters is overfertilization (eutrophication) by phosphates. As the agency chiefly responsible for water pollution control, the Interior Department has long known that the detergent industry puts over 1.5 billion pounds of phosphates into its detergents every year, and that the major portion of these detergents end up in our lakes and streams. But the Administration has consistently refused to require the detergent industry to reduce the phosphate content of its detergents. Last spring the House Government Operations Committee issued its report #91–1004, "Phosphates in Detergents and Eutrophication of America's Waters", commending that phosphate rich detergents be phased out within two years. The Administration has yet to take a position on phosphate detergents.

4. *Filling wetlands.*—In estuary after estuary, crucial wetlands vital for migratory waterfowl, for marine life, and for recreation are being filled by speculative apartment builders, by industries, by maritime interests, by airport builders. For more than a century, the Corps of Engineers has issued fill permits almost at will.

These permits are of great value. For example, there was testimony in the Hunting Creek case that the apartment builders who hoped to build on the fill paid $30,000 for the bottom rights for their nine-acre proposed fill; when filled, the land would be worth $4 million. With profits like that to be obtained by using the public's waterways, it is no wonder that fills have already claimed more than a third of San Francisco Bay, and large sections of our other estuaries.

In order to stop this incentive toward indiscriminate filling, I introduced into this Congress H.R. 18385. The bill would require that when the Corps of Engineers grants a fill permit, it should obtain from the permittee the fair market value of what the permittee is being given. In the Hunting Creek case for example, he would have been compelled to pay for his fill permit the $4 million the filled land would be worth, less the $30,000 paid for the bottom rights, and the cost of filling. Instead, the permittee was to get the right to fill for nothing.

H.R. 18385 provides that the proceeds received from the fill permits be put into the Land and Water Conservation Fund which desperately needs them in order that the public may acquire recreational lands.

The bill was favorably received by the Government Operations Subcommittee and was reported out last July. It has not progressed further, however, because of the sudden opposition of the Department of Justice. According to the Department of Justice, it is perfectly legal for the Corps of Engineers to give away the public's rights to the land filler, but it would be highly unconstitutional to charge anything for the privilege. It is opinions like this, and nonaction as in the Refuse Act of 1899, that enables the Department of Justice to preside over the give-away of our waters and wetlands.

It has been said that partisanship in foreign policy stops at the water's edge. Until the loyal opposition—the Democratic Party—gets a somewhat improved performance from the present Administration, partisanship in environmental policy ought not to stop at the water's edge.

ANTHONY MAZZOCCHI, CITIZENSHIP-LEGISLATIVE DIRECTOR, OIL, CHEMICAL, AND ATOMIC WORKERS INTERNATIONAL UNION—OFFSHORE OIL DEVELOPMENTS IN SOUTHEAST ASIA THREATEN MARINE ENVIRONMENT

A friend of mine at the Hopkins Marine Station of Stanford University at Pacific Grove, California said recently in a speech that the oceans are beginning to die from chemical pollution and that Nothing is being done about it. He said "no one is watching the world."

Well, we have been doing some world-watching, especially in the development of offshore oil and gas exploration drilling and production. The statistics are quite impressive. Today there are over 30 countries producing offshore oil and gas. Current offshore oil reserves are currently about 85 billion bbl or 20% of the world's total of 425 billion bbl. Current offshore production is about 6.5 million B/D or 16% of the total daily output of 40 million B/D. By 1980 offshore fields should be producing more than 20 million B/D amounting to approximately 33% of the non-Communist world production.

The implication of these statistics are dramatically demonstrated when one observes a concession map of Southeast Asia showing the continental shelves. I have here a map published by The Oil and Gas Journal and a larger map of Southeast Asia showing the various oil concessions. The maps are not all inclusive as the shelf off South Vietnam is about to be concessioned out.

As these concessions are worked and as oil is found it will have to be transported by pipe, barge and tankers. Tankers of the 250,000 ton dwt class and larger are now plying the oceans of the world and they will proliferate both in number and size as these concessions become productive.

There are grave international implications to the facts that I have presented. There aren't any treaties or international agencies regulating the types of cargoes which can ply the oceans. It's possible, if international agencies did exist, that the present generation of super tankers may have never been allowed until methods for preventing oil spills were developed.

The areas of the world shown on the maps before you are already quite volatile and oil on troubled waters is certainly what we don't need at the present time.

The seas will probably in the future be the site of serious international incidents unless steps are taken to deal with the potential for catastrophes at sea.

Although my brief remarks here this morning deal with the implication of new offshore oil exploitation, there now exists a new potential peril that must be dealt with.

For the first time chemical tankers are being launched that will be transporting liquid chemicals such as sulphuric acids, phenol, and aniline. As there are no laws against bulk transport of biological poison, these tankers might also be used for carrying pesticides or herbicides. Last year one sack of insecticides was dumped in the Rhine River. A trail of dead fish extended almost 100 miles from Germany into the Netherlands. Consider the catastrophe and the international implication if a tanker goes down loaded with herbicides or pesticides. Imagine the plight of the diplomat who must convey to a foreign government the message, "We are sorry we just killed the water adjacent to your country."

Consider also the fact that many countries shown on the concession map before you depend on the seas for their major source of protein. Only the laws of economic expediency govern the types of cargoes transported on the oceans.

I have attempted very briefly this morning to convey to you a sense of urgency concerning what we consider to be a grave threat to the human environment. The exploitation of the ocean, the use of it as an unregulated highway, must be dealt with by international treaties. It is imperative that a comprehensive program be developed to deal with this problem.

PROFESSOR RICHARD A. FALK, MILBANK PROFESSOR OF INTERNATIONAL LAW AND PRACTICE, PRINCETON UNIVERSITY—AMERICAN FOREIGN POLICY AND INTERNATIONAL ENVIRONMENTAL PROBLEMS

American official policy toward the international environment is very inadequate at the present time. Despite much rhetoric of concern, the Federal Government has not taken effective steps to protect American society from the bad consequences of environmental decay. The situation is urgent, and it is essential that dramatic action be undertaken soon in a number of different areas.

There are three main categories of issues, each of which calls for a distinctive response:

I. *Vulnerability to specific disasters.*—The breakup of the *Torrey Canyon* oil tanker in 1967 suggests the sort of problem that can occur. Recently, the British science journalist, Nigel Calder, has warned about the possibility of "a nuclear Torrey Canyon" resulting from a collision that splits open a nuclear-powered submarine and releases highly radioactive wastes from the reactor, (*New Statesman,* 21 August 1970, p. 202). There are more than 170 nuclear submarines in operation and two have already been the victims of ocean accidents, although apparently without causing radioactive spillage. Mr. Calder is convinced that the release of radioactive wastes might require the closing of ports in the area affected and would contaminate fish for several years, since, as with DDT, marine organisms tend to concentrate radioactive elements, such as iodine or strontium, in amounts many times greater than the concentration in water itself.

Other specific disasters might involve leaking tanks from nerve gas and radioactive material that has been dumped into the oceans. There is now a serious concern that the thousands of oil tankers sunk during World War II are beginning to disintegrate. These tankers were built to last no more than forty years and may aggravate already serious problems of ocean oil pollution.

The prospect of such disasters requires advance planning with respect to both preventive and reactive plans. Such planning should occur with national governments and on an international level. There needs to be a capacity for rapid and reliable response anywhere on the globe, but especially in the North Atlantic area where the impact of technology on ocean quality is greatest. More research needs to be done on effective remedies. In dealing with the *Torrey Canyon* spill more damage was done to marine life by the detergents used to disperse the oil than by the oil itself. A new detergent with no such bad effects has now been developed and is stored in several parts of England in the event of need. Similar capabilities are needed elsewhere to deal with large-scale spills caused by tanker accidents and by offshore blowouts of the Santa Barbara variety. There is every reason to suppose a worsening of this danger with larger tankers and more off-shore oil drilling.

An international convention (Brussels, 1969) vesting considerable authority in the coastal state to take action to deal with pollution emergencies now awaits ratification to come into force.

II. *Cumulative changes in international environmental conditions.*—There is a wide variety of issues that involve cumulative changes in environmental quality through gradual buildups—hardly noticeable—of dangerous conditions.

If the SST goes into operation, especially if the 500 airship fleet contemplated by the mid-1980s comes into being, there are likely to be some serious effects on stratospheric

weather conditions, including an increase in clouds and smog, and some possibility of atmospheric temperature change.

The burning of fossil fuels is increasing the amount of carbon dioxide in the atmosphere with some prospect of an eventual, but uncertain, impact on weather conditions either by shielding the earth from the sun's rays or by entrapping heat in the atmosphere ("the greenhouse effect").

DDT is increasing in concentration in the oceans and may have some impact on the capacity of ocean phytoplankton to convert carbon dioxide into oxygen; already DDT concentrations in some marine organisms, for instance mackerel caught in fisheries off California, exceed permissible tolerance levels for human consumption.

Oil pollution in large quantities is taking place by *normal* operations; as much as 1.5 million tons of oil per year are accounted for by ocean shipping, offshore drilling, and accidents, and another 3–4.5 million tons result from land disposal. Some studies show severe damage to marine life resulting from this vast annual volume of oil placed in the oceans.

In relation to these cumulative processes of change our knowledge is very fragmentary and unreliable. We do not know how to identify danger-points, nor do we yet know very much about the fundamental changes in environmental quality being produced by activities of the type described above. Lakes and rivers have been polluted virtually beyond rehabilitation by the sorts of processes that are now causing some to be concerned about the future of ocean quality. The oceans are large, but limited, and mankind may be pressing up against the capacities of the oceans to absorb wastes and poisons on the scale now taking place. With industrial development going forward everywhere and with the world population growing at an annual rate of about two percent, present tendencies are likely to worsen in the future.

We need to develop on a world level a monitoring agency responsible for collecting information and analyzing ecological changes that are taking place. Such an agency should be open to membership by all governments and should coordinate all existing weather observation and oceanographic institutes. George Robinson of the Center of Environment and Man at Hartford, Connecticut, reports that such an "effective global system for monitoring critical parameters" could be established for about $25 million. The United States should propose such a monitoring system, perhaps at the 1972 Stockholm Conference on the International Environment. Proposals for a global monitoring network are being presented during this month in Rome to the International Biological Program.

III. *Conservation of endangered species.*—There are a number of varieties of animal life that require prompt and effective international protection to avoid extinction in the years ahead. Perhaps the most compelling need is to take steps to conserve all species of great whales that are now proposed for the endangered species list. Japan and the Soviet Union are the main whale hunters and have made large investments in whale factory ships, and the United States imports a sizeable annual proportion of products derived from this whale catch. The great whales, authors of a recently discovered complex whale music, are the largest mammals on earth, a mythical part of human heritage, and an important factor in ocean eco-systems. It seems very important to take steps to enforce the International Whaling Convention and Schedule of Whaling Regulations of 1946 in a more effective manner, especially by implementing the scheme for putting international observers on whaling ships (and land stations) to make sure that annual catch quotas are not being exceeded, that protected species are not taken and that the other regulations of the International Whaling Commission are respected.

DDT has already brought several varieties of birds to the edge of extinction, including the Peregrine Falcon, by interfering with calcium metabolism thereby causing eggshells to be produced which are much too thin to hatch. Clearly from a conservation perspective a ban on hard pesticides seems essential.

There is also considerable evidence that the Arctic polar bear is in growing danger of extinction as a result of hunting and an increasingly infringed habitat.

In a world beset by violence and poverty, these conservation issues may not seem too important, but there are a growing number of Americans that care terribly about the preservation of the flora and fauna of nature's bounty and many more that perceive the fate of the Peregrine Falcon as the writing on the wall for all of mankind. Therefore, for the sake of human survival—man is an animal among animals—it becomes important to guard against human behavior that threatens other animal species with extinction.

In conclusion, I would make several recommendations:

1. The creation in cooperation with other governments of a World Environmental Authority under international, possibly under UN auspices [see attached paper for a more detailed proposal];

2. Intensive support by the government of scholarly research on cumulative changes in the international environment, including research on the political and economic problems associated with varying lines of solution;

3. Active encouragement of the formulation within the United Nations of a Draft Declaration of Ecological Rights as a supplement to the Draft Declaration of Human Rights;

4. Immediate study and proposals to take protective action with respect to the principal instances of endangered species that fall outside the national jurisdiction of any single national government.

PROFESSOR RICHARD A. FALK: PROPOSALS FOR INTERNATIONAL ENVIRONMENTAL PROTECTION

Ever since atomic bombs were exploded over Hiroshima and Nagasaki in August of 1945 serious doubts have been raised about the capacity of sovereign states to organize reliably the welfare and security of mankind. Even before the specter of nuclear war, there existed a persistent, if ineffectual, effort to reorganize world society in such a way as to make large-scale war less likely. Such movements for a better world order have generally called for a greater concentration of authority and power in central institutions and a drastic reduction in the right of national governments to develop, possess, and use military power in their relations with one another.

As we are all well aware, however, these efforts to achieve centralization and to bring mankind somewhat closer to the long, unfulfilled dream of world peace have proved largely futile. The traditions of national self-reliance seem too strong to overcome even by appealing to the selfish interests of governments and their populations. Powerful governments distrust one another and are reluctant to give up their capacity to coerce weaker societies. Strong vested economic and bureaucratic interests maintain a rigid worldview at the centers of national power that has, to date, successfully shut out proposals to move the organization of international life beyond the stage of competing nationalisms and rival ideologies. At most, as when religious wars between Protestant and Catholic societies became so appalling in the seventeenth century a successful effort to promote religious tolerance and the idea of national autonomy may occur.

The Peace of Westphalia (1648) tried to build a new, safer world order on the basis of these two principles. In our era, the repeated emphasis on ideas of peaceful coexistence and nonintervention in the internal affairs of soverign states have represented the best efforts of world leaders to avoid the mutually destructive consequences of large-scale warfare by strengthening the capacity of rival states and ideologies to compete without recourse to war. Such efforts have not been altogether successful as events such as the Korean War, the Cuban Missile Crisis, and the Vietnam War suggest, but a major Soviet-American confrontation has been so far avoided, sometimes narrowly. An instrumentality such as "the hot line" connecting the White House with the Kremlin at all times bears witness to the persistence of common interests even, perhaps especially, during periods of high crisis in world affairs. These procedures are designed to prevent the collapse of world order under the pressure of international political competition.

At present, these procedures for averting catastrophe are concentrated in principal centers of national authority. World peace rests upon the interactions between the main sovereign states, and the whole structure of deterrence is based on an exchange of threats by nuclear powers to destroy one another in a time of war. The United Nations as a central institution plays only a marginal role in this system of world order. There are no traditions of deference to the will of central institutions in world society. These institutions may be useful forums to carry out common policies of major countries, but not as a source of independent action arising out of a common normative framework. The UN cannot uphold its own Charter in relation especially to such major states as the Soviet Union and the United States, but also not even in relation to such smaller and isolated states as South Africa and Portugal. The Charter overlay on world society has not achieved any fundamental reorganization of world society.

Against this background the new challenges arising out of environmental pressures need to be understood. These pressures come about primarily by the combined effects of a rising GNP and in increasing population. The total situation is largely caused, at least at present, by the life style and productive capacity of the highly advanced industrial societies. In many respects, the United States and the Soviet Union, as the largest industrial states, as principal nuclear powers, and as adherents to opposing ideologies expressed both on foreign policy and domestic government, are the most critical centers of perception and action as to both the diagnosis of and response to the mounting evidence of environmental decay. If these two governments can achieve a convergent understanding of these problems, then the prospects for timely response are greatly enhanced. If not, hence, in my judgment no subject at the present time is more important for American and Soviet opinion-makers to discuss than the threats mounting against the world environment. The significance of these threats is to accentuate in an entirely new, and perhaps decisively new, way the inadequacy of the state system to solve the problems of mankind or even, quite possibly, to provide for the survival of the human species and the habitability of the planet. The danger of nuclear war carries with it awesome risks, but these risks can be handled to some extent by adapting the traditional system of dispersed authority and power. The danger of ecological collapse, however, cannot be dealt with in any basic respect by a system of divided authority and control. There is nothing equivalent to mutual deterrence, the mainstay of peace in the nuclear

age, that could be made operative to neutralize activities that are jeopardizing the quality of our life by degrading the environment.

THE CHALLENGE: ITS BASIC ELEMENTS

International society has accepted the basic idea that a combination of territorial sovereignty for land use and community-sharing for ocean use can provide a tolerable basis for organizing control over activities on the surface of the planet. Underlying these two ideas are supporting assumptions, namely, the essential *localness* of land use and the essential *compatibility* of various ocean uses. Neither assumption was ever conceived to be absolute, but both were the basic guidelines governing human affairs. Under the impact of modern developments—especially technology and the total magnitude of population—these assumptions no longer provide a basis for successful control of the human habitat. Conditions of *localness* or independence of land use are giving way to conditions of planetary impact and crucial varieties of *interdependence*. This shift from independence to interdependence greatly undermines the prospect that the sum total of separate national policies can safeguard the total world policy. DDT, detergents, leaded gasoline, radioactive fallout are all local in their occurrence but planetary in their potentially harmful impact. Conditions of compatability of ocean use are giving way to basic circumstances of incompatibility and conflict as major uses of the oceans become actively inconsistent with one another. For instance, the growth of continental shelf mining activities imperils the welfare of marine resources or the location of a large nuclear reactor by an ocean estuary may disrupt, by thermal pollution, the marine ecosystem over a considerable distance of ocean. Or, oil discharged at sea by tankers may create a film of oil that interferes with photosynthesis and thereby cuts down on oxygen production and, possibly, imperils marine microorganisms that play such a vital role in the life of the sea.

Also the boundary between land use and ocean use, once firm and secure, is breaking down. DDT used on the interior land of a large country runs off and enters the food chain of the oceans. Nuclear explosions conducted on land or at sea may enter into the main currents of the world's atmosphere.

Finally, certain problems are emerging that arise from the aggregation of many widely separate acts. The various kinds of pollution are growing to such a magnitude as to imperil the weather systems of the world. Rapidly growing demands for nonreplaceable resources and greater energy may be exhausting world supplies, depriving future generations and late developers of a fair share of the world's wealth. Urban crowding under conditions of poverty and disease in Asia create the conditions that generate lethal epidemics of global scope.

In essence, there are a variety of circumstances present that suggest one of the prime social facts of our time: the life-support systems of the world are being subjected to great danger from a variety of disconnected, yet cumulative, causes:

Disappearance of excess capacity.—For many decades the organization of world society rested on this two-tiered conception of fragmented authority (sovereignty and community use). National governments could exert control over behavior on land. The oceans were large enough to absorb all human demands, like a public park that is much larger than its use. A particular problem, such as over-exploitation of a particular fishery, could generally be dealt with by an ad hoc arrangement contrived by the governments whose nationals were mainly involved in the activity.

Testing of nuclear weapons in the ocean was even defended as being consistent with the tradition of permissive use because the effort had been made to conduct the tests in a convenient zone, warnings were given to reduce the prospect of injury, and damages were paid to compensate for injuries that did occur. Such use obviously illustrates the breakdown of the community-use concept.

We are now entering a period where excess capacity no longer exists either with respect to the storehouse of minerals or the ability of the earth to absorb man-made wastes. In a situation of excess capacity the control of use can be based on minimum organization and regulation—by definition, if users are reasonably considerate of one another, there is sufficient capacity to satisfy all demands. A permissive system encourages initiative, minimizes friction and bureaucratic presence, and protects diversity. However, when scarcity emerges as a basic condition, the permissive system produces destructive results. The park grows so crowded as to spoil the enjoyment of all. Each user (or nation) still acts to maximize its demands, voluntary self-restraint is not a part of the ethic. Voluntary self-restraint appears to benefit rivals more than it conserves the quality of the environment. Along with scarcity comes the need to allocate use rights and enforce allocational standards once established. Namely, there arises a need for effective central guidance mechanisms.

Divergent priorities.—So long as all uses of the environment can be absorbed there is no reason to establish a system-wide set of priorities. If India decides that health and agriculture require massive reliance on DDT, then the rest of the world may eventually pay the price of India's decision on priorities. If oxygen depletion grows to be a serious global issue, then national population policies are of vital concern to the global system. Scarcity, in a world community of inconsistent priorities and insufficient resources, suggests that the autonomy of sovereign societies is no longer a tenable basis of world organization.

Interdependence.—In earlier periods environmental uses generally had immediate, local, and discernible impacts. The presence of excess capacity assured the compatibility of different uses under most circumstances. The existence of shared priorities facilitated the resolution of use conflicts of compromises. Today, increasingly, we are aware of the interdependence of distinct uses under conditions of scarcity. The world system is becoming like a garage in which the doors have been closed and the engine left running for a long time.

Side-effects are very important and often difficult to anticipate—there was no awareness until recently that DDT concentrates in the fatty tissues of fish, birds, and men in quantities that might be lethal or sub-lethal. The advocates of nuclear power development until recently were apparently unconcerned about thermal pollution and its ecological effects.

Irreversible Thresholds are often difficult to identify in advance. The socalled "buffering effect" keeps an ecosystem intact until the time of abrupt and complete collapse. Quality tests over a period of years reveal only a slow rate of deterioration, provide support for those who oppose conservation interests, and generally prevent the formation of a consensus until it is too late. We are familiar with the process on a national level, as lakes and rivers have been dying. We are now being warned about the same dangers on a world level.

Critical trends.—Population growth, GNP, resource and energy demands, military expenditures, volume of communication message, size of air and oceanic vehicles are all increasing at a rapid rate. The demand for energy in the United States, for instance, has been growing so fast that it almost doubles every decade. The one universal affirmation is the desirability of economic growth. Rich societies and poor ones, modern societies and non-industrial ones, conservative societies and radical ones all share a commitment to constant economic growth. In projecting resource needs the growth of demand is taken as a constant that needs to be somehow satisfied rather than changed. Therefore, the basic dynamics of man and society that have given rise to this upsurge of concern about the environment are all likely to intensify in the future. Those who think that these problems are a passing fashion forget that the earth is an already crowded park with every prospect of more visitors each year. There is no realistic prospect in the immediate future of achieving stationary populations and economies, even in the most affluent societies. These trends are aggravated by the huge allocation of resources to defense spending, the growing demands for social services, and the high cost of sustaining environmental quality.

Paradox of aggregation.—The individual acts that cumulate into environmental decay seem so remote and trivial, given the overall problem, as to be unrelated to it. My decision to have two, three, or ten children has no bearing on the "population problem"; it is only the sum of millions of separate decisions and policies that aggregates a significant total. Ideas of individual choice and freedom, of sovereignty and national interest and of the weak sense of world community tend to encourage each national government to maximize its wealth, power, and prestige at the expense of others, and to minimize its effort to regiment the lives of its own population.

Summary.—Problems of safeguarding the world environment have assumed a new urgency because of the disappearance of excess capacity and the ultra-dangerous character of certain aspects of modern technology. These problems appear incapable of real solution within the present organizational structure of international society. The egocentric habits of thought and action associated with the *dispersed* structure of world authority and power does not seem easily adaptable to the needs for *coherent policy* and *central guidance*. These egocentric habits are worsened in their consequence by disparities of wealth, power, and ideology and by the enormous drain on human energy and world resources that results from the war system. It is also worsened by the conception of national security in the nuclear age which places stress, above all else, on the exchange of threats to inflict massive destruction. The moral credibility of deterrence presupposes the reality of dispersed structures of control and is radically inconsistent with ideas of central guidance. When and if nuclear proliferation proceeds further, then the tension between national security by deterrence and planetary survival by central guidance will become even more dramatically evident.

THE ORGANIZATIONAL IMPERATIVE

The basic contention of this paper is that the critical trends reveal increasing pressure on the life-support systems of the planet. We do not know exactly what will be the consequence of this pressure or when it will have a clear impact. We do know that this impact could be serious and possibly irreversible. We also know, or should know, that our existing system of world order cannot hope to evolve a system of guidance. Present conduct reflects the primacy of national competition. When competitive pressure leads to specific discernible harm then ad hoc and specific cooperation may result. Conservation and anti-pollution efforts illustrate this highly limited capacity for cooperation. The long struggle to save the blue whale and other marine species from destruction by limiting annual kills and allocating shares to nationals of the cooperating governments illustrates this process. But even in the process of cooperating sovereignty-mindedness emerges as dominant. A common interest

may be defined and standards agreed upon to uphold it, but the interpretation of compliance and the imposition of sanctions rest upon the process of self-enforcement. Reliance on self-enforcement is especially dubious wherever serious economic or political interests are at stake.

The magnitude of emerging problems to the world environment calls for a greatly enhanced capacity for central guidance. Because the scope of harm generally exceeds the boundaries of even the largest national communities no government however enlightened can protect its national space against penetration nor can it expect to long uphold the overall life quality of the earth. There are several related points here;

1. National territory is vulnerable to intentional and unintentional "ecological intervention";

2. Any government of significant size and industrial capacity can cause great harm to the world environment and to other national societies by activities carried on exclusively within its own territory;

3. Separate and cumulative impacts on ocean and air quality and on climate and oxygen supply are a consequence of activities totally beyond traditional ideas about the proper realm of international regulation.

The organizational imperative, then, calls for effective authority to set and implement standards for the entire world. Dispersed systems of control cannot expect to deal effectively with environmental issues very much longer.

At the same time, the level of world consciousness continues to be dominated by the premises and goals of the state sovereignty system. Even regional groupings based on economic, cultural, geographical, and ideological solidarity have not been able to concentrate on themselves effective mechanisms for regional guidance. Regional institutions have been able to facilitate the promotion of perceived regional interests, but not the development of an autonomous regional identity that acts on its own. There is no evident disposition to move away from deterrence as the basis of national security; arms control negotiations aim at keeping the system intact rather than allowing it to deteriorate by the proliferation of nuclear weapons or by the deployment of destabilizing weapons systems such as ABM or MIRV or by being extended to new arenas of operation such as outer space or the ocean floor. The point is that the present system of world order seems exceedingly well-entrenched. There is no present disposition by major governments to move significantly toward central guidance as the basis for organizing the life of the planet.

The conflict between *the objective situation* and *the limits of political possibility* sets the international stage for *action proposals* at the present time. Among the most important characteristics of the existing system of world order is the extent to which it can be modified by the cooperative efforts of leading national governments, especially governments that are aligned against one another for a variety of ideological, geopolitical and geoeconomic reasons. Central guidance will be needed by the end of the century, but whether we reach the year 2000 without undergoing an ecological collapse may well be determined by the extent to which the United States and the Soviet Union can exploit the cooperative potentialities of the sovereignty-oriented system. Either positively or negatively the US/USSR approach to these environmental issues is likely to reinforce the destructive tendencies of unregulated competition and growth or moderate these tendencies by introducing novel and far-reaching systems of mutual restraint.

The present system is rigid in structure; transfers of authority and power toward the center are not likely to be even contemplated except in reaction to catastrophe. At the same time, the state system is voluntaristic, there are no inherent limitations on cooperative potential. Allies during a major war carry the cooperative potentialities of the system very far. A Soviet-American joint initiative on matters of world environment might both create the basis for the establishment of some kind of central guidance mechanism and provide a greatly improved capability of the present system to respond to emerging challenges.

This potentality for cooperation and the preeminence of the United States and the Soviet Union as world actors can be virtually nullified if the impression of a hegemonial objective is given to other governments. Such an impression would merely shift the competitive axis from East-West to North-South, and might actually aggravate the present defects of dispersed and often antagonistic authority and power systems. Therefore, it is essential that the response to the environment also be combined with a cooperative approach to problems of world poverty and to the various issues associated with "the gap" between rich and poor societies. Unless a genuine transfer of wealth accompanies professions of concern about environmental quality, Third World countries are likely to refuse every effort to achieve a global restraint system based on environmental defense, unless their own immediate interests are being served. Therefore, it seems very important that advanced countries, in addition to bearing the costs of protecting the environment, also make more generous and less politically-based contributions to the development of the poorer countries. One to three percent of GNP seems like an appropriate goal for the first decade. The success of any cooperative effort to deal with environmental challenges ultimately depends on keeping the world totals for GNP and population below certain levels. Therefore, the advanced countries have a selfish interest in helping governments discourage population growth.

ACTION PROPOSALS

On the basis of the diagnosis in the first section and the organizational precepts in the second section, it is now appropriate to make some proposals for action. These proposals are conditioned by the need for central guidance on the one side and the rigidity of the state system on the other side. As such, the proposals try to maximize the potentalities for central guidance in world society given the fragmented structure of power and authority, and at the same time create the atmosphere and experience that would enable greater central control over matters now governed by the dictates of sovereign discretion.

1. *UN World Environmental Authority.*—The United Nations should proceed to establish as soon as possible a specialized agency with general responsibility in the area of environmental defense. This agency shall be constituted by the full membership of the UN and by any other state that seeks to participate in its activities. At present, environmental issues are taken up separately by a large number of specifically focused agencies. Thus, for instance, the World Health Organization, with a medical perspective cannot conceive of a ban on DDT; a UN World Environmental Authority (WEA) would be in a better position to balance the damage to marine life against the benefits to health and agriculture. At first, WEA would try to promote an awareness of the principal environmental challenges and their global impact. It would also encourage an ecological rather than a conservation approach, that is a concern emphasizing the totality of relations between man and his environment rather than an inquiry into the evident consequences of a series of discrete actions.

The WEA would also issue reports on major problems and offer recommendations for action that commanded support from two-thirds of its membership. In addition, WEA would monitor major environmental trends, including various types of oceanic and atmospheric pollution, climate change, energy capabilities, pollution, population ratios, population change.

In the event that either the Director General of the WEA or a majority of the agency's membership regarded an environmental emergency to exist, such a determination should be reported immediately to the UN Secretary General and the President of the General Assembly. A special session of the General Assembly should then be convened within two weeks in the event that these two officials agree or in the event of a failure to convene such a session, then in the event of a petition by a majority of the members of the WEA.

It would also be desirable to give the WEA some capability for quick-reaction to deal with certain kinds of environmental disasters such as an off-shore blowout or a tanker breakup. The WEA could easily build up an operating ability based on trained personnel serving as international civil servants. At the request of a government the WEA could lend assistance or file a report on a disaster that might be used to settle issues of liability.

The WEA may summon conferences of governments to negotiate agreements on activities that are dangerous to the world environment, including the discharge on national territory of certain noxious substances. A specialized commission of eleven governments—the Permanent Members of the Security Council and regional and cultural representatives of other sections of the world—might focus on the proposal of draft conventions on environmental matters. The treaty method provides a good way to set world standards and to educate governments about existing problems in the course of so doing.

As many issues of environmental use involve complicated conflicts of interests and priorities, it may be desirable to also create a World Environmental Conciliation Authority (WECA) that would try to resolve environmental disputes in an amicable fashion. The Director-General or a majority of member governments of WEA should also be entrusted with the competence to initiate a proceeding in the WECA, and in the event that governments are not willing to participate, then to investigate the problem and issue a public report with recommendations. These recommendations could then be considered by the General Assembly, and have binding force if ratified by two-thirds or more of the membership. It might also be desirable to give corporations, state trading companies, regional organizations, and other entities in the UN system standing to participate in the work of the WECA.

The financing of the WEA should be based on special assessments, perhaps a tax on ocean or airspace use, or a portion of revenues derived from withdrawing minerals from the continental shelf, the sea bed, and the ocean floor. Such a tax should be levied directly by the UN, although it could be collected on behalf of the UN by member governments if the activity fell within their territory.

Declaration of Ecological Rights and a Convention on Ecocide.—By analogy to the Declaration of Human Rights and the International Convention on Genocide it would be desirable to take similar initiatives in the area of environmental policy. A Declaration of Ecological Rights, prepared by the International Law Commission at the request of the General Assembly, would serve to focus public awareness of the increasingly precarious link between man and his environment, an awareness that does not now exist in the less industrial countries where the evidence of environmental decay is not immediately evident to the senses, except in local situations.

A Convention on Ecocide would also serve to signal a new attitude toward man's relationship with nature, and give some acknowledgement to the fact that human survival will depend on restoring some mutuality to this relationship. Also a Convention on Ecocide would prohibit tactics of war such as have been practiced by the United States in Vietnam where thousands of square miles of land have been turned from productive use for crops and forests into moonscapes. The world's sense of outrage about what Germany did to the Jewish people of Europe could serve as a precedent for a new surge of outrage directed at the intentional destruction, perhaps the permanent destruction, of cropland in a world where possibly as many as two-thirds of all people do not have enough to eat.

These acts of formal lawmaking could have great symbolic value in rallying support for environmental defense. Such standards could be used as guidelines for identifying unreasonable behavior by governments, corporations, and other actors.

Consultative Ecological Conference of Principal Actors.—In addition to initiatives undertaken with the UN framework there is a need for less political, more technical, collaborative machinery for cooperation in world society. What seems needed is a permanent site and headquarters, annual working meetings, special channels for rapid and possibly confidential communication, and participation by the principal actors responsible for environmental pressure. A particular function of this Consultative Ecological Conference of Principal Actors (CECPA) would be to explore the establishment of common national standards of environmental defense. The application of stringent abatement control in one state without its uniform application in other states imposes a competitive disadvantage on the firms operating in the more responsible state and does not offer any real protection for the environment. As demand will shift from the more expensive to the less expensive producers of goods of equal quality, the polluters will tend to acquire a larger and larger share of the total market for a finished product. Since most economic activity will continue to operate under national control world environmental quality depends on the imposition of effective national controls. A permanent body of inquiry and consultation should exist to handle these kinds of issues quickly. The CECPA should entertain petitions from any government that complains that the failure of another government to adopt prescribed environmental standards has caused or would cause it to experience economic sacrifices either through a reduced demand for its exports or an increase in domestic demand for cheaper foreign imports.

CECPA would also take up any question of common concern. For instance, the present knowledge about the effect of pollution leads experts to be confident that weather change is a likely consequence, but to be uncertain as to whether we will roast from "the greenhouse effect" or freeze from the shielding of solar heat by the rising density of particulate matter in the upper atmosphere. Efforts to achieve consensus as to such broad issues of community concern might benefit from small working groups of scientists from the largest industrial societies.

Preliminary discussions of wider and more formal machinery for international cooperation could take place within the CECPA. Governments would be free to discuss proposals in an atmosphere of relative privacy.

Membership in CECPA would be constituted mainly by the advanced industrial societies, those with the largest GNP's, who would also provide the financing and staffs on a proportionate basis. The United States, Soviet Union, Europe, Latin America, Africa, India, China, Japan, Asia might be the main actors in the organization. There would be a need to facilitate cooperation and candor among the advanced national societies without arousing the suspicions of the poor and small countries that the CECPA amounted to a conspiracy to exploit them.

In essence, the proposal to create the CECPA seeks to provide permanent conference machinery among principal actors on a regular and informal basis. A partial precedent exists in the quasi-formal conference diplomacy of the nineteenth century that was set up at the Congress of Vienna and functioned to enable governments faced with common problems to work out cooperative responses. The new urgencies of the Ecological Age call for some comparable forms of quasi-formal machinery to help overcome some of the impediments that now exist to defining and implementing the common interests of national governments. A joint Soviet-American initiative to set up and *seriously* support a CECPA-type operation might go a long way to mitigate the most alarming dangers of environmental decay.

World Ocean Resources Authority.—It would be highly desirable to combine steps toward environmental defense with a step toward greater wealth-sharing in the world community. Therefore, whether inside or outside of the UN, whether restricted to the ocean floor and sea bed minerals or applicable to all ocean minerals, whether serving to finance the general operations of the UN or used to generate funds for the development of societies and the alleviation of human misery, it would be most beneficial if the Soviet Union and the United States took cooperative action to turn over a large proportion of ocean wealth for the service of the most heavily-burdened societies. The complexities involved in carrying out this mandate need not be faced here. The only purpose of including such a proposal is that the need for cooperation on a planetary scale to deal with the emerging and extant ecological crises is more likely to be satisfied if the governments who have caused these crises take the initiative in enlarging the benefits for all states of constructive participation in a world order system.

A NOTE IN CONCLUSION

The proposals set forth in this paper have been designed to test the cooperative potentialities of the existing world order system. If these potentialities for voluntary cooperation were fully realized—a quite idealistic expectation—then many of the ends served by a central guidance apparatus could be provisionally attained. The case for voluntary cooperation seems quite overwhelming, but it remains to be seen whether governments and their populations can overcome dangerously obsolete habits of rivalry. The survival of the human species is at stake, but such a prospect is no assurance of wise action. Most animals have not adapted to survival challenges. The balance-sheet of evolution is a bloody one. About 498,000,000 of an estimated 500,000,000 species have grown extinct during the history of the earth. Human history is the record of fallen civilizations, of societal centers of power, wealth, and prestige that could not meet an adaptive challenge and collapsed.

No task is more urgent than to discover how to accelerate the learning process of man with respect to values and institutions. Our prospects for survival would improve greatly if we could learn the significance of a new set of circumstances by means other than trauma and catastrophe. The hope for such learning about the new reality of world ecological hazard depends very heavily on how enlightened, how soon the leadership of the Soviet Union and the United States becomes with respect to these issues and how successful these governments will be in forging creative links of cooperative response.

MR. ALEX RADIN, GENERAL MANAGER, AMERICAN PUBLIC POWER ASSOCIATION: EAST COAST POWER CUTBACKS JUST SAMPLE OF WINTER

I appreciate very much the invitation to appear at these hearings of the Committee on the Human Environment of the Democratic Policy Council.

The relationship between energy and the human environment has been the subject of much public discussion in recent months. Although the generation of electricity has some adverse effects on the environment, the use of electric energy also contributes immeasurably to the creation of a more livable and more comfortable environment in our homes, businesses and industries.

Electric energy can also provide the solution to many of our environmental problems. Tremendous additional supplies of electricity will be needed in the future for sewage treatment plants, water purification systems, reducing air pollution emitted from modern metal smelters, machines to shred, bale and compress old auto bodies and other junk, and the recycling of other products.

R. Buckminster Fuller, the noted designer, inventor, and architect, has painted perhaps the most dramatic and graphic picture of the significance of electricity. He has written: "Take away the power lines and the machinery from America, Russia, and all the world's industrialized countries—and within six months more than two billion people will, swiftly and painfully, starve to death."

Brownouts or blackouts for even a relatively short time—such as those that were experienced on the East coast earlier this week—are a stark reminder of the dependence of our society upon electric energy.

Although there may be some argument as to the level of growth of electric energy requirements, I do not believe that anyone would seriously question the need for continuing to provide ample energy supply in the United States. The major problems facing us, therefore, are: (1) Can we provide enough energy to meet our needs, at reasonable cost, and in a timely manner, and (2) how can we do so in a manner that is compatible with the objective of preserving and enhancing our environment?

NATION FACES CRISIS IN ENERGY SUPPLY, SHARP PRICE RISES

Both questions, of course, are of paramount importance to the future of this country. In fact, the question of an adequacy of energy supply has assumed crisis proportions during the past few months. Steadily increasing numbers of utilities—both large and small—have reported great difficulty in obtaining adequate quantities of coal, oil or natural gas for their generating stations. These fossil fuels today account for some 81.9 percent of the production of electric energy in the United States. Coincident with the developing shortage of fuels has been a sharp price rise that has led to a number of electric rate increases and proposals for rate hikes that are now pending.

If effective remedial steps are not taken promptly by responsible Government officials and industry, it would appear that widespread brownouts or blackouts are inevitable this winter, and the price of electric energy will continue to rise rapidly, thereby adding fuel to inflationary trends that are already of very serious concern. We believe that an adequate supply of electric energy at reasonable rates is too important to the welfare of this Nation to permit a continuation of the dangerous shortages and price rises.

The problem of fuel shortages and escalating prices has been gathering momentum for several months. As early as March 23, 1970, I wrote to President Nixon expressing the deep concern of the American Public Power Association with the then current "inability of electric utilities to obtain adequate

supplies of coal needed to fuel existing generating facilities". Based upon reports from public power systems that had been received by APPA, I described the coal shortage situation as follows to the President:

Demand for coal for use in producing power in many parts of the country is far outrunning quantities offered by coal companies; furthermore, the number of bidders for coal contracts has dropped drastically, and prices for available coal are escalating at alarming rates. Coal companies are in some cases rationing their supplies among contract customers. In other instances, contracts are simply not being fulfilled. Utilities frequently maintain a 60 to 90 day stockpile of coal; in numerous cases reported to us, such stockpiles have decreased in recent months, are now far below usual levels, and in some areas could be wiped out in a few days of normal operation.

After outlining some of the causes of the shortages, and emphasizing the seriousness of possible disruptions of electric utility service, the letter continued:

Because of the critical nature of the situation, I urge that you:

1. Request the Federal Power Commission to make an immediate survey of all electric utilities burning coal for generating purposes to determine their ability to obtain adequate supplies of coal at reasonable prices, their normal stockpile of coal, their existing stockpile, and their anticipated needs and sources to meet electric loads during 1970 for the purpose of identifying areas of critical need.

2. Ask the Interstate Commerce Commission to determine as soon as possible the availability of means of transporting coal by railroad, truck, barge or other means to areas of critical need.

3. Direct the Office of Emergency Preparedness to review the situation and prepare, in consultation with representatives of coal companies, transportation firms, and utilities, any plans necessary to insure that the national interest in continued operation of coal-fired generating facilities is protected.

4. Advise the Attorney General to investigate whether or not increasing oil company control of coal companies has resulted in coal supply or pricing practices which are in violation of the antitrust laws.

5. Initiate within the Executive Branch a review of U.S. policies on export of coal and import of fuel oil with the aim of deciding if alteration of these positions would serve to relieve the coal shortage and price situation now and in the future.

That was in March. On April 15, 1970, I again had occasion to write to President Nixon when I forwarded to him the results of a survey conducted by APPA. The survey concerned the availability and price of coal for elective utility generation, and contained some 55 responses from publicly owned electric utilities in 17 states. I told the President, "We believe the results (of the survey) substantiate our concern over the gravity of this situation." And I added, "It appears to us that the Federal government should offer assistance and guidance in this matter."

Price increases cited

On July 7, 1970, I wrote to President Nixon once more to express our Association's concern about the difficulty many of our member utilities were experiencing in obtaining adequate coal supplies, and about widespread reports of price increases for coal of as much as 50% since the beginning of the year. My letter urged the President to consider the serious inflationary impact of such price increases.

Large increases in coal prices to electric utilities are likely to be embodied in higher electric rates. Because electricity is used in virtually all manufacturing and service industries, as well as homes and commercial establishments, changes in the price of electric energy are felt throughout all levels of our economy. The unavailability of coal often forces utilities to switch to other higher priced fuels to fire their generating stations, and this increased cost must also be reflected in higher electric rates.

In summary, the short supply and escalating price of coal for use in electric generating facilities is a potentially significant factor in general price inflation throughout the economy. Consequently, the increase in coal prices would seem to be a likely candidate for early inclusion in the Inflation Alert. We hope you will take steps promptly to halt runaway price increases, such as those in coal, that could have a widespread effect on the entire economy.

Although our information on oil is fragmentary, we have also been receiving disturbing reports about recent sharp increases in oil prices, and would respectfully suggest that close attention likewise be given to trends in prices of this energy resource.

Our Association has continued to receive alarming reports from our member utilities about the critical shortage and rapidly escalating prices of fuels. Although this problem is currently being studied by a committee of the Domestic Council of the Cabinet, no positive government action to alleviate these conditions, particularly with respect to price, has yet been forthcoming. The Federal Power Commission has conducted surveys of electric utilities burning not only coal, but also natural gas and residual fuel oil, and the extremely rapid increases in the prices of fuel oil and bituminous coal were cited in the first Inflation Alert issued by the Council of Economic Advisers. But no firm action has been taken to control prices, and insofar as can be determined, no contingency plan for fuel rationing has as yet been devised.

Four-point program recommended

On August 27, 1970 I again wrote to President Nixon about the by now fully developed national fuel crisis, and recommended the following four-point program:

1. An allocation system of essential fuels in short supply, such system being based on past usage and essentially to public health and safety and national defense.

2. Examination of the question of limiting coal exports.

3. Price controls on coal and oil.

4. Investigation of monopoly trends and possible antitrust violations in the fuels industry.

The rationale for these recommendations is contained in the full text of my letter to the President, which is appended.

On September 1st I attended a meeting in the Executive Office Building with representatives of the electric power industry trade associations, the trade associations of various fuels industries, the railroads, and a group of senior government officials. The meeting was called by the Chairman of the Council of Economic Advisers, Dr. McCracken, at the instruction of the President's Domestic Council, and was chaired by Dr. McCracken. The announced purpose of the meeting was to "discuss the outlook for power and fuel supplies for the coming winter and the next five years and to advise us (the Domestic Council) on appropriate policy measures."

The meeting lasted for about two hours, but almost no time was spent on the problem of fuel supplies for the coming winter. Much time was devoted to the enumeration of various government subsidies desired by fuel producers in order to provide incentives they felt were necessary to induce them to help solve what they viewed as a worsening long-term fuel crisis. I left the meeting with no feeling of assurance that steps will be taken to resolve the serious fuel problems confronting many local publicly owned electric utilities. Among those problems I most particularly mean to include *the price* of fuels.

There seems to be a belief in some government circles that some electric utility spokesmen have been overstating the seriousness of the present fuels crisis. I have the growing suspicion that some government officials even believe that this problem will go away of its own accord, given the elements of time and increased rates. I should like to take this opportunity to try once more to convince any remaining Doubting Thomases that a serious problem exists, that without responsible attention it shall most certainly grow rather than diminish, and that the problem holds extremely serious consequences for our Nation.

Current problem areas noted

As indicated in the correspondence to which I have referred, solid evidence of the developing crisis has been accumulating over the last several months. More recently, the Kansas City, Kansas, Board of Public Utilities was notified by its natural gas supplier that no natural gas would be available for any future electric power generating stations.

In addition to the situations of Braintree, Massachusetts and Vineland, New Jersey, which I outlined in my August 27th letter to President Nixon, and which have not as yet been resolved, the Municipal Light Plant of Freeport, New York reported to us last week that it is having difficulty in securing fuel oil at a reasonable price. Freeport received only one bid recently, out of a normal field of seven possible suppliers. The new price of 11.7¢ per gallon is 136% higher than the previous price of 4.94¢ per gallon.

City Water, Light & Power of Springfield, Illinois, has fuel supply contracts which expire October 1, 1970. Last month, Springfield opened bids for new coal contracts. Despite Springfield's request for firm bids for a one-year term, all three bids received were non-firm and at prices approximately 30% higher than present costs under existing firm contracts. In that all of the bidders took many exceptions to Springfield's specifications, the real price increase, considering the reduction in quality, is much greater than 30%.

The municipal utility in Carlyle, Illinois reports both an inadequate supply of coal plus a 40% increase in price since January 1, 1970.

On September 1, 1969, the municipal utility of Hamilton, Ohio was paying an average price of $4.97 a ton for coal, and $3.89 per ton for transportation. The utility took bids in August for September delivery of coal. Two bids were received: 1) a bid for coal at $10.50 per ton plus $4.20 per ton transportation, firm for the month of September only; and 2) a bid for coal at $11.25 per ton plus $4.20 per ton transportation, firm through September only.

The Department of Water and Power of Los Angeles, California is 1½ million barrels short in the amount of fuel oil it has under contract to meet its annual requirement.

For its Shawnee steam plant in Kentucky, TVA was paying $4.00 a ton for low quality coal in 1967 and 1968. In June of 1969, the price was $5.00 and in July, 1970, it rose to $7.75 a ton. In TVA's Kingston plant in east Tennessee prices have increased from 1967-68 levels of $4.50 to $5.00 per ton, to June, 1969 levels of $5.40 per ton, and July, 1970, prices of $8.20 per ton. At TVA's Widow's Creek plant in northeast Alabama, the average price rose from $4.50 in 1967 and 1968, to $5.50 in June, 1969, and $7.00 to $8.00 per ton in July, 1970.

The community of Trinidad, Colorado reports that less than half of the natural gas supply required for electric utility generation will be firm after October 1st; the balance will be supplied on an interruptible basis. They have only a 4 day supply of their alternate fuel. The price of natural gas has increased by 99.7% since January 1st.

Some of the many other communities that are experiencing similar problems, and the amount by which their fuel costs have increased since January 1, 1970, include: Henderson, Kentucky, coal, 44%; Frankfort, Indiana, coal, 32%; McPherson, Kansas, oil, 20–50%; Columbus, Ohio, coal, 62.5%; Public Lighting Commission of Detroit, Michigan, coal, 87%; Orlando, Florida, natural gas, 20%; Pasadena, California, oil, 32%; Fort Wayne, Indiana, coal, 42%; Piqua, Ohio, coal, 31.1%; Sioux Falls, South Dakota, oil, 50%; Fairbury, Nebraska, oil, 26%; Painesville, Ohio, coal, 34.3%; Napoleon, Ohio, coal, 31%; Sleepy Eye, Minnesota, coal 36.5%; and Sebring, Florida, natural gas, 34.5%. This by no means exhausts the lists, but is only a random sample. In many instances the price increases of coal are understated in that new contracts are for vastly inferior quality coal.

Although all the utilities I have listed are publicly owned utilities, fuel problems are by no means confined to the public sector of the electric utility industry.

Consolidated Edison in New York City reports that for high quality low-sulfur coal under long-term contracts, it is paying $14.00 per ton in 1970, compared to an average of about $10.68 per ton in 1969.

Donald C. Cook, president of the American Electric Power System, one of the nation's largest coal users, has warned that there is "a very clear and present danger that serious shortages of electric power will result this winter." Mr. Cook has further stated that the supply of coal stored at a number of AEP System generating stations is "dangerously low" and that "In some cases, adequate supplies are unobtainable virtually at any price." The head of the AEP system, which generates 98% of its power from coal, asserted in a September 4 telegram to a number of high government officials that "This condition has been growing more and more serious day by day and has now reached the proportions of a major crisis."

Duke Power Company has reported that its coal inventory is down sharply while its costs are rapidly escalating. It reports that its coal costs have increased by 40% in the past year and that it "faces the prospect of obtaining less and less coal at higher and higher prices." Duke's cost for spot coal, as opposed to contract coal, has increased by 65% over the past year.

Elimination of oil import quotas urged

The causes of the present fuel crisis are many, and it would be difficult to attempt to weight them in the order of their importance. Government policy has not always been designed to alleviate shortages and protect consumers from inflated prices. A case in point is the system of oil import quotas.

One factor limiting the availability of fuel for electric power generation has been the declining U.S. production of residual oil as refiners have devoted more of their capacity to higher-price fuels. As a result, utilities have used more and more foreign residual oil. In the midst of many obvious signs of the serious magnitude of the developing fuel crisis, and in the face of objections from consumer groups and others, the Administration announced on August 17 that it would not give further consideration to shifting oil import controls from the present quota system to a tariff system which would allow more foreign oil to flow into the country. Previously, a Cabinet-level task force had recommended shifting to tariffs.

In view of the shortage of oil, it seems to us inconceivable that restrictions should be placed on oil imports. Some experts have calculated that oil import quotas result in higher prices for petroleum products, costing the American public about $7 billion a year. Although it is true that international problems and tanker shortages have at the present time restricted the availability of foreign oil, hopefully these problems will be resolved in time, permitting us to conserve our oil for future use. Meanwhile, the importation of crude oil would permit us to continue to develop our refinery capacity which could be utilized for domestic as well as foreign oil.

Monopoly trends in energy industry feared

Although our Government's oil import policy undoubtedly has had a serious impact on the price as well as availability of petroleum, perhaps of even greater long-range significance is the alarming recent trend of the oil companies to acquire competing fuels, particularly coal and uranium. This policy may be profitable to the oil companies and make economic sense to the managements of these companies, but it could be disastrous if it should be permitted to become a part of national economic and social policy. The potential which such monopolistic control holds in making possible manipulations in the price and availability of fuels is frightening, and should not be tolerated.

Reports in the trade press and elsewhere suggest that oil companies, which also own natural gas and coal operations, are refusing to invest capital in the latter two types of activity because they can earn a higher rate of return on capital invested in oil operations. The industry demands that consumers pay higher prices for natural gas and coal or go without. This despite the fact that those same consumers pay enormous subsidies through tax structure and through artificially maintained product prices so as to produce the high rate of return on capital investment enjoyed by oil producers.

The Senate Judiciary Subcommittee on Antitrust and Monopoly, headed by Sen. Philip A. Hart, heard testimony at hearings in May of this year about the oil companies' tighening web of control over their previous competitors, especially coal and uranium.

Despite testimony before the subcommittee by Walker B. Comegys, deputy assistant attorney-general of the U.S., wherein Mr. Comegys said that "we cannot lightly forego interfuel competition as the most effective long-term force for consumer protection in the energy field", we cannot find evidence that the Justice Department is taking active measures to promote or protect such competition.

Oil company domination of other fuels was not a problem until the mid-1960s. Gulf Oil acquired Pittsburgh & Midway, which accounts for about 2% of the Nation's coal production, in 1963. But the big development came in 1965 when Continental Oil Co. bought Consolidation Coal Co., which produces one-eighth of the coal in the U.S. Mr. Comegys told the subcommittee that the Justice Department did not oppose that takeover because the merger trend was not yet evident. He said, however, that "we will scrutinize with great care any future proposals for such inter-fuel mergers."

Dr. Bruce Netschert of National Economic Research Associates, an independent consulting firm in Washington, presented a study to the subcommittee which stated that competition for the energy market "is seriously threatened by the emergence in the past few years of the self-styled 'energy company'." Dr. Netschert said that Humble Oil, largest domestic affiliate of Jersey Standard, is "one of the two largest owners of coal reserves in the Nation." Mr. Comegys testified that Humble owns vast reserves in Illinois, Colorado, Wyoming, Montana, and North Dakota, and spent $12-million on coal acquisitions in 1968 alone.

The NERA report reveals that of the 25 largest oil companies in the U.S., all have positions in natural gas, 18 have positions in oil shale, 18 have gone into the uranium business, 11 into the coal business, and 7 have positions in tar sands. In the nuclear power field, 23% of the nation's uranium milling capacity is owned by the oil company, Kerr-McGee Corporation. Another 4% is partly owned by Kerr-McGee, and an additional 8% by a subsidiary of Standard Oil Co. of New Jersey.

Many economists have pointed out that petroleum companies have a natural interest in acquiring coal reserves because research promises to develop methods of converting coal into gasoline or pipeline gas. But national antitrust policy, Dr. Netschert said, "raises serious questions about these moves. How can the public be sure, for example, that the emergence of the synthetic fuels industries will occur at the pace which economic circumstances would, under free market forces, dictate? It could well be that the self-interest of certain companies with dominant positions, if not of the industry as a whole, would call for delaying the inauguration of a synthetic fuels industry in order to protect existing positions in crude oil and natural gas."

S. David Freeman, director of the Energy Policy Staff of the White House Office of Science and Technology, in testimony before the same subcommittee, agreed with the NERA conclusion. "Competition among gas producers and between oil and gas would be more certain in the future," he said, "if synthetic gas were produced by an independent coal industry supplying gas to independent gas pipelines and distributors, rather than by one where synthetic production was controlled by oil companies."

Mr. Freeman claims that:

We are witnessing a major transformation of (the energy field) with far-reaching consequences. The transformation deserves intensive scrutiny by all concerned . . .

The speed and scale of the dominance of the independent coal industry by their petroleum company competitors raises a question of whether the public interest is being best served. Only two of the largest coal companies are independently owned any longer. The remaining eight, which account for 42.9% of coal production, are owned by oil companies, other minerals companies or other large industrial concerns with other stakes in the energy field. These same eight companies with outside ownership opened over 76% of the new mines in the United States in 1968—new coal mines.

Of the 15 significant uranium discoveries in 1968, eight were by oil companies. Oil companies produced 14% of domestic uranium production in 1969 and as of Jan. 1, 1970, controlled 45% of the known uranium reserves.

Mr. James Watson, manager of power for TVA, in testimony before the Senate Intergovernmental Relations Subcommittee, warned that the people who control coal production also control natural gas, and "in a short period of time, the same people will control the whole energy picture."

A recent study by the *Nashville Tennes seean* concluded:

The Nation's major oil companies and three not unfriendly conglomerates, buying quietly since 1966, have cornered the coal supply of the Tennessee Valley and the entire country . . . Controlling nearly 80% of TVA's coal market and taking advantage since January of a rapidly developing shortage of all fuels, they have doubled coal prices to TVA . . . the controllers have the power to double coal prices again between now and the end of winter.

In concluding his testimony before the Subcommittee on Antiturst and Monopoly, Dr. Netschert of NERA delivered an ominous warning:

The development of the energy company presages interfuel competition dominated at both the supply and the consumer levels by firms of immense size and power. Historically, these kinds of issues have been the preserve of stern antitrust enforcement against monopolies deliberately being created. Yet for from being confronted by the

limitations on market power—indeed, even dissolution and divestiture—that a sound competition preserving antitrust policy might be expected to decree, the energy companies have grown apace, free of the regulation that governs many of their competitors, but unimpeded by the strictures of antitrust policy to which many of their less powerful competitors have been frequently subjected. The American consumer may well ask why antiturst objections to energy company self-aggrandizement have not been interposed.

We hope that your Committee will join the growing clamor for prompt and decisive investigation and action by the Justice Department to insure competition in the fuels industry.

Fuels shortages could reduce competition in electric industry

Another aspect of the competitive problem which is of concern to APPA is the possibility that fuel shortages and run-away fuel prices will lead to further concentration in the electric utility industry itself.

Publicly owned electric utilities seem to have been hit earlier and harder by the fuel crisis than privately owned utilities. There are two obvious reasons why this should be so:

1. Many publicly owned utilities operate under statutory restrictions which prohibit them from entering into long-term fuel contracts; therefore, price increases can be passed on to them sooner.

2. Publicly owned electric utility systems tend to be small and are, therefore, less likely to be preferred customers of fuel suppliers. They are also less able to make large capital expenditures on their own in order to directly acquire fuel reserves, transportation facilities, etc., and thereby protect themselves from shortages and artificially inflated prices.

For these reasons, the present chaotic situation in fuels may have the effect of making publicly owned utilities more vulnerable to acquisition by larger privately owned competitors. If this should be the result of the present fuel shortage, the public would suffer doubly by losing the important competitive, or "yardstick," efffect of public power—a device which has been significant in holding down the rates of the privately owned electric utilities.

I have devoted a major portion of this statement to the fuels problem because I believe it is the most urgent and the most serious one facing electric utilities and their consumers.

Long-range energy policy needed

Most of the measures I have recommended deal with the relatively short-range situation. Over the long run, it is obvious that our Nation must develop a comprehensive energy policy which, among other things, would deal with such questions as (1) the Nation's future energy requirements; (2) the availability of energy resources to meet those requirements with minimal adverse effects on the environment; (3) whether certain fuels should be reserved for certain uses for which they are best suited; (4) the scope and emphasis of research needed to provide the best utilization of the Nation's energy resources, and (5) the implications of monopoly trends in the fuels industry.

Bills have been introduced both in the Senate and the House providing for the establishment of a National Energy Commission which would conduct a study such as I have indicated. We support such a concept, and would hope that a National Energy Commission, if established, would consider the questions I have noted above, and would include adequate consumer representation.

Development of hydro power urged

The emphasis on the fuels problem will not, I hope, detract from continued interest in the development of our Nation's hydroelectric resources. Although hydroelectric dams are opposed by some conservationists, we should not lose sight of the fact that hydroelectric power is still the only nonpolluting, renewable source of energy, and in many cases it is a much preferable alternative, from an environmental standpoint, than other forms of generation.

In this context, and in view of the tremendous shortage of power on the East Coast, the rejection by the House this week of the Dickey-Lincoln School project is incomprehensible. Even more incomprehensible is the tremendous lobbying campaign conducted by the power companies in opposition to this project which would be so beneficial to electric utilities throughout the Northeast. The position of these utilities is perhaps understandable only in light of their selfish and irrational fears of the competitive "yardstick" effect of this Federal power project.

We hope that your Committee will urge the development of the Nation's feasible hydroelectric projects, including Dickey-Lincoln School. According to the Federal Power Commission, there remain some 130,000,000 kilowatts of undeveloped hydroelectric power capacity in the United States—a not insignificant amount. The fuels shortage heightens the urgency of development of this capacity, in a way benefitting all electric consumers.

Widespread brownouts on the East Coast this week are a strong reminder that many other serious problems also confront the electric industry. Capacity shortages, delays in the installation of new equipment, the necessity for more comprehensive, long-range planning by the utility industry, and the need for developing new mechanisms to resolve differences between environmentalists and electric utilities cry for attention.

Policies on siting needed

Bills are now pending before the Congress which would treat with many of these interrelated problems. Perhaps the most urgent need is for legislation which would provide for an orderly means of planning for the siting of thermal generating stations and routing of associated transmission lines. In this connection, our Association, at its most recent annual conference, adopted a resolution which states that such plans should provide:

1. Maximum comprehensive regional development of sites with reasonable opportunity for all utilites to participate directly in the benefits of their development.

2. Full compliance with applicable air, water, health and safety requirements of state or Federal laws.

3. Appropriate recognition of pertinent land use plans prepared by public agencies.

4. Availability to electric power consumers of an assessment of the impact on rates and power availability of solutions to environmental problems connected with site selection.

To insure definite decisions in a timely fashion in any regulatory review of siting of thermal generating facilities aimed at certifying sites, the process should insure:

1. Establishment of clear, fair and reasonable standards by which proposed sites will be evaluated, including consideration of the long-range demand for and the cost of electric power.

2. Consolidation of responsibility for review in a single agency, council, or commission with authority to decide the issues involved, and to issue a specific certificate or license to authorize the construction and operation of the proposed project at the proposed site.

3. Creation of a specified, orderly procedure for analyzing proposed sites with a built-in time schedule for completion of various steps and reasonable limits on the sums an applicant may be required to spend to prove the feasibility of a proposed site.

4. Assurance of a full opportunity for citizen participation in the site evaluation process.

5. Insurance of "finality" at the conclusion of the procedure, assuring that the governmental, regulatory, and other agencies will be bound by the decision and that a utility may proceed to develop a site which is approved. To insure implementation of these basic procedures on a uniform basis, it would be appropriate for the Federal government to require that all states put these "minimum" principles into effect, or to do so itself where a state fails to act; to review procedures set up by the states for the purpose of determining whether or not they meet "minimums"; and to serve as a coordinating agent for achievement of planning purposes which transcend state boundaries and involve regional, interregional, or national questions.

Greatly accelerated research program needed

And finally, I hope that your Committee will recommend a greatly accelerated research program covering the electric industry. This industry has been rightly criticized in many quarters for its meager contributions to research. For example, the most recent figures available from the Federal Power Commission indicates that in 1968 the privately owned companies spent only about .23% of their electric operating revenues for research—a considerably smaller proportion than that spent by many other major industries. Although there are some notable exceptions, and although their contributions for research are increasing steadily, the publicly owned electric utilities likewise do not have a satisfactory record of supporting research.

Consequently, our Association, in a National Power Policy Statement adopted at our recent annual conference in Memphis, Tenn., on April 29, 1970, advocated that the Federal government should annually assess each electric utility in the United States a reasonable sum on a kilowatt-hour sales basis with the resultant funds to be expended on projects selected by a cooperative government-industry management group.

The acceleration of research efforts may well hold the key not only to producing an abundance of energy from new sources, such as magnetohydrodynamics (MHD) or fusion, but also could lead the way to sharply reducing or eliminating environmental problems associated with the generation of electric energy.

If—as seems apparent—an abundance of energy is vital to the human environment of the United States and all the other Nations of the world, then nothing should command higher priority than intensified research to provide such energy with no detrimental effects to our physical environment. We therefore urge your Committee to support adequate funding of such research, and to urge the adoption of other policies which will assure that all the people of the Nation receive the benefits of such research and development.

AMERICAN PUBLIC POWER ASSOCIATION,
Washington, D.C., August 27, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The critical shortage and rapidly escalating prices of fuels—particularly coal and oil—demand drastic, prompt action if many sections of the United States are to avert widespread blackouts or brownouts and sharp increases in the cost of electric energy.

As early as March 23, 1970, I wrote you about the critical coal shortage and rapidly increasing coal prices which were being experienced by the member utilities of this Association—that is, municipal and other local publicly owned electric utilities. Since that time there appears to have been little

or no improvement in the coal situation, and meanwhile critical problems have arisen with respect to the supply and price of oil and natural gas.

For example, I am enclosing a copy of a telegram I received last week from Mr. Howard W. Down, General Manager of Municipal Utilities, Vineland, N.J. Mr. Down's telegram describes the Vineland Municipal Utilities' inability to obtain oil or coal with which to fire its electric generating plant, and requests government action to allocate oil supplies to priority users.

Various Federal agencies also have been advised of the difficulties being experienced by the municipal electric utility in Braintree, Mass., in its efforts to obtain bids for winter fuel requirements for its electric generating plant. Despite vigorous efforts being made by officials of the Braintree utility, Braintree is stil unaible to secure any substantial quantity of residual fuel oil, and does not have its winter requirements under contract. What oil Braintree has been able to purchase has cost twice as much as oil puchased under one-year contracts which expired this summer.

The examples of Braintree and Vineland are not isolated, but rather are symptomatic of a critical and rapidly worsening situation. The Tennessee Valley Authority, the Nation's largest electric power system, was reported recently to have a coal supply of only 10 to 12 days, and only four days at some of its pile of about 60 days. Furthermore, TVA is plants, compared with a normal overall stock-paying as much as 100% more for coal than it was paying at the beginning of this year. TVA's scheduled rate increase of almost 25% on October 1 is largely attributable to increased fuel costs; the agency has estimated that nearly 60% of the rate increase is necessitated by increased fuel costs, and that additional rate increases will be imperative unless coal prices can be stabilized.

I am sure it is unnecessary to present further details, because several agencies of the Government are keeping abreast of the problem, and in its first "inflation alert" your Council of Economic Advisers reported that prices of industrial fuel oil rose at an annual rate of 48% during the first half of 1970, and bituminous coal prices increased at an annual rate of 56%.

Because of the critical and urgent nature of this situation, and because the Nation's economy, social life and national defense are so dependent upon an adequate, reliable supply of energy, I would like to respectfully suggest that your Administration promptly take the following steps:

1. *Allocation of fuels in scarce supply.*—There seems to be general agreement that little can be done now to avert shortages of fuel supplies this winter. Many observers believe that the fuels situation may be a critical one for several years. Given this situation, there seems to me to be no alternative to the Federal government establishing a system of allocation of scarce fuels this winter.

Distasteful as many may find any form of government allocation, it would appear to be a much superior alternative to informal allocation procedures such as the one that now exists for residual fuel oil. Those who are having difficulty obtaining residual oil are knocking on doors in Washington and taking other steps to stimulate whatever pressure Government agencies and individual officials can apply, so that needed facilities can be kept in operation. As a matter of Government policy, such a haphazard system is entirely inappropriate and inadequate in assuring rational distribution of a commodity that is so vital to our national welfare. If oil or any other essential fuel is in short supply, and there is not enough to meet all demands, then a fair system of allocation based on past usage and essentiality to public health and safety and national defense should be established.

It is my understanding that the Defense Production Act, which was originally adopted by the Congress during the Korean War, contains standby powers which can be invoked by you to permit the Federal government to set up an allocation program for critical materials and facilities that are in short supply and that are essential to the national defense. I urge you to use these powers to establish a system of allocation of fuels to electric utilities and other priorities users. To the extent that shortages of coal are due to an inadequate supply of coal cars or other facilities, the allocation system should extend to the use of such facilities.

2. *Coal export policies.*—We have received many reports that a thriving export business for coal is contributing to the critical shortage of coal for domestic utility purposes. Some persons suggest that the way in which coal exports are causing the most disruption of domestic coal supplies is that coal cars are tied up while waiting unloading at ports. It may be that the question of limiting the export of coal should be examined. That question, however, might be moot should an allocation program for critical facilities that are in short supply, including railroad coal cars, be instituted.

3. *Price controls on coal and oil.*—Another step that should be given serious consideration is the imposition of price controls on coal and oil. It is my understanding that you presently possess the authority to institute such controls. This step, like allocation, is one which many would regard as onerous but the alternative—unrestrained price gouging—is far more onerous, and more dangerous to the economy. The cost of energy is factored into the prices of almost all the goods and services produced by our economy; consequently, rapid increases in the cost of energy are likely to have a strong impact on the inflationary trends that are already painfully evident. If the producers of coal and oil cannot voluntarily show restraint in their pricing policies, then there appears to be no alternative to imposed price ceilings during this period of tight supply. It seems inconceivable that the costs of producing coal and oil have risen as sharply in recent months as the price increases for these fuels.

4. *Investigation of monopoly trends and possible antitrust violations.*—The growing concentration of ownership of various competing fuels presents the very real danger of anticompetitive actions inconsistent with present antitrust statutes. As was pointed out in The Washington Post of August 23, since 1965 the Nation's largest oil company, Standard Oil of New Jersey, has become one of the two largest holders of coal reserves, and in the last five years most of the country's major oil companies have acquired significant holdings in every fuel. Detailed testimony has been presented to the Antitrust and Monopoly Subcommittee of the Senate Judiciary Committee by National Economic Research Associates, a private consulting firm, documenting the penetration of the 25 largest oil companies into other fuel industries. NERA concluded that, "The acquisitions by the oil companies across the energy market spectrum . . . may be viewed as classical horizontal integration on a scale comparable to the formation of the trusts in the latter decades of the nineteenth century." We believe that this growing concentration of control in an industry so vital to the American people cries out for intensive investigation by the Department of Justice, and we urge you to direct the Department to institute such an investigation immediately.

Most of the actions recommended above are directed toward meeting immediate problems. Obviously, other steps will be necessary to arrive at a long-range solution. I am sure your Administration is giving careful consideration to long-range problems in the fuels and energy field. Our Association, through its Committee on Fuels Supply, likewise is studying this matter, and we hope to formulate a more comprehensive long-range program at a later date.

We appreciate the interest shown by your Administration in this critical problem, and assure you of our desire to cooperate fully with you in carrying out the steps we have suggested.

Sincerely,

ALEX RADIN,
General Manager.

JULY 21, 1970.

Mr. ALEX RADIN,
General Manager,
American Public Power Association,
Washington, D.C.:

During past year city of Vineland electrict utility converted to oil to meet State air pollution regulations. Now using 90,000 gallons daily. Supplier has cut back delivery to 50,000 gallons daily September 1 and will promise no oil whatsoever after October 1, 1970. Have contacted six or seven biggest suppliers. None will offer any oil in October. Coal also unavailable. Unless U.S. Government orders priority to utilities for oil deliveries after October 1, we face shut down of 80 per cent of our plant production which will mean most of our customers will be without light and power service. We urge your efforts through proper sources to obtain for utilities such priority effective October 1.

HOWARD M. DOWN,
General Manager of Municipal Utilities,
City of Vineland, N.J.

MR. JOHN F. O'LEARY (CONSULTANT; WASHINGTON, D.C.): SOME REFLECTIONS ON ENERGY AND ENVIRONMENTAL PROTECTION

We tend, I believe, to be overly critical of the energy industry in our condemnation of its seeming inability to continue to provide the range and quality of energy services to which we have become accustomed and, at the same time, to provide overnight solutions to the environmental problems of which we are now so thoroughly aware. The fact is that the American energy industry historically has responded, and responded well, to a set of instructions from American consumers which were in essence to provide energy at the lowest possible cost without regard to its effects on the environment.

Over the past two generations, a complex and massive technology has arisen in answer to this simple, uni-dimensional consumer demand. In the past three or four years, a major new dimension in the requirements of American energy consumers has developed—the dimension of environmental concern—and the failure of producers to meet this new demand for environmental quality in the same manner that they have met past demands for simple increases in energy supplies is creating a mounting sense of outrage on the part of the U.S. consumer.

For his part, the American energy producer is confused and angered by the current attitudes of his customers. After all, he has managed—at prices that are far and away the lowest in the world—to provide the immense volumes of energy that have permitted the United States to free itself from the age-old chains of a subsistence economy and to achieve the affluence which has given rise to the new environmental concerns. From his standpoint, the American consumer is in effect biting the hand that fed it or—more properly—biting the hand that gave it teeth.

The essential difficulty on both sides, I believe, is a misapprehension of the role that technology can play in devising ways in which we can, as a nation, have our cake—plentiful supplies of energy—and eat it too, that is to say, with a high quality environment.

Rather than lecturing our friends in the petroleum and coal and power industries on

their past transgressions against the land, air, and water in this country in which all of us are heavily implicated, we should begin to develop systematically a set of requirements relative to the quality of our energy needs, and work out time schedules which take account of the realities of technological progress in which these requirements must be met. This is necessarily a national effort. It is, I believe, entirely counterproductive for one section of the country to impose high air quality standards on the basis of a timetable that guarantees that the standard can only be met by reducing air quality in some other sector of the nation. This robbing of Peter to pay Paul in air quality has in fact been the case with standards that have been established for major metropolitan areas on the eastern seaboard.

I think it is equally counterproductive to expect the energy-producing industry to provide voluntarily products that are conducive to environmental quality. Production of clean fuels is more expensive, everything being equal, than is the production of dirty fuels. Producers simply cannot be realistically expected to place themselves at a competitive disadvantage within their own industries in the hope that consumers will continue to purchase their products regardless of price.

This new dimension in consumer demand for energy—the demand for clean fuels—is unlike other expressions of consumer preference in that it cannot be effectively satisfied by the usual market mechanisms. Regardless, for example, of a given customer's willingness to pay a premium to eliminate thermal pollution associated with the power that he consumes, he has no alternative to the purchase of power from a single utility. The only way in which the consumer preference for nonpolluting power can be expressed is through regulation.

Something like the ideal process is now going forward with regard to automobile pollution exhaust standards. A timetable is being ironed out in the democratic caldron of free debate which calls for strict performance requirements over a period sufficient to permit the necessary technologic development. Very much the same form of environmental controls—that is, establishment of national or regional performance requirements through appropriate mechanisms with a timetable that is technologically realistic—is, I believe, our only hope of achieving a nonpolluting energy economy at costs that will remain acceptable to the American public.

In summary, while it can be fairly argued that technology created the mess in which we now find ourselves, it can be argued with equal fairness that only technology can get us out of it unless we are willing to go back to something approaching the Stone Age. The chore then is one of first understanding the possibilities and limitations inherent in technology and then of providing the proper signals to those whose task it is to develop new production techniques to be sure that all of our concerns are built into the system and not just those which seem most important at any given point in time.

MRS. ESTHER PETERSON (CONSUMER ADVISER, GIANT FOODS): THE CONSUMER AND THE MARKETPLACE

Chairman Eagleton, distinguished members of the Committee, I am Esther Peterson. I am presently Consumer Advisor for Giant Food Stores. However, I am appearing today on my own behalf as former Assistant Secretary of Labor.

I am pleased that my party is closely examining the crises in the human environment. I expect that kind of leadership from the Democratic Party because I believe it represents a coalition of the people who care in our nation.

We care about air and water pollution; we recognize the inequalities in our transportation and medical delivery systems, we require tighter controls on our utilities and modernization of our monetary system. And I believe we are capable and willing to provide the leadership that will bring solution to these crises. The Democrats have traditionally been the party to recognize when the nation is at a crossroads and to seek the progressive path rather than step backwards in time on some seemingly safe, but useless route.

When President Kennedy told Congress that consumers had four basic rights he changed the motto of the American marketplace from "Buyer Beware" to "Shopper Aware." From that moment on, it was a whole new ball game.

The consumer movement has grown increasingly sophisticated since that time, and broadened its scope to encompass almost all aspects of the human environment. It has proved that the consumer does not live by bread alone.

But I will limit my suggestions today to the consumer and to the marketplace.

If President Kennedy pointed up the economic havoc wrought on the consumer by deceptive marketing tactics, crusader Ralph Nader gave them the facts they needed to do battle for their rights.

He proved that some of their favorite products were unsafe, and that even the meat on their table might be unclean. He helped build an aroused consumer movement in the same way that Upton Sinclair alerted the nation to a danger in the marketplace. But once aroused, once informed, the consumer was willing to take it from there.

This is a time to get out of our traditional boxes and to explore creative new forms and new arrangements in our society. Perhaps the time has come to begin to blur the hard dividing line that now separates the consumer and the corporation. Today, many consumers are demanding—and many progressive companies are agreeing—that there is a place within the corporate structure for consumer representatives. Perhaps the answer is a consumer seat on the board of directors in some cases. In others, the answer is a full-time job in the executive suite as a consumer advisor to top management.

I must admit to some nervousness as I begin my new job inside business. It is, after all, a rather novel concept. But there is no natural law separating businessmen of goodwill from consumers of goodwill, and I hope to be able to help demonstrate that.

Those who established our regulatory agencies intended them to be the guardians of the public interest. Often, however, they have become closer to the industries they are supposed to regulate than to the public whose interests they are charged to protect. We have a right to expect that those who serve on regulatory agencies fully and honestly represent the consumer point of view and the overall public interest, and that the consumer interest has an opportunity equal to that of industry in influencing the selection of personnel to head and operate regulatory agencies.

Consumers are just becoming aware of how vital it is to preserve the commitment of regulatory bodies to the public interest. They want a consumer voice in every council of government where it is relevant and where it is clearly needed.

Too often we find that the consumer's viewpoint receives the least attention. Often, voices that count most are those of special interest lobbyists who are interested in one key change in a bill or three sentences that could exempt their industry.

I wish to endorse testimony offered before the House Democratic Study Group earlier this week by Rodney Leonard, former Director of the USDA Consumer and Marketing Service. He raised some questions which pointed to the urgent need for a national food policy—a policy designed in the interests of all the people, not just agricultural interests with connections on key Congressional committees.

This is a democracy and all sides must be given a fair hearing. But it is clear to me that some interests receive a disproportionate hearing, and that consumers who may have less resources get the short end of the stick.

The consumer movement developed its awareness at the check-out counter, and that is where the action is for most American shoppers. Food is the most frequently purchased commodity, and the supermarket is the place where we can make the greatest organizational and educational impact.

The Fair Packaging and Labeling Act has changed some of the most blatant deceptions in the boxes and bottles on our market shelves. But—largely because of powerful pressure groups which reacted automatically and negatively, it fails to give some very basic information which the shopper needs.

For example, when a consumer buys a 17 ounce can of corn, shouldn't she know that there are only 11 ounces of corn and 6 ounces of fluid? Shouldn't she know—as studies by Consumers Union have shown—that bacon and sausage can shrink by as much as one-third to one-half in preparation? Shouldn't she be able to see the entire strip of bacon—not just the leanest part?

If the label on a can of dog food tells her how much fat and water is inside—by percentages—shouldn't she have the same information on her children's food?

The information about comparable value and nutrition should be available at the point of purchase. It can do the shopper little good after she has made her selection. That means that unit pricing must become a priority reform and that customers must be encouraged to use it.

The unit pricing system that is the best is the one which tells the customer most clearly and directly the price per measure of each item on the shelf. That is the only way the customer can see which item costs more. Let's leave it to the shopper to decide if she wants to spend a premium price for a favorite brand, or, if by experience, she learns that the store brand is just as good.

Another badly-needed reform is the establishment of clear, easy-to-read dating of perishable foods.

How long has a carton of milk been on the shelf? The customer who purchases the product at the small store with small volume has the same right to freshness as the customer who makes her purchase in the supermarket with large volume. She should know how long that product has been on the shelf.

A consumer once wrote to me about purchasing a box of baking chocolate. When she arrived home and read a "giveaway" advertisement on the back of the box, she discovered the offer had expired the previous year. One shouldn't have to be a detective, hunting for clues, to find out that a box of baking chocolate is nearly two years old.

Then there's the question of food additives. Let's take a look at the GRAS list—Generally Recognized As Safe—which includes many chemicals that may not really be necessary even for the economic good of the country. Our motto should be: "When in Doubt, Leave it Out", and perhaps then we will not have another cyclamate scandal.

Both the White House Conference on Food and Nutrition and consumer advisory committees to the USDA have recommended nutritional labeling of food. I hope we can start with the house brands of supermarket chains. If business wants to play a role in this drive toward a healthier American, it must be willing to take the plunge.

The day after Robert Choate offered his testimony on the nutritional failures of

breakfast cereal, there were shoppers at food stores who arrived armed with the list of cereals by nutritional content. They were voting in favor of products with the highest nutritional value. My greatest delight came when I heard a mother tell a child: "We are not buying the cereal because of the toy. I'd rather buy you the toy separately and make sure you're getting a decent breakfast."

Shoppers can be made aware, and I think we can do it. At the same time, I have learned the enormous impact television has on consumers. I have been shown lists which show the sales of a certain product zooming in the week following a particularly hard-sell ad campaign. If consumers do depend on television that much for information about the products they buy, then it may be incumbent on government to demand equal time for consumer organizations or protective agencies to present the other side of the coin. They could offer the facts about phosphates in detergents, additives in bread, the relative nutritional value of soda pop and homemade milk shakes, and even the relative nutritional value of prepared, instant foods as compared with "made from scratch" dinners.

My intention is not to hurt business—or clearly I would not have accepted my present position. My intention is to provide business with a modern-day view of merchandising.

Philip Hauser, director of the population research center at the University of Chicago, recently defended himself in *Advertising Age* against critics who called his demand for corporate social responsibility "socialist" and even "fascist." He said that the obstacle to eliminating poor housing, unemployment, poverty and racial unrest is the attempt to apply 19th Century ideology to 20th Century problems. The old concepts of laissez-faire capitalism are outmoded, he said, and suggested they be replaced with a "social engineering" approach to problems.

Those in business who oppose "meddling" by government and consumers would not have to tolerate that meddling if they had not produced such consumer problems as non-degradable packaging, nutritionally deficient foods and harmful additives.

Certainly American business has made a great positive contribution. Their productive capacity creates jobs and wealth for the nation. But business has contributed also to the problems of malnutrition, tight household budgets, solid waste disposal and product safety.

If we call for needed reforms, it doesn't have to mean less jobs. We can have jobs and a free economy and nutrition, value and safety as well.

Nutritional expert, Dr. Jean Mayer, has examined our national diet and finds we score all too low for a nation so wealthy. Some 21 percent of our population has a poor diet according to the USDA, and another 50 percent has a diet that cannot be called good. Dr. Mayer has said, "We have two kinds of malnutrition in this country—malnutrition due to poverty and malnutrition due to ignorance . . . ignorance being found in the middle class and among the poor and running all the way from a complete lack of knowledge about nutrition to active faddism."

I believe it should be the policy of the Democracy Party that every American child be entitled to the food necessary for a decent diet. There can be no compromise with that position. If we fall back on our traditional concept that the child must be punished for the sins of the fathers, then we will never break this tragic chain of poverty which locks our ghetto blacks, our Chicago citizens, our Indian citizens and our Appalachian citizens in a tragic hopelessness.

We must nurture our future generations or reap the whirlwind of their despair. And, if I might digress just a moment, that means nurturing the whole child by providing high quality medical care for all, and day care centers for all. Educational achievement will come when each child is given a healthy start in life, and mind-building guidance from the day of his birth. If we say this is solely the parent's responsibility, the haves will continue to have more than the have-nots simply by accident of birth.

I hope you will endorse a national system of day care centers not only for the working woman or for the poor, but for all children.

We need more money for a national food stamp program and we need a more humane way of making the stamps available to those who are eligible. The sight of thousands of New York retirees and sick people—men and women who are not on welfare—waiting on long lines to receive food stamp applications outrages me. These are people who gave us the underpinnings of our wealth and abundance, and now they are literally left out on the sidewalk to beg the leavings from our lavish table.

Those who receive social security checks can receive their food stamp applications in the mail the same way that welfare recipients are receiving theirs in New York.

When faced with a choice between the bureaucratic way and the humane way, we must consistently opt for the humane approach if we want a national food policy that is faithful to the finest principles of America.

President Kennedy's four consumer rights were:

The right to be informed;
The right to a free choice;
The right to safety; and
The right to be heard.

I believe we Democrats have steadfastly endorsed those rights and provided executive and legislative leadership that gave them life. But now we must go a step further. Now is the time to add a fifth right—the right to recovery. That means the consumer's right to a fair settlement of just claims. The consumer must have *fair settlement of his just claims,* and we have not made enough progress toward that goal.

Despite groundwork laid in President Johnson's Administration, and by my successor as Presidential Consumer Advisor, Betty Furness, there is still no warranty and guarantee law. There is still no law providing the right of consumers to file class action suits in Federal courts.

The Administration has offered a class action bill that I must call as deceptive as the methods it purports to defend against. The consumer should decide if he has been wronged, not the Justice Department. And the courts will determine the value of his claim, not the executive branch.

We should also work hard for bills now pending in Congress offered by Senator Proxmire and others to give credit customers a fair hearing if they are denied credit.

If we must deal with computers, then let us make sure a flesh-and-blood person sits behind each one. And that department stores don't limit their expressions of concern to the ads they run in the newspapers.

We can accomplish these goals in many different ways. It may not always call for a new law and another bureaucracy—in fact, I know it should not. But it does require strong executive leadership and a willing Congress to launch a national crusade.

I believe we need just such a crusade to eradicate hunger and malnutrition and marketplace deception. A crusade like the one that put an American on the moon. And like that great feat, I want a timetable announced—a reasonable one, but one that says that by a certain date—let's say 1978—no American child will go to bed hungry or die of an infection his nutrition-poor body could not shake off.

Let's say that by that date the consumer will know what he is buying and what it costs, and that if he has a complaint, he can win justice in the store and before government.

As we look ahead to the dawning of a new decade—a decade that can become the Decade of the Consumer—we would do well to remember the words of a great President, Franklin D. Roosevelt. He said, more than thirty years ago, "I, for one, do not believe that the era of the pioneer is at an end; I only believe that the area for pioneering has changed. The period of geographical pioneering is largely finished. But, my friends, the period of social pioneering is only at its beginning. And make no mistake about it—the same qualities of heroism and faith and vision that were required to bring the forces of nature into subjection will be required—in even greater measure—to bring under control the forces of modern society."

MR. DAVID A. SWANKIN, WASHINGTON REPRESENTATIVE, CONSUMERS UNION OBJECTIVES OF THE CONSUMER MOVEMENT

The Chairman and members of the Committee on Human Environment:

I am delighted to have this opportunity to express our views on consumer issues.

As many of you know, Consumers Union is a non-profit membership organization chartered in 1936 under the laws of the state of New York to provide information and counsel to consumers about the management of family expenditures. Our financial support comes from the more than 1,800,000 subscribers and newsstand buyers. We accept no support from any commercial organization. *Consumer Reports* carries no advertising. Besides testing and reporting test results on products, *Consumer Reports* publishes general information for consumers on health and medicine, the economics of the marketplace and the legislative, judicial and regulatory actions of government affecting consumer welfare.

This hearing is useful as an opportunity for taking stock of where we are and where we should be going. Since 1962 there has been a periodic stock-taking in the form of the President's Consumer Messages to Congress. Their style and language have changed, but the underlying ideas have remained the same since John F. Kennedy conceptualized consumerism eight years ago. That is, Presidents Kennedy, Johnson and Nixon all spoke of the change in the unwritten law of the marketplace from the rule of *caveat emptor* to the rule of *caveat venditor;* of informed choice being essential to a free, responsive marketplace; of the four basic rights of consumers—to safety, to choice, to be informed, and to be heard.

Each President, responding to the issues of the day, sent to the Congress a legislative program for marketplace reform. In many instances, Congress responded, and thus the list of new Federal consumer laws, passed since 1962, is a long one, indeed.

In other instances, Congress itself, attuned to the growing consumer awareness on the part of the citizenry, took the lead away from the Executive and enacted consumer protection legislation on its own.

Recently another group, President Nixon's National Goals Research staff, did some stock-taking and produced a report that included a chapter on consumerism. We at Consumers Union read that report with great interest, since any report connected in any way with the White House, regardless of its occupant, carries a special significance. We were delighted to see that this report recognized the significance of the growth in consumer awareness during the 1960's. We were disappointed, however, that the report concluded that the problem for the consumer is one of "too much choice". We think, rather, that the problem is one of too little real choice—too many products with superficial or no differentiation, too little disclosure of information on quality and performance.

Today's unease on the part of both consumers and responsible businessmen is far more basic than the report suggests. It re-

lates to such quality of life questions as economic waste, physical and social pollution, and the public's health, safety, and welfare.

The report is less than candid when it ignores the consumer protection laws that haven't worked and the Nader techniques that have, and the lack of personal and corporate responsibility behind the marketing practices that have hurt the consumer. Added to all that, the report contains no blueprint for action.

Nevertheless, there are objectives, and there is a blueprint.

The major objective of the consumer movement can be stated rather simply. It is the achievement of the four basic consumer rights.

These rights must be achieved in fact as well as in rhetoric. The fact that the consumer wants *full* implementation of these rights, and will be unwilling to settle for anything short of that, shows how far consumerism has come in the decade of the '60's.

In the early years, consumer activists were satisfied with the mere fact that they were getting attention. If the legislative proposals were not quite adequate; if the bills were gutted in committee; if the appropriations were inadequate, no one objected.

That situation has now changed. It is no longer sufficient to be in favor of the implementation of the four consumer rights; now action must replace rhetoric.

It is no longer enough to be in favor of consumer protection legislation; that legislation must now be well conceived, well financed, and well administered. A few specifics:

In the 1960's, consumers were delighted with the establishment by President Johnson of the post of White House advisor on consumer affairs; today, nothing short of an independent office of consumer affairs, authorized and directed to represent the consumer interest in the processes of government will suffice. The House Government Operations Committee has reported such a bill (H.R. 18214) but it is bogged down in the Rules Committee. In no event can the consumer activists be placated merely by making the Office of the Special Assistant for Consumer Affairs a statutory office. We don't need nice titles, we need strong and effective powers like the power to intervene, to subpoena data, and to test products.

In the 1960's, consumers were delighted with the appointment of a study commission to look into the subject of unsafe consumer products; today nothing short of a strong new Federal safety law, as called for by the National Commission on Product Safety, will suffice. Senators Magnuson and Moss have introduced the Commission's bill; will we get it passed? In no event can consumer activists be placated merely by authorizing Mrs. Knauer or HEW or someone else to continue to study the issue.

In the 1960's, consumers looked to their elected officials to rectify the wrongs in the marketplace. All the chips, so to speak, were bet on consumer protection through legislation. The result was that consumers were burned, and have had to learn the hard way. The truth-in-packaging law, the auto safety law, the pesticide registration law, the toy safety law, and numerous others were all supposed to usher in a new standard of safety and excellence in the marketplace. They didn't. Inadequate funding and weak administration have left consumers disillusioned.

Consumers have learned an important lesson the hard way. A new law by itself carriers with it no assurance of marketplace reform. Today, we look more and more to self-help.

We are gearing up to be able to fight our own battles—effectively. Less and less are we counting on the politicians to do it for us. Instead, we are asking you to make it *possible* for us to fight for ourselves.

That is the significance of the current battle over the class action legislation. In supporting the Tydings-Eckhardt bills, we are telling you that we don't want another law that predicates marketplace reform on vigorous executive action. That's too long a shot to bet on. Instead, we're asking for an opportunity to use the court system ourselves, without regard to what the government agencies are doing or not doing. Will you give us that chance?

There are other bills that need to be enacted to give us the quality marketplace everyone talks about, but let me use these last few minutes to give you a feeling for the mood of the new consumerists.

JERRY S. COHEN, ATTORNEY, WASHINGTON, D.C.: CONSUMER PROTECTION THROUGH PRIVATE CLASS ACTIONS

The notion of consumer protection—whether it involves cleaner air, misuse of pesticides or the broken promise of a salesman—has been warmly endorsed by both Democrats and Republicans.

But there the semblance stops. The politics of consumer protection has split generally on party lines on one of the principal consumer issues today—the private class action.

It is on this issue that traditional philosophical positions have been reversed. The Democrats are arguing for self-help through greater use of class actions. The Administration believes that the government should make the decisions.

Yet the private class action for redress of grievances is in the long run one of the best hopes for resolution of frustrations within the system.

What is at stake is nothing less than the role of the individual in society.

The Democrats have properly taken the position—and I believe it will become a major issue—that frustrations should be moved from the streets into the courts.

This issue has now crystallized, for instance, in Tydings' Consumer Protection Act (S. 3201) now pending in the Judiciary Committee.

The diverse positions on this legislation point up a basic difference between the Democratic and Republican approach. Generally, the Democrats' philosophy stresses faith in the citizen and the belief that the system can be made to work on his behalf. Republicans have tended to distrust the citizen and persist in the belief that the system exists to serve privilege.

The Administration looks aghast at increasing use of class actions because it would lead to "harrassment" and would place an "undue burden" on the court. It would, one Administration witness said, turn the federal courts into small claims courts.

A basic principle is therefore at issue. What is the proper function of the court? Do courts exist to dispense justice or only to provide a legal forum for those who can afford large attorney fees and who have only large claims?

If the basic purpose is "justice," then meritorious suits should be allowed, no matter how many they may be. Certainly justice denied to the small claimant is a blot on the concept of justice in general.

An old fable concerns the famous battle cry of the drunken admiral who, when approaching a drawbridge that threatened to take the top of his ship, cried out, "Don't raise the bridge men, lower the water."

The analogy is obvious. If so many wrongs are perpetrated that court docket are clogged, the cry "don't enlarge the courts, deny redress" has a somewhat ludicrous ring in these days of critical self-evaluation.

But those who raise the cry miss another basic point. The purpose of the class action since at least the 18th century has been to expedite the work of the courts, not clog it. When claims, for instance, are aggregated, the single amount sought is somewhat greater than one might expect in small claims courts. The settlement offered to meet "small claims" in the recent antibiotics cases is $125 million.

The class action is the ultimate in judicial efficiency. Instead of hundreds or thousands of individual lawsuits, there is, in effect, only one. That the technique works well has been demonstrated in an increasing number of class actions in antitrust and Securities and Exchange Commission cases.

In the antibiotic cases, for instance, the class is all users of the antibiotics. The court has had no major problem in developing methods to deal with the huge numbers of plaintiffs represented by the class. Major innovations like the establishment of a multidistrict litigation panel to consolidate all pretrial discovery has resulted in new frontiers of judicial efficiency. The experience of class action cases in the antitrust field has demonstrated conclusively that this device is an efficient and expeditious way of enabling the courts to handle massive numbers of plaintiffs without interfering with the efficient functioning of the courts.

What may really be behind the opposition to the Tydings bill has been described best by Attorney Aaron Fine, of Philadelphia in a recent address to the ABA:

"P. T. Ryan of Philadelphia . . . last month warned the Ninth Judicial Circuit that Rule 23 (the amended class action rule) goes entirely too far in giving poor litigants a chance to combine their resources, and might lead to the Welfare State, reminding us all of the Duke of Wellington's strong opposition to the development of British railroads because "They would encourage the lower classes to move about. . . ."

The argument that class actions will clog the courts rests on the same philosophy and has as little merit.

What about harrassment? This argument is somewhat denigrating to the same courts the Administration is trying to save from clogging. It assumes the court is not able to handle its business properly.

Of course, the definition of harrassment has its chameleon-like aspects depending on whether one is a harrassor or harrassee. What is simple justice to the plaintiff may be simple harrassment to the defendant. Giving a right to bring a class action does not mean that the court has to allow it. Indeed many class actions have been thrown out as such because the court did not think the legal requirements had been met. The court is able and sometimes, all too willing, to deal harshly with lawsuits it considers without merit.

But a more important issue is involved. There are a relative handful of lawyers in the FTC and the Justice Department. (And both the Justice Department and FTC will be delighted to back up my statement that they are understaffed.) Yet the country is populated (probably over-populated) by thousands of competent counsel, many of whom are not overworked. And a number of them believe they can recognize a good lawsuit when they see it.

The laws of economics are also at work. Most lawyers are not going to handle a class action on a contingent fee basis unless their chances of success are good, which is another way of saying "unless they have a good case."

Why then should these many have to wait on the decisions of the few? What imbues the overworked government lawyer with a special wisdom as to what cases should be brought and which should not? Why should the wronged consumer have to wait contritely and patiently for the government to decide whether or not to give him a hand?

All he asks is a chance to help himself, freeing government lawyers for other matters

like enforcing the antitrust laws against price fixing and illegal mergers, or better yet, to beefing up their fight on organized crime. Indeed there is something almost paternalistic about the attitude that the government knows best when a consumer has been wronged.

It is time that even the American Bar Association realizes that the class action is here to stay; that it makes good sense and good justice; that the courts are mature enough to handle their internal problems.

And it is time for Republicans to join Democrats in the realization that the consumer is asking merely for the opportunity to protect himself; that there is a potent and court-proved legal weapon to allow him to do this—the class action. Consumer frustration in this land deserves something better than rhetoric and shadow legislation.

When all the fat is boiled away, the real fear of the class action is that it is an effective way to achieve justice for the consumer. And one thing should now be clear: the consumer will not long endure two standards of justice, court congestion and harassment notwithstanding.

REPRESENTATIVE JAMES G. O'HARA: REPUBLICANS BLOCKING STRONG JOB SAFETY LEGISLATION

Mr. Chairman, it is an honor to be asked to testify before this group today about occupational safety and health.

But I cannot claim it is a pleasure to do so.

Frankly, I am tired of having to make the same speech, recite the same figures, and, on some occasions, answer the same old tired arguments against occupational safety and health legislation.

I have been working for safety and health legislation since I first came to the Congress and I have watched some of these efforts bear fruit.

I am proud of the passage—if far from satisfied with the administartion—of the Metallic Mine Safety Act of 1966.

I think the safety provisions of the McNamara-O'Hara Service Contracts Act have been of some use—and, though it was not done through legislation, I am very pleased to note that the labor-management contract recently hammered out with the grape growers by the Farm Workers' Organizing Committee makes a major point of insisting on safe and healthful working conditions in the vineyards.

But the satisfaction that we can all draw from the growing national concern with and action on worker safety and health is considerably dimmed by the strong and so far successful opposition to any broad-gauge legislation in this area.

I believe I am entitled to sound a little impatient at the fact that legislation which was initially proposed to the Congress by Lyndon Johnson, in January of 1968, has gone twice through the House Education and Labor Committee, and has yet to be voted on the floor of the House.

I think I am entitled—and more important, I think the working men and women of this country are entitled to be more than a little frustrated over the fact that the business lobbyists who have consistently opposed any meaningful legislation in this field are still able to find a receptive audience for their contention that their convenience and their money and their employees' lives and health should be treated as though they were of equal value.

We are told, by the opponents of occupational safety and health legislation that they want to "do something" about it—though the "something" they want to do is always something else than the proposal before us at any given moment—but we are also told that they insist that any legislation be "fair", that it provide equal protection *for* dividends and *against* disaster; that it give the employer and the employee equal opportunity to recoup his losses—that the employer, in other words, be allowed to recover his monetary losses through the courts—which would, I suppose, also be allowed to issue decrees restoring the employee's life or lost limb.

Well, Mr. Chairman, I, too, want to be fair.

But I think any safety and health legislation, in order to be fair, has got to place human life ahead of the money and convenience of corporate management.

And that, I submit, is the primary difference between the Republic and Democratic approaches to job safety legislation.

The figures remain at the same discouraging and frustrating level, and I am sure you all know the grim totals—14,500 lives lost a year to industrial accidents; 2½ million disabling injuries per year; and according to a study requested by the Labor Department, but which the Labor Department has decided does not reflect its views, there may be as many as 25 million serious, but nondisabling occupational injuries each and every year.

Our Republican friends tell us that this a pretty good record, all things considered.

Let me quote from their words explaining why they still cannot support the legislation the Education and Labor Committee reported to the House:

"Statistically, these injury and fatality experiences figure out, respectively, to an extremely low .0275 and an incredibly low .00018."

I am glad that my colleagues can take comfort from what they consider the "extremely low" accident rate—but my incredulity finds more nourishment in the idea that any occupational deaths at all are tolerated by a so-called civilized society.

As I say, Mr. Chairman, there is a growing national concern with this slaughter in the workplace.

Even the President of the United States has joined in the chorus with a weakened proposal, rejected by the House Education and Labor Committee approximately a year before the President saw fit to resurrect it and send it up to the Hill.

A few weeks ago, the President saw fit to send another message to the Congress, scolding us for the conditions that have developed while he has been President, and for our alleged inability to enact legislation—frequently over his opposition—to cope with those conditions.

On the question of job safety, the President mentioned his own proposal, which was sent to the House seven months after all the other serious proposals had been introduced, and his comment was that he found it "unaccountable" that it hadn't been enacted yet.

Well, Mr. President, I think I can account for the failure of this Congress to complete action on this vital legislation thus far.

It can be accounted for in terms of the fact that the situation has not changed since 1968 when the Chamber of Commerce, and the House Republicans were standing shoulder-to-shoulder in opposition to the enactment of any meaningful legislation.

They stand together still, Mr. President.

Your friends in the Congress, and your friends in the business community still find themselves in total agreement in opposition to safety and health legislation.

In the House Committee on Education and Labor, after a long boycott of the meetings by virtually every member of the President's party, the Subcommittee chaired by Congressman Dominick Daniels voted to report out strong and effective legislation.

The legislation was voted out unanimously, but not one Republican vote was cast for it—because not one Republican even came to the meeting at which the legislation was to be approved.

On June 16, after several informal discussions in which the Republicans suggested their customary horse-and-rabbit trade, but from which they withdrew in high dudgeon when they were asked if they thought they could deliver the rabbit, the full Education and Labor Committee finally voted after once again giving full consideration to the same old worn-out Republican "compromise proposals", to report a tough bill to the House.

The vote, Mr. Chairman—was 21 to 13.

20 Democratic members and one Republican voted to report a bill out and let the House work its will.

13 Republicans, but not one single Democrat were against reporting the legislation at all.

That, Mr. Chairman, may help the President to "account for" the perilous state of occupational safety legislation.

It is in danger from the same quarters where the danger has always come—from the business lobbyists and their Republican friends in Congress.

Their arguments are the same as always.

Once again they tell us that to try to save lives will ruin business and cost money.

Once again, they tell us they simply cannot afford to be more careful with other people's lives.

In conclusion, I would like to quote from a noted author, Mr. Chairman.

This author was familiar with the business community and the equivalent in his time and country, of Republican politicians.

He described them, in terms which ring very true today, in the following words:

"Surely there never was such fragile chinaware as that of which the Millers of Coketown were made.

"Handle them ever so lightly and they fell to pieces with such ease that you might suspect them of having been flawed before.

"They were ruined when they were required to send laboring children to school: They were ruined when inspectors were appointed to look into their works: They were ruined when such inspectors considered it doubtful whether they were quite justified in chopping people up with their machinery: They were utterly undone when it was hinted that perhaps they need not always make quite so much smoke.

"Whenever a Coketowner felt he was ill-used—that is to say, whenever he was not left entirely alone, and it was proposed to hold him accountable for the consequences of any of his act—he was sure to come out with the awful menace that he would 'soon pitch his property into the Atlantic.'

"This had terrified the home secretary within an inch of his life on several occasions.

"However, the Coketowners were so patriotic after all, that they never had pitched their property into the Atlantic, yet, but, on the contrary, had been kind enough to take mighty good care of it.

"So there it was in the haze yonder, and it increased and multiplied."

That quotation, Mr. Chairman, is from the book "Hard Times." It was written by Charles Dickens in 1854!

REPRESENTATIVE KEN HECHLER: COAL: THE HUMAN SIDE

To many of us, coal means the source of power which is in short supply, resulting in lights out in the Capitol corridors and air conditioning units powered down.

Some of us recall the human side of coal expressed in the disaster at Farmington, W. Va. on November 20, 1968, which took 78 lives.

How many people really know that since Farmington 360 coal miners have been killed on the job, more than 11,000 coal miners crippled or injured in mine accidents, and God knows how many thousands condemned to the coal dust disease known as pneumoconiosis, or "black lung"?

Today, the halls of Congress and the Executive Mansion reverberate with outcries about the energy crisis, yet how many voices are raised for those human beings who are still being crushed, burned, gassed, trapped, buried, crippled or sentenced to a breathless, wheezing living death? Where is the national leadership on behalf of human values, instead of what we hear from the White House to serve comfort, combines and commercialism? In all this talk about the energy crisis, including the frequent comments that the excellent Federal Coal Mine Health and Safety Act of 1969 may actually contribute to the crisis by slowing down production, has anybody answered the basic question: how much is a human being actually worth?

It's not easy to pass a law to protect coal miners. President Harry S. Truman found that out in 1952. When he reluctantly signed the rather weak 1952 Act, he zeroed in on the loopholes and exemptions and stated acidly: "I am advised that these exemptions were provided to avoid any economic impact on the coal mining industry." Numerous attempts to improve the 1952 Act were for the most part blocked, but on September 11, 1968, President Lyndon B. Johnson sent a strong message to Congress on behalf of a comprehensive new Federal Coal Mine Health and Safety Act. Unfortunately, the subject did not have nationwide support and only three Congressmen introduced the President's mine safety bill—Reps. John H. Dent (D-Pa.), Daniel J. Flood (D-Pa.), and myself.

Following the Farmington disaster, nationwide attention was forcused on the human problems of coal mining and there was a strong and insistent demand for protection of those who mine the coal. The Federal Coal Mine Health and Safety Act of 1969 was landmark legislation, constituting a monument to Congressional initiative. Behind the scenes, the Nixon Administration tried in vain to weaken the coal dust standards, to retain the coal operator-dominated Board of Review, and to water down tougher health and safety provisions up and down the line. But the Congressional leadership of men like Senator Harrison Williams of New Jersey, and Congressmen Carl Perkins of Kentucky and John Dent of Pennsylvania helped insure a bill which became stronger and stronger as it moved through the legislative process.

When Congress sent the bill to the White House on December 18, 1969, Republican leaders and White House aides grumbled that it was "inflationary", and intefered with states' rights. It appeared likely that President Nixon would veto the bill. As each day dragged on toward the ten day limit, a spirit of revolt spread in the coal fields, directed against President Nixon's frosty attitude toward this landmark legislation. Shortly after Christmas, hundreds of miners began walking out in protest of the President's delay in signing the bill. A group of widows of the Farmington disaster made a pilgrimage to Washington and called at the White House to plead with President Nixon to sign the bill. The President refused to see the Farmington widows, but while they were awaiting to see him, he sent out word that he would sign the bill.

This historic piece of legislation was then signed in secret, almost surreptitiously, and when airborne from Washington, D.C., to San Clemente, California, the President's press assistant announced that he had signed the bill before he left for sunny California. The expressions of joy and relief from thousands of coal miners were blunted by the shocking discovery of the murders of Joseph A. Yablonski, his wife and daughter, over New Year's Day. The coal miners have lost their greatest champion, a tireless and fearless fighter for human values, and a major force behind passage of effective mine health and safety legislation.

Angered by the failure of their traditional lobbying tactics which had failed to weaken the mine safety bill as it moved through Congress, the coal operators turned their attention to blocking or weakening its enforcement. The assault on enforcement of the law met a firm road block in the Director of the Bureau of Mines, John F. O'Leary, who had served admirably since his appointment by President Johnson exactly one month before the Farmington disaster. Director O'Leary had insisted on an even-handed enforcement of the law, had attempted to clean some of the dead wood out of the Bureau, and moved up those who were genuinely dedicated to enforcement. He also set up many reform procedures, enabling miners to report safety violations directly to him, and banning the time-honored practice of inspectors tipping off the coal operators prior to visiting their mines. When a successor was actually picked in a move to dump Director O'Leary in February, 1969, a storm of public protest and a well-timed visit to Secretary of Interior Hickel by a group of the Farmington widows helped save his job.

Scarcely a crusader, Director O'Leary simply raised protection to the same level as production, and got the axe for his efforts. On Saturday, February 28, 1970, he was hard at work at his desk drafting the new mine safety regulations which were to take effect April 1, 1970. A telephone call came from the White House, asking if he would be at his office for a little while, since a special messenger was coming over. Opening the White House envelope, Mr. O'Leary found a peremptory note accepting the pro forma resignation he had submitted January 20, 1969. The Director of the Bureau of Mines was told to clear out by March 1, 1970—indecent haste on a Saturday morning when you consider that over six months have since elapsed and the Bureau of Mines is still without a Director.

Since March, the Bureau of Mines has been a leaderless shambles of chaos and confusion. The axe has fallen on many dedicated public servants who showed signs of being infected with human values, and party hacks with little experience have moved into positions of power. Responding to public pressure, President Nixon trotted out a coal industry consultant as his nominee for the critical position of Director of the Bureau of Mines. The nomination was withdrawn in the face of strong opposition from rank and file miners among others. Fifty days have now passed since officials of the Department of the Interior testified before Senator Williams' Senate Labor Subcommittee that a new Director of the Bureau of Mines would quickly be announced. And still there is no action.

Conscientious and dedicated mine inspectors and others in the Bureau of Mines, who are genuinely interested in protecting the safety of the men, have been disillusioned and their morale shattered by the insistence of "top management" that production is more important than protection. When a law suit was filed by 77 plaintiffs against the Federal Coal Health and Safety Act, Under Secretary of the Interior Fred J. Russell ordered that Department of the Interior legal and technical experts must not even attend the hearing on a preliminary injunction. Airplane reservations which had already been made had to be cancelled. The result was that the injunction was granted. Ten days later the injunction was made permanent. The administration waived its right to a hearing on that.

The Solicitor of the Department of the Interior generously decided that the injunction should be extended nationwide. Thus, coal operators who were not plaintiffs were given the fruits of the suit free-of-charge. The point of all this is that everything is being done to help the operators, and very little is being done to protect the health and safety of the miners.

There are many other examples of failure to enforce the letter and spirit of the Federal Coal Mine Health and Safety Act. Coal miners have gone to their deaths in many uninspected mines. The record of injuries is mounting. Since the safety provisions of the new law became effective on April 1, 1970, the Bureau of Mines reports that 94 coal miners have been killed, as contracted with 82 during the same five-month period in 1969. In the same period of 1970 there have been 920 miners suffering non-fatal accidents compared with 875 in 1969.

It is just as important to enforce the law to curb violence in the coal mines, as it is to enforce the law to prevent violence on the streets and on the campuses. When human lives are at stake, it is outrageous that there is a double standard for law and order.

"Benign neglect" has apparently gripped those charged with enforcing the mine safety law. The one agency charged with protecting the public interest has lost its backbone, its will to enforce the law, and even brushes aside its express authority granted by Congress to protect those human beings who labor in the coal pits of the nation. The lobbyists, encouraged by production-oriented officials in the Department of the Interior, claim that the new mine health and safety law is too harsh. What about the harsh fact that men are being killed in the mines?

I hope that this Committee on the Human Environment will reiterate the policy so clearly expressed by the Congress in the preamble to the Federal Coal Mine Health and Safety Act of 1969. The very first words of that Act are these: "Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner." The marvels of onrushing technology, the magic of new production machinery, and the public debate over the energy crisis must not obscure the human problem of the men who are dying in increasing numbers in the coal mines. We have heard and read a vast amount of publicity about "blackouts" and "brown-outs" of electric power, but very little about the blackouts of human beings killed in the mines, or brown-outs of men suffering from pneumoconiosis.

When are we going to start to place the priority where it belongs—on the value of a human life?

GROUP PRESENTATION: ANTHONY MAZZOCCHI, CITIZENSHIP-LEGISLATIVE DIRECTOR, OIL, CHEMICAL, AND ATOMIC WORKERS INTERNATIONAL UNION; FRANKLIN WALLICK, LEGISLATIVE REPRESENTATIVE, UNITED AUTO WORKERS UNION; GLENN PAULSON, ENVIRONMENTAL SCIENTIST, ROCKEFELLER UNIVERSITY; AND STEVEN WODKA, RESEARCH ASSISTANT, OCAW: LAW AND ORDER IN THE WORKING ENVIRONMENT

In the fall of 1969, a Washington Post headline declared "Nixon in Heartland, Vows More Power to the People. "Being as it is that the President adopted the slogan of the radical left, one could reasonably expect that a new era of populism might be emerging a year later. Unfortunately, the President's statement turned out to be mainly words—the chief product of the Nixon-Agnew Manufacturing Company. As with most business concerns, the Nixon-Agnew Manufacturing Company pollutes and tortures the environment.

Among those most seriously subjected to the working men and women of this country. Dangerously high levels of exposure are reached during crises of "Law and Order" and "Quality of Life." During such times, Nixon and Agnew attempt to divert attention from the widescale, illegal, unhealthful, and pollutive activities of big corporations

and instead focuses it on a few student demonstators. The environmental violence perpetrated by industrial polluters has scarred the land, poisoned the water, and inflamed the lungs of the working people of this country. This is the real law-and-order story in America. Its effects are far more serious than the street violence that we read in the newspapers or see on television.

For the working class young American, life is a constant struggle between big government and big business. If he is not slain or badly maimed in Vietnam, he has an almost equal chance of being killed, injured or disabled by an occupational accident or illness in an American industrial plant. Working conditions incorporated by law in the Walsh-Healey Act are violated everyday. Monitoring to detect airborne concentrations of toxic vapors and fumes is virtually nonexistent. How can 27 Federal inspectors adequately protect the health and safety of 27 million working Americans covered by the Act? When will law-and-order penetrate the plant gate?

We hear much talk these days about environmental pollution by lead, mercury, arsenic, radiation, pesticides, and detergents. The talk is usually centered around birds and fish, rivers and lakes. What few people realize is that these contaminants are a particularly serious problem for the American worker. In the Oil, Chemical, and Atomic Workers Union, we have members, for example, in refineries who face extensive exposure to tetraethyllead. In chemical plants, mercury vapors have turned our members into living vegetables who are kept in hospitals with plastic tubes in their throats. In a nuclear fuel reprocessing plant, our members have been overexposed to radioactive thorium and uranium. Even the AEC admits it, but does nothing. Chemical pesticides which have nerve poisons for bases permanently ruined the mental capacity of our members who formulate these products. Enzyme detergents may be a boon for the housewife but are a horror for our members in the detergent industry who are now breathless from enzyme dust. Doesn't the Nixon proclamation on the "Quality of Life" extend to the workplace where 80 million Americans spend ⅓ of their lives? Why has the Nixon Administration used obstructionist tactics to keep the Senate Labor and Public Welfare Committee from acting on the Williams Occupational Health and Safety Bill? This bill and its Daniels counterpart in the House are the only pieces of occupational health and safety legislation in Congress that will begin to adequately protect our members from the myriad of occupational health horrors.

To gain a better understanding of this sad situation in the American workplace, we refer you to a set of transcripts from our conferences on "Hazards in the Industrial Environment." In these pages our members describe the choking conditions of the in-plant environment. The members of the panel assembled here today who have worked directly in the field on this issue will now describe some of the experiences.

OIL, CHEMICAL, AND ATOMIC WORKERS INTERNATIONAL UNION: HAZARDS IN THE INDUSTRIAL ENVIRONMENT

The experiences of the members of our union demonstrate that voluntary policing of health and safety conditions in industrial plants by management has not worked. Testimony from other labor unions and from non-partisan experts not connected with unions corroborates our observations.

Some may deem it regrettable, but the plain fact is that Federal help is needed to protect the health and the lives of working people from environmental hazards in their places of employment.

Here are some of the reasons this is true:

Far more workers are being injured than the records indicate.—Hundreds of our members working in scores of plants have told us that injury records are falsified by the insistence of management that men wearing leg casts or otherwise incapacitated report to work on so-called "light duty." And even when records are kept with relative honesty, they scarcely touch on those countless deaths and sicknesses which result from exposure to bad environment—gases, fumes, vapors, dusts and the like which gradually damage the human body and in too many cases the human mind.

Far too little is known about modern industrial materials.—While many dedicated scientists have engaged in research to determine the effects of modern chemicals and other industrial materials on health, workmen and their supervisors still grope of ignorance. They work daily with liquids, gases and solids on unknown toxic properties. Of something on the order of 500,000 chemicals in daily use in industry, the best of reference books describe the hazardous qualities of not more than 12,000 of these. Of these 12,00 knowledge often is available only on short-term, not long-term, dangers to the body. And of these, Threshold Limit Values for exposure has been established for only approximately 500 by the American Conference of Governmental Industrial Hygienists. Research is desperately needed.

The fact is that people are suffering serious health damage from environmental conditions in their workplaces.—There is undue incidence of various respiratory ailments, including emphysema, of heart disease and of cancer. We have too many members whose health is broken and whose retirement is forced ten or 15 years before normal retirement age. We have too many men who show premature signs of senility. In some industries, especially in the manufacture of insecticides, too many of our members reveal mental disabilities. In some industrial facilities, we have demonstrated correlations between frequent incidence of certain diseases and exposure to dangerous materials. In other cases, the correlation cannot be proven, but the frequency of appearance of certain ailments arouses suspicions which need to be allayed through research and, when appropriate, treatment.

Many of the exposures to hazardous materials can be prevented.—Daily our members are exposed unnecessarily to fumes, dusts and liquids of dangerous nature. In virtually all cases, these materials could be contained safely rather than allowed to leak into the environment. The scientific and engineering knowledge is available to do this. The skills and materials needed are far less sophisticated than those required to send men to the moon.

Unfortunately, however, many industrial companies fail to keep dangerous materials in containment simply because of the cost involved. In too many cases they take the cheaper course of trying to protect the workers by wrapping them in rubber suits and masks.

Management typically does not cooperate with workers and their unions in maintaining healthful work conditions.—Rarely do companies maintain automatic monitoring devices to detect the presence of deadly gases. In those limited cases in which they make spot checks, they nearly always refuse to tell the workers or their unions of their findings.

Workmen are asked to handle chemicals identified only by code numbers, not by chemical definition. Information provided to workers about the hazardous properties of many materials is so limited as to be of little value. Safety placards defining dangers of chemical exposure and providing quick-reference emergency treatment instructions are rarely found in industrial plants. Workmen are asked to handle extremely toxic materials equipped only with blind faith in management's desire to protect health—and this faith is rapidly declining.

Safety training is sadly lacking in most plants.—New employees are assigned to handle deadly materials without instruction as to the hazards involved. Many members tell us that, over such long periods of employment as 20 years, they have had not one hour of training in safety procedures. Many members report that such safety meetings as are conducted are superficial and meaningless, devoted either to the most elementary of training regarding such things as proper handling of tools or to lectures on off-the-premises safety.

Poor maintenance of equipment causes many illnesses, injuries and deaths.—There has been a rash of fires and explosions in oil refineries in recent months. Many of these have been traced to badly-corroded equipment which should have been replaced. Leakage of corrosive acids, poisonous gases and other dangerous materials from rusted pipes is commonplace in both chemical and petroleum facilities.

Zeal for production interferes with health and safety precautions.—Foremen, supervisors and managers of industrial plants, under pressure from home offices to maintain high production records, hesitate to shut equipment down for repairs when potential health and safety hazards dictate such repairs. The supervisor is faced by this difficult alternative: If he stops operations to make repairs, he certainly will lose production; if he takes the risk of continuing operations, he may *have* an accident.

The incentives of the profit system are contrary to self-policing.—Managers, being human, tend to respond to the strongest incentives before them. The incentives to maximize production and minimize cost are always present; the incentives to take caution for the protection of health and safety are less concrete. To pose the problem with a rhetorical question: Who ever heard of a plant manager winning a promotion by maintaining an exceptional health and safety record?

It is for this reason that health and safety standards, regulations and enforcement must be vested in external, neutral authorities. The necessity is precisely the same as the necessity to employ policemen to enforce traffic regulations.

Collective bargaining can contribute to occupational health and safety, but government assistance is needed.—Thus far, unions have achieved only limited success in negotiating for safer and healthier conditions. Management, zealous to maintain its so-called management rights," generally has been uncooperative with union safety efforts. For understandable reasons, management has retained the final power of decision regarding health and safety measures even in those plants where joint union-management safety committees exist, and management tends to react to the economic incentive in exercising this final power. Thus is demonstrated again the need for third-party, or neutral assistance.

We see no alternative to Federal legislation. While there are signs of progress in labor-management negotiations on health and safety, Federal regulation is needed at least on a stand-by basis. Meanwhile, little faith can be placed in state efforts. The states have had many decades to meet this challenge and they have failed to do so. Testimony by hundreds of our local union leaders reveals that their efforts to obtain assistance from state health and safety agencies nearly always brings little if any relief.

We insist on a meaningful Occupational Safety and Health law. H.R. 16785, the Daniels bill, has our full support. We resist and object to attempts to substitute weak meaningless legislation that becomes nothing more than a meaningless charade.

Many of us have lived and worked too long under a weak Federal safety law that

was cynical enough to provide for 25 inspectors for 30 million workers.

OUR MEMBERS SPEAK

Let me give you a few examples from the working men in the plants.

F. Q. Hood of our Shreveport, La., Local 4-245 said: "Exposure to paranitroaniline and other gases changes the complexion of our men and bleaches their hair. Men sometimes turn blue and pass out after leaving the exposed area or even after leaving the plant."

(Chemists say that paranitroaniline destroyes red blood cells.)

Said Darrell Whitaker, Muskegon, Mich., Local 7-390: "We make phosgene gas and the products of phosgene gas: we make isocyanides; we handle a number of different chemicals. Our problem is that we have had one death and several cases of advanced asthma and one known case of emphysema.

"Before our union came into the plant (two years ago) they (the management) would just ease these guys right out the gates if they had bad symptoms, they (management) would just find some reason to get rid of them and there wasn't a problem.

"We don't have any monitoring devices. The only thing we're concerned with is if it's explosive—then we'll go in and monitor so the place dosn't blow up. Without monitors where we make the phosgene gas at least we know to put on the gas masks when we smell the stuff. Then if it isn't too bad and you've got to work there for a number of hours and you can stand the smell, why, you stay in there and work. We need information and monitoring devices.

"The average number of years that these guys have been working here is three years and their average age is probably between 24 and 25 years, and out of these 120 guys we've had one death of phosgene gas, several—I'd say six—of advanced asthma and that emphysema case that I mentioned."

Said Albert Nist, Ashtabula, Ohio, Local 7-509: "When we first started that plant in 1950 nobody really knew what they are doing. It took us about a year, then after that you could walk through the shop and you wouldn't smell any chlorine gas and that continued on until about 1956.

"Then the company fell upon hard times and they started to let their equipment go to the devil. And since then they've changed plant managers about four or five times, the equipment is still going down hill, they're not spending any money on it and one of these days that plant's just going to go boom straight up in the air because it's just going to fall apart completely.

"They've got a very good percentage of hiring. They hire twelve men one week and nine quit. They just can't take the chlorine gas that's flying around in there. We've had guys who have had their lungs removed—half lungs—we've got guys who've been forced to retire because they just couldn't take it any longer.

"Right across the street there's a plant—I don't know what they're making over there, nobody can find out. Our chief steward of maintenance is on the Safety Committee for the City of Ashtabula on air pollution and he tried to get into the plant to find out what they are making but they wouldn't let him in. But something got loose over there and drifted over into our plant and put 14 of our guys into first aid. And we had two of our guys lose their sight for a few hours due to the effects of this stuff and we can't even find out what's going on over there."

Gentlemen of the Committe, please do not think that just the workers are endangered; the entire community is endangered, as the above incident shows.

Bill Ricks of our Port Arthur, Tex., Local 4-23 works in the largest oil refinery of one of the largest oil companies in America—Texaco. It refines what is known as "sour" crude petroleum, meaning that this petroleum contains a lot of sulfur. If the companies want to go to the trouble, they can refine this sulfur out and sell it. But in many cases it is allowed to escape into the air in the form of hydrogen sulfide—a very dangerous chemical.

Ricks said to us: "Hydrogen sulfide has knocked out several men on the job. All the company has done about it has been to build a higher stack to carry the fumes away from the workers. There is no instrumentation to warn of the presence of harmful gases, but on occasion the smells get so strong the men just walk off their jobs."

John Hocking of our Texas City, Tex., Local 4-449, who works in a large refinery of American Oil Co., tells a different story of how the community suffers. He reports that several members of his local have been killed by hydrogen sulfide. Complaints made by people in the community have caused company management to inject a substance called "Mum" into the stacks when the smell gets bad. "It's nothing but a perfume," says Hocking.

Leo Reidel of this same local told us: "We have a very hardy tree in our neighborhood, but sometimes after a night of heavy fallout from the plant, we go outside in the morning to find most of the leaves have fallen from this tree."

Walter Mottin of Monsanto, III, Local 7-347 told us they sometimes have spills of powdered arsenic in his plant. Asked what was done about it, he said. "Why, we just hose down the room where the spill is and it goes into the sewer and on out into the river."

Here is a statement from Tom Grasso of New York Local 8-584, given at a conference in New Jersey:

"We are in the paint industry, specifically with Sapolin Paints in Brooklyn which also has a warehouse in Edison, New Jersey. We manufacture house paint for walls and exteriors, and also marine paints. And the area that I am particularly interested in is the marine paints that we manufacture.

"We also manufacture aerosol sprays: you know, like you spray your little odds and ends at home with a small can. And in that aerosol, for example, we use a propellant, a form of propane gas. It is interesting that when we first began manufacturing this particular type of product, it was manufactured in Brooklyn, but, because of the laws of New York State, we were not permitted to use propane as the propellant in this product. So they moved the operation over to New Jersey, which allows propane to be used as a propellant, believe it or not. Naturally the cost of Freon which was used in Brooklyn is much more expensive than propane, which is very much less expensive in New Jersey. So you Jerseyites are a little lax in your laws, too.

"We use various chemicals in the manufacture of paints, expecially in marine paints. I've listed some of the chemicals that we do use: xylene, toluol, various types of ketones, acetates, mineral spirits, and many, many forms of alcohol. I've had experience with various of these chemicals myself.

"I recall one time, when I was cleaning out a five hundred gallon tank, and I used toluol to clean the interior. Unbeknownst to me, the fumes in the tank were getting to me, although I could smell the odor of the toluol at the time. I was in such a hurry to get the tank clean, and all I needed was a couple more swashes around, and I would be done, but those couple of swashes caused me a fright. I was really frightened because what happened was, I just passed out. I just passed out completely, just fell asleep on the floor, and later I was taken out and was walked around the block like a dog to clear my system of the fumes I had inhaled.

"We have no idea of just what levels these chemicals that we use in manufacture of this marine paint causes in our members, but we do have rooms where the finished product is put into cans. I had not been working in the vat area for about the last seven, eight years, so my system has been kind of cleared, I think, of all the fumes I'd inhaled. But just the other day I had occasion to walk into this room here, to speak to our Secretary-Treasurer, and, the moment I opened the door, the fumes of this particular paint which they were filling, got to my nose and I just shook my head and kind of cleared all my senses; I was getting dull, just by the fumes in this particular room. We have been assured that the ventilation is proper in this room, but I question it very, very much. The boys who work in this room, apparently are acclimated to the odors there, but what damage they are getting from inhaling this constantly is unknown to us.

"Years ago, when I worked with this area, to give an example, when I went home at night when I kissed my wife when she greeted me at the door, she always used to be able to tell me what chemicals I had been inhaling that particular day. And that's a fact. Sometimes it was alcohol; sometimes it was acetate; sometimes it was a very sweet-smelling chemical.

"Anyway, the paint industry, among other industries, is one industry which uses quite a varied amount of chemicals, and I haven't even mentioned the pigments that are used. We do use poison in some of our paints, especially in our marine paints, specifically to offset the effect of barnacles on the hulls of ships. For example, they use a form of mercury in the pigment of hull paint, to kill any barnacles that attach themselves on to the hulls of ships. And red lead and copper and all those things; it's really amazing. This is aside from ordinary pigments that are used in the manufacture of paint. And if there is any way that we can find out the level of danger that these chemicals and pigments present, to help our members in the industry as a whole, we would appreciate it very, very much."

At one of our conferences, we had a guest, John Dacey, from an independent union representing employees of Union Carbide Co. at Boundbrook, New Jersey. Here is what he had to say:

"We have one heck of a company to work for when it comes to safety. You cannot say they're neglectful; they're criminal! Absolutely criminal, and I want the record to show it. Their doctors deserve some sort of a medal because of the millions of dollars that they have saved this corporation.

"Recently, on taking office, we had to call the state investigators in. We had men who were exposed to possible mercury poisoning. In heated ovens they were performing electrical tests. People became very alarmed at this. Seven or eight men were tested. The company told us all we needed was a urine test. Ten, twelve weeks go by, no answer. Through a third party the men find that they are in safe zone. We find the same identical test at another building at the other end of the plant. We had this area examined. It took six weeks to get the men to the doctor; another six weeks to get an answer.

"We became suspicious. We picked a man from each area, sent him to a doctor at eight thirty Monday morning; in the two o'clock mail on Tuesday, we had the results. We also had a blood test taken, which was also required, which the company did not even take.

"We use asbestos in large quantities in some of our Phenolic Division, a material that we make. These men are only now, since the militant group took over the union, only now, asking the men, after thirty-five years of operation, to take X-rays, because they know that we're going to double check them.

"We use vinyl chloride in one of our buildings. Vinyl plastic we manufacture. I was very interested in listening to one of the

previous speakers, because we now have three men, with better than fifteen years seniority, on permanent and total disability with emphysema.

"We have a janitor there now who worked on a mill, a two-roll mill, for twenty-five years, breathing these fumes. He can hardly breathe. The company is afraid to let him go, because they know what's going to happen, because we're going to be right on top of them. This man is almost blue, almost all the time. He has to go to the doctor every two weeks. His own doctor.

"These are the things that are going on in our plant. And I'm sure they're going on in many other plants. Many others. We have dust and fumes where you can't even see across the room and the boss says, 'It won't hurt you. Look at so-and-so; he's been working here fifteen years.' Five years from now he might drop dead, but right now he's still walking, so we shouldn't worry. This is the kind of attitude we have. A man goes to the dispensary; he hurt his foot. 'It's perfectly all right; you just bruised it.' Three days later the man can't walk. He comes back in, after seeing his own doctor. He's got four bones broken in his foot.

"This is the kind of thing that we have to tolerate, by callous, uncaring, criminal-acting management. And I came here today with the intent of making this public, and adding some of the independent unions' voice to the very hard, uphill fight against the massive money that is made available by the National Association of Manufacturers and the other people that are in their line of work, to make it cheaper for them to operate, regardless of the cost in human life.

"Now we work with a chemical known as dicumyl peroxide. It's somewheres around 50 ppm. There's a maximum exposure; I can be corrected on that; I'm not sure. But I know one thing. We ran a test on a product right outside of a door that leads to a room where this was added to polyethylene plastic, to cross-link the molecules. Now when we performed this test, every once in a while, for some unknown reason, the test would go way out of proportion. We would learn that every time that door to that room opened, this test was invalid, and there are men working in that room. They moved the test to the other end. They didn't put any better ventilation in, but they moved the test to the other end of the room, the other end of the lab.

"These things are going on all the time. Every day we are faced with it. We attempted, upon taking office, to make our safety committee function. We have had one roadblock after the other, and only after the Union threatened top management that we would disband our safety committee and have a leaflet out at the gate to that effect to tell the people why, go to the press and tell them why, go to the National Safety Council and tell them why, and then go to their insurance company and tell them why, only then did they agree to let our safety chairman, who I brought with us today, even go in once in a while and check something.

"Well, we've only begun to fight. There is no limit that we won't go to, to see that our workers are safer than they have ever been, but we have only scratched the surface."

Steven Lawrence, a guest from another union in Linden, N.J., had this to say to one of our conferences:

"I can't get any cooperation from my union on our problems at American Cyanamid. Management certainly isn't going to help me try to get the necessary information that I'm trying to obtain. Recently we had a fatality, two years ago this February. A young fellow, nineteen years old. He was overcome by hydrogen sulfide gas. The company management notified the newspaper that the man died of a heart attack in a parking lot. The man was taken out of the plant, an autopsy was performed, and the evidence was presented to the union, which did very little, if anything, to help this man's family or relatives.

"Now I came here today to try to find out—I knew the scientists would be here—what the crippling effects of acrylamide might be. We've had six or seven people that have suffered strokes, paralysis. One of the men became blind about a year ago. Now this acrylamide is also used in all acrylic-based paints.

"I have labels here of many of the products that we handle, which are very toxic: malathion, parathion, thiamide, xanthate, and maybe fifty more.

"But what I'm interested in now, is finding out exactly what the crippling effects of this acrylamide is. Because everybody in this plant is exposed to this, due to the faulty equipment that management has installed there. They're only concerned with a production yield, not a safety standard."

MULTIPLE CASES IN ONE PLANT

Last year I testified before this committee and brought before it a witness from our Local 8-3660 in Sayreville, N.J. A story was told then of death and injury from carbon monoxide in the National Lead Co. plant there.

Here are some more up-to-date comments made by President Peter MacIntyre of that local:

"Now since Tony and Ray, and a few scientists, came to our plant last year, we did make some improvements. However, this is a report of what is still happening to our people. Now, the people who have been gassed, these are some of the symptoms that they suffer from: they can't get their breath; they have chest pains, or a thickening of the chest; the back of their neck is sore, perhaps from coughing; they have sore throats; sometimes they feel sick for a day or so. They have upper respiratory infections; they have a slight pressure for several hours afterwards in the chest; they have vomiting, dizziness, headaches, blurred vision, loss of memory in some cases.

"Now the treatment: some have oxygen, fresh air, peppermint cough syrup, penicillin, and one X-ray. The people that have suffered from carbon monoxide have similar symptoms to those I've just mentioned, except in one case that we had, we feel a brain hemorrhage resulted. We've also had a man die of CO. Now this death actually occurred outside of the plant. We feel that it was a result of working in the plant.

"Now we have many questions to ask here, but some of them are these: What can be done, what can be told about gases when they're mixed together, such as chlorine and titanium tetrachloride? Now we have operators who have been working with these gases and fumes since 1961. We'd like to know what's happening to these people. Some of them have been taken out of the plant. Some of them, nothing has ever happened to them. We would like to know, would wearing clothes that smell from chlorine be dangerous? We have people who continuously have their clothes saturated with the fumes of chlorine.

"We have had many serious cases. Incidentally, we have made up a form for our people to fill out. We have had our safety chairman and our safety committee people go out and check with our people and this is a typical one. The man's name is Stanley Wollana, his clock number is 930. He's a mechanic in the Chloride Department. He's been on this job for three years. Now the question that we have asked them all is, 'Have you ever been overcome by gas at the Chlorine Plant?' The answer is, 'Yes, chlorine, carbon monoxide, and aluminum chloride on numerous occasions.' Aluminum chloride brought on his heart attack. He was making repairs to an automatic valve and he was the only man—it was above the opening on this unit—he got finished and he collapsed. They took him to the hospital, and, I think it was two days later, they said he had a heart attack and they put a pacemaker on his heart.

"He survived and we come to the question: Was this a compensation case or was this a health and accident case? Now when I called the personnel people on this, they didn't have the answer. They had to call New York. And the people in New York decided that this was a simple case of a man having a heart attack. And we disagreed with it. As a matter of fact, we instructed our brother member to get a lawyer, and there's a top case on it now.

"Now here is a statement from him. 'Prior to my admittance to the hospital, in this particular instance, I was overcome by inhaling, on numerous occasions. The usual effect left the throat very irritated and a feeling of pressure on the chest, sometimes remaining for two or three days afterwards. In this particular instance, because of malfunction, I was recalled three times, within three hours, to the automatic valve, emitting fumes. The fumes in the reactor were from aluminum chloride. After completing the job, I was subjected to the same feeling: scratchy throat, pressure on my chest and difficulty in breathing. On hitting the outside air, I passed out completely.

" 'Admitted to the hospital, in the interim, on the third day, I developed a blood clot on the wall of my heart. As a result of this I was confined to the hospital for four weeks. A total of five months elapsed before I was able to return to work. I am back on the same job, but I am now incapacitated to a degree of limitations I previously have not experienced. Climbing and walking for extended periods leaves me breathless and exhausted. I am unable to lift heavy objects and I feel difficulty in breathing upon completing a job. In general, my strength is completely exhausted within the course of a day. One thing, luckily, I can tell it myself instead of having it written about me.'

"Now we have another one. Matthew Panzallela, March 28, 1969. Three years in the Chloride Department. 'On January 30, 1969, I was overcome with CO, was given oxygen at the dispensary, and sent to the doctor. I was given pills and I have pressure on the left side of the head and terrific pains, also nausea. My left side of face is still numb upon this date. I also lost nine days due to pains in the left side of the head. I am also suffering from nerves and still being treated by a doctor. One pill for opening the arteries, one pill for the pain in my head, and one for vitamins.' Each of these pills, he has to take daily.

"Now these are some of the complaints that have become standard. People continue to have sore throats, some have red eyeballs, also coughing. Most cases they have chest pains. In some cases they have a pain in the back of the neck.

"Now we would like to know, would it help to clean the person's nose out after gasing, as it is not being done, and the fumes do bother the person? We have had cases where the doctor will prescribe over the phone how to treat these gases. Now we'd like to know can cold oxygen be given to men without damage to their lungs? Now some men are not getting oxygen, but pure air.

"After getting gassed, sometimes men are checked by the nurse only. We would like a better physical for men, such as blood tests, X-rays and other similar tests. Some men have not been able to smoke and some have always a tired feeling.

"Now here's a slight sampling. Dan Staley, Clock Number 128. Chloride Department. Pipe Fitter Trainee. 'I've been on this job one month.' Another question, 'Have you been instructed on safety?' The answer is, 'Yes.' 'Have you been overcome by gas at the Chloride Plant?' 'Yes.' July, 1967, was the date. 'What were you doing at this time?' 'Sitting outside the conversion build-

ing. I had just finished eating lunch.' 'Did you require medical treatment?' 'Yes.' 'Do you have any remarks to make?' 'Yes. Removed to Perth Amboy Hospital for medical treatment. Lost two days' work. Received Workmen's Compensation. Required three months of medical treatment outside the plant.'

"Now, all of these are signed documents from our people. We have one here: Richard Elliott, Clock Number 103. Platform Man. 'How long have you been on the job?' 'Two months.' 'Have you been instructed on safety?' 'Yes, one day,' 'Have you been overcome by gas in the Chloride Department?' 'Yes. Chlorine tickl-4 (titanium tetrachloride).' The date was 1967–68. He was doing his regular operating job. The treatment was cough syrup. 'Do you have any remarks to make?' 'Still have sore throat, chest pains, under doctor's care occasionally.'

"Robert Hawkins, Clock Number 924. Conversion. B Operator. Two years, five months on the job. 'Have you been overcome by gas at the Chloride Department?' 'Gassed ten times at least. Don't recall the dates, but they were 1968.' 'What were you doing at this time?' 'Pressure checking. Sometimes just being in an area where a leak happened and just not getting out in time.' He was treated with cough medicine. And his remarks are: 'These times of being gassed one would feel sick for a day and sometimes more—the next day, according to the amount breathed in.'

"Robert R. Frazer, 935. Chloride Department. Pipe Fitter Trainee. He's been on the job approximately three years. 'Have you been instructed in safety?' 'Yes.' 'Have you been overcome by gas at the Chloride Plant?' 'Yes, but not to this extent, tickl-chloride and Co.' The date was 1/10/69. 'What were you doing at this time?' 'I left the job. Conditions did not permit us to finish. With reporting back to the shop to notify the foreman, overcome at the shop. We received treatment from the first aid squad, dispensary hospital. And on 1/15/69 from the doctors.'

"He wasn't released until later. 'Did you have any remarks to make?' 'Yes, nose should have been cleaned afterwards. People have been overcome with gases. Clothing should be removed and changed. Clothing carries fumes and causes severe headaches. Headaches, tightness of chest, sore, raspy throat. After and during the period very easy catching cold.'

"Floyd W. Garden, 331. Mechanical. Fifteen years on the job. 'Have you ever been overcome by gas at the Chloride Plant?' 'Yes, CO.' He was working on a Nash compressor and spent five days in the hospital and five days off of work.

"Chris Michaelson, 151. Pump Mechanic. Twenty-seven years. This man had no training with air masks. 'Have you ever been overcome by gas at the Chloride Plant?' 'Yes. Become chlorine fumed November the 15th, 1968.' He was on his job site. He was taken to a doctor for treatment. His remarks are: 'Have not been feeling too well after this incident. Come down with upper respiratory infection; lost three weeks work.' He was treated by two doctors; specialists, eye, ear and nose.

"Charles E. Chek, 477. Conversion Swing Operator. Eighteen months. He was overcome twice. Had to be treated first by the man on the shift. He was checking a line up. No medical treatment. Just cough syrup. Some of our people feel when they've taken this cough syrup, it's not medical treatment. 'The pressure was caused by an intake of chlorine fumes that remained in the chest. And one can still feel slight pressure for several days afterward. I feel that this survey is a step in the right direction, but it should be followed through with everyone participating, with strong encouragement on the part of the union.'

"Dennis Quinlan, 1951. Chloride Operator. He was just made ill from chlorine gas. He was out doing his regular job. He was taken to the doctor's. He had sore throat, dizziness and headaches.

"Theodore Andrews Chloride Department. 681. Shift Pipe Fitter Trainee. 'Have you ever been overcome by gas in the Chloride Department?" 'Yes.' He was on the way back from a job. He was gassed. He got medical treatment 1–10–69, 1–14–69, and is still going. 'Do you have any remarks to make?' 'Yes. The nose should be cleaned out and clothes should be changed immediately after working around chlorine.' He still suffers from headaches and chest pains, plus a sore throat.

"T. F. Wisneski, 656. Mechanic Pipe Fitter. Twenty-nine years. He was gassed doing a pipe fitting job. 'Did you require medical treatment?' 'No. Just sick to my stomach and chest pains.'

"Tom Callaher, 1324. Chloride. A Special Operator. Two and a half years. He was overcome last spring starting up B Line Nash. He was given cough syrup. 'While starting up the Nash furnacing, when positive, causing back pressure and extensive gas fumes in the Nash area. While getting off the Nash platform, I stumbled and hit my head on a rail. Fumes were so bad that other operators could not get to me to help me. I managed to get down, trying to hold my breath and proceeded to cough and throw up in the street. The foreman went inside and brought out some cough medicine. After sitting in the street awhile, I went inside and threw up some more. After a few hours I felt a little better.'

"Arnold Jensen, 537. Chloride. He was overcome on January 10 from carbon monoxide. First aid treated him. He was in the hospital for five days.

"Ronald S. Herman, 727. Conversion. Miscellaneous Helper in Chloride. He was overcome with CO. He was working on the job, washing out the filters. He was given oxygen by a doctor.

"Gregory Hanson, 1404. Chloride. Nash Offgas Operator. He was on this job for four months. He was dropping a knockout bomb; accumulated gases. He did not receive medical treatment. He only coughed a lot. His eyes were irritated. He had headaches.

"Arnold Green, 130. Chloride. He was overcome by chlorine approximately one and a half to two years ago, resetting a button on a generator. He was hospitalized for a couple of hours.

"Vessef, 1341. Chloride Department. Special Operator. He was overcome by carbon monoxide fumes. He was getting ready to relieve a pulp tank operator when he was overcome. He was taken to the hospital, but he refused treatment. He was lost, pressure went down, and he went out in the middle of B Line. This was when he was overcome with fumes.

"Joseph Boller, 710. Chloride Department. Acid fumes and aluminum chloride fumes 1/17/69. He was pressure-checking a system, walked through a door to the stairway, inhaled some more fumes, and then he went down to the shop. He was given oxygen, taken to the doctor, required X-rays. Now any remarks made with the system used to pressure-check? 'A–Line system is quite poor. There is a general lack of communication between operators doing the job. There isn't any breathing device that can be used by the person doing this work. The ammonia squeeze bottles used to locate the leaks are totally inadequate."

"Dave Anderson. He was overcome with chlorine and tickl-4 in February, 1968. He was checking his equipment. He was given treatment at the hospital, given oxygen, and needles for nerves, and he spent sixteen hours in the hospital.

"Tom Prowley. He was overcome with chlorine, January 3, 1969, checking operating equipment. Water liner lacking was frozen and fumes escaped. He was sent to the doctor, had X-rays and capsules to take.

"Tom Inferno. He was overcome with carbon monoxide 12/8/67. He spent six weeks in the hospital, under intensive care, plus ten days in a regular room. Results of this gas attack, he had a brain hemorrhage.

"Now we have some more of these. Going back to last year, when we had Tony down to our plant, and scientists from Rockefeller Institute, we had new meters installed. We have a man who does nothing but take care of these meters. The meters have been cut down to the 50 ppm that was recommended. Yet our safety people still go out and find some of them creeping up from the 50 to 100 and more. The company then put one of their safety people up in the same Chloride Department. I think our safety people spend more time getting him to do something than they spend getting these things corrected. Now we have a safety chairman that spends just about eight hours out of every day taking care of safety problems. We also have an agreement where two men are there at the tank; no man goes in alone.

"We have done all of these things, and yet we end up with all these documents where people are still becoming overcome. We still have a constant battle in getting them to shut down a unit. We have, what they tell us to be, the most up-to-date equipment. We have a man full time checking this equipment; we have safety people out there. We have safety people in the areas, that do a tremendous job for our people. The chairman of our safety committee, again, spends just about eight hours every day out there. In spite of all this, we still end up with people being overcome, people becoming sick, and they don't have the answers.

"Now some time ago, I went over to Rutgers, where Leo was giving a class, and, again, we find the same problems over there. The same people go there with the same problems. I don't know, sometimes, how Leo can continue to have the courage to fight this battle. Because wherever I've heard him speak, including here, there are always lists like this. Always people that are being injured. Always people that are suffering."

Some of our members tell stories which reflect incredible lack of concern on the part of company management. Ira Hoard of East Chicago Local 7–334 reports that members of his local often are overcome by chlorine gas and that dust often is so thick that men have to leave the job.

In that plant is a device called a chlorine scrubber which is used to remove the gas from the air, but Mr. Hoard tells us the scrubber is often clogged up so that it is ineffective. It would appear that simply by keeping the dust down, the company could free the men from the chlorine danger.

Mr. Hoard reported that whenever a complaint was made to management, the management promised to take care of it "tomorrow," but that "tomorrow never seems to come."

"We have a big problem of absenteeism," Mr. Hoard says. "We think it is because of the bad health conditions in the plant, but the company just accuses the men of buying certificates of illness from doctors."

NERVE DAMAGE

One of the frightening aspects of certain chemical exposures is that so many of them cause nerve damage. Gases such as carbon monoxide and hydrogen sulfide, small oxygen-containing compounds such as alcohols and ketones, and metals such as mercury and tetraethyl lead are some of the chemicals with known effects on the central nervous system.

One example comes from the manufacture of a very common household item—matches.

Nedas Gauthreaux of our St. Rose, La., Local 4-447 reports that workers in a match plant there—most of them women—have numerous nervous breakdowns, that they seemingly become uncoordinated and have more accidents—at work, at home, and while driving. Perhaps the campaign for highway safety needs to begin in the workplaces.

Lance Brien of the same local told us about a man in an American Cyanamid plant who was off work for sickness for two extended periods because of exposure to acrylamide, a component of the commonly-known acrylic paints. He has been bedridden and he continues to suffer an extreme nervous condition.

This worker had adhered to the safety precautions of using a respirator, wearing gloves and coveralls and showering after working with acrylamide. Another employee in the same plant developed a rash from his head to his toes after working with acrylamide.

Six or seven workers have suffered paralysis in an American Cyanamid plant in New Jersey, where they are exposed to acrylamide, and one of them became blind in 1968, according to previously quoted statements in this presentation by Steven Lawrence of Linden, N.J.

Poisoning from acrylamide has been reported in six cases in England over a three-year period. Yet in England in February, 1967, American Cyanamid assured the doctors emphatically that they had no knowledge of any humans having suffered from acrylamide, according to the October 21, 1967 issue of *British Medical Journal*.

Acrylamids has a chronic effect on the nervous system; a peripheral neuropathy and a mid-brain disturbance. The first symptons are fatigue, lethargy, drowsiness, muscle pain and weakness, increased sweating, dermatitis, tremors, slurring of speech, sensory loss and bladder disturbance, according to the same publication. It can reasonably be presumed that these make a worker very vulnerable to the physical hazards of a plant and thus increase his body accident risk.

You have heard about the Rocky Mountain Arsenal, on the edge of Denver, where the Army stores nerve gas. A section of that facility is leased by Shell Chemical Company for the manufacture of insecticides. The men process deadly poisons in concentrated form.

An independent medical group has been making a long-range study of these men, to determine the effects on them of this exposure. We expect this report will be issued soon.

But, meanwhile, Fred Mosher of our Denver Local 2-477 comments, "I know the men have some sort of problem. There's a drinking problem. There are divorces. You feel funny when you sit down to lunch with twelve or fifteen of the fellows and find that you are the only one still on his first marriage—the rest have been married two or three or more times. There are a lot of domestic problems. And every time you see a guy open his lunch bucket you see a bunch of pills, a lot of the guys are gobbling nerve pills.

Members of the committee might suggest that this members comments should be withheld pending the more scientific medical study which is due to be written soon. But, gentlemen, I suggest to you that the general, vague uneasiness felt by Mr. Mosher is representative of a state of mind that haunts tens of thousands of our members. They know something is wrong, they lack precise information, and this makes them all the more apprehensive. They are pleading for help in finding their way in this generally invisible chemical jungle they must work in. We desperately need more research.

MORE SPECIFIC COMMENTS

Let me hurriedly report some more brief comments from our local unions:

From Cleveland, Ohio, Local 7-148 (Glidden Paint Co.): "Our people are being overcome from fumes created by TDI, maleic anhydride, melamine."

From Zionsville, Ind., Local 7-535 (Rock Island Refinery): "One area that needs attention at our plant is the compressor house. It is very gassy. The men complain, but the company lets it roll off their backs. The noise has affected our hearing. The company has no alarm systems in the plant for the detection of leaks, such a gas as the dread hydrofluoric acid. If you have a good complaint, the loud-mouth company safety men usually win out, they know so much! After all, the poor worker is too dumb to realize the dangers he's involved in every working day of his life!"

From Carteret, N.J., Local 8-398, with members working for American Oil, General American Tank Storage and American Mineral Spirits: "Many of our people just feel rotten. They experience headaches, tightness of the chest and coughing spells. The quality of life in such a plant is just miserable."

From Kansas City, Kans. Local 5-604 (Phillips Refinery): "We have had two more carcinoma deaths since you testified one year ago. Another big problem is hydrogen sulfide poisoning. There have been 21 of these accidental poisonings since 1961. They shouldn't be called accidents, because each one happened because of short cuts the company was requiring the employees to take in the interest of time. My views can be summed up in just two words, total frustration."

From Local 5-217, Tulsa, Okla., Texaco refinery workers: "In the refinery we are concerned about the number of people dying from cancer. We believe that so much cancer is related to breathing hydrocarbon fumes."

From Augusta, Kans., Local 5-246 (Mobil Oil refinery): "Walsh-Healey is not worth a d— as it is working today nor will it ever be until the people who work in these plants are given a chance to accompany the inspector, along with company representatives."

From Chester, Pa., Local 8-234 (BP Oil refinery): "Cat reformer unit operated under high pressure which manufactures hydrogen gas. No instruments, no alarms to detect leakage. H_2S unit unmonitored. Gas compressors throughout refinery in closed areas—no detecting devices to monitor gas concentrations. No monitoring of carbon monoxide from fork lifts in barrel house."

From Westville, N.J., Local 8-639 (Texaco refinery): "At present a plant flare line is full of holes with gas being emitted to atmosphere instead of being burned at flare."

From Newark, N.J., Local 8-406, which has members in 20 small chemical plants: "Workers (in one plant) are having trouble with beta-naphthylamine. This is a very hazardous substance—so bad that it has been banned from the State of Pennsylvania. Beta-naphthylamine can cause tumors and cancer of the bladder after long and continued exposure of even small amounts.

"Seems new chemicals are coming in and even management doesn't seem to know much about them."

Beta-naphthylamine's safe Threshold Limit Value is zero—any exposure is too much. That is why Pennsylvania banned it. But one company which had a plant in Pennsylvania producing this substance simply moved to Georgia when it was banned in Pennsylvania, and obviously New Jersey still produces it. That is why we can't depend on state laws.

From Linden, N.J., Local 8-337, with employees in three small chemical plants: "Chemical plants in our area release different types of gases and fumes after dark and late at night."

From Grants, N.M., Local 2-708 (Kerr-McGee Corp.): "We have had 10 deaths in the Grants area from lung cancer from radiation."

From Local 7-1234, Youngstown, O. (Koppers Organic Materials): "Members are developing 'cancerous boils' that have to be removed by a doctor. Very painful."

From Memphis, Tenn., Local 3-770 (Humko Products, chemicals): "Some of the products made in this plant will cause a very painful burn and rash on the body, so I can only imagine what they do to the inside of the body by breathing the fumes."

From Memphis, Tenn., Local 3-631 (Delta Oil Refinery): "There have been several cases of cancer (in small plant). In recent years two people burned to death. This year one loss of life due to hydrogen sulfide, two sent for short time to hosiptal. We have a need for knowledgeable people to inspect and advise us on hazards."

From Bessemer City, N.C., Local 3-802 (Lithium Corp. of America): "Many members suffering from caustic burns and poor ventilation. The acid treatment to the ore is doing damage to real property both at the plant and the surrounding community. The acid and dust that comes from the stack is not property 'scrubbed'. On given days when the humidity, wind and temperature are right, the people who live near the plant can wipe dust in small piles from their furniture if their windows are open. These people have been told that the substance was harmless after they had Lithium Corp. chemists to analyze some of the samples of dust from their furniture. I know for a fact that the chemists gave the people a false reading on the analysis."

From Memphis, Tenn., Local 3-357 (Velsicol pesticide plant): "Several members have died and others have become disabled, due to lung conditions, primarily emphysema." (Possibly due to chlorine, phenal and carbon tetrachloride fumes.)

From Local 8-830 (National Lead Co.), Sayreville, N.J.: "Combination of methanol, acetone, touloul, naphtha, xylol fumes in paint lab. Chlorine fumes, titanium, tetrachloride fumes and carbon monoxide fumes in the chloride lab. One technician gassed by titanium tetrachloride fumes while attempting to escape from third floor lab. One known case of pneumonia caused by fumes in paint lab. Numerous respiratory ailments among lab personnel, probably caused by fume inhalation but we can't prove a direct cause-and-effect."

From Wausau, Wisc., Local 6-666 (3-M Company roofing materials plant): "Due to dust drifting out over city, the company has lowered exhaust stacks to the point where we now get the dust back in our own windows. We also have tons of fine granule that is discharged out stacks and collects on roof then blows off in wind, making it almost impossible to open your eyes out around the plant. We have employees now on limited duty because of dust condition in lungs."

From St. Paul, Minn., Local 6-528, with members in General Printing Ink and Consolidated Printed Ink plants: "Ventilation almost non-existent. Mixing of dry colors, some lead based, done in general production area. Dry color and other powder ingredients visible in air at all times. No urine test for lead."

From Kalamazoo, Mich., Local 7-220: Dust from cyanide in great qu ntities. The company would do nothing to stop it. We have a lot of dust and gas. There have been three employees with lung ailments; one died from it; this is in the last six years. Sulfuric acid spray is present in the atmosphere as it eats the paint off the cars in the parking lot."

THOSE ENZYMES IN SOAP

Much is being said in TV commercials these days about enzymes in detergents, which are said to literally "eat up" the dirt. Soap company employees have something to say about the strength of those enzymes in the workplace, too.

Three of our locals which have members in soap producing plants—Hammond, Ind., Local 7-336 (Lever Brothers); Bristol, Pa., Local 8-373 (Purex Corp.) and Kansas City, Kans., Local 5-114 (Colgate Palmolive) cited

troubles from exposure to enzymes. The Kansas City local cited "rashes or enzymatic affects to hands, face and exposed areas, nasal irritation, breathlessness, wheezing, coughing and possible lung damage." We have had comparable comments from members of the other unions with members employed in detergent plants.

We consider the introduction of enzymes as another example of a new hazard being introduced without adequate testing of potential harmful affects on workers, or, for that matter, on the community at large. It was first noticed in England that the workers in the detergent factories were reporting severe respiratory distress from inhaling enzyme dust. Coughs, chest pain, general weakness, discomfort, fever and other allergic symptoms were found, according to the June 14, 1964 issue of *Lancet*, a British medical journal, "Inhalation of the material may lead to irreversible impairment of lung function." Yet the *Wall Street Journal* of October 9, 1969 quoted Colgate-Palmolive Company as dismissing such reports as "unfounded."

PESTICIDES IN A PRIVATE FIEFDOM

The detrimental effects of pesticides on our environment have surfaced to the national spotlight in recent years. But hidden behind the cloak of security of plant gates and "trade secrets" lives the untold story of the poor health and safety conditions in pesticide formulating factories. One such plant is owned and operated by the Shell Chemical Company, but it lies within the confines of the Rocky Mountain Arsenal near Denver, Colorado.

Four groups of pesticides are (or were at one time) produced there: first, the organophosphate insecticides—parathion, dibrom, vapona (DDVP), azodrin, phosdrin, bidrin, and ciodrin; the chlorinated hydrocarbon insecticides—aldrin, endrin, and dieldrin; the herbicide planavin; and two fumigrants, nemagon and bromine.

The first two groups are of most concern to the workers. Thirteen drops on the skin of a powerful organophosphate pesticide like parathion can kill an adult within a few minutes. The organophosphates, like certain nerve gases at the Arsenal, inhibit an important enzyme in the nervous system. Symptoms include blurred vision, weakness, nausea, headache, abdominal cramps, sweating, convulsions, and coma. The chlorinated hydrocarbons are in the same family as DDT. These chemicals have been concentrated in the fatty tissue of all Americans and have been known to upset the reproductive cycles of birds. The full effects of long-term low exposure to both these groups of chemicals is not known.

On February 27, 1970, Ray Davidson, Publicity Director for the Oil, Chemical and Atomic Workers International Union, conducted an interview with the members of our Local 2-477 who work in that plant. The conversation immediately turned to health and safety conditions. The workers spoke of "a dieldrin flaker, which creates a considerable amount of dust." Pesticide ingredients like nitric and sulfuric acids are found fuming all the time. What do the men do to protect themselves when the fumes become overpowering? "Run like hell." The members stated that a few weeks earlier a man had been "knocked out by chlorine." Ray Davidson asked how often they smell chlorine.

DICK ECKENROTH. How much of the time? Just about everyday, twenty-four hours a day. Chlorine is a unique chemical in that if you can smell it, you are already being exposed to an amount that is at least 3½ times the recommended threshold limit.

Some of the effects of these working conditions are evident. One year saw nine cases of pneumonia among the men in the area contaminated by acid fumes. Furthermore, the men feel that the working conditions have a definite effect on their mental health. Witness this exchange between Ray Davidson and Dave Towler:

DAVIDSON. How are the marital relations among those boys out there?

TOWLER. Very poor. We have a very high divorce rate.

DAVIDSON. Well, we have a very high divorce rate all over America. Do you really think you have more?

TOWLER. I have no facts, but we have more marital problems and a higher divorce rate. We also have a very high suicide rate.

DAVIDSON. How many suicides have you had out there in, say, the last five years?

TOWLER. We had one attempted and one completed in the last five years.

Lastly, a research project conducted on these workers by Dr. David Metcalf of the University of Colorado Medical Center investigated the effects of organophosphorous exposures on the nervous system and brain. His results confirmed the observations of the men.

Results indicate that dysfunctions most clearly seen in the exposed group are disturbed memory and difficulty in maintaining alertness and appropriate focusing of attention. There is more usage of such compensations as delay, avoidance, inappropriate giving up, and slowing down among the exposed group.

This sad story does not end with the workers and their families. Water wastes from this plant have killed thousands of ducks and other wildlife. When an attempt was made to pump the liquid wastes into a 2½ mile deep well, Denver was hit by its first earthquake in eighty years. More than 1500 earthquakes were subsequently recorded during the next five years. A study by the Colorado School of Mines held the huge underground shaft responsible. Today the workers speak of chlorine and other gases being vented straight into the atmosphere without any treatment.

The pollution inside and outside the plant are inseparable. The quality of life of the working man and the quality of his environment must become as important to American industry as profits and productivity.

Unfortunately, today's violence in the workplace is silent. Scars manifest themselves within the lungs and organs of the workingmen and are only revealed when the damage is irreparable. As Dave Towler says:

We don't have a line break every day, but you breathe these fumes every day. What happens to these people after a period of time, say in fifteen years of working there?

MILWAUKEE JOURNAL COMMENTS FAVORABLY ON THE WAR POWERS BILL, HOUSE JOINT RESOLUTION 1355

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. REUSS. Mr. Speaker, the Foreign Affairs Committee has unanimously approved a resolution, House Joint Resolution 1355, concerning the war powers of the Congress and the President.

The war powers bill, drafted by the Subcommittee on National Security Policy and Scientific Developments chaired by Representative CLEMENT J. ZABLOCKI, received favorable editorial comment in the Milwaukee Journal of Saturday, October 3, 1970:

CHECK REIN ON WAR

Many congressmen have long worried about the presidency's gradual accumulation of virtually all war powers in practice over the last three decades—the span including World War II, Korea, Vietnam and finally Cambodia—whereas the Constitution seems to intend at least an equal partnership with Congress.

One such worrier is Milwaukee's Rep. Zablocki. As a high ranking foreign affairs committeeman he has just led a subcommittee to draft a joint resolution that seeks to restore some balance, not as a footnote on the past but as a guideline in future. Simultaneously on Wednesday the parent committee cleared it for floor action and Zablocki discussed it with the Milwaukee Press Club.

It recognizes that a president, as commander in chief, must sometimes act on the instant to protect American lives abroad. In that case, it would say, he must promptly report to Congress what he did and why it couldn't wait. Otherwise he would be instructed to "consult" House and Senate leaders first, before ordering any armed conflict or—in significant reference to Cambodia—enlarging one.

Perhaps Congress can't effectively forbid a headstrong president who is determined to act on his own, with or without its agreement. But Zablocki's committee feels that these provisions would at least stand as a wholesome caution to the White House, a check rein on plunging into rash adventures with American men and money.

The branches of government will never cease to be naturally jealous for their separate powers and prerogatives. Zablocki doesn't expect the executive branch to be overjoyed by this admonition, but he does predict discreet acceptance of it. The White House has already been consulted. Rejection would be highhanded, and hard to explain convincingly to the people.

HORTON COMMENDS OPERATION MORALE, ITS PRESIDENT, MRS. CARL NIELSEN, AND ALL THOSE INVOLVED

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. HORTON. Mr. Speaker, it is always gratifying to know that there are many people in this great land of ours who work hard as volunteers, receiving no pay for their efforts, but who perform their acts just because they feel it their obligation to help others.

Such are those in the group who conduct Operation Morale in the greater Rochester area. While there are other somewhat similar groups in other parts of the country, as far as we know, there is none exactly like Operation Morale, either in its scope or its performance.

Operation Morale has as a motto "Because We Care." Its purpose is to remember our armed forces in Southeast Asia with food and gift packages, Christmas, Easter, and other holiday greeting cards and other cards and letters. For 5 years it has been doing this great work.

Operation Morale was founded in December of 1965 by Mrs. Robert Conley, who subsequently moved to Hawaii. Its function has not changed. It has always

been to show our men in the fighting forces in Vietnam that there are people back home who care, and who care enough to think of them throughout the year, not just in one particular season. However, it is always stressed that the program does not get involved in the controversy over the war itself. It is strictly nonpolitical, nonreligious, and nonsectarian.

Judy Nielsen has made a most interesting comment which I believe just about sums up everybody's feelings about the strife in Vietnam. She said what she is looking forward to most is being out of a job with Operation Morale: "That will mean that the war is over. After each mailing we all sit down and pray to God that it is the last one. We all want to see these boys come home."

There are many people taking part in this splendid humanitarian effort and I commend them all for their work throughout the year to bring some sunshine into the lives of our fighting men overseas. I am sure we all join in their thoughts and prayers that the war will end as soon as possible.

Now I would like to share with my colleagues in the House of Representatives the two feature stories which have recently appeared in the Rochester Democrat and Chronicle. Each salutes Operation Morale but each approaches the subject in a somewhat different manner.

One was a part of a series on community volunteers and was entitled "Why We're On Earth." It appeared under the headline, "Nanci Spotlights The Doers."

The other, authored by Del Ray, appeared in the Democrat and Chronicle's Sunday supplement, Upstate New York, and was headlined "Somebody Has to Remember."

The two articles follow:

"WHY WE'RE ON EARTH . . ."

The motto of Operation Morale: "Because we care."

And because Mrs. Carl (Judy) Nielsen cares, she took on the job of heading Operation Morale after its founder, Mrs. Robert Conley, moved to Hawaii.

Mrs. Conley began Operation Morale in December 1965 so that servicemen fighting in Vietnam would be remembered with gifts, letters and cards from home throughout the year.

Since then, more than 20,000 packages per year have left the Rochester post office destined for Vietnam during the Christmas and Easter seasons, and nearly 150,000 cards and letters have been sent.

Before Mrs. Neilsen talks about her role in Operation Morale, she insists upon one point: "We take no position on the war. We are strictly non-political, non-religious and non-sectarian. All we're trying to do is remember these boys."

Mrs. Nielsen has been responsible for helping other communities "remember their boys" also. Not only has Operation Morale sent packages and letters to service men from all over the U.S., but the local group has given information to interested persons who want to set up similar operations. So far no other area in the country has an operation on the scale of Rochester's (which includes Monroe and Livingston counties) nor do any others send cards and letters year round.

Mrs. Nielsen insists that what best points out how she feels about Operation Morale is a letter she wrote to her brother who lives in Boston and is active in the peace movement:

"I believe we're all here on Earth to do more than just live, work and have fun," she wrote. "Somewhere along the way there comes a time or a chance to pay back for all you've been given. And whether you call it life or God, you have been given something. Operation Morale was my chance to do something for others. I feel that we are doing something worthwhile and meaningful for those boys who are laying down their lives in Vietnam."

Operation Morale also visits families of boys who have lost their lives in Vietnam. Mrs. Nielsen says they always send a red rose in a white bud vase with a card that reads: Because we care.

"I went to a funeral once. The boy was very young and handsome," says Judy Nielsen. "I sat with the boy's mother and fiancee and watched all the young people come in. These poor kids just stood and cried—they didn't know what to say, they just kept asking why, why, why?

"The mother couldn't answer the question for them but she told them she was glad there are people like us who cared about her son. That meant a lot to me and the other people involved."

Mrs. Nielsen's husband, a coordinator of technical operations in the photo service department at Eastman Kodak sympathizers with her activities. "The phone rings as much as 75 times a day around Christmas, but he puts up with this. The work means neglecting the house, and sandwiches for dinner but he understands how important it is to me."

The Nielsens have three children—Janet, 9, Lance, 6, and Heather, 9 months. They also have a 2-and-a-half-year-old foster son who has lived with them since he was an infant.

Judy has also been president of the Penfield Presbyterian Church Women's Association, a Christian Education teacher for retarded children, and a nurses' aide.

What she's looking forward to most is being out of a job with Operation Morale: "That will mean that the war's over. After each mailing we all sit down and pray to God that it's the last one. We all want to see these boys come home."

When Operation Morale does disband, funds in the treasury will be turned over to veterans' hospitals "to take care of the boys who need therapy or artificial limbs."

When that day comes, Judy will either finish her education and become a nurse, or teach handicapped and retarded children.

But she'll remain an active volunteer.

DEL RAY'S UPSTATE: "SOMEBODY HAS TO REMEMBER"

Few know how Mrs. Carl C. Nielsen of 67 Wood Haven Drive, Penfield, really feels about the war in Vietnam—even though it seldom is far from her thoughts.

That's because ths pleasant, busy, 31-year-old mother of three (and foster mother of a fourth child) is president of Operation Morale, and she and other leaders of the volunteer organization have pledged they will not discuss publicly the merits of the war.

"Our motto," Mrs. Nielsen explains, "is 'Remember our servicemen in Vietnam.' If we went beyond that—if we got involved in controversy over the war itself—Operation Morale would be destroyed."

Since Jan. 1, 1966, Operation Morale has sent to servicemen (most of them from Monroe and Livingston counties) in the war zone approximately 96,000 food and gift packages: 179,000 Christmas, Easter and other holiday greeting cards, and many thousands of other cards and letters.

This fall Operation Morale marks the fifth anniversary of its founding. Mrs. Nielsen, who has headed it most of that time (with Mrs. Don L. Skinner of 92 Bel Vista Drive, Penfield, as vice president) says it will continue "as long as the war lasts, as long as we have servicemen over there.

"We feel that somebody has got to remember those kids, to let them know that people really do care about them," she says. "Sometimes it is discouraging. It is a lot of work for our volunteers—baking cookies and packaging and wrapping boxes and all the things that must be done—and you know that many people just don't care.

"This war has been dragging on a long time, and many get tired of it. And when you get tired of something you try to push it to the back of your mind and forget it. But then you get a thank-you from a kid over there— or a mother calls, in tears because someone thought enough to send her son a 5-pound box of cookies—and then you're ready to go at it again."

Operation Morale was founded in 1965 by Mrs. Robert Conley of Irondequoit, who since has moved to Hawaii. It has grown into an organization of hundreds of volunteers (none of whom, including Mrs. Nielsen and Mrs. Skinner, receives any pay). It includes 15 branches in Monroe County sponsored by churches, VFW posts and towns, and a separate chapter in Livingston County headed by Katherine Clark of Avon.

In addition to sending parcels and mail to servicemen in Vietnam, Operation Morale has a Boxes of Hope project directed by Mrs. Arthur B. Costello of 86 Union St. S., Rochester, chairman of the board. In the past four years, it has sent 2,000 packages of clothing, medical supplis, books, toys, and games to orphanages, hospitals, chaplains and civil affairs officers in South Vietnam.

A "sunshine chairman," Mrs. A. P. D'Ettore of 184 Rossmore St., Gates, supplies 363 letter-writing volunteers with up-to-date lists of the names and addresses of wounded servicemen in stateside hospitals and of servicemen's birthdays.

"Our only aim," says Mrs. Nielsen, "is to remember our servicemen, to let them know that we care."

NIXON'S PEACE PROPOSALS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BINGHAM. Mr. Speaker, during the debate on the Defense appropriation bill this afternoon I commented at some length on President Nixon's new peace proposals.

To my great satisfaction, the same general approach was taken in the well balanced analysis of the President's speech by Mr. Murray Marder which appeared in this morning's Washington Post:

PROPOSAL UNLIKELY TO STIR FOE

(By Murray Marder)

There is no expectation that North Vietnam and the Vietcong still leap to accept the Indochina cease-fire that President Nixon proposed last night, U.S. officials conceded.

At best, administration strategists are holding out the possibility that the new offer ultimately might pique enough curiosity on the Communist side to stimulate questions about the deliberate ambiguities. The odds for even that much thaw in the frozen Paris talks are now rated low.

The Communist side is believed most likely to spurn the proposal for virtually the underlying reason that President Nixon made it: the allies are convinced that they currently hold the upper hand militarily in the war,

and the Communists are the military underdog.

On July 1 President Nixon claimed that the U.S.-South Vietnamese border-crossing operations into Cambodia "changed the military balance" in Indochina, shifting it in the allies' favor.

The President last night avoided such a diplomatically provocative claim, but he said the same thing in another way. He said "the remarkable success of the Vietnamization policy" has made the allied position strong enough to risk proposing a standstill ceasefire.

Allied border-crossing operations, which in effect still continue with South Vietnamese troops and U.S. air power operating extensively in Cambodia, have torn up much of the Communists' war strategy.

Communist forces are currently in the process of regrouping and restructuring supply lines. To amass the power to strike back and recoup, U.S. specialists generally agree, the Communists need to begin rebuilding their forces in the dry season which begins in November.

Militarily, that would appear to make the current period, or the months just ahead, the least attractive time of all, from a Communist standpoint, to agree to accept a cease-fire. To do so would freeze them in their weakest military position of the war.

For years, earlier in the conflict, it was the allied side that secretly feared Hanoi and the Vietcong would spring a cease-fire proposal while they held the strongest military cards.

White House officials acknowledged last night that as recently as last year U.S. military leaders opposed a cease-fire in Vietnam on grounds it would then be extremely disadvantageous to allied forces. Now the tables are turned enough for the United States and South Vietnam to propose what they once feared would be thrust at them.

Although the latest Vietcong proposals of Sept. 17 in Paris also referred to "a ceasefire in South Vietnam," there is only the remotest relationship between that cease-fire and the one President Nixon now has proposed.

AMBIGUOUS PROPOSAL

While the Vietcong proposal also was ambiguous, it was offered as the capstone of an agreement, not a launching point. The Vietcong version would have a cease-fire follow, not precede, agreement on all the core demands on the Communist side, especially the total withdrawal of all U.S. troops by a fixed timetable—June 30, 1971—and replacement of the present Saigon government by a coalition regime.

President Nixon last night rejected the latter demand, which is the most critical one on the Communist side.

South Vietnamese President Nguyen Van Thieu, whose government will now reformulate—or perhaps merely repeat—the political terms for a peace settlement, which is what the war is all about, has ruled out any "coalition government."

As a result, the similarity between a ceasefire in Indochina and a cease-fire in the Arab-Israeli war, which President Nixon mentioned last night, is an extremely superficial one.

For the first time last night, President Nixon also specifically proposed in the name of the United States an Indochina peace conference.

Many specialists, both on the hawk and on the dove side of the war, long have regarded as Indochina-wide settlement as the only real solution for the overlapping wars in Vietnam, Laos and Cambodia. But this proposal too is one of the most battered approaches on the international scene, as put forth by other nations.

Last April 1, France proposed new Indochina-wide negotiations. On April 17, Yakov Malik, the Soviet ambassador to the United Nations, suddenly endorsed the idea of "a new Geneva conference."

CHECKMATING MOVES

Although no official on either side would concede it, what now rests on the deadlocked Paris conference table are two checkmating moves aimed more at world public opinion than at the opposing envoys. Each side is trying to prove it is the most "flexible," and this, in fact, is the major stimulus; since the ill-fated Paris talks on Vietnam began in May, 1968, they have yet to move beyond the stage of propaganda warfare.

Whether the struggle for public positioning ever will move from the public arena into the realm of actual diplomatic bargaining cannot yet be discerned.

President Nixon's ceasefire proposal itself, standing apart from the terms of a political solution, can mean all things to all men.

This evident ambiguity about who will gain what out of a cease-fire, administration strategists would argue, could be reason enough to warrant President Nixon's expressed hope last night that his proposal could break the logjam in all the negotiations.

The possibility cannot be ruled out. There is the chance that the interaction of ingredients added to the Paris mix, plus the interplay of battlefield developments, might cast up new opportunities for diplomatic bargaining. But that potential sequence was still out of sight last night in Washington.

DUAL NATIONALITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1970

Mr. RARICK. Mr. Speaker, to most Americans a citizen can only be loyal and honor fidelity to one country. Thus, the frequent aspect of individuals claiming U.S. citizenship with its rights, privileges, and benefits, and at the same time possessing citizenship in another nation is abhorred. This problem of dual citizenship encountered by many immigrants opens them up to suspicion, especially in times of international crisis.

Rightfully so—for what man can serve two masters or be loyal to two countries, especially if there is a conflict of interest?

Because there has been much interest recently shown in the dual nationality—or dual citizenship question—I thought that our Members would like to have the benefit of the existing laws in several countries on this issue:

LAWS OF THE UNITED STATES AFFECTING DUAL CITIZENSHIP

(By Johnny H. Killian)

The circumstances in which one may acquire dual citizenship are rather limited insofar as United States law is concerned and depends of course upon the laws of both Nations. We here discuss the matter only in regard to the laws of the United States; that is, how may one become a citizen of another Nation and retain United States citizenship.

Circumstance of birth is the most usual and least ambiguous path to possible dual nationality. Thus, the United States accords citizenship to any person born within the jurisdiction of the United States of parents who are citizens of another country or to any person born in another country of parents one or both of whom are United States citizens. See 8 U.S.C. § 1401. If the laws of the other Nation involved are in accord one would be a dual national. Similarly, one might also acquire dual citizenship by marriage to a citizen of another country, but one marrying a United States citizen must be naturalized to become a citizen. 8 U.S.C. § 1430.

It should be observed that because dual citizenship is disfavored in United States law, there are numerous restrictions on acquisition of dual citizenship. Thus, 8 U.S.C. § 1481 provides for loss of nationality by native-born or naturalized citizens under numerous circumstances. In recent years, the Supreme Court has voided several provisions of this section, holding that Congress possesses no general power, express or implied, to expatriate without the citizen's assent. See, *Afroyim* v. *Rusk*, 387 U.S. 253 (1967), which voided the provision expatriating a citizen who votes in another country, in this case, a naturalized citizen who voted in an Israeli election. The Attorney General of the United States has stressed that a "voluntary relinquishment" of citizenship is required before a United States citizen can be divested of that citizenship. Thus, under § 1481(a)(6) and (7), a citizen may enter a formal, written renunciation of citizenship. But he may also "voluntarily relinquish" citizenship by acts which "reasonably manifest an individual's transfer or abandonment of allegiance to the United States . . ." 34 Fed. Reg. 1079 (1969).

According to § 1481(a)(1), citizenship can be lost by obtaining naturalization in a foreign state, and § 1481(a)(2) provides for loss by the taking of an oath or making an affirmation or other formal declaration of allegiance to a foreign state.

Thus, if a United States citizen becomes a foreign national by naturalization or takes an oath of allegiance to a foreign nation, he may well lose his United States citizenship and remain a single national. We say "may well" because the law is still in flux as to the assent needed to lose that citizenship, a problem which the Supreme Court may shed light on in *Rogers* v. *Belloi*, to be heard this coming Term.

If a state like Israel does not require naturalization or a formal oath of allegiance, a United States citizen might be able to become an Israeli citizen without losing United States citizenship. We are not familiar with Israeli law on this point and the Law Library will presumably provide you with a full account.

DUAL NATIONALITY LAWS OF ISRAEL, THE ARAB STATES AND IRAN

(By Zuhair E. Jwaideh)

A thorough search of the nationality laws of Israel and the Arab States of Lebanon, Iraq, U.A.R., Syrian Arab Republic, the Hashimite Kingdom of Jordan and the Kingdom of Saudi Arabia in addition to Iran, reveals two types of practices concerning the problem of dual citizenship. The State of Israel provides in its laws for Israeli citizens, if necessary, to maintain or have dual nationalities. On the other hand, all the above-mentioned Arab States and Iran provide in their laws that their citizens can have only one citizenship and when acquiring a foreign citizenship, they must secure the permission of their national states for renouncing their nationalities otherwise they will remain considered nationals of the original states and they will be subjected to punishment of imprisonment and fine or one of the two.

The legal provisions pertinent to the problem of dual citizenship in these countries are listed below:

ISRAEL

Section 1 of Israel Nationality Law of 1952[1] provides:

Preliminary. 1. Israel nationality is acquired—by return (section 2), by residence in Israel (section 3), by birth (section 4) or bi naturalisation (sections 5 to 9).

There shall be no Israel nationality save under this law.

Nationality by return. 2. (a) Every *'oleh*[2]

(b) Israel nationality by return is acquired—(1) by a person who came as an *'oleh* into, or was born in, the country before the establishment of the State—with effect from the day of the establishment of the State;

(2) by a person having come to Israel as an *'oleh* after the establishment of the State—with effect from the day of his *'aliyah*;

(3) by a person born in Israel after the establishment of the State—with effect from the day of his birth;

(4) by a person who has received an *'oleh's* certificate under section 3 of the Law of Return, 5710–1950[3]—with effect from the day of the issue of the certificate.

(c) . . .

Section 3. (a) A Jew who has come to Israel and subsequent to his arrival has expressed his desire to settle in Israel may, while still in Israel, receive an *'oleh's* certificate.

(b) . . .

Section 4. Every Jew who has immigrated into this country before the coming into force of this Law, and every Jew who was born in this country, whether before or after the coming into force of this Law, shall be deemed to be a person who has come to this country as an *'oleh* under this law.

In contrast with the above-mentioned provisions, Section 5 of the same law lists the requirements for naturalization and it provides in its Paragraph (6) "he has renounced his prior nationality or has proved that he will cease to be a foreign national upon becoming an Israel national." The condition of renunciation of previous citizenship is imposed only in the case of a foreigner applying for naturalization and not in the case of the other three modes of acquiring Israel nationality as listed in Section 1. It is clear that the condition of renunciation becomes applicable only in the case of a person who is not of a Jewish faith because any Jew not born in Israel may acquire Israel nationality under the Law of Return as an *'oleh,* hence the possibility of dual citizenship may take place only in the case of an Israel national who is also of a Jewish faith. Furthermore, this point is clearly stated by the Nationality Law in Section 14 under dual nationality and dual residence which provides:

(a) Save for the purpose of naturalization, acquisition of Israel nationality is not conditional upon renunciation of a prior nationality.

(b) An Israel national who is also a foreign national shall, for the purposes of Israel law, be considered an Israel national.

(c) An inhabitant of Israel residing abroad shall, for the purpose of this law, be considered an inhabitant of Israel so long as he has not settled abroad.

This last Paragraph when compared with Paragraph (2) of Section 11 concerning the revocation of naturalization, indicates further that naturalized persons are more restricted than the *'oleh* immigrant.

Section 11. (a) Where a person, having acquired Israel nationality by naturalization—

(1) . . . or

(2) has been abroad for seven consecutive years and has no effective connection with Israel, and has failed to prove that his effective connection with Israel was severed otherwise than by his own volition; or

(3) . . .

Generally speaking, the effect of the Israel Nationality Law is that the vast majority of individuals residing in Israel are considered Israel nationals, and only under exceptional circumstances will a resident of Israel lose his Israel nationality. This situation will undoubtedly contribute to the large number of residents who will enjoy dual citizenship in Israel unless their original law imposes on them the loss of the previous nationality as a result of acquiring a new one.

Nationality laws of Iran, Iraq, Jordan, Lebanon, Sa'udi Arabia, Syria and Egypt provide for the elimination of dual citizenship and even for certain punishments as previously mention. The pertinent provisions are:

IRAN

Article 988 of the Civil Code.

Iranian nationals cannot abandon their nationality except on the following conditions:

1. . . .

2. That the Council of Ministers has allowed their renunciation of their Iranian nationality.

3. . . .

4. . . .

Article 989.

In case any Iranian subject acquire foreign nationality after the solar year 1280 (1901–1902) without the observance of legal stipulations [mentioned in the previous Article], his foreign nationality will be considered null and void and he will be regarded as an Iranian subject. . . .

IRAQ

Article 11 of Nationality Law No. 43 of 1963, as amended in 1964 provides:

1. Every Iraq national, who acquired a foreign nationality in a foreign country by his own choice, shall lose Iraq nationality.

2. A person, who has lost his Iraq nationality in accordance with Paragraph 1 and who thereafter lawfully returned to Iraq and resided therein for one year, the Minister [of Interior] may consider him, after the expiration of this period, as an Iraq national as from the date of his return, provided that, before the expiration of the said period, he shall apply to resume Iraq nationality.

JORDAN

The Jordanian Nationality Law No. 6 of 1954, as amended up to 1961, provides in Articles 15, 16 and 17 that a Jordanian citizen whether of Arab or non-Arab origin may renounce his Jordanian nationality and acquire the nationality of another Arab or foreign state with or without the approval of the Council of Ministers.

LEBANON

Article 1, Paragraph 1 of the Lebanese Nationality Law of 1946, as amended, provides:

A Lebanese national who acquires foreign nationality loses his Lebanese nationality after obtaining the permission by a decree issued from the Head of the State to do so.

SA'UDI ARABIA

The Sa'udi Nationality Ordinance of 1954 provides:

Article 11: No Sa'udi Arabian national shall be allowed to acquire any other nationality except with the permission previously obtained from the President of the Council of Ministers. A Sa'udi Arabian national who acquires a foreign nationality without this permission, or anticipates obtaining such permission after the acquisition, maintains his Sa'udi Arabian nationality unless the Government of His Majesty decides to revoke the nationality by application of the provisions mentioned in Article 13 of this Ordinance.

Article 13: Sa'udi Arabian nationality may be revoked from a Sa'udi Arabian national by a decree for the following reasons:

(a) if he acquires another nationality without proceeding in conformity with the provisions of the Article 11 of this Ordinance.

SYRIA

The Syrian Legislative Decree No. 276 of 1969 provides:

Article 10: (1) Every Syrian citizen shall lose his nationality if he acquires a foreign nationality after a request of renunciation of his nationality which has to be approved by the Minister [of Interior] with his recommendations permitting him to do so after fulfilling all his duties and obligations towards the State.

(2) Every Arab Syrian national acquiring a new nationality, but before receiving the permission for renunciation shall remain considered for all intents and purposes and under all conditions a Syrian national, unless his nationality was revoked in accordance with the provisions of Para. (a) of Article 21, and shall be punished by imprisonment from one to three months and fined from 500 to 2000 Liras, or by one of these two punishments.

Article 21: The nationality of every Syrian citizen may be revoked by a decree recommended by the Minister [of Interior] in the following cases:

(a) If he acquires a foreign nationality in violation of the provisions of Para. 1 of Article 10 of this Legislative Decree.

EGYPT

The Egyptian Nationality Law No. 82 of 1958, as amended provides:

Article 17: A United Arab Republic national may acquire any foreign nationality with the prior permission granted by the Minister of Interior. If he acquires foreign nationality without the prior permission, he remains a UAR national for all intents and purposes, unless the Minister of Interior declares him to have forfeited his nationality in accordance with the provisions of Article 22.

Article 22: The Minister of Interior may issue orders revoking the nationality of the following persons by stating the reasons:

(a) Persons acquiring foreign nationality contrary to the provisions of Article 17.

DUAL NATIONALITY UNDER THE LAW OF THE SOVIET UNION

(By Dr. Leon Niganboswski)

The Soviet attitude toward dual nationality (citizenship) has always been hostile. In practice, the Soviet regime refuses to recognize, with the frontiers of the USSR, the legal consequences of dual (or multiple) citizenship in cases involving persons in possession of valid Soviet citizenship.

The original legislation on this subject—from 1921 through 1931—adhered to the principle that "foreign citizens admitted to the citizenship of the USSR enjoy no rights and owe no duties pertaining to the citizenship of other states." As one scholarly authority explained:[1] "thereby the inevitability of dual citizenship in certain instances was acknowledged and it was correctly understood that for persons with dual citizenship Soviet citizenship alone was recognized."

On the other hand, the 1938 Citizenship Act, now in force, is completely silent on this

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[1] *Laws of the State of Israel,* v. 6, 1951/52, pp. 50–53, as amended by the Law of 1958 in *Laws of the State of Israel,* v. 12, 1957/58, p. 99.

[2] Translator's Note: *'oleh* and *'aliyah* mean respectively a Jew immigrating, and the immigration of a Jew into the Land of Israel, under the Law of Return, 5710–1950, shall become an Israel national.

[3] *Law Return, 1950,* published in *Laws of Israel,* v. 4, 1949/59, p. 114, as amended by Law of 1954, published in *Laws of Israel,* v. 8, 1954, p. 144.

[1] V. Durdenevskii. "Zakon o grazhdanstve S.S.S. Respublik." *Problemy sotsialisticheskogo prava,* No. 6, 1938, p. 59.

subject. However, this silence marks no change, according to the general opinion of all Soviet experts on international law. Their explanation is that the sole reason for the omission was the fact that the Citizenship Act undoubtedly took into account the principle firmly anchored in Soviet law that an individual with dual citizenship cannot claim the status of a foreigner if he is simultaneously a Soviet citizen. At the same time Soviet authors characterize this formal gap in the law as unfortunate and suggest a reinstatement of the 1930/1931 Soviet legislation barring dual citizenship.

In the meantime the Soviet Union, being aware of the existence of dual citizenship, brought about mainly by the differing laws of particular countries (*jus sanguinis* versus *jus soli*, consequences of adoption, marriage, etc.) succeeded in eliminating dual citizenship as far as the "satellite" (or people's democracy) countries are concerned. Between 1956 and 1958 the USSR signed pacts, officially designated as conventions, "to regulate the question of the citizenship of persons with dual citizenship with Yugoslavia, Hungary, Romania, Albania, Czechoslovakia, Bulgaria, North Korea, Poland, and Mongolia."

As long as no bilateral international agreements (treaties) between the USSR and other countries are signed the legal situation concerning dual citizenship may cause trouble for the persons involved. A typical example is presented in a situation where a Soviet citizen becomes naturalized in a foreign country. His renunciation of Soviet citizenship without the permission of the Presidium of the Supreme Soviet of the USSR and the acquisition of new citizenship is not recognized under Soviet law.[2]

IS DISC ANOTHER PENN-CENTRAL SNARE?

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, October 9, 1970

Mr. METCALF. Mr. President, the proposal in the trade bill recently reported by the House Ways and Means Committee to subsidize exports by the creation of Domestic International Sales Corporations—DISC—could lead to the sort of Frankenstein corporate monster that led to the recent bankruptcy of the Penn-Central Railroad.

In that bankruptcy many questions have been raised about modern forms of business concentration that can bring disaster to a basic national utility and shake the financial stability of our Nation. Now, Congress and the American taxpayer have been asked to bail out that railroad, and we are seeing raised the academic veil of a giant U.S. corporate operation. The autopsy on the Penn-Central, a subsidiary of a network of financial manipulations that almost defies untangling, must indicate that a combination of bigness, mismanagement, and greed can end with an extended palm at the door of the U.S. Treasury.

If DISC should become law, and the U.S. taxpayer subsidizes the exports of the large U.S. corporations, will Congress be asked to bail out the corporate beneficiaries of this largesse? Will we be faced in the near future with the same lifting of the academic veil from the operations of U.S. business abroad?

DISC is a corporate tax deferral provision so complex that 40 of the 96 pages of the new trade bill are devoted to DISC requirements. The provision amends the Internal Revenue Code to allow U.S. corporations to establish subsidiary corporations to receive a tax advantage on export-related activities in the United States. Congress has been given very simple explanations for what promise to be complicated problems.

Congress has been told that DISC could—not would—expand U.S. exports. Congress has not been told many other possibilities that could result from this new tax advantage for some of the largest firms in the world.

Most Americans did not know that the creation of the Penn Central would result in a giant holding company that increased its already dangerous financial manipulations and bankrupted a railroad.

Similarly, most people do not know that DISC would allow large oil companies, for example, to receive tax benefits from their coal subsidiaries' exports to other countries. The tax advantage would be immediate—regardless of whether exports expand. Furthermore, many foreign countries have quotas on U.S. coal so DISC could not possibly spur exports of coal to these countries, but the U.S. taxpayer would still pay the subsidy.

Congress has been given a very simplified concept: A tax benefit for companies that export will, by its very nature, spur the export of U.S.-made products. The world of trade does not move in such simple straightline relationships. It could, instead, become a maze of financial intricacies that will take years for lawyers to untangle.

We are now asked that the taxpayers pay extra taxes to make up for the loss to DISC. Americans are told they should have fewer consumer dollars in the hope that exports will expand. But no one can make any assurance other than the cost to the Treasury annually will be between $500 million and $1 billion.

Let us hope we have learned something from Penn Central.

DR. JOHN LENTZ

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. FULTON of Tennessee. Mr. Speaker, last week the people of Metropolitan Nashville-Davidson County lost an old and valued friend with the passing of Dr. John Lentz.

The Nation also lost one of the early pioneers in effective public health service for Dr. Lentz had been very active in that field for 50 years prior to his retirement in 1964.

John Lentz was a little man but there was nothing small about the way he pioneered advancements in public health in our community, advancements which more often than not set the pace for emulation nationwide.

I recall that in Dr. John's office there hung a framed cartoon drawn by the prominent political cartoonist, Tom Little, of the Nashville Tennessean. This particular cartoon depicted a group of small boys playing football while a crippled youth on crutches sadly witnessed their joyous activity. The caption to the cartoon read:

I wish my parents had given me Salk anti-polio vaccine.

For it was Dr. John Lentz who received national recognition in 1959 for his Salk polio immunization program. And it was the same Dr. Lentz who inspired Tom Little's cartoon, a cartoon which that year won for Mr. Little the Pulitzer Prize.

Mr. Speaker, the editorial writers of the Nashville Banner and the Nashville Tennessean have written more eloquently than I could possibly speak of Dr. Lentz life and valued contributions to his community and Nation.

Therefore, I place editorials from each of these papers on Dr. Lentz passing in the RECORD at this point and commend them to the deserved attention of my colleagues:

[From the Nashville Banner, Sept. 30, 1970]

ONE TO WHOM SO MANY TODAY OWE SO MUCH

His wiry figure looked as though it may have been carved with a thin knife from seasoned hickory. Every determined inch of him would not have thrown much of a shadow from a lighted doorway.

But his presence could silence a room, gain appropriations from legislative bodies, command rapt attention at country crossroads councils. It could restore confidence in time of epidemic crisis and drive fear from the hearts of parents with a stricken child.

That was Dr. John J. Lentz, a kind man with a steel-bound character, who was in charge of the county's public health for a half century before his retirement in 1964. Yesterday he died at the age of 85.

Doc Lentz, a magic name in the medical and political history of this community. He was dean of the courthouse, oracle of the public square and foreteller of the vote in Bordeaux or Paradise Ridge, always on guard against the encroachment of dread disease upon his people. And what did politics have to do with public health in the days of his ascendancy? Doc Lentz would have told you. Everything!

He came up from the country and early became wise on the sources of power. He knew it came from the grassroots and could be held only with clean hands and a firm eye. The people elected the magistrates to the county court. The court elected the health officer, approved his ever-advancing programs and appropriated the money to make them work. And where did he work? Through the schools, with children, who tomorrow would be voting. Counting each year's graduating classes as a generation, he had nearly half

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[2] For persons not familiar with the Russian language the following sources are recommended: G. Ginsburgs. *Soviet Citizenship Law*. Leyden, 1968 (Chapter V. Dual Nationality, p. 184–217); G. Geilke. *Das Staatsangehörigkeitsrecht der Sowjetunion*. Frankfurt/Main, 1964. p. 194–199; an English text of the Soviet Citizenship Act of 1938, as amended in 1961, may be found in Soviet Statutes and Decisions, a Journal of Translation. v. 3, No. 1. Fall 1966. Subtitle *Soviet International Law*. White Plains, N.Y., IASP, 1966. The original English text of the same Act is also to be found in V. Gsovski. *Soviet Civil Law*. v. 2. Ann Arbor, 1949. p. 293; Ivan Sipkov. "Settlement of Dual Nationality in European Communist Countries." *American Journal of International Law*, v. 56, No. 4, October 1962: 1010–1019.

a hundred generations at his side by the time he became Metropolitan Director of Public Health for the City of Nashville and the County of Davidson.

Thus did this diminutive human dynamo of a man derive his impetus over the years, almost from lamplight to nuclear glow, to drive his immunization projects forward. With the people on his side he won battles even with his own medical profession for the continuing extension of his broad innovations in the interest of mass protection. By then serious epidemics had been eliminated, the usual maladies kept under control, and the latest scientific methods employed in the battle against cancer.

So it was that the name of Dr. John J. Lentz became synonymous with the concept of modern public health. That's why his office and plan of operation came to be a model for other areas across the country. Motivated always by a compulsive loyalty to his own ideals, his friends and benefactors from the grassroots up, it is not surprising that Doc Lentz became known as Mr. Public Health from Nashville to Washington and on among the great foundations of New York. Nor is it difficult to understand why it may be many long years, if ever, before this community again is blessed with another individual to whom so many will become indebted for so much.

[From the Nashville Tennessean, Sept. 30, 1970]

DR. JOHN LENTZ, PUBLIC SERVANT

Dr. John J. Lentz, public health official for more than 50 years, is dead at the age of 85.

Dr. Lentz became director of the old Davidson County Health Department in 1920. He remained in that capacity through the consolidation of the city and county departments in 1952 and the coming of Metro in 1963. He retired as director of the Metro Health Department in 1964.

As a public health officer, Dr. Lentz believed in operating the department for the public's benefit and seeing to it that the public partook of the benefits. He wanted every child vaccinated against every killing or crippling disease, and he wanted every dog inoculated against rabies.

Dr. Lentz carried out imaginatively-promoted campaigns to get the widest participation possible in these disease control programs. His mass public program of Salk polio immunization after the vaccine became available in 1959 earned national recognition.

He also set up a program requiring immunization of children against diphtheria, smallpox and typhoid fever before they could enter school. He was instrumental in getting laws passed requiring every family to have a trash can, to have garbage cans covered, and numerous other first steps aimed at improving the community's health.

Dr. Lentz won numerous awards for his work and was honored many times for his long and steady devotion to the field of public health. But the most enduring testimonials are the useful programs which he established for the people and which are still in service today. He will long be remembered for these.

HORTON PRAISES MARY LEARY ON RETIREMENT AS KINDERGARTEN TEACHER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1970

Mr. HORTON. Mr. Speaker, when a fine lady decides to retire after 41 years of teaching kindergarten, I believe we should pause, if just for a few minutes, in our deliberations and acknowledge her outstanding contributions to the community.

A news story in the Brighton-Pittsford Post informed its readers that Mrs. Mary Leary was retiring from the Penfield school system after more than four decades of teaching. One can only try to imagine the great impact this devoted lady has made on the lives of the hundreds, perhaps thousands, of youngsters who have had the good fortune to sit in her classes.

I believe that almost all of us can remember the first teacher we had in school, usually even by name, but if not, at least by manner and characteristics and personality. It is obviously an outstanding experience in the life of every child when he departs the protected atmosphere of home and embarks on the career of student. Mary Leary has certainly been aware of this down through the years and her success in guiding the children who have come to her is attested to by the high esteem in which the entire area holds her.

At the same time, Mrs. Helen Nichols is retiring from the same school after 20 years of teaching. She, too, is also saluted and thanked for her outstanding service to the Penfield schools.

I would like to share with my colleagues the news story which reported these happenings, feeling that all of you would join in the praise for these two fine ladies:

HORTON PRAISES MARY LEARY

For the first time since Penfield school district began kindergarten classes, Mary Leary won't be within hearing distance when the bell rings at Indian Landing school in Brighton on the first day next Fall.

She couldn't take it!

"Not that I'm sentimental," she said, "But that would really break me up. I'm going to arrange to be out of the city—maybe even out of the country!"

For 41 years, that opening-day bell has signalled the start of another semester, with the usual first-day tears of kindergarten youngsters starting their school careers. The hugs, the games, the songs around the piano—all these will be in Mrs. Leary's mind as she officially begins her retirement after more than four decades of teaching.

A share of the nostalgia will be felt by Helen Nichols, who also is retiring from a teaching experience that in her case has spanned 20 years. During that time, the two teachers watched Indian Landing grow from a small neighborhood school to part of a large educational complex with some 6,000 pupils in the Penfield school district.

When Mrs. Leary began teaching, the school was part of Brighton District 7, and her initial class of 17 students were the first kindergarteners ever to assemble in the Penfield area. Their classroom was located in a small house in Dorking Road, which had been acquired by the school system that even then was rapidly expanding. The next move was to quarters which now are part of Trinity Reformed Church, 909 Landing Rd. N., and the following year, to a second grade classroom in an upstairs bedroom of a nearby house which accommodates grades 1 to 4.

In 1949, Mrs. Leary and her kindergarteners moved into the building that now is Indian Landing School which centralized with Penfield six years later.

"The rooms change, and the schools change, and the times change. But the children don't," said Mrs. Leary. "They remain the same—enchanting and challenging, always."

Mrs. Leary trained for her teaching career at the old Rochester Normal School and went on to graduate work at the University of Wisconsin, the University of Rochester and Geneseo State Teachers College. For many years, she lived in Mendon, but moved to her present address at 60 Manor Pkwy., Rochester, following the death of her husband eight years ago.

Vivacious and friendly, Mrs. Leary will not lack for occupation during her retirement. An accomplished musician, she will devote much time to music and "antiquing"—a favorite hobby—and enjoy Summers at her cottage in the hill overlooking Canadice Lake, where 50 members of the Indian Landing faculty gathered last week to honor her and Mrs. Nichols.

Although she has no children of her own, Mrs. Leary is visited frequently by former students who represent various walks of life. "They always remember their early school days, and when they come back to their old school, here I am."

PRESIDENT NIXON'S PEACE PROPOSAL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. WOLFF. Mr. Speaker, I listened anxiously last night, as I am sure my colleagues did, when President Nixon outlined his new proposals designed to bring peace to Indochina. His call for a standstill cease-fire was an important step toward peace; a step that must not be discounted despite this morning's initial response in Paris.

As far back as January 1966, I went on record favoring such a "cease-fire in place" with international monitoring in order to stop the bloodshed and open the door for peace. While much has happened in the intervening period, I still think this is a constructive step and I support the President's effort. When I wrote to President Johnson back in 1966 I pledged to him my support for such a cease-fire. My position has not changed; President Nixon has my backing.

I agree with the New York Times which called the proposal "a realistic agenda both sides can accept for the serious private negotiations needed to achieve a compromise solution." On the importance of a negotiated settlement, something I called for as far back as 1964, the Times said, "the emphasis on a negotiated settlement is proof of a flexible and realistic approach."

This is encouraging to me as one who has been calling for peace through negotiations. There is reason to believe that we are closer to peace than at any time since the Paris peace talks started more than 2 years ago.

But success in the effort now underway requires that the President persevere in this direction. I am trusting that this is not a political gambit and that Ambassador Bruce will have sufficient leeway to follow through in the true spirit of flexible negotiations in order to end this war, now. Moreover, I am hopeful that all the belligerents will recognize the wisdom of stopping the conflict—that includes Hanoi and Sai-

gon. As well, we cannot let Thieu and Ky dictate to the U.S. Government and if, as some feel they will, they take an obstructionist position then we must seek a peace in accord with our national interests.

Mr. Speaker, I have been involved in the pursuit of peace since my election to Congress 6 years ago because I believe that ending the Indochina war is crucial to the desperately needed reordering of our national priorities. Ending the war will not by itself be a panacea for our national ills. But an end to the war combined with fresh approaches to the allocation of our available resources can enable us to meet our pressing domestic needs. Let us first look at the cost of this war.

We have been spending at the rate of $78.7 million a day in Vietnam. This is a fantastic sum, the size of which can be understood by drawing some analogies. Our entire Federal budget for crime control this year is equal to what we have been spending in just 16 days in Vietnam; this at a time when law, order, and justice are understandably of great concern to the American people. Similar analogies include the following relationships: annual spending for pollution control equivalent to 13½ days in Vietnam; annual spending for all education equivalent to 124 days in Vietnam; annual spending for housing equivalent to 10 days in Vietnam.

Obviously the great expense of this war has robbed our citizens of resources needed to meet fundamental needs here at home. This is a basic reason why I am for peace and this is why I react favorably to the President's peace initiative.

But, as I said a moment ago, the problem goes beyond the war.

There is a great waste and inefficiency in the military budget. I favor that defense spending which is tied to our national security for I believe in a strong, secure America. But the simple truth is that major portions of the $66.6 billion military budget are not necessary for our security. It is waste that could be better used for schools, hospitals, police, pollution control and our other domestic requirements.

For example, the readiness of the Pentagon to bail out the banks that were owed $700 million by the Penn Central Railroad was a blatant move to bail out special interest groups with influence. Average American businesses in the same position as the Penn Central certainly do not get similar treatment. In fact, business failures are on the rise in this country today because of the Government's policies that have brought about recession.

Or consider the demand for new weaponry at a time when we already possess overkill power. Senator CHARLES MATHIAS Republican of Maryland, was right when he told his colleagues in the other body:

> Our current strategic position is unchallengeable and invulnerable at least for the next decade. . . . The real danger does not come from strategic inferiority or lack of military preparation. It comes from the conditions of American society.

I agree. A secure America begins at home. This is why I think we had best devote our resources and energies to the homefront where they are so desperately needed to educate our children, save our environment, control crime while eliminating its root causes, care for our veterans, and so forth.

Yet we also continue an expensive, unproductive program of farm subsidies—paying large corporations not to produce food while millions of Americans are hungry or have unhealthy diets. I realize the House-Senate conference has set a payment limit of $55,000 to any farm for not producing a specific crop. But what about those farms that tell us they are not producing several different crops? They can collect three, four, or even more times than $55,000. This conference agreement is progress, but much more is needed to ultimately end this wasteful, counterproductive "welfare" farm program.

And what about the confused priority of the supersonic transport? We are spending $1.1 billion this year on pollution and almost as much on the SST which is perhaps the greatest pollution threat on the scene. How ironic to set a priority for saving our environment and then spend $1 billion in a subsidy program for the SST which top scientists say could do serious, permanent harm to the environment. I say let us save this SST money and use it to stem existing air and water pollution. Or how about using the same aeronautical engineers who are working on the SST to develop a quiet engine to relieve our great metropolitan areas of the burden of jet noise? That would be a constructive way of using that money.

Another point that must be raised is the $2.9 billion we are spending to maintain 330,000 troops, many with their dependents, in Europe. Is it not about time West Germany with its great prosperity started paying some of the costs of its own defense? We could save a great deal of money by bringing substantial numbers of these troops home and not jeopardize our interests in Europe one bit. We could make much better use of the money saved for schools in this country and in that way ease the difficult burden of rising school taxes throughout the United States.

Mr. Speaker, I could go on; there are many other evidences of how our priorities are confused. But I think the need for a reordering of priorities has been established.

Peace in Indochina is a top priority deserving our attention and support. Concurrently we should be reordering our priorities here at home. These are not isolated efforts but part of a broad program which will give us the means to meet the legitimate needs of the American people. It is about time the taxpayers started getting a dollar's worth for a dollar spent.

WATER GRANTS FOR EDUCATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, October 9, 1970

Mr. METCALF. Mr. President, increasingly we are brought to realize that public bodies must take responsibility for the disposal of public resources. The welfare of all depends on the intelligent use of our lands, waters, and air.

Much of our concern in recent days has been directed toward undoing what damage has already been done to these resources. Some areas remain, however, where public planning can still act in a preventative way, where Government has the authority and the means to make intelligent and equitable use of our national endowments. Dr. Paul S. Taylor of the University of California has recently outlined in a statement delivered to the Western States Water and Power Consumers Conference how government can act now to control one of these public resources—water.

Water, as we know, is a precious substance which can transform deserts into profitable farm and residential lands. Our predecessors recognized the potential here for private speculation at the expense of public water projects, and Congress in 1902 had the foresight to pass the reclamation law which limited an individual's ability to exploit public water for private profit.

Dr. Taylor describes the sad history of this law which has often been conveniently overlooked or willfully neglected. Although Congress has rejected the attempts to abolish the law, developers have found ways to nullify it through administrative circumvention. What is needed, Dr. Taylor says, is a renovation of the law, but a renovation in keeping with its original intent that "public purpose is superior to private speculation as a guide to development."

One excellent use for the profits from public water projects could be to assist education. Certainly our financially pinched schools would seem more deserving recipients of revenues created by a public project than are the present beneficiaries, real estate developers. I commend Dr. Taylor's statement to the Members of the Senate as an outstanding contribution to the present national public resource debate, and I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT OF PAUL S. TAYLOR, ECONOMIST-RESEARCH DIRECTOR, CALIFORNIA LABOR FEDERATION, AFL–CIO, BEFORE THE WESTERN STATES WATER AND POWER CONSUMERS CONFERENCE

CRITERIA FOR WESTERN WATER DEVELOPMENT

Western water development is at a crossroads. On the one hand giant speculative developers chafe at every effort in law and administration to control their monopolization of benefits from public investment to develop the public water resource, and to distribute those benefits widely and for public purposes. On the other hand, citizens are becoming increasingly critical of the success of private speculation in its efforts to guide the planning and administration of public water resource development in the West.

We who are interested in sound water development and sensitive to the quality of the environment—physical, ecological, social and political—that development will produce, must take these cross-currents fully into account if sound development is to proceed. Barely three years ago a President's Task Force called for a halt to western reclamation of agricultural land, saying in its report, "The People Left Behind," that

without it "the South could have stronger agricultural and rural economies, with fewer poverty stricken people," and demanding in the interest of reducing rural poverty, "That the Department of the Interior enforce the 160-acre limitation." (pages 138, 139.)

Barely three months ago the Program Board of the Division of Christian Life and Mission, National Council of Churches of Christ in the U.S.A. resolved that:

"Public funds should not be invested in major irrigation projects and other agricultural land development schemes while the government is concurrently struggling to reduce production and avoid burdensome surpluses. On publicly-financed irrigation projects, the historic policy of restricting delivery of water to essentially family sized farm holdings should be maintained and vigorously enforced." (June 5, 1970.)

A California delegate told the National AFL–CIO Convention in 1965 that the: "feudal land barons are violating the federal (160-acre) reclamation law—the law that was supported by labor in the early part of this century. . . . Just recently over the objections of the AFL–CIO, Congress passed another appropriation . . . for delivering water to an area here in California that has already been held 70 percent in excess of this reclamation law and there is no guarantee of enforcement." (Proceedings I, 625.)

Water development, like land development, is not as unplanned as may appear. Someone plans and someone develops. When we speak of "unplanned" development, probably we mean the absence of public planning and imply our dislike for the patterns produced. Behind this dissatisfaction with results may well lie dissatisfaction with the motivations that guided and impelled those who actually did the planning and the developing. Evidently this is what moved Karl Belser, retiring recently as planner of Santa Clara County, California, to plead his "frustrations and anxieties" in face of the power of private "speculation and greed."

"Exploitation of the short-term unearned increment, which is created by the investment of society as a whole for the benefit of some individual," he said, is part of the urban development game." (Cry California, Vol. II, No. 3, Summer, 1967, pp. 10, 11.)

The language of today's marketplace reveals motivation for water development in the raw. An advertisement in the San Francisco Chronicle of April 21, 1970 makes the appeal to readers in advance of the coming of water:

"Make your money grow in the booming Antelope Valley in sunny Southern California. . . . Everyone knows about the tremendous growth in real estate values in Southern California . . . and many experts believe that population and industry growth projected for the future will bring even greater increases in Southern California land values. We believe that land in such selected growth areas is a good and safe investment and offers great profit potential for investors."

Another advertisement in the same newspaper on June 16, 1970 is critical of these speculative aspects of the California Water Project. It charges that "huge corporations have been busily buying up California land" in anticipation of "spectacular increases" in land values. "Just five large companies," the ad claims, have acquired 380,200 acres that already "have appreciated in value by a total of $218,970,400."

The issue is old and perennial, not new. Long ago, at President Theodore Roosevelt's founding Conference on Conservation in 1908, the assembled Governors asserted in what Gifford Pinchot calls "this pregnant sentence," that "the sources of national wealth exist for the benefit of the People, and monopoly thereof should not be tolerated." Conservation required enlargement of the sphere of public action, and control over private action. In this spirit a half dozen years earlier, Congress already had placed as the limit on individual private shares of public water developed under reclamation law, a quantity sufficient to irrigate 160 acres. Private monopoly of water was not to perpetuate and enhance private monopoly of land. In the midforties when giant landowning interests mobilized to scuttle this exercise of public control, Secretary Harold L. Ickes called it the "age-old battle over who is to cash in on the unearned increment in land values created by a public investment . . . (in) great irrigation projects." It was a battle over who was to guide development of public waters, reap its harvest, and plan the environment this development would create.

Voices continue to be raised from time to time. Marion Clawson, battle-scarred veteran of the 160-acre battles of the forties and later Director of the Bureau of Land Management, declared recently: "I deny the contention that property owners have an inherent right to major gifts in property values at public expense." The National Advisory Commission on Urban Problems, after detailed inquiry, came to about the same conclusion. Only last year, Alexander B. Adams, Chairman of the Board of Governors of the Nature Conservancy, regretted in his valedictory that, "Our water and air are still polluted, our land is being chewed up by highways; real estate speculators strike at our most treasured locations; and as the tempo of destruction has increased, the tempo of conservation has not moved as rapidly." (Nature Conservancy News, Autumn, 1969, p. 8.)

Major General Jackson Graham pithily challenged the right of uncontrolled private speculation to shape the course of water development when he asked: "Is a man entitled to buy up, settle, or promote a chunk of desert and then demand that his government bring water to him from the general direction of the North Pole?"

These questions are critical: Who plans? Who develops and with what motivations? Who, if anyone, attends to the public interest?

With these questions in mind, let us see what the rear-view mirror of history can reveal. The experience of the past with water (and land) development is rich. It makes readily visible the motivations of those who planned and developed, the cross-currents in the process, and the results.

Land and water were boundless resources when our seventeenth century European ancestors landed on the shores of the New World. From their own immediate necessities they understood that these resources were for people, and that their distribution among people—whether divided among the many or the few—would shape and determine the quality of their society. They understood that private speculation was an unsatisfactory guide to development and sought continuously to control it. Yet somewhere along the way since, we have forgotten what they knew from intimate personal experience. This is the situation especially in the arid and semi-arid West where water is not boundless but scarce, where water monopoly is rising upon the foundations of historic land monopoly, and where the public's participation in the revenues from its own investment is severely limited. Clawson's harsh observation sits only too well:

"The more the public spends for public land improvements, the more values it creates in the land, and the smaller the proportion of its outlay does it recover."

The less, also, does the public plan the environment created by development of its own resources.

Early in the nineteenth century, when people's pressures were building towards a Homestead Act, Congress took note that "independent farmers constitute the bone and sinew and the strength of your government." Daniel Webster, celebrating in 1820 the bicentennial of the landing of the Pilgrims, declared that:

"Their situation demanded the parcelling out and division of the lands; and it may be said fairly, that this necessary act *fixed the future frame and form of their Government* . . . the consequence . . . has been a great subdivision of the soil, and a great equality; the true basis, most certainly, of popular government."

Forty-two years later, Congress wrote Webster's principles into the Homestead Law, allotting quarter-sections to those who would occupy them. But something went awry as the westward migration reached the 100th meridian and rolled toward the Pacific Coast. Water in the West was scarce and separated from land, not joined to it by Nature as in the East and Middle West. The works of man were required to unite water and land in time and in place.

What went awry was not by the intention of the people and of their government. In this new setting Congress sought to preserve the principle of our ancestors, viz., to assure the equitable participation of people in water development. The reclamation law of 1902 is clear on this point. As noted before, it limits to an amount sufficient to irrigate a quarter-section, the quantity of water that legally may be given to any individual. The United States Supreme Court unanimously confirms its constitutionality and approves its spirit in these words: The purpose of the limitation is "to benefit people, not land."

But reclamation law as written on the statute books and as it is administered in practice is not the same; the disparity between them is astonishing. In 1964 Secretary of the Interior Stewart L. Udall confessed mildly that "on occasion" administrators, and even Congress itself, had "exhibited a degree of concern for the excess landowner which may be difficult to reconcile with the policies embraced by the excess land law." The National Academy of Sciences in 1968, through its National Research Council Committee on Water, reinforces Secretary Udall's confession.

It warns that the formal decision-making process developed by administrators for sifting and judging the costs and benefits of reclamation projects is deficient precisely because it proceeds "regardless of who receives benefits or who is adversely affected." The "distribution of benefits among persons and among areas," it admonishes, has been "too long neglected." The "distributional effects of water decisions" are omitted from the methods of "systematic analysis" currently employed to evaluate water project proposals. These "distributional effects" upon people and upon areas must receive "explicit consideration."

How does it come about that administration of law becomes so distorted that its fundamental principle is forgotten and its potentialities for serving broad public purposes and for creation of an environment of quality go unrealized? The answer depends upon who, in actuality, guides the planning, and upon the controlling motivations. In California, as an example, the answer comes clear through examination of the long experience of past and present.

In 1874 a federal Commission assigned to explore the feasibility of irrigating California's Central Valley, made a public report. Its gist was this:

"Large bodies of fertile land in the great valley of California . . . are favorable to artificial irrigation." There is an "abundance of water . . ." The "value of land in the driest districts will be appreciated many fold." Experience appears to prove that "no extensive system of irrigation can ever be devised or executed by the farmers themselves," and "there is no reason to suppose that for a long time capital will look upon this kind of investment with favor." It "is the duty of government, both state and national, to encourage irrigation." (House Ex. Doc. 290, 43d Cong., 1 sess.)

The report pointed out specifically that:

"Between Visalia and Bakersfield, and south of this town . . . the United States owns many thousands of acres of land which has no value, except for pasturage during part of the year; that, if irrigated, its value would be increased many fold; that under these circumstances it may be a question whether the United States ought not in some way to encourage the irrigation of these lands."

In the Valley the response to publication of the Commission's conclusions was electric. A local newspaper reported in 1877 that:

"No one would believe that shrewd, calculating businessmen would invest their money on the strength of land rising in value while unimproved, for even the farmer himself has to abandon it who endeavors to add to its value without water. At the same time purchasers are not lacking who would add it to their already extensive dry domain and the people . . . will find themselves confronted by an array of force and talent to secure to capital the ownership of the water as well as of the land, and the people will at last have it to pay for."

This gives us a glimpse at the beginnings, as seen by contemporaries. Historian Paul Wallace Gates certifies to the linkage between past and present. The "compounding of errors in the management of public lands in California," he writes, "contributed to a concentration of ownership of arable land that exceeded anything to be found elsewhere in the country . . . The seemingly never-ending and insoluble controversies over the 160-acre water limitation of the Reclamation Act of 1902 and the long sustained bickering over various features of the Central Valley development largely stem from the concentration of land ownership the nineteenth century bequeathed to later generations."

In the southern and western San Joaquin Valley, which includes the area identified by the Visalia Delta newspaper in 1877, a study by the Bureau of Reclamation in 1947 showed 34 landholders, mostly corporate, owning three-quarters of a million acres. This area is almost the size of the State of Rhode Island. The same study showed delivery of water to lands within the area at less than 25 percent of the cost to the government of delivering it.

An earlier state study of landownership in Southern California showed 33 owners of 3.8 million acres of land, irrigable and nonirrigable alike. In both areas concentrated landownership survives to this day while the search for publicly-subsidized water continues.

The strength and persistence of large landholders' opposition to public antimonopoly control over water development testifies to their conviction of a deep division between private and public interest. Their open opposition to the 160-acre law that appeared as early as 1905, continues undiminished to this day. A brief cataloging of some of its more conspicuous phases and tactics can illuminate this sense of division of interest.

A few projects—two or three—were specifically exempted from acreage limitation by Congress. Interior Department approvals of these branches of national policy were supplied by subordinates during absences from his desk of Secretary Ickes, staunch defender of the water limitation. Two other high reclamation officials who were dedicated to support of the law under the New and Fair Deals—a Commissioner of Reclamation and his Regional Director in Central Valley—were removed from the federal payroll for seven months by a rider to the 1949 appropriations bill on the pretext that they were not engineers. Only the reelection of President Harry S. Truman saved these officials whose devotion to the law made them prime targets of the opposition.

The generous public subsidies afforded by reclamation law to private landowners were steadily enlarged. By the later forties, as an example, Central Valley irrigators were allocated 63 percent of reimbursable project costs and required to repay only 17 percent. The public policy controls within the law were as steadily attacked and an elaborate assortment of tactics developed to undermine and, if possible, to eliminate them. On May 13, 1944 Business Week magazine outlined four of the tactics. Two of these were defeated in Congress outright: one was to obtain an exemption of the Central Valley Project from the 160-acre law. The other was to make use of the Army Engineers who originally were outside the excess land law: Congress repaired this ommission in 1944. A third tactic was to pump groundwaters, hoping the excess land law would not be applied even though these waters were improved in quantity and quality by a reclamation project. Through lax administration "difficult to reconcile with the policies embraced by the excess land laws," to use Secretary Udall's words, this tactic has persisted to this day. It is under challenge in the courts. A fourth tactic described in 1944 was to "sidestep" the federal 160-acre law by having the State of California take over the project, "paying the entire bill." In recent words of Erwin Cooper, for eight years an associate of the State Department of Water Resources—in charge of the State Water Project—the State's Oroville reservoir is a "political reservoir" to circumvent the 160-acre law in the interest of large landowners, "especially the corporation-owned ranches, some of which contain tens—yes hundreds—of thousands of acres."

Each of the three branches of the federal government has been explored in the pervasive attack upon law and policy. The Supreme Court resisted; it supported the 160-acre law unanimously in 1958. Congress resisted outright repeal but shows signs of weakening if a face-saving device can be found. The "Engle formula" is such a device, presently embodied in Senator George Murphy's bill, S. 1631. By returning a small portion of the public subsidy they receive under reclamation law, large landholders go scot-free of the law. The spirit behind the Murphy bill is best revealed in words of the author of the formula, former Senator Clair Engle, who told Congress:

"I grant you, you start kicking the 160-acre limitation and it is like inspecting the rear end of a mule: You want to do it from a safe distance because you might get kicked through the side of the barn. But it can be done with circumspection, and I hope we can exercise circumspection."

There the outcome remains in suspension in the legislative branch.

The attack upon the law through the administrative branch of government has been most successful of all. In practice the Interior Department ignores the 1914 Act of Congress that requires the Secretary to obtain agreements from landholders to dispose of their excess lands "before any contract is let or work begun for the construction of any reclamation project hereafter adopted." (43 USC 418.) In a legal opinion written in 1961 the Solicitor of Interior quoted and emphasized this 1914 law. Yet barely three years later he told Congress that an owner of excess lands "must volunteer" and "has an unlimited time" to sign—or not to sign. (Solicitor's opinion M–36634; Westlands Water District hearing, Senate Interior Committee, July 8, 1964, p. 34.) At Westlands construction proceeds oblivious to the Act of 1914.

The Interior Department ignores the 1902 statute requirement that rights to the use of water may be sold only to "an actual bona fide resident on such land, or occupant thereof residing in the neighborhood." (43 USC 43.) The Interior Department ignores the 1926 statute that no excess lands whose owners refuse to agree to the sale of their excess holdings as required by law, "shall receive water" from a reclamation project. (43 USC 423e.)

On the west side of the San Joaquin Valley the Interior Department is spending upwards of a half billion dollars on a project three-fourths of the lands of which are in excess, and whose holders fail to agree to their disposal as required by reclamation law. By delivering surface waters the project inevitably improves groundwaters of ineligible as well as eligible land. The Comptroller General of the United States is an agent of the Congress, charged by law with reporting "every expenditure or contract made by any department or establishment in any year in violation of law." (31 USCA 53c.) In his latest report on Westlands in the San Joaquin Valley, the Comptroller makes no mention of the expenditures by the Interior Department in violation of statute. He does take note in these words, however, of the absence of agreements to dispose of excess lands before receiving water:

"We believe . . . that the Bureau may have difficulty in obtaining recordable contracts from several ineligible landowners who own substantial acreage in the service area and that, therefore, 76 percent of the irrigable land in the Westlands service area may not become eligible for project water within 8 years. As of November 1968, three landowners who together owned about 25 percent of the acreage had not signed recordable contracts, although some of this land could be served by the existing distribution system if the land were owned by eligible landowners." (Questionable aspects concerning construction and operation of the San Luis unit CVP, p. 16, Feb. 12, 1970.)

Turning his back on the Interior Department's widespread failure to observe law, the Comptroller General invited the owner of "about 110,000 acres, or 20 percent of the irrigable land within the Westland service area" to give its views. The views of the Southern Pacific, as may be surmised, are unfavorable to the 160-acre law. Its preferred escape device is the Engle formula, recommended by the Reagan Task Force on the Acreage Limitation Problem and now embodied in the Murphy bill. Remaining silent on the Interior Department's failures to enforce law, the Comptroller General suggests to Congress instead that it "may wish to consider the applicability" of the Murphy bill "to the San Luis service area." The effect of his suggestion, if followed, would be to remove public control over private speculation in the public water resource and in the appropriations made for its development.

Greater concern over preservation of private speculation means diminished concern over preservation of environment. The San Luis-Westlands project is a clear example. The large landowners of that area have put down deep well pumps to mine the groundwaters as a tactic to escape the 160-acre law. They have avoided its application so far—with the help of cooperating administrators—but the physical effects on the environment are serious. The quality of the groundwaters is declining, crops are suffering, the water is falling and the pump lift increasing. A further result of this mining procedure, as conceded by the manager-chief counsel of Westlands Water District, is the "subsidence of the land at the surface at the rate of . . . only slightly less than one foot per year throughout the some 80 miles of the San Luis Canal right-of-way." (Ralph M. Brody, 1966 Senate Public Works hearing on appropriations for the fiscal year 1967, pages 839, 841.)

Serving project water at the surface of the lands in question would help to check subsidence but their owners are unwilling to make them legally eligible to receive it, the Interior Department fails to enforce the law

that would make them eligible and facilitate checking the subsidence, while the Comptroller General suggests that Congress may wish to follow the preference of the Southern Pacific, i.e., let them out of the law altogether by giving them water on their own terms.

A second example of environmental damage influenced by resistance to public policy as embodied in the 160-acre law is in the Sacramento Valley. There the Bureau of Reclamation gave diverters of water from the river 10.4 acre-feet per annum. This amount equals four times the average Central Valley water duty of 2.6 acre-feet per annum. Manipulation of this grossly excessive quantity of water enables large landowners to escape acreage limitation law. Their escape is at the expense of flushing water needed badly to preserve environment and water quality in the Delta and in San Francisco Bay.

One service performed by the persistent and pervasive attacks by private speculators upon the law and policy designed to control them is to make it easier for the public to grasp the magnitude of the rewards at stake, and to decide to whom these should go.

Water is a public resource. The money that finances its development is public money. The environment created by that development surrounds the public that lives within it. Public interest should guide development, not private pressures that destroy policy. The time has come to modernize the 160-acre statute, but not to destroy it. This law dates from 1902. It remains a good defensive declaration that public purpose is superior to private speculation as a guide to development, but it requires reorientation to fulfill public purposes clearly visible today. Besides, good administration requires both integrity and vision. Fresh perspective is needed.

The national interest is at stake in western reclamation, not alone a regional interest. The water is a national resource, and likewise the law, policy and money that guide and achieve development. While the site is local, an ever larger number of Americans are moving west into the environment that development creates. The attack by western speculative interests therefore is an attack upon national public interest.

The historic national tradition that guided our disposal of land furnishes clear precedent to guide our current disposal of public water and money to finance and subsidize that disposal. The subsidy is substantial, ranging from something like $600 to $2,000 an acre. This does not include the incalculable incremental values that flow from public development of the public water resource. He who receives these, receives an extremely generous gift.

When our Nation gave away its public lands, it earmarked a generous share for education. The Bureau of Land Management reports that between 1803 and 1966 more than 94 million of the 228 million acres given by the federal government to states were donated for educational purposes. The impetus given to higher education by the Morrill Act signed by President Abraham Lincoln is well known, and is in addition to the gifts made to common schools as well. This record of our past affords testimony to the magnitude of what comparable "water grants for education" could achieve today.

Speaking for educators, the National Education Association recognizes the opportunity. Tracing precedent to the Northwest Ordinance of 1785 the statement of the NEA declares:

"We believe that the acquisition of large areas of arid and semi-arid land by large corporations with the obvious intent to irrigate it by water developed at public expense to be a clear violation of "The National Reclamation Act of 1902." This Act specifies, 'No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one land owner . . .' All land of this nature should be purchased by the Secretary of the Interior and sold at the prewater price in conformity with the 160 acre per individual owner regulation. This is not alone the problem of those states with arid and semi-arid areas. Tax dollars from all the citizens of the United States were used to provide the water for irrigation and the disposal of the irrigable land should be available to the public and the revenues from the operation should be returned to the public coffers. In keeping with the tradition established by the 'Northwest Ordinance', the 'Morrill Acts' and others it would be most appropriate to direct the revenues to satisfy a pressing public need, the financing of public education." (February 25, 1970.)

Conservationists, like educators, recognize the need to modernize reclamation law. The Sierra Club supports "federal purchase" of reclaimed lands in excess of 160 acres per individual owner "with the understanding that lands so purchased would be sold or leased under open space regulations." The National Wildlife Federation states its belief that:

"A groundswell of public opinion is developing for support of strong enforcement of the Reclamation Act . . . we (favor) . . . a strong policy which will permit the government to acquire from landowners those properties in excess of 160 acres. We would support a program for federal purchase of excess lands divested by owners on reclamation projects, particularly if the funds accruing from resale are used for education and conservation. (December 4, 1968.)

The concept that government should purchase excess lands prior to construction of reclamation projects is well established. As early as 1892 Governor Toole, of Montana, proposed that the public "first acquire title to" lands to be reclaimed. An article of that year in *Harpers Magazine* warned of "gigantic schemes to secure not only the water, but the land it is to irrigate, and the water lords expect to reap fancy prices for the land from settlers in addition to rents which their great-great-great grandchildren may fatten upon." (Julian Ralph, Harper's, Vol. 85, pp. 93, 95.) In the Colidge era a committee of distinguished citizens gave the practical operations of the reclamation program the most thorough review they ever have received. In their classic Fact-Finders Report they included this recommendation so visibly and urgently needed today:

"Disposition of private lands in excess of farm unit.—That no reclamation project should hereafter be authorized until all privately owned land in excess of a single farmstead unit for each owner shall have been acquired by the United States or by contract placed under control of the Bureau of Reclamation. (Federal reclamation by irrigation, S. Doc. 92, 68 Cong., 1st sess., p. 116.)

As recently as 1964 Secretary of the Interior Steward L. Udall proposed to Congress that the government be authorized to purchase excess lands, but Congress has not as yet acted.

The technique of modernization is simple. Present law requires sale of excess lands at the pre-water, pre-project price. Government authorization to purchase will provide a ready market, and in turn allow the government to sell or lease with appropriate land-use regulations that will preserve agricultural greenbelts and open spaces and check urban sprawl and slurb. Revenues from sale or lease can be assigned to public purposes including education, the land and water conservation fund, or used simply to replenish the hard-pressed National Treasury.

The struggle continues to this day over the fruits of public investment to develop the public water resource—both financial and environmental fruits. On the private side stands the Reagan Task Force—Murphy, Packwood, Tower, Hansen, Fannin bill to destroy by stealth any possibility of effective public planning of the environment or public allocation to education and conservation the revenues from a huge public investment.

On the public side are the forces of organized labor that for a century have opposed private monopolization of national resources, whether land or water, and have steadfastly supported education. The California Labor Federation, AFL–CIO, like the National AFL–CIO, supports government purchase of excess lands at the prewater price to serve public purposes and improve enforcement through antimonopoly controls. The policy statement of the California Labor Federation, AFL–CIO, adopted on August 31, 1970, appears at the conclusion of this statement. Beside organized labor and a varied assortment of citizen groups now stand organized forces of education and conservation.

The outcome is suspended in the balance. The stakes are gigantic, as both speculating private interests and informed citizens have known for a century. Will the recent activity of educators and conservationists be sufficient to tip the balance toward modernization of reclamation law to serve truly public purposes, and against its threatened emasculation whether by administrators or by the Congress in the service of truly private purposes?

THE DROPSIE UNIVERSITY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. EILBERG. Mr. Speaker, the Dropsie University is the only graduate institution in America, nonsectarian and nontheological, completely dedicated to Hebrew, Biblical, and Middle Eastern studies. The course of study includes the culture and languages of Arabic, Aramaic, Ugaritic, Akkadian, and ancient Egyptian peoples.

The Dropsie University is organized into several major divisions among them, the College of Hebrew and Cognate Learning, the Middle East Institute and the Division of Education, Dropsie's student body is comprised of students not only from American colleges and universities, but from Egypt, Morocco, Iraq, Israel, the Far East, and many European countries as well.

The university occupies a site at Broad and York Streets in historic Philadelphia. Classrooms, administrative offices, an auditorium and a library are to be found in the main building erected in 1911. An annex, acquired in 1961, houses additional classrooms, an auxiliary library, a reading room, the faculty lounge, the student lounge, and faculty offices. With its over 100,000 volumes of books and periodicals largely related to Hebraic, Biblical, and Semitic learnings, the library also is the repository of a large number of Genizah material and the Abraham I. Katsh microfilm collection from Russia, Poland, and Hungary.

In addition the university has recently established the Joseph and Sally Handleman Center for the study of communications in the service of man's humanity. This center enables the doctoral candidates to gain an understanding of the force of communications in shaping man's behavior and attitudes; especially,

as it relates to Jewish people and Jewish scholarship.

The Dropsie University was founded in Philadelphia in 1907 as a postgraduate institution for Hebrew and cognate learning.

The founder was Moses Aaron Dropsie, an eminent citizen and lawyer of Philadelphia who died in 1905. During his lifetime he had been deeply interested in Hebrew lore and Semitic studies. In his will, dated September 17, 1895, he directed "that there be established and maintained in the city of Philadelphia a college for the promotion of and instruction in the Hebrew and cognate languages and their respective literatures." He also directed "that in the admission of students there shall be no discrimination on account of creed, color or sex." The charter was granted to the college on June 6, 1907, under the name of The Dropsie College for Hebrew and Cognate Learning, this name being selected by the Governors as a memorial to the founder.

The Dropsie University is approved by the Department of Public Instruction of the Commonwealth of Pennsylvania, and accredited by the Middle States Association of Colleges and Secondary Schools. It also is approved for the training of veterans under all public laws and for the attendance of nonimmigrant students under the Immigration and Nationality Act.

THE PRESIDENT'S PEACE PROPOSAL

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BOW. Mr. Speaker, President Nixon's proposal for an Indochina peace conference is a welcome innovation in the overall plan to bring an end to the war.

The President was absolutely correct when he said, and I quote:

> An international conference is needed to deal with the conflict in all three states of Indochina. The war in Indochina has been proved to be of one piece; it cannot be cured by treating only one of its areas of outbreak.

President Nixon also asserted that the essential elements of the Geneva Accords of 1954 and 1962 remain valid as a basis for settlement for problems between States in the Indochina area and indicated the willingness of the United States to accept the results of agreements reached between those States.

Finally, the President stated that the Paris talks will remain the primary forum for reaching a negotiated settlement until a broader international conference produces serious negotiations.

While there are other actions in the President's new peace initiative, such as a general ceasefire in place, which would probably have to precede such an Indochina peace conference—this proposal is a significant step forward in ending the war. It holds the promise of all parties to the conflict reaching a general agreement which could bring a lasting peace to Indochina.

NATIONAL HEALTH SERVICE CORPS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BINGHAM. Mr. Speaker, I am introducing today legislation which would create a National Health Service Corps within the Public Health Service. This legislation passed the Senate, on September 21, by a unanimous vote of 66 yeas. It has been sponsored in the House by the Gentleman from West Virginia (Mr. STAGGERS), the Gentleman from New York (Mr. CAREY) and the Gentleman from Washington (Mr. ADAMS).

The function of the National Health Service Corps would be to improve the delivery of health services for persons living in communities and areas of the United States where health personnel, facilities, or services are inadequate to meet the health needs of the residents of such communities or areas. Priority is to be given to those urban and rural areas of the United States where poverty conditions exist and the health facilities are inadequate to meet the needs of the persons living there.

The doctor shortage is well known but the shortage is particularly accute in poor communities, both urban and rural, which are unable to attract and retain sufficient health professionals to meet even their most basic needs.

Many health problems that would appear routine or even trivial in more affluent communities become serious or near fatal in those areas where access to health care is severely restricted. The "diseases of poverty" high infant mortality, short life expectancies, malnutrition, anemia, and so on—are exacerbated greatly when they go untreated, and contribute substantially to the vicious circle of poverty and low economic productivity.

The "diseases of poverty" are seldom seen by most Americans but this low visibility cannot obscure the statistical facts. For example, 50 percent of the poor children in America have never had a polio shot or any other form of vaccination to protect them against this dread disease. Two-thirds of our poor children have never seen a dentist during their lifetime. At least half of the mothers who gave birth in poor or isolated areas receive no prenatal care whatsoever.

Mr. Speaker, new legislation is needed to establish this National Health Service Corps because the existing authority of the Public Health Service limits the provision of direct health care by the service to selected, and narrow, population groups, such as the American Indians, merchant seamen, the Coast Guard and Federal prisoners.

I would like to point out that this legislation cannot be expected to solve our overall health crisis. It is a limited program and it only sets up a pilot program. However should it prove successful in meeting the needs of the few communities to which personnel could be assigned, then the program could be expanded merely by increasing the authorized funding and by meeting these increased authorizations with similarly increased appropriations.

In conclusion, let me point out that the personnel who would provide the health services under this act would consist of commissioned officers in the Public Health Service and other paramedical personnel. The commissioned officers are now regarded as fulfilling their military obligation by serving in the Public Health Service. By expanding the role of the Public Health Service, the Congress would be increasing the sort of opportunity I have sought for all young men; namely, the chance to choose civilian service in lieu of military service. The National Service Act of 1970 (H.R. 18025) sets up just such a program. Although the National Health Service Corps Act does not amend the Selective Service law and therefore does not enable paramedical personnel to regard service in the Corps as fulfilling their military obligation, I would hope that such an amendment could be made at a later time.

In short, the legislation I am introducing today is much needed to meet the medical requirements of our urban and our rural poor. But it also increases the number of commissioned officers in the Public Health Service and thus is a step toward expanding the opportunities to perform alternate civilian service rather than military service.

HORTON SALUTES HUSBAND-WIFE SCHOOL TEACHERS NOW RETIRING. MR. AND MRS. ROBERT H. SMITH HAVE 68 YEARS COMBINED AS TEACHERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. HORTON. Mr. Speaker, it is impossible to calculate the good that is done by a devoted school teacher. Many a life has been steered to goals of higher achievement by a school teacher who takes the time and makes the effort to mold a young man or young women into a more inspired person who will succeed in life.

I would like to share with my colleagues in the House of Representatives my knowledge of a married couple, Mr. and Mrs. Robert H. Smith who live in my congressional district and who are both now retiring from a combined total of 68 years of teaching school. They are indeed outstanding examples of devoted teachers.

What are their thoughts after a lifetime of teaching? What do they think of the student of 1970 who so vastly differs from the youngsters of 40 years ago in goals, ambitions, attitudes, and deportment? These and other questions were most interestingly answered by the Smiths when they were interviewed by

Joan Rizzo, a Democrat and Chronicle writer.

Under a headline Students Crying To Learn Miss Rizzo wrote as follows:

STUDENTS CRYING TO LEARN

Are high school students pulling the schools' walls down around them? A 65-year-old who is retiring after 43 years of high school teaching doesn't think so.

"They are generally good kids who'll be the leaders of tomorrow and I don't think the world's going to fall apart because of it," says Robert H. Smith, of 204 Seneca Rd., Iron-dequoit, who has been teaching at Benjamin Franklin High School since it opened in 1930.

His wife, Ruth, who is retiring after 25 years of teaching, says that students are "crying out to learn."

"But they want more relevant courses, courses that matter to them."

She says curricula are one of the first things that will have to be changed and updated if students are going to stay in school.

The Smiths have seen a lot in their years of teaching.

He remembers when teachers couldn't smoke or drink and were "respected or the kid got spanked by Pop."

She remembers that they were the first couple on the faculty to meet and get married and that she got fired right after the ceremony.

"We were married during the Depression and to have two people working in the same family then was unthinkable," Mrs. Smith recalled with a smile.

Smith said that Franklin has learned to deal with its "problems."

He pointed out that the school was one of the first city high schools to have a black student union.

He praised Principal Pincus Cohen and black vice-principal John M. Wilson for their "perceptive and alert" leadership. Smith said the student and faculty advisory councils instituted at the school "keep the lines of communication pretty well open."

The changes over the years have been many.

"Years ago Franklin was a melting pot school filled with Jews, Lithuanians, Poles or Italians. Their parents put education above everything and teachers were to be respected or else," he said.

Today, he said, teachers have to earn their authority and education isn't "number one" anymore.

"Getting a car is more important in a lot of cases," Mrs. Smith said.

If students have changed, so have the teachers.

Today's teacher is more normal and is looked on as a human being rather than a paragon of virtue, they say.

Mrs. Smith said she is impressed by the willingness of young teachers to experiment and tackle a situation.

"They always seem to be able to do it so easily and I always seemed to find it so hard," she said.

Through all the trouble and changes Mrs. Smith insists that Franklin will survive.

"It has a long tradition of democracy in action and above all it has a great bulk of students and teachers in the so-called middle. This majority understands, if it doesn't accept, extreme points of view and keeps the militant advocates on both sides far enough apart at blow up periods to allow time for later orderly adjustments."

This buffer, as he calls it, is what keeps polarization from taking place in the schools and is "the biggest hope for the school."

The Smiths say they don't see immediate solutions to the problems plaguing schools.

"The solution will come through good will tolerence and the understanding that a solution to today's problem won't necessarily work ten years from now," he said.

How impossible it is to estimate the numbers of lives that have been changed to higher levels of achievement because these students were fortunate enough to sit in class with either Robert or Ruth Smith. I join the entire Rochester area in saying thanks for a job well done to this delightful and devoted couple who are now retiring. May their lives continue to be rich in the knowledge that they have well served their fellow man and have carved niches in the Rochester educational system which will never be filled more expertly nor inspiringly.

NATIONAL POWER "SHORTAGE"

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. FULTON of Tennessee. Mr. Speaker, today I was privileged to submit a statement on the current power fuel shortage before the Subcommittee on Special Small Business Problems of the House Select Committee on Small Business.

I insert a copy of that statement in the RECORD at this point:

STATEMENT BY HON. RICHARD FULTON

Mr. Chairman: I am Richard Fulton, Member of Congress from Tennessee's 5th Congressional District, having the privilege of serving in the neighboring District just to the West of your distinguished full committee chairman, the Honorable Joe L. Evins.

Permit me to begin by commending Chairman Evins for undertaking these hearings into a matter, the national power and power fuel shortage, which, unless the Congress acts, threatens the economic well-being and growth of our Nation while being well on its way to gouging the American consumer of what ultimately could be billions of dollars.

It is obvious that if anything is to be done to protect the consumer and the public in general that the Congress will have to do it.

I say this with reluctance and dismay. However, from the evidence available to date, it is obvious the Administration intends to do nothing meaningful to roll back consumer power rate increases. Furthermore its spokesmen have indicated they intend to do nothing to prevent further raises in the immediate or distant future.

By its words the Administration would have the Congress and the American public believe that it is engaged in a frantic effort to ease this situation.

However by its actions, or lack of action, it has been made perfectly clear that the Administration's actual policy is one of blatant permissiveness to consumer price gouging.

And, Mr. Chairman, the responsibility for this policy rests at the top, with the Administration.

This should come as no particular surprise. The Record of this and previous Republican Administrations is an open book of support and effort in behalf of private power and private power fuel interests. From Dixon Yates through the proposed sale of Atomic Energy Facilities to administration's failure to act in the present power fuel shortage which, I believe, is going to be one of the biggest scandals to hit Washington since the days of Harding and Teapot Dome.

On Wednesday of this week the gentleman from Massachusetts, Rep. Conte, well placed the proper label on the real cause behind the power shortage in America today when he termed it a "conspiracy." And when I say the blame for any power shortage should be leveled directly at the Administration, I am simply echoing a charge he made at that time.

However, I would add that the blame for increases in consumer fuel and power costs is also the responsibility of the White House.

I realize this is a serious charge and the accusation is not made lightly. It is even made reluctantly because nothing would please me, this committee, and the American public more than to know that our President and his Administration are with us in this fight but his failure to use the great powers of the government to effectively curb this consumer robbery demonstrates that they are not.

Mr. Chairman, the concentration of the major domestic power fuel resources into a relative small number of giant conglomerates has been well publicized and documented. The fact that the American consumer is at the abject mercy of this power oligopoly is beyond doubt or question.

I will not attempt to outline this pyramid of concentration. It is my understanding that Mr. Nat Caldwell, the distinguished Pulitzer Prize-winning journalist of The Nashville Tennessean, will appear before you today. He will, I am certain, dwell on this in detail. I would only say that his knowledge in this area, as an outsider looking in, is probably unsurpassed in America today.

I am certain that once Mr. Caldwell has appeared before you, you will share my amazement and great concern that neither the Department of Justice nor any Agency of the Federal Government has made any attempt to investigate the relationship between oligopolistic power empire and the sudden and exorbitant consumer power rate increases that have taken place over the past few weeks across the Nation.

On the first of this month Tennessee Valley Authority power consumers suffered a 23 percent increase in rates.

Just yesterday morning, Mr. Caldwell reported in The Nashville Tennessean that the two natural gas pipeline companies serving Tennessee's 450,000 consumers and 50 major industries have asked for a $9.1 million rate increase which will add an estimated 15 percent to consumer fuel bills. Mr. Caldwell went on to report that a spokesman for the Federal Power Commission stated, when asked about the increase by Mr. Caldwell, "this could only be the first round."

What the Administration is doing, Mr. Chairman, is using the power fuel shortage as a strawman and cover up for the actual reasons behind the shortage.

Everyone knows there is a power fuel shortage and that we face a series of potential power crises this winter. But instead of attacking the root of the problem, the Administration is busy setting up special commissions to study the matter for 14 months. Or else they are easing import quotas, something which could have and should have been done months ago.

Mr. Chairman, if the Administration had sat down and worked in concert with the representatives of the power oligopoly their actions could not have been more effective in helping to create the apparent power fuel shortage in America today.

I say apparent shortage because I am firmly convinced that there is no real shortage.

There is coal available. But it is not being mined.

There is oil available. But it is not being drilled.

There is natural gas available. But it is not being tapped.

Mr. Chairman, when a few large firms jointly control the vast majority of these domestic resources they can pretty well do as they wish when it comes to supplying the public.

Economic law dictates that in a free market competition will set price on a supply and demand basis.

But in this instance we have no free market. A very few control the vast majority of these resources. They are free to supply as much or as little as they please. In this instance the supply is not keeping abreast of demand. This is a proven fact. As a result we have a shortage and prices are skyrocketing. I believe this shortage is artificial, that this increase in demand could have been anticipated months, even years ago, that it was anticipated but rather than increasing the supply of fuel it was deliberately held steady.

My prediction is, that unless the Congress forces the issue, you will find that after fuel prices have doubled or tripled with the permission of the Federal Power Commission and through the permissiveness of the Administration, I believe you will find that suddenly there will be all the power fuel available that we need.

The pap put out for public consumption by the Pennsylvania-Madison Avenue advertising experts in Mr. Zeigler's White House Press office is just a smoke screen. Certainly there is an oil shortage in the Middle East. Certainly import quotas should be reduced. Of course there is a shortage of coal cars. But these are just unfortunate historical accidents which have occurred and are being used to cover up the real reason behind this fuel shortage.

Mr. Chairman, the real reason is a blatant raid on the American consumer's pocketbook and only the United States Congress stands as a potential protector of the public, between the public interest and the Administration and its power fuel oligopoly friends.

Mr. Chairman, I commend you for holding these hearings at this time. Certainly there is no Member of the Congress who has a greater knowledge of and experience in this area than you. You have seen the birth and growth of the greatest public power project the world has ever known, the Tennessee Valley Authority. You are a native son of the valley and great champion of the TVA. Unfortunately you have now seen again the day when that institution is threatened by public officials and private corporate interests who have no regard for the consumer or public interest. The power barons of today make the robber barons of old look like Robin Hood by comparison.

It is up to the Congress to delve into the facts of this scandal and then make those facts full public knowledge. If the Justice Department then refuses to act, contempt citations might be in order.

Failure today might well lead tomorrow to public demand to nationalize the entire power fuel industry, a step which I shudder to even contemplate. However, these natural resources are our economy's life blood. Those who supply them are entitled to a decent profit and some incentive to produce. But ownership of these strategic resources carries no license to steal and the public is certainly being robbed today.

Mr. Chairman, members of the Committee, thank you.

TWO DIFFERENT APPROACHES TO WIRETAPPING

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ASHBROOK. Mr. Speaker, the June 23, 1970, issue of the CONGRESSIONAL RECORD carries on page 21063 information on the much discussed subject of wiretapping. Rarely does one find such a contrast in views on an important issue by those expert on subject as we have recently had on the issue of wiretapping. While a wiretapping provision was included in the 1968 Omnibus Crime Control and Safe Streets Act of 1968, this section was ignored by the Justice Department. For philosophical reasons, Attorney General Ramsay Clark objected to the use of this all-important provision. A few months ago Mr. Clark explained thinking on the matter on the television program, "Meet the Press," as to why he refused to use wiretapping as a tool in the fight against crime:

Because crime can't be controlled by wiretapping. It undermines the confidence of the people in their Government. It demeans human dignity in the long run. It escalates the levels of violence in America. . . .

Contrast the Ramsay Clark approach to the present policy. Title III of the above-cited legislation is now being used. A clear distinction is made in the law between the private use of wiretapping and that of the court-authorized use by law enforcement agencies, and several convictions have to date been obtained against individuals who violate the law prohibiting wiretapping by private individuals.

On October 5, 1970, in Atlantic City, N.J., Attorney General John N. Mitchell addressed the 77th annual conference of the International Association of Chiefs of Police. The Attorney General gave a short history of wiretapping, the provisions under which this device is now legally utilized, and some of the results obtained because title III was put into operation. As Mr. Mitchell's remarks provide a short and handy reference to various aspects of the controversial wiretapping issue, I insert his remarks at this point in the RECORD.

ADDRESS BY JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES

Gentlemen:

I am especially pleased to be here today, because at a time when certain types of crime are on the rise, there is much that law enforcement officers of different jurisdictions can gain from mutual discussion.

In this connection I want to talk about a particularly effective weapon in the war against organized crime. I refer to the various forms of electronic surveillance, which I will hereafter refer to simply as wiretapping.

It is now more than two years since passage of the Omnibus Crime Control and Safe Streets Act of 1968. Among other things, it clarified the legal status of wiretapping in this country.

Under this act, wiretapping by private parties was outlawed. At the same time, controlled use of wiretapping was authorized for federal law enforcement authorities and such authorities at the state and local level in those states authorizing its use.

With the perspective provided by two years of authorized wiretapping, it's time for us to review the history of this subject to see whether we are going in the right direction; to examine whether the fears of those opposing wiretapping are justified; to see if the results since 1968 in terms of criminal apprehension were worth it; and on the basis of these determinations to chart future policy.

Unfortunately, the serious and critical subject of wiretapping is charged with emotion and prejudice. The term "wiretap" triggers in many people all manner of bogeys—flagrant invasion of privacy, thought control, and (to use a word you and I have heard lately) repression.

Well, in reviewing our use of wiretapping in the last year-and-a-half, I think you'll agree that the only repression that has resulted is the repression of crime.

The reason is that wiretapping has a history of perhaps a hundred years—if we go back to the telegraphic age—of confused and foggy status, which in turn facilitated widespread use by public agencies and private individuals alike. This kind of license in a practice as sensitive as wiretapping naturally led to a torrent of opposition.

Not long after Morse invented the telegraph in the 1840's the sending of a message over the wire was matched by the interception of it—both by private citizens and the authorities. In the Civil War telegraphy was used by both sides for military messages, and wiretapping quickly became a means of espionage. The telephone, invented by Bell in 1876, was tapped by New York Police as early as 1895.

The first public uproar on this subject occurred in 1916 when a committee of the New York State Legislature investigated wiretapping by the New York City Police. The mayor of New York pointed out that "conviction on conviction has been obtained which otherwise would have been impossible." In view of the present posture of some of our newspapers, it is interesting to note the 1916 editorial comment of one of the newspapers in New York City:

"The *Times* feels too few wires have been tapped, not too many, and that the exposé has hurt the cause of justice."

Still more sensational was an investigation by a subcommittee of the U.S. Senate Committee on Interstate Commerce in 1940. It revealed widespread wiretapping of private individuals by public officials; of public officials by private individuals; of private individuals by other private individuals; and of public officials by other public officials.

For a number of years afterward, there was a great range of wiretap control and abuse—depending on the laws in particular states and the degree of enforcement. Wiretapping devices were openly advertised for private use.

The result was a growing fear of electronic eavesdropping and a public clamor for its control. Civil libertarians attacked with equal virulence the clandestine private tapper and the law officer using wiretap in obtaining evidence to convict a public enemy. Their only consideration was the sanctity of individual privacy. In short, they wanted to throw the baby out with the bathwater.

Throughout this period, legislators and jurists were grappling with wiretap law. The California Legislature prohibited interruption of the telegraph as early as 1862 and extended this to the telephone in 1905. Other states followed suit in varying degrees. Today more than half the states have laws outlawing wiretapping, but in many it's still unclear whether this applies to law enforcement authorities or whether evidence obtained from wiretapping is admissible in court. Some states specifically authorize wiretap by law enforcement agencies under sanction of a court order. Others have no law in this area.

Before going into federal law on this subject, I'd like to touch on the status of wiretapping in Great Britain, with whom we share a common legal heritage.

In Great Britain the Government may tap wires for the prevention and detection of serious crime and for the national safety. Since 1937 this has required a warrant from the Secretary of State. Such evidence is admissible in court if it's relevant to the issue at hand and does not operate unfairly against the accused.

Studies made by the Department a few years ago show that in general, the history of wiretapping has been similar in many other countries.

In short, it appears that Great Britain and a number of other countries of the free world have operated with authorized wiretapping without too much public concern that it was threatening basic freedoms.

For many years United States federal law was virtually silent on this subject. But in 1928 the Supreme Court heard a case—*Olmstead* v. *United States*—in which wiretap evidence had been used against bootleggers in a federal prosecution in Oregon, a state that had outlawed wiretapping without court order. The question was, could information so obtained be admitted as evidence? The Supreme Court ruled by a five to four decision that the Fourth Amendment was not violated since there was no unlawful entry and no seizure of tangible things.

This simply meant that wiretap evidence obtained in violation of a state law could still be admitted in federal court. In the absence of Congressional action on the subject, this decision ruled the situation for the next few years.

But in 1934, when Congress passed the Federal Communications Act, it included a provision against intercepting and divulging any wire or radio communication. This has been interpreted by the courts as ruling out of federal trials any evidence obtained either directly or indirectly by wiretapping. It left to the states, however, the admissibility of illegal wiretap evidence in state courts.

In fact, in the 1967 case of *Kazt* v. *United States*, the Supreme Court went further and, without confining its interpretation to the Federal Communications Act, overturned the 1928 Olmstead decision. In this important case, a Government agent used an electronic device to hear and record a subject's words in an adjoining telephone booth. The Supreme Court ruled that the subject had justifiably relied on the privacy of the phone booth and that even though the bugging device had not physically penetrated the wall, it constituted a "search and seizure" within the meaning of the Fourth Amendment.

But at the same time the Supreme Court in both the *Katz* case and another case, *Berger* v. *U. S.*, indicated that a wiretap or other form of electronic surveillance could be constitutional if it followed the warrant procedure used in searches and seizures. This meant obtaining a court order after showing probable cause, and submitting to continual judicial supervision. These decisions reopened the legal use of wiretapping by law enforcement agencies, pointing the way to new legislation.

I have gone through this brief history of wiretapping to show, first, how confused the situation was before the 1968 act, and second, how the excessive objections to wiretapping rose and flourished in this country.

In any case, guided by the *Katz* and *Berger* decisions, Congress provided the wiretap provision in Title III of the Omnibus Crime Control and Safe Streets Act of 1968. It replaced the blanket prohibition against interception in the Federal Communications Act, and substituted a clear delineation between prohibition of private use on the one hand, and court-authorized use by law enforcement agencies on the other.

More specifically, Title III continued to prohibit wiretapping by private parties and spelled it out in more certain terms. For example, it outlawed the manufacture, distribution, possession and advertising of wiretap devices by private parties where the mails or interstate commerce are involved.

More important to our discussion here, Title III specifically permitted the controlled use of wiretapping by law enforcement authorities in certain heinous crimes that are associated with organized syndicates—murders, kidnapping, extortion, certain bribery offenses, narcotic offenses and others.

In doing so, Title III specified the due process of law required to control the use of wiretap in these criminal cases. These include securing a court order from a judge; showing probable cause; particularizing the offenses under investigation and the type of conversations to be overheard; limiting the time period of the surveillance; terminating the wiretap once the stated object is achieved; renewing the wiretap authorization only by showing a continued probable cause; showing that normal investigative procedures have been tried and failed or are too dangerous to be used; showing why the objective would be thwarted if the person to be overheard were notified of the wiretap; and finally reporting on the results of each wiretap.

In emergency situations involving conspiratorial activities characteristic of organized crime, the Attorney General can authorize a wiretap without the due process I outlined. But in such cases a court order must be obtained within 48 hours. To date I have not found it necessary to exercise this power.

Now, these provisions are vital, for they follow the cherished American legal tradition in securing warrants in the related example of a house search. They give us the confidence that in using the wiretap under these limitations we are reaffirming the constitutional safeguards going back to the Bill of Rights. Our experience under this statutory grant of authority leads us to the conclusion that we need not apologize to the absolute civil libertarians.

In brief, the 1968 act gave law enforcement authorities a viable charter to use wiretap in a sparing and circumscribed manner.

I believe it is Constitutional. I believe it answers those who object to wiretap on grounds of the Fourth Amendment. I believe that its use by federal authorities is not only a right, but a duty. And I believe the same is true for other authorities in in those states where wiretap is not outlawed.

Let's now examine the effects of the 1968 Act in terms of wiretap use and resulting arrests.

For the first half-year of its existence, the authority granted by Title III of the Act was not used at the federal level because the incumbent Administration refused to allow the filing of any application for court-authorized wiretap.

In 1969 the Nixon Administration came to office committed to use every legal weapon against organized crime. One of our first acts—in February 1969—was to authorize the filing of the first federal application for court-authorized wiretap under Title III.

I would like to contrast the positions of the two administrations, and I think you'll agree that if your lawmakers give you a tool for enforcement, you should use it.

As you know, the statute requires the filing of reports of wiretaps with Congress. The reports for the 1969 calendar year show that 30 federal wiretaps and 241 state wiretaps were authorized and executed. The eight states reporting were Arizona, Colorado, Florida, Georgia, Maryland, New Jersey, Rhode Island and New York. It should be noted that these reports were for calendar 1969; since then more states have availed themselves of the authorization in Title III.

Do these 271 federal and state wiretaps represent an excessive use of this statute? The FBI's Uniform Crime Report Index for seven serious types of crime showed a total of nearly five million offenses in calendar 1969. While these seven crimes do not compare exactly with the crimes for which wiretapping is authorized, I think this gives an adequate order of magnitude for comparative purposes, and I hardly think the 271 federal and state wiretaps occurring last year in the United States constitute an abuse of the privilege.

Now, what about the results of this restrained use of wiretap?

The 30 federal wiretaps in calendar 1969 averaged 1,498 intercepts per individual tap. An average of 1,228 intercepts were incriminating. In other words, on the average, approximately 80 percent of the messages intercepted contained incriminating evidence. In one wiretap, 5,889 phone calls were intercepted and 5,594 were incriminating. In another, 17,690 calls were intercepted and 17,513 were incriminating.

I believe this shows conclusively that we have done our homework, that we were not on fishing expeditions, that we were pretty sure of our grounds when we asked for the court orders.

Next, let's look at the number of arrests and indictments resulting from these taps. Bearing in mind the 271 federal and state wiretaps executed, 625 arrests resulted. And the 30 federal wiretaps executed resulted in 139 arrests—an average of more than four arrests per tap. The two examples of federal wiretapping that I previously said had such high rates of incriminating phone calls resulted in 26 and 23 arrests, respectively.

Other examples—the total of four state wiretaps installed in Essex County, New Jersey, resulted in 13 arrests. In four counties in New York City, 109 wiretaps installed brought 166 arrests. One single wiretap in Henry County, Georgia, resulted in 27 arrests.

It was generally too early at the time of filing the 1969 reports to give data on convictions, but as a matter of interest, one wiretap in Bronx County, New York, resulted in 13 persons arrested and 13 convicted. The 1970 reports should help to fill in this total picture.

However, our own figures in the Department of Justice bring the story almost up to date for federal wiretapping since the filing of the 1969 report. From January 1969 to July 13, 1970, 133 federal wiretaps were authorized and installed—principally on gambling, narcotics and extortion offenses. Arrests resulted in all but 12 of these wiretaps. The arrests totaled 419, of which 325 resulted in indictments. Undoubtedly more arrests and indictments will result from the wiretap evidence of the January to July period.

Let me give some details of the specific cases made under these wiretappings. The first wiretap that I authorized in February 1969 resulted in the seizure of 124 pounds of heroin and the conviction of two defendants in a major international narcotics smuggling conspiracy.

In a recent narcotics investigation, wiretaps brought not only evidence of a substantial narcotics distribution scheme, but also evidence of other illegal activities, including the planning of a bank robbery and of a murder. As a result of this information, Federal agents were able to apprehend the bank robbery suspects. The combined efforts of Federal agents and local police also resulted in the prevention of the murder attempt and the arrests of the suspects by local authorities. Federal narcotics and robbery indictments have been returned in this case.

Another wiretap in an investigation of the theft of stolen bonds resulted in the arrest of several figures connected with organized crime on interstate theft charges and the recovery of half a million dollars' worth of bonds.

As a result of wiretaps, Federal agents recently conducted massive raids on approximately sixty locations involved in a large-scale interstate numbers operation. These raids brought the seizure of gambling records and paraphernalia as well as over $50,000 in cash. Indictments have been returned against more than 60 individuals involved in this organized numbers operation on Federal gambling charges.

Perhaps the most dramatic operation owing its success to wiretapping was what our Department called Operation Eagle—a six-month surveillance and final roundup of a major cocaine and heroin smuggling ring.

Before we ever applied for wiretap court orders, our undercover agents reached the point where further effort by normal means could not reveal the identities of all the major traffickers. In fact, at that point, some

of our agents conducting normal surveillances were fired on by some of the subjects.

It was only then that we made application for wiretap court orders. Through the subsequent wiretaps we were able to get the evidence we needed to identify all the major traffickers in this ring and prepare for a large-scale roundup.

Armed with complaints and warrants obtained through this wiretap information, we used 350 special agents for simultaneous raids in 10 cities over a weekend in June 1970. We arrested 139 persons and seized large quantities of narcotics, firearms, automobiles and cash. Since that time we have made 27 additional arrests based on the same information, and we are seeking 33 fugitives. Altogether there are 199 named in complaints and indictments.

I believe the results shown in these figures and case histories speak for themselves.

Let me also emphasize that these are just some of many examples of wiretap success where there was no other way to get the evidence. Informants are, of course, very useful, but there are many instances where it is far too risky for informants to acquire evidence or testify in court. We can and do, however, install a wiretap on the basis of a tip from an informant, that is, the informant tells us what to look for and where, and we take over with the wiretap. I should add that such an informant must meet the supreme Court's standard for reliability established in the case of *Spinelli* v. *United States*.

On the other side of the coin, we're pursuing a vigorous and effective program to enforce the prohibition against the private use of wiretap. Here are a few examples:

In November 1969 we secured a conviction against a party who had attempted to spy on the proceedings of the 1968 Democratic Platform Committee.

Early in 1970 we obtained a six-year prison sentence against a private detective in Salt Lake City for extensive wiretapping in connection with various divorce cases.

A few days ago we secured the conviction of a wiretap expert in Nevada for carrying an electronic surveillance device across state lines.

We have virtually completed an action against a West Coast electronics firm for the forfeiture of surveillance devices which it illegally possessed and advertised.

With this tightening of enforcement, we are finding that private detectives are coming forward to give us information that will prevent illegal wiretapping by competitors. The effectiveness of this enforcement program may be measured by the fact that complaints against private wiretapping have dropped to about one-third their former rate.

We believe it our duty to be just as diligent in halting the illegal use of wiretap as in using authorized wiretap to combat organized crime. If this can be done at all levels of Government, we will go far toward removing fear of wiretap and establishing public respect for its proper use.

Today I have tried to show how the furor over wiretapping began and why it continues; how the 1968 Act answers the objections to wiretapping in Constitutional terms; and how wiretap is extremely useful—in fact, critical—in the war against organized crime.

Some of you are from states where authorized wiretapping is legal, and where it is being used to good effect. Others are from the majority of states that have not yet enacted legislation indicating the extent to which official interception under Title III will be permitted. Until appropriate parallel legislation is enacted in such states, I must emphasize that the federal requirements for official wiretapping make no exception for police action that is not properly authorized by state law conforming to Title III.

Certainly, in this period of intensive organized crime activity, we cannot afford to shun a method that is both effective and compatible with Constitutional law. As President Nixon told us in his Special Message to Congress last year:

"I must warn our citizens that the threat of organized crime cannot be tolerated any longer. It will not be eliminated by loud voices and good intention. It will be eliminated by carefully conceived, well-funded and well executed action plans."

I submit, gentlemen, that court-authorized wiretapping is a key factor in such plans, that is has amply demonstrated its effectiveness and that it has won an appropriate place in the American legal structure.

J. J. "JAKE" PICKLE RECIPIENT OF DISTINGUISHED SERVICE AWARD

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. FRIEDEL. Mr. Speaker, last week a member of my Transportation Subcommittee received the highest award possible from the National Association of State Aviation officials at a meeting in Hartford, Conn. My colleague, J. J. "JAKE" PICKLE, received the Distinguished Service Award for his untiring efforts in the formulation of the recently passed Airport and Airways Act.

Since the days when he first joined the full Commerce Committee, "JAKE" PICKLE has proven himself to be a strong and innovative supporter of the legislative ingredients necessary to reach a truly balanced national transportation system. Within my particular subcommittee, Congressman PICKLE has placed his imprint on all transportation legislation. For a man from a semirural district, "JAKE" PICKLE has demonstrated an educated grasp of the complexities of modern transportation needs. He has worked on all facets of transporting people and goods in the process, on everything from the linear induction engine, to tracked air cushioned vehicles, to helicopter shuttles in heavily populated corridors, to the airport and airways bill.

For this reason, I was particularly pleased to see him receive this recognition from the State aviation officials. Mr. Speaker, the award was brief and I quote from the presentation:

DISTINGUISHED SERVICE AWARD TO THE HONORABLE J. J. PICKLE, MEMBER OF CONGRESS

For his awareness that each state is more familiar with the specific transportation requirements of its local communities and therefore is the most qualified level of government to ensure that these needs are met;

For the effective and aggressive use he has made of his high office to emphasize and strengthen the role of the state of Texas and other states in the union in developing the air transporation system;

For the action he has taken on behalf of the smaller communities of the state of Texas and of the nation to assure them access to the national air transportation system so that they may compete on an equal basis with urban centers for national economic, social and recreational benefits;

The national association of state aviation officials presents its highest award to Congressman "Jake" Pickle with respect and appreciation.

Mr. Speaker, in accepting the award, "JAKE" PICKLE reviewed the recently passed airport and airways bill as it related to State aviation agencies, and made timely suggestions on aviation problems in general. He stressed the great need to establish a national transportation policy and to launch a program immediately for a balanced transportation system.

AMERICAN LABOR MAGAZINE SPOTLIGHTS A LABOR UNION AND ITS LEADER

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BUTTON. Mr. Speaker, American Labor Magazine is one of the few national news magazines devoted to the labor scene. As such, it is indispensable reading material for those who are concerned about the future of America's working men and women.

The 1970's are a time of challenge for all Americans, and this includes those who are part of our Nation's vital transportation network. We are in a period of great technological change and our economy and our society must cope with problems of a complexity and size unprecedented in our history.

In these years ahead, America needs a strong, free, democratic trade union movement. And in these years ahead, our Nation will be better and stronger as the labor movement produces new ideas and new concepts for the improvement of the standard of living and the quality of life of every citizen.

When a recent issue of American Labor Magazine crossed my desk, I was pleased to see pictured on the cover one of my old friends—C. L. "Les" Dennis—the leader of the largest transportation union in the AFL–CIO and a man who has made the Brotherhood of Railway & Airline Clerks a modern union on the move.

In a 10-page article, the editor-in-chief of American Labor Magazine turns the spotlight on "the largest and most diversified transportation union in the AFL–CIO," its leader and his views on future trends in the transportation industry.

Illustrating the innovative thinking which characterizes Les Dennis is his bold, new plan to aid the financially troubled rail industry. In recent testimony before the Senate Commerce Committee, Les Dennis proposed that $1 billion from the railroad retirement account be loaned to the railroad industry for capital and service improvements. Whether or not this plan becomes a reality, it is nonetheless an intriguing idea and demonstrates a fresh and imaginative approach to an old and recurring problem: whither the railroads?

I think my colleagues would be interested in reading some of the highlights of this article—excerpts are printed below:

Dennis gets things done; no doubt about that. The size and strength of his union and the benefits he has helped win for the membership is proof enough of his abilities, but the total atmosphere is a relaxed one, for "C. L.", as most everyone refers to him, is regarded by his staff as more of a concerned leader than as a demanding boss.

The labor organization he heads covers a range of personnel that includes all clerical and related employes in the railroad industry and those in the airline and steamship industries as well—freight handlers, ticket clerks, janitors, people in the accounting departments, IBM operators, the drivers for the Railway Express Agency (REA). It also covers the patrolmen, the telegraphers, taxi-drivers in Florida and Georgia . . . and much more.

Considered a craft union by some, since its founding in a cigar store in Sedalia, Missouri on December 29, 1899, the Brotherhood has grown from 33 railway clerks to a membership of over 300,000 and is, in reality, a kind of "universal union" in the transportation industry.

Over the past several years, mergers with the Railway Patrolmen's International Union and with the Order of Railroad Telegraphers (ORT) have been accomplished. More recently, the Federation of Business Machine Technicians and Engineers (an independent association) has been brought under the umbrella as well. In the public sector, the BRAC roster includes personnel involved in water resources and sewer systems. The range is wide . . .

ON TOMORROW

In discussing the overall economy as it related to his own particular industry, Dennis saw the unprecedented population growth not so much as a potential for business profit but as a period of re-analysis of the people's aims and needs.

Automation, with its attendant attrition of jobs and potential massive dislocation of employment opportunities, he felt was going to remain one of the major bargaining issues for the foreseeable future . . .

"But as technology advances, as it inevitably must," he pointed out, "we have to think about the millions of people who will be entering the workforce in the years ahead. They *have* to live and make enough to supply themselves and their families a decent standard of living. And from every actuarial estimate, tomorrow's population will be living longer than we do now. It's a brain buster."

From the long-range viewpoint, he was convinced that some way would have to be found to develop an economy which would guarantee the creation of continuous earning capacity for the greatest number possible—regardless of whatever technological developments came along.

"Without income, there's no buying capacity," he said. "And automating millions of people out of an ability to earn their way is a prospect of terror I don't even want to think about.

"The protection of people must come first," he said. *"Without them—there is nothing."*

ON BRAC'S GROWTH POTENTIAL

Looking at the potential prospects of growth for his own union, Dennis felt that the airline industry (many of whose major carriers are still only partially organized) and the airline-related freight forwarding companies, represented the largest void that needed attention. The numbers he mentioned were in the neighborhood of 150,000. He saw another possible 75,000 in the supervisory and subordinate official family of the railroads as well: the major chief clerks, the IBM analysts, the personal secretaries, assistant office managers, etc. The present union membership in the 50 United States, Puerto Rico and Canada is 305,000 . . .

Tall, big-boned, heavy set, BRAC's president moves with a surprising speed. If one of the basic qualities of leadership is energy, a cataloguing of his multiplicity of union and charitable involvements on a year-round basis would be irrefutable testimony that nature has given him this ingredient in abundance. Few individuals have started lower in the economic barrel to make it to the top.

Whatever the drives and talents that led Dennis to success in his chosen field, the overall journey has sensitized one phase of his makeup in a manner different. It has *enlarged* rather than diminished *his feeling of kinship with people at every level.*

One can say of a lot of individuals, "This is a leader." And Dennis certainly fits that category. But what lingers on long after that fact has been acknowledged is the deeper image not so much of power as of the *respect* he engenders.

ON BEING DERADICALIZED

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, the October issue of Commentary magazine carries an article by one of America's most brilliant and thoughtful scholars, Prof. Nathan Glazer of Harvard, entitled "On Being Deradicalized." The article chronicles Professor Glazer's personal political metamorphosis from what he terms a "mild radical" in the late 1950's and early 1960's to a "mild conservative" today. He points out that this earlier radicalism, shared with such eminent social critics as David Reisman, Paul Goodman, and others, was essentially a rational and humane optimism about society's capacity for improvement and the potential for reshaping institutions to a more "human scale"; it bore precious little resemblance, he stresses, to the virulent, totalitarian strains of radicalism that prevail today. In Glazer's words:

The earlier mild radicalism had a good deal in common with conservatism—the bias against government intervention in various areas, the willingness to let people decide for themselves how to spend their money, the belief that the theoretical and political structures reared by liberals to control policy in the foreign and domestic realms would no longer work, the allergy to communist repression, the attraction toward the small.

Mr. Speaker, it is most interesting and instructive to note that during a decade when so many Americans, particularly a significant portion of our youth, have been "radicalized" by the alleged failure of our political process to respond to pressing social needs, Professor Glazer has traveled in the opposite direction. Rather than joining the chorus of denunciation and destructive attack on our institutions that swelled to a flood tide in the mid-1960's, he has become an increasingly penetrating and lucid critic of the critics themselves.

Professor Glazer suggests two basic reasons for his estrangement from 1970 style radicalism. First, in the past decade the character of radicalism in America has changed profoundly. Where the academic radicals of the late 1950's condemned the stifling regimentation, thought control and brutality of Communist societies, today's radicals herald such repressive regimes as those in power in North Korea, China, and Cuba as models for the future. Where the radicals of the late 1950's were persistent champions of civil liberties, due process and tolerance, contemporary radicals exhibit a strident intolerance and contempt for liberal democracy. Where the former generation of radicals sought to preserve the integrity and freedom of the university, the present generation of radicals would transform it into a battering ram for the launching of an all-out war on the wider society. And finally, where the earlier radicals scorned ideologies and rigid, predetermined systems of political thought, current radicals increasingly mortgage themselves to a pathetic bundle or warmed-over Leninist nostrums.

But even more important than this usurpation of the radical label by self-styled totalitarians has been Professor Glazer's recognition of the deficiencies of his own somewhat naive earlier radicalism. He notes that as a result of his experience as an administrator in the predecessor agency of HUD, he came to appreciate more fully that the built-in political inertia of a country so large and diverse as the United States invariably limits the pace of change to little more than a crawl:

I learned that the difficulty with many radical ideas lay in the fact that so many varied interests played a role in government, and that most of them were legitimate interests. It was a big country and it contained more kinds of people than were dreamed of on the shores of the Hudson. I learned in quite strictly conservative fashion, to develop a certain respect for what was; in a world of infinite complexity some things had emerged and survived, and if the country was in many ways better than it might be or had been . . . then something was owed to its political institutions and organizational structures.

Professor Glazer points to another truth that he came to find incompatible with his earlier radicalism; namely, that the near universal high standard of living that we have come to take for granted in this country rests of necessity on our increasing array of large, complex organizations; institutions which, to be sure, manipulate, and use individuals and often squeeze and stifle creativity and initiative. But they are nevertheless the only instruments we have that are capable of providing the discipline and coordination necessary to orchestrate the activities of the huge numbers of people required to perform the varied tasks on which our affluent society depends. When modern radicals attempt to destroy these organizations and institutions in the name of individual liberation and freedom they utterly fail to see, Professor Glazer argues, that the benefits thereby threatened may far outweigh the alleged "human costs" being eliminated.

Profesor Glazer concludes his remarkable piece with these words:

I for one, indeed, have by now come to feel that this radicalism is so beset with error and confusion that our main task, if we are ever to mount a successful assault on our problems, must be to argue with it and strip it ultimately of the pretension that it understands the causes of our ills and how to set them right.

Mr. Speaker, I hope all of my colleagues will take note of this article for it manifests a political countercurrent that is most often obscured by our current fixation on the polarization of American society. For while the headline mongers and haranguers of both the left and right have steadily escalated the flow of mutual acrimony and vituperation, and thereby widened the chasm between them, other more thoughtful and sober men from both sides of the political divide have been quietly moving toward a new understanding and rapprochement. In a remarkably prescient speech given 3 years ago Daniel Patrick Moynihan, now counselor to the President, called upon fellow liberals to join thoughtful conservatives in an effort to preserve the social stability that is so necessary to prerequisite to reform and progress. Since that time many forward-looking conservatives have come to appreciate the spirit of Mr. Moynihan's challenge, and have become increasingly convinced that social stability can not be maintained by desperately clinging to the status quo, but can be assured only by the steady pursuit of intelligent reform and renewal. At the same time, many chastened liberals, of whom Dr. Moynihan and Professor Glazer are outstanding examples, have come to share, in part, the skepticism and misgivings of conservatives about over-centralization, excessive bureaucratization and sweeping interventions into the private socio-economy. Out of this reassesment and ferment on both sides there is emerging, I believe, a new tough-minded, intelligent centrism that neither hesitates to face and seek solutions to the overwhelming problems and difficulties which confront us as a nation, nor harbors illusion about the tractability of these problems or the capacity of Government to crank out readymade panaceas. I believe Professor Glazer's article expresses the essential spirit of this new orientation and I include it at this point in the RECORD:

ON BEING DERADILICALIZED

(By Nathan Glazer)

How does a radical—a mild radical, it is true, but still someone who felt closer to radical than to liberal writers and politicians in the late 1950's—end up by early 1970 a conservative, a mild conservative, but still closer to those who now call themselves conservative than to those who call themselves liberal? I seem to have moved from a position in which I was a bit embarrassed to be considered liberal (surely I was a degree further to the Left than that!) to a position where I am again embarrassed, but from the other side: surely I am not so "Establishmentarian" as that!

One way of explaining this change is to describe what it was to be a mild radical in the late 1950's. Consider the writers who, in those days before and just after the Cuban revolution, were thought of as radical: Paul Goodman, Dwight Macdonald, Irving Howe, Michael Harrington, C. Wright Mills. Consider the kinds of actions that radicals engaged in then. One demonstrated—if one lived in New York—against civil defense in City Hall park, applauded Castro's speech in Central Park (applauding Castro more than his speech: who knew what he was saying?), joined with Jane Jacobs in her attacks on urban renewal, supported the organization of public-housing tenants and other groups of the poor and dismissed New Deal political orientations in their current liberal Democratic phase as outdated and insufficiently farreaching.

All of us who stood in these ways to the Left of the liberals shared, of course, in a complete disdain of apologists for Russian and Chinese oppression: the least we could agree on was free speech, civil liberties, and democratic procedures. The division between "liberal" and "radical" in those days did not run along the line of more or less sympathy with Communist states, as it so often seems to do today. After the exposure of Stalin's ferocity, Russian anti-Semitism, Communist suppression of all originality in the arts, those who still saw some virtues in the Communist version of socialism had simply grown silent. In the area of international affairs, the division was between the "mainstream" liberals who tended to find America's foreign policy—NATO, nuclear deterrence, the maintenance of Berlin's special status—basically sound and those of us, standing further to the Left, who were convinced that the nuclear arms race would lead inexorably to a final disaster. We were unimpressed or horrified by the new strategic thinking involving game theory and nuclear deterrence, not that we were very clear about what we would put in its place. We believed that there were more opportunities for negotiation with Russia and for detente with the Communist world than American foreign policy supposed. We did not like the frozen stance of the United States on Berlin: were there not more imaginative solutions? The *Correspondent*, a newsletter created by David Riesman and Erich Fromm, and which I edited for a short time, reflected some of these views.

In domestic affairs the radical position was skeptical of the intelligence and capacities of large bureaucracies, whether in education, welfare, urban renewal, housing, or government in general. Having found nothing in particular in Marx to explain either what was wrong with modern society or what might help (certainly not the monstrous state bureaucracies of Russia and its imitators), radicals in those days were in a condition of peculiar openness. When Norman Podhoretz became editor of Commentary in 1960, his quest for something which would mark a departure from old and rigid positions and would suggest the direction in which we might now move led him to seize on Paul Goodman's manuscript, *Growing Up Absurd*, most of which he published in the first few issues of COMMENTARY he turned out. Jason Epstein, at Random House, trying to find something that expressed his own blocked radical instincts, also seized upon the same talisman: this was fresh, new, radical. Goodman, thus restored to prominence, began to publish like a flowing stream. All his books emphasized the anti-bureaucratic, the small and immediate, the human-scale as the salvation of a society grown too large, too highly organized and articulated, too suppressive of instinct and feeling.

Many rivulets of the late 1950's fed the radicalism of the early 1960's. There was the fight against urban renewal and other overblown programs such as Mobilization for Youth on the Lower East Side of New York. There was the beginning of campus political activity—in Berkeley in 1957–58, where students organized the first campus party. Slate, a distant premonition of what was to come; and on a number of other campuses where chapters of the Student Peace Union came into being and where publications like *New University Thought* and *Studies on the Left* (taking their inspiration from the English *New Left Review*, which gave the name "New Left" to the New Left) began to appear. The organizing impulse was taken over by SDS. Its Port Huron statement of 1962, a model of humanist radicalism, even stopped short of socialism in its refusal of any commitment to a developed Marxist political position or analysis. SDS would go to the people and learn from them, and so it did in the early organizing projects in the Newark slums, in the poor white areas of Chicago, and elsewhere.

All these various developments then seemed of a piece—criticism of American foreign policy, of the strategy of nuclear deterrence, of home-grown bureaucracies; the emphasis on humanism, on going to the roots, on the small-scale and the immediate. This was the radicalism of the late 1950's, and holding to it was sufficient to distinguish one from liberalism. John F. Kennedy meant little to us: he was just another liberal politician, though the fact that some of our friends worked for him did make a difference.

(This was a radicalism that had a good deal in common with conservatism—the bias against government intervention in various areas, the willingness to let people decide for themselves how to spend their money, the belief that the theoretical and political structures reared by liberals to control policy in the foreign and domestic realms would no longer work, the allergy to Communist repression, the attraction toward the small.) Paul Goodman and Norman Mailer express this affinity when, on various occasions, they call themselves "conservative"—indeed, in some respects they are, and for this among other reasons they do not go along with those developments that place so much of the radicalism of the late 1960's squarely in the succession to the simple-minded, grotesque, freedom-denying radicalism of the Leninists and Stalinists of the 1930's.

Thus, one explanation of my own move from a mild radicalism to a mild conservatism is that the character of radicalism changed over the course of the decade. But it would be incomplete to have it at that. I changed too, and perhaps the largest influence in that change was a year spent in Washington, in the Housing and Home Finance Administration. I learned, to my surprise, that most of the radical ideas my friends and I were suggesting had already been thought of, considered, analyzed, and had problems in their implementation that we had never dreamed of. I learned to respect many of the men who worked in the huge bureaucracies, who limited their own freedom, and who made it possible occasionally for the radical ideas of others to be implemented. I learned that the difficulty with many radical ideas lay in the fact that so many varied interests played a role in government, and that most of them were ligitimate interests. It was a big country, and it contained more kinds of people than were dreamed of on the shores of the Hudson. I learned, in quite strictly conservative fashion, to develop a certain respect for what was; in a world of infinite complexity some things had emerged and survived, and if the country was in many ways better than it might or had been (just as in many ways it was much worse than it might be or would be), then something was owed to its political institutions and organizational structures.

My experience at the University of California in Berkeley, where I went to teach in 1963, carried a similar lesson. Many interests were represented in that strange and inefficient amalgam—students, their parents, professors, taxpayers, business, and even unions—and yet each of these interests, in its narrow-mindedness, saw the institution as properly expressing only its own desires. I did not share some of my colleagues' views

of administrators; I believed they were doing necessary and difficult things in reconciling these complex interests, and I appreciated the additional freedom I possessed by virtue of their work. I did not believe universities should be run for the pleasure and convenience of the faculty alone, as—with faculty bargaining power so great by 1964—in large measure they were. Neither, however, did I believe that it was good or wise or possible for them to be run for the pleasure and convenience of the students—let alone a particular element of the student body. So I changed, finding it harder to participate in a casual attack on existing institutions without considering what would replace them and whether it would mark any improvement.

Radicalism certainly spread as the 1960's moved on, but many radicals also fell away. One must consider to what extent it was they who changed, to what extent it was they who gave up on positions they had once considered humane and rational, and even more seriously to what extent they gave up on these positions simply because the fight for them turned out to demand a far more intense and fierce and violent opposition to the conservative institutions of society than they had originally expected. One asks oneself, having agreed in some measure with Mario Savio about the nature of the "machine" upon whose gears he asked the students of Berkeley to throw themselves, why one withdrew when the opposition to bureaucracy escalated from discourse, petitions, and debates to the whole sequence of actions, including violent actions, with which we are by now all too familiar.

One is reminded of the paths away from Communism. When did the break come and why? What action finally seemed insupportable? There is no point in pushing the parallel too far. One thing that was the same was the bitter division that developed among intellectuals. It was impossible for those of us who were alive and conscious during World War II and Korea to take the same easy path as the radical youth. We had known the country and its army in different times and in different wars. The United States had defeated Hitler and had turned back the brutal invasion of a small country by its better organized, better armed, and infinitely more repressive neighbor. Even as the cloud over Vietnam grew, even as the reports of the horrors came through (and no one can say the reporting was not full or adequate or immediate), we were torn between the old style of political action and the new. We valued the country, the role it had played in international affairs, its ability to handle complex domestic problems, its stability in the maintenance of democratic procedures, its capacity for change and correction.

And some of us were affected similarly by developments on the racial scene. Having lived before the Supreme Court decision of 1954, the Montgomery bus strike, the Birmingham movement of 1963, we had seen significant change—the registration of Negroes in the South; the election of hundreds of Negro officials; the growing role of Negroes in the mass media, the universities, government; the solid hope for a greater role in business and the unions. Yet along with these changes—some, of course, in response to pressure and even violence, but many, too, that represented the inexorable movement toward equality that was proceeding on many fronts and for many reasons—came increasing radicalization, increasing vituperation, increasing disaffection with the country and its institutions.

It was impossible for many of us to accept the easy and frequent equations of the United States with Nazi Germany, of Johnson with Hitler. At first one signed ads against the Vietnam war. Later the ads became fiercer: they not only called for ending the war and getting out, they accused the country's leaders of the same crimes for which Germany had been condemned at Nuremberg. Then people took their stand and divided, and it sometimes seemed that one of the key factors determining the division was a capacity for hatred. Did you hate Johnson enough—or Rusk, or Rostow, or the police, or the leaders of South Vietnam? Did you hate the Southerners enough, or the Northern white middle classes, or the Northern white workers, or the Jewish schoolteachers of New York? It was not pleasant then, and it is not pleasant now.

Thus, more and more people who had been radicals at the start of the decade fell away, and new radicals were made to replace them, the replacements eventually far outnumbering the fallen away, as the student revolt which began at Berkeley in 1964 spread to encompass universities and colleges of every kind and in every part of the country. But if this revolt made radicals of many who had previously considered themselves liberals, the course it took also served to deepen the estrangement from radicalism of others like myself who saw it as a threat to the very existence of the university and to the values of which the university, with all its faults, was a unique and precious embodiment.

II

I was from the beginning convinced of the importance of the student revolt. I did not see it as an expression of youthful high spirits, or of earnest youth insisting on a better education, or of committed youth demanding the right of political activity and participation on the campus, or of passionate youth insisting that the institutions of higher education abandon hypocrisy and the support of evil public policies. It was all these things of course, in some measure. But if I had felt that they were the dominant factors. I would have joined all those faculty members, intellectuals, and political leaders—there were so many of them all during this period, and there are so many of them now, in the year 1970, as the fires and dynamite charges are set—who welcomed the student revolt because, they said, it brought a breath of fresh air to the stale universities, because it forced them to become responsive to the needs of their students and the society, because it insisted that the universities take the lead in solving society's critical problems, because these were the best-educated youth in American society, the most morally committed, the most concerned with injustice. I could see some evidence for all this, but from the beginning I saw something else, too, and that was a passion for immediate action, for confrontation, for the humiliation of others, for the destruction of authority—any authority, whether necessary and worthwhile or not—and finally, for the destruction of what was most distinctive and most valuable about the universities—their ability to distance themselves from immediate crises, their concern with the heritage of culture and science, their encouragement of individuality and even eccentricity.

From the beginning I believed that it did not get us to the heart of the matter to analyze the revolt primarily in terms of such issues as faculty-student relations, the nature of administration, the growth and subsequent bureaucratization of the university, the impact of research and government grants on teaching, the relevance of curriculum. All these things were important. All concerned me. But when student discontent broke into forceful action at Berkeley, it bore very little relation to these grave developments in higher education. And in time, as the revolt spread to such very different colleges and universities as Chicago, Columbia, Wisconsin, San Francisco State, Harvard, the City College of New York, it became clearer that the causes did not lie in the special character of a given college or university. Berkeley had an enormous undergraduate college that received little attention from the senior faculty; Chicago and Columbia had the smallest undergraduate colleges, with perhaps the greatest commitment to undergraduate teaching, of any major university; Harvard did not have classified research; some places did not have much research of any kind; some had favorable faculty-student ratios, and some unfavorable. None of these differences mattered.

In particular, to see the student revolt as directed at educational inadequacy, or as a movement that could be satisfied by educational change, was sentimental. Educational reform was a rather low priority of the Berkeley Free Speech Movement and its heirs, important as it may have been to individual leaders, and to a good number of followers. The objective of the student revolt quite clearly became not that of transforming the universities and colleges from the point of view of their proper ends—that is, as institutions devoted to teaching and research—but rather of transforming them so that they could realize quite other, and directly political, ends. The thrust of the student revolt in situation after situation was to bend the universities and colleges to the political orientation and outlook of the radical students, who saw the university as a potential recruiting ground, and then as an active participant in the political struggles of society.

The position of the critics of the student movement—certainly of this critic—became a peculiar and difficult one. I shared the ostensible concern with university and college reform. All the issues raised were in one way or another real, and in one way or another important—free political activity on the campus, the parental role of the college or university, its involvement with the state, its inability to order its various functions properly. I also shared the growing horror at the consequences of public policy, principally in Vietnam but also in other areas—nuclear and biological warfare, the bloated military expenditures starving other needs, the mechanical resort to technology to solve problems regardless of their human complexity. And yet, with all these elements of agreement, on one point I stuck, and that point made me an enemy: yes, let us reform the university, and let us, if we can, save the world, but let us not sacrifice the university on either altar, because there is no need that we should.

I was willing to concede that academic freedom often looked like—and often was—academic irrelevance, academic exoticism, academic self-seeking, academic status-striving, academic arrogance, and for that matter a cover for political action, too. On the whole, the share that all these played in the academic enterprise had not, I thought, increased in recent times, even as the academic enterprise itself had undergone such enormous expansion (here I accepted the judgment of analysts of the academic scene like Christopher Jencks and David Riesman). All these excrescences on the academic enterprise could be reduced with out endangering what was after all one of the most remarkable products of civilization. The willingness of government (and in this country, private interests) to support scholars in freedom to pursue research and teaching with very minor interference and constraint should not, I thought, be taken for granted: it would be all too easy to arrange matters so that this rare development should come to an end, as it did for a time in Nazi Germany, Soviet Russia, and elsewhere.

The student radicals and their allies, both inside and outside the universities, argued that it was hypocritical to speak of defending academic freedom. Were the universities not already directly involved in political activities? Were they not engaged in defense research, research in support of American

foreign policy, research in support of private economic interests? Did their teaching not reflect their interests, did they not train the ROTC, not to mention employees of government and private business? Parts of this critique had force. As it was extended, however, all critical distinctions were lost, and uncompromising styles of thinking and analysis emerged. When this happened—and it happened regularly as we can see by comparing the rhetoric of the beginning of each phase of the movement with that of its later phases—the issue shifted from the question of whether this movement would reform the university or turn public policy around to whether it would destroy the university. I argued from the start that the new tactics, the new violence of language, and the new joy in confrontation and political combat contained more of a threat to what remained valuable within the universities than a hope either of changing them or of changing public policy.

As the criticism of the universities came to be cast in the current radical rhetoric, one saw again the rise of the doctrine that there could be no neutrality, no objectivity, not even partial neutrality or objectivity: in the famous words of Eldridge Cleaver, "If you are not part of the solution [that is, if you are not actively with us], you are part of the problem [that is, you are against us]." If this doctrine were to become widely accepted, or acted upon, there would be no function for the universities and they would be as good as dead.

A real issue—the degree to which the universities had become embroiled in the disastrous foreign policies of the United States government—was translated into the kind of undifferentiated blanket issue that radicals of the Left and Right have always favored. The Peace Corps became as bad as the CIA (I leave aside the question of how bad *that* was—the CIA became an issue which could barely be raised with physical safety in the universities), innocuous research on government contracts as bad as direct research in support of military tactics, studying the characteristics of developing countries morally equivalent to plotting to overthrow them. These are not extravagant statements: they will only sound extravagant to those who have not had direct experience with university campuses. To radicals, those of us who believed that these differences were still important became "part of the problem."

This style of absolute thinking, which characterized so many different things as all being in the service of "imperialism," "racism," and "capitalism," also served to obscure the distinctive characteristics of the colleges and universities: their commitment to free inquiry, free discussion, free teaching—characteristics that were valuable whatever the disasters of American policy, foreign, military, or domestic, might be. But these virtues were not obscured only by the idea which insisted that the colleges and universities must be enlisted in radical social change (a belief which became surprisingly influential among many who were not themselves radical); they had already been considerably obscured by developments within the universities and in the relationships among universities and government and other outside authorities. Thus, a good part of the support that was needed for the enormous expansion of the universities and colleges was granted on the basis of the argument that these institutions provided trained employees for business and government, did valued research for them, and added to the gross national product. I have always doubted that this argument can really be substantiated. When economists assert that a certain investment in higher education will do more for the economic development of a poor country than a steel mill or a dam, they may have a point, but a point that is commonly exaggerated to a grotesque degree. As David Riesman has often said, we veil our idealistic and altruistic and playful impulses in pragmatic and self-interested guise, and by "we," I mean all kinds of people in all countries. Higher education has always had a role as simply a consumption good; this must have been more obvious when it was reserved for the upper and upper-middle classes, and there were clear distinctions between those who were trained to practice some useful profession (doctors, engineers, lawyers), and those who were being "finished" to take up a life in a particular social milieu. Colleges and universities also have a role in providing a "liberal" education, whose economic or practical value is undeterminable. And they have a role, of equally uncertain value economically, in maintaining and extending knowledge of the arts and sciences: it was in this connection that the idea of academic freedom developed, and that universities became to some extent centers of social criticism.

As the growth of universities was increasingly justified in terms of service and contribution to economic growth, the simple fact that they exist also to provide liberal education and to protect knowledge, speculation, and criticism, tended to get overlooked. Argument rarely took account of these functions of the university, even though in reality they grew along with the professional schools and the more practical parts of the physical and social sciences. When the situation called for radical social criticism, the universities and colleges, despite their development in the direction of service, direct professional qualification, and research for clients, had great reserves of it in store—more than any other part of society could provide.

For this and other reasons, then, many of us continued to regard the university as precious. To the degree that radicalism in the latter part of the 60's wished to destroy the university or even refused to acknowledge its right to distance itself from the world, to remain free to be foolish or irrelevant or outrageous no matter how great the horrors of the world outside, to that degree were we further estranged from the radicalism with which we had begun.

III

There was, finally, one other large consideration which entered into my transformation from mild radical to mild conservative, and this was the conviction which grew upon me as the decade progressed that we are entering a world in which various forms of new social control will become necessary. They will become necessary not because some men want to control others, or because organizations want to shape men to their will, or because social institutions inevitably turn men into their servants (though all these things are true), but because human demands, demands that most of us consider good and proper, and that the radicals among us support most enthusiastically, cannot be satisfied without highly developed organizations and some limits on human freedom.

This is a position that is easy to misunderstand, and radicals—and not they alone—regularly misunderstand it. The democratic and egalitarian revolution means that people do not accept traditional limits on their standards of living, on their desire for material goods, on their demand for political participation and for control of their own lives. Most of us generally see all this as leading ultimately to a better society, a society in which every person receives varied and nutritious food, good housing, adequate clothing, proper medical care, access to higher education, opportunities for travel and for wider experience and for playing more active political and social roles. If we are to be truly equal, such goods and services cannot be denied to anyone; if we are democratic, people will insist on a higher and higher level of governmental responsibility to provide these goods and services; if our systems of communication are such that everyone is aware of the level of goods and services that prevail in some places, and the deficiencies that still obtain in others, then a democratic people, in an egalitarian society, will know what to demand.

To meet such demands inevitably means greater social control. It means heavy taxation, to pay the cost; it means setting limits on the building of houses and on the growth of towns to maintain some measure of amenity as population and production expand; it means stricter regulation not only of industry in its disposal of waste but of ordinary people who may wish to burn refuse or discard litter ("Alice's Restaurant" deals with larger issues than Arlo Guthrie perhaps knows, and the heroes may well turn out to be the officer and the judge). In the end it may mean the control of such intimate human functions as the right to bring children into the world. The expansion of human freedom in some directions, one can demonstrate, must ultimately mean the limitation of human freedom in others. Young people, wishing to divest themselves of a corrupt civilization, take to what they conceive to be the wilderness, to live with freedom and without restraint. But if they litter the wilderness, pollute the streams, and abandon cars in the forest, their freedom to seek what they consider the good life will have to be restrained so that some aspect of the good life can be retained for others. Some day we may get tickets to visit Yosemite—one visit to a lifetime, and perhaps they will be sold and bought on the stock market—just as licenses to bear and raise one's quota of children may be bought and sold on the stock market. How else can one reconcile the expansion of human desires and the insistence on equality with the growth of population?

This incapicity of the earth, as nature and God left it to us, to support the rising human demands that are now encouraged by every social force, justified by every major philosophy and ideology, accepted as legitimate by every major government, will inevitably mean that a society of freedom, plenty, equality, and loose or no organization cannot come into being, whatever the passionate convictions of young radicals.

Obviously, within the large general perspective I have presented, there are many alternatives, from Sweden on down. But neither to our young radicals nor to theirs does Sweden seem to be the way of the future. Yet even Sweden is better off today than it will be, as immigration brings more people into the country, and as it seeks to share its wealth with poorer countries like North Vietnam. And even Sweden today demands, and must demand, stronger controls than the United States does, in order to maintain its advanced social and physical environment. It takes more in taxes, limits the freedom of its citizens to build houses, more systematically regulates their educational and occupational choices, records all the facts about them in a national computerized system.

Some of us have called the student rebels "Luddites"—machine smashers—and have been answered: the Luddites of the early Industrial Revolution smashed machines that were good for life; the students smash the machines that bring death. This simple retort will not carry us very far. Even in the United States, engaged in an awful war, less than 10 per cent of the gross national product goes to the military, and a good part of that provides education, medical care, housing, food, and clothing for some millions of people.

The radicals answer that much of the remaining 90 per cent is also life-denying, going to such unnecessary or harmful products as cars, roads, and television sets. But the vast majority of the population sees in these things the essence of the good life. Human wants can be met in many ways, but they cannot be met by dismantling the machinery,

physical and institutional, of modern society. Only a drastic reduction in standards of living—and radicals are the first to insist that standards are already too low for large numbers of our people—or a drastic reduction in the total number of people is compatible with the degree of freedom from organization, control, discipline, and responsibility for the support of others that seems to be the special demand of contemporary radicals.

The young radical guerrillas now engaged in the sabotage of social organization take it for granted that they will be provided with complex means of transportation and communication, and with food, clothing, shelter, and medical care. The easy availability of these things is based on a system they deride and which in their confusion they want to bring down, not realizing that they themselves and all those they wish to help would thereby be reduced to misery. The arduous and necessary discipline of Cuba and China does not deter them from taking those countries as models, or perhaps really only as symbols, since they know almost nothing about them. The mild discipline of free countries, which makes it possible for large numbers to withdraw into nonproductive styles of life, they experience as more chafing.

This argument is often mistaken as simply a moral argument: "Since the radical youth benefit from modern capitalist society, they have no right to attack it, just as Marx and Engels, since they benefited from capitalism and led a life based (in their theory) on the exploitation of others, placed themselves in an insupportable moral position."

Perhaps there is some justice in the moral argument; I am not sure. But in any case I am not making a moral argument, I am making a logical one, based on empirical reality. What I am asserting is that to dismantle the structures of modern society will mean a radical reduction in the general standard of living. Rather than weakening these structures, we must alas strengthen them. In other words, we cannot insist on giving more people the opportunity to maintain a high standard of living and simultaneously demand that they be given a greater freedom and from control, from work, from family discipline. More and better food will mean more people working on food production and distribtuion. Better housing will mean more people working on the production and maintenance of housing. Better medical care will mean more people working in health services. Access to better communication and transportation will mean more people working on these systems. The belief that the introduction of new machinery and technology makes possible the release from labor was an illusion in Marx's day, and is an illusion in ours. The rising level of human demand and human expectations steadily outstrips the productivity of machines, and by now the ecological damage caused by many kinds of machines means that we must find ways of containing the rise of these demands and expectations. Rich countries have severer shortages of labor than poor countries, and countries like Sweden, West Germany, and Japan which spend little on arms or on other life-denying products have the worst shortages.

It is only in literary utopias that there is less work to do. In real societies which attempt to improve themselves, whether by reform or revolution, whether it be England or Sweden or Yugoslavia or Cuba or China, there is a continual demand for more work, and more and more people are drawn into the work force. First the rural population is driven from its life of following the seasons, with its periods of leisure; then the women are recruited into the work force; finally foreign labor is imported from those countries in which progress is not yet so far advanced. Nor can we simply place quotation marks around the word "progress": what we are talking about is the kind of change, after all, that revolutionaries, as well as reformers and conservatives, encourage and promise to the people of the world.

It was considerations such as these which led me to believe that the radical thinking of the late 1960's was almost completely misguided, based on an amazing ignorance of the lineaments of modern society and an almost equally amazing arrogance. One saw formulations by Marxist activists and scholars of the 1890's or 1930's served up again as an adequate explanation of contemporary America or the capitalist world in general, and one could only sputter in response. The second time around, the views of Rosa Luxemburg or of Lenin not only seemed irrelevant, but had been cheapened and vulgarized. Nevertheless, the passions which leaned upon their theories for support were as fierce as ever. Capitalism, imperialism, and colonialism had all undergone immense changes, but hatred of the free world (and I insist on using that designation without quotation marks as well, for despite the combination of ignorance and intimidation which has forced its abandonment in recent years, it still points to the largest *single* distinction between the Communist and the non-Communist countries) was as fierce in 1970 as hatred of the unreformed capitalism of forty or eighty years ago.

I will not pretend to possess any full understanding of why this hatred should be so fierce or why those who feel it most keenly should now come predominantly from the upper-middle class. But whatever its sources, it served as an additional factor in the estrangement of people like myself from the radicalism of the late 60's. I for one, indeed, have by now come to feel that this radicalism is so beset with error and confusion that our main task, if we are ever to mount a successful assault on our problems, must be to argue with it and to strip it ultimately of the pretension that it understands the causes of our ills and how to set them right.

WEAPONS FOR PEACE?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. RARICK. Mr. Speaker, Americans far from the battlefront, where the killing of American men is but a routine newspaper weekly statistic, are now becoming indignant over the casualties among our police officers right here in our own country.

Americans pay little attention to the reports of learned experts on armaments who have time after time told us that our enemies are ahead of us in sophisticated weapons. But in recent days, the citizenry have become frightened and incensed upon seeing a California police officer testifying to Congress that our peace officers are outgunned by the revolutionaries right here in the United States.

Wars are about law and order whether they be in a far-off country opposing Communist aggression or in our own backyard opposing violent overthrow of our institutions.

The soldier and the police officer have one common goal and that is the security of our people and our country.

The Bolsheviks and their Communist friends constantly talk peace, peace, peace, while they arm, arm, arm. Here at home, where our former civil rights specialists also constitute the peace movement, we must ask why they arm themselves with automatic weapons, mortars, and hand grenades? Are we to believe that these are weapons for peace? Are we to believe that like their ideological comrades, they have no plans for using them? To our enemies, war is peace. Our police officers are our front line of defense here at home; therefore, to our enemies, they are our soldiers.

Mr. Speaker, I include a thought-provoking analysis of the soldier and policeman by General A. Walker:

SOLDIER-POLICEMAN

I have never thought that a soldier could return victorious to a people who did not know what victory meant.

I have never thought that a society without values could fight a war for values.

I have never thought that a soldier could win on the battlefield what the public did not consider of value.

I have never thought that life and death belonged on the counter of a bargain basement—(soldier or police).

I have never thought that a soldier's life could have more value than society gave to his mission and purpose.

I have never thought that a soldier and an army could be fighting for security while the society was fighting for peace.

I have never found a soldier or a policeman that was fighting for peace—(only security).

I have always thought that the soldier and the policeman had the same mission and purpose to stop crime—unlawful disorder, within and without.

I have never thought that a soldier could win on a foreign battlefield what a policeman lost at home.

I have never thought that peace was any more the opposite of war than it was the replacement for security.

I have never thought that a partisan war could be fought for bi-partisan purposes.

I have never thought that a battlefield could could be interpreted as a defense of politics and politicians.

I have never thought that an army could be commanded by the U.S. Senate—(Mansfield-Fulbright).

I have always thought that a soldier and his purpose in Vietnam, in every way and on every issue, were more important than a revolutionist and his purpose in Washington, D.C.

I have never thought a man could be drafted to serve the cause of revolution.

I have always thought that "revolution" was an extremely dangerous word (reference Webster's definition) that is no substitute for "reformation".

I have never thought that "peace as a pursuit" was any less eroded and fouled than were those that chase it.

I have never thought that revolution could be extended to war—only to greater and more revolution.

I have never thought that a war could be fought for equality since war is the most effective use of inequality.

I have always believed that when everyone was equal there would be nothing to fight for; and no uniform, soldier or police, would have any mission or purpose.

I have never thought that everyone would become equal through the actions of a soldier or a policeman, nor would they become equal without their actions.

I have always thought that the proper and indeed the highest form of non-discrimination and integration was the equal concern and consideration for all Prisoners of War held by our enemies regardless of race or homeland.

AD HOC CONGRESSIONAL HEARINGS ON DISCRIMINATION IN FEDERAL EMPLOYMENT AND FEDERAL CONTRACTOR EMPLOYMENT—III

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. RYAN. Mr. Speaker, I am including in the RECORD part III of the report of the ad hoc congressional hearings on "Discrimination in Federal Employment and Federal Contractor Employment." This part of the report concerns the Federal contract compliance program; the previous parts dealing with the Federal civil service, appeared in the CONGRESSIONAL RECORD of September 15 at pages 31900–31903 and of September 18 at pages 32659–32669.

The hearings of which this report is the product were held under the sponsorship of the ad hoc congressional committee, composed of Mr. CONYERS, Mr. DIGGS, Mr. Dow, Mr. HAWKINS, Mr. HELSTOSKI, Mr. NIX, and myself.

Part III, entitled "The Federal Contract Compliance Program," is composed of four sections—the introduction, the summary of testimony on the Federal contract compliance program, the recommendations of the Ad Hoc Congressional Committee concerning the Federal contract compliance program, and the testimony.

The witnesses who testified on the contract compliance program were: Martin E. Sloane, Peter Gross, Girard Clark, Jack Moscowitz, Ward McCreedy, Louis Zawatsky, Paul L. Everett, and Herbert Hill.

Also included in the conclusion to the entire report of the ad hoc congressional committee. I should like to quote its last paragraph, as I believe it sets a mandate for action which cannot be denied:

> The testimony of the witnesses who appeared before the Ad Hoc Congressional Committee leaves no doubt: equal employment opportunity does not exist. There is no doubt, also, that it must exist.

On behalf of Congressman CONYERS, Congressman DIGGS, former Congressman Dow, Congressman HAWKINS, Congressman HELSTOSKI, Congressman NIX, and myself, the report follows:

AD HOC CONGRESSIONAL HEARINGS ON DISCRIMINATION IN FEDERAL EMPLOYMENT AND FEDERAL CONTRACTOR EMPLOYMENT—THE FEDERAL CONTRACT COMPLIANCE PROGRAM

I. INTRODUCTION

Executive Order 11246, issued by President Johnson on September 24, 1965, prohibits discrimination on the part of all employers with federal contracts. The order also requires that federal contractors take affirmative action "to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." Executive Order 11375 expands coverage to discrimination on account of sex.

Executive Order 11246 is the sixth in a series of equal employment orders for federal contractors, dating back to 1941. The first such order (Executive Order 8802) was issued by President Roosevelt on June 25, 1941. Its successor (Executive Order 9346) was issued in May, 1943. In December, 1951, President Truman issued Executive Order 10308, which established a Committee on Government Contract Compliance. In August, 1953, eight months after Executive Order 10308 had expired, President Eisenhower issued Executive Order 10479, establishing the President's Committee on Government Contracts. This Committee was chaired by the Vice President.

Executive Order 10925, issued on March 7, 1961, by President Kennedy, for the first time set out strong and very specific penalties for noncompliance. His second order (Executive Order 11114) extended equal job protection to federally aided construction projects.

President Johnson, in Executive Order 11246, retained the Kennedy policy changes, but he changed the administrative structure of the compliance program by assigning responsibility for its administration to the Secretary of Labor.

Executive Order 11246 states that "each contracting agency shall be primarily responsible for obtaining compliance." It provides that the activities of contracting agencies are to be supervised and coordinated by the Secretary of Labor, who, in January, 1966, established the Office of Federal Contract Compliance (FCC) in the Department of Labor for this purpose.

Part II of Executive Order 11246 details sanctions and penalties which can be applied by the Secretary of Labor or the contracting agency against employers who fail to comply with the Order. Section 209 of the Order allows either the Secretary of Labor or the contracting agencies to "cancel, terminate, (or) suspend . . . any contract or portion thereof." In addition, it provides procedures to debar a contractor from entering into future contracts with the federal government.

No contract has ever been cancelled or terminated as provided under Section 209. The power to debar contractors has been used only sparingly.

Affirmative action

The major thrust of the contract compliance program thoughout its history has been to advise and counsel contractors to initiate affirmative actions on an essentially voluntary basis.

Executive Order 11246 states that affirmative action "shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship." (Section 202(1)). The Order does not define what is actually required of contractors in those areas.

"Affirmative action" has never been extensively defined by formal directive of the Secretary of Labor, who is empowered to adopt rules, regulations, and orders by which the contracting agencies are to abide. An effort towards this end was made on November 20, 1969, with the issuance by the Office of Federal Contract Compliance of "Order No. 4." This order applied to all federal nonconstruction contracts of more than $50,000. It required that "special corrective action must be taken" when "the ratio of minority applicants (is) below the ratio of the minority applicant community" and "the selection process eliminates a higher percentage of minorities than non-minorities."

The November 20 version of "Order No. 4" was hastily withdrawn by the Administration following Congressional criticism and a revised "Order No. 4" was issued on February 5 which is much weaker. For example, the formal Order No. 4 states only that special corrective action "should be appropriate" when there is "an 'under-utilization' of minorities in specific work classifications."

Under Executive Order 11246, unions are reached only indirectly; the obligation to comply runs to the contractor. It is his responsibility to secure compliance from the labor unions with which he has contracts. While the Secretary of Labor is directed under the Order to notify the Equal Employment Opportunity Commission or the Department of Justice whenever he has reason to believe that the practices of a given union violate Title VII of the Civil Rights Act of 1964, the number of Title VII cases against unions growing out of violations of Executive Order 11246 has been small.

Construction industry

Construction projects involve a single locale and a relatively limited labor market, and they have a different array of subcontractors. Consequently, whereas the Office of Federal Contract Compliance coordinates the government's supply and service contractors by allocating them among the various contracting agencies so there is a single contracting agency responsible for every major firm doing business with the government, this arrangement is not appropriate for the construction industry. Thus, each Federal agency is responsible for compliance on all of its own construction contracts and on grants-in-aid which it makes for construction projects by state and local governments.

The most well-known area construction program implemented by the Office of Federal Contract Compliance thus far is the so-called Philadelphia Plan, put into effect in September, 1969. Under it, all building contractors in the Philadelphia area are required by the Invitation for Bid to submit goals and timetables for the employment of minorities in specified crafts. Failure to include these goals in the bid makes the bidder a nonresponsible bidder, and therefore ineligible for an award.

While the Philadelphia Plan is meritorious, it really only skims the surface of the unequal employment opportunity problem, and will only affect comparatively few workers.

Moreover, the real problem lies in the failure of referral unions, the source of workers for construction contractors, to admit minority group members. The Philadelphia Plan very indirectly approaches this problem, putting pressure on the user of the labor, rather that the supplier of it.

The contracting agency

Prior to the issuance of Executive Order 11246, the only agencies which devoted full-time staff to the enforcement of the Presidential order on equal employment were the Department of Defense and the General Services Administration. When the Order took effect in October, 1965, the Department of Defense had approximately seventy-five full-time personnel assigned to contract compliance. The new Order and nearly concurrent effective date of Title VII of the Civil Rights Act of 1964 resulted in the establishment of contract compliance programs with permament staffs in many other agencies.

Under the present Administration the number of contracting agencies responsible for contract compliance was reduced from 26 to 13. Eliminated were smaller agencies whose contact compliance programs yielded little per dollar of input. Another recent change has been to revise the system of compliance agency assignments. The former system, in which assignment of responsibility was based on dollar volume of contracts, has been replaced by assignment by industrial categories, with the aim of permitting greater industrial specialization by each compliance agency.

Typical steps in a compliance review

(This material is taken from *Jobs & Civil Rights*, pp. 130–33, by Richard P. Nathan, prepared for the United States Commission on Civil Rights by the Brookings Institution, and published in April, 1969 as Clearinghouse Publications No. 16.)

The first step for the specialist in conducting a compliance review is ordinarily a community survey. If the review is in the city in which the specialist is based, this step is

not necessary. Community surveys involve interviews on local labor market conditions with persons such as Urban League employment specialists, representatives of the local chapter of the NAACP, officials of the state employment service, local religious or community service leaders familiar with minority group job prospects, and in the West and Southwest spokesmen for organizations representing Mexican Americans. Assuming that the review is not of a large facility where a team approach is required, the reviewer ordinarily spends four to five days in the contractor's locale, with the first day or half-day devoted to the community survey.

The initial visit to the job site is usually devoted to general discussions with the plant manager or the industrial relations director on the contractor's equal employment opportunity posture and recent affirmative action efforts. The specialist generally will have familiarized himself beforehand with the employer's latest employment data. Following the initial discussions, most specialists tour the contractor facility with a representative of the contractor.

Preliminaries out of the way, subsequent discussions with the contractor deal in specific terms with major problem areas and affirmative actions which could be taken to place and upgrade larger numbers of minority group workers. The contractor and the specialist then draw up an agreement on new or accelerated affirmative action steps. This agreement is usually put in the form of a letter to the contractor from the contracting agency.

Special conditions, such as job discrimination complaints filed with the OFCC, require variations in these procedures. The standard procedure on complaints is to incorporate their handling into a general compliance review. This can produce awkward situations, especially where specialists have developed close working relations with major contracting firms. Confronting the employer with a specific wrongful act is likely to be more uncomfortable for the specialist than a general discussion of equal job problems and prospects. Under these conditions, the specialist may press the complainant's case in a way that antagonizes the employer thus undermining chances for a favorable affirmative action agreement. Another danger is that the specialist may, because of his close relationship with the contractor, fail to give full and adequate treatment to the position of the complainant.

Role and authority of the contract compliance specialist

The research for this project offered an opportunity to study the work in the field of contract compliance specialists and hence the strategy of the compliance program as it actually operates. Is the specialist an umpire in a new ball game with the power to call a man out? Or, is his job that of a salesman to sell equal opportunity to the contractor and then advise him on how his produce should be used?

Interviews were conducted with contract compliance specialists from seven federal agencies in six cities. Although there are always exceptional circumstances, the majority of the respondents were found to interpret their basic role as counselors or advisors to assist the contractor in putting himself in compliance with the executive order. The reason for the discrepancy between the OFCC's stated policy to enforce the equal job requirements like any other contract clause and the attitudes and actions of contract compliance specialists are not easily established. In some cases, it may be that word has not yet filtered down from the OFCC to individual specialists. But this is probably not true in many instances. Most specialists interviewed are aware of what the OFCC says it wants them to do. Their reasoning in maintaining a basically advisory relationship with contractors often involves very pragmatic considerations. They see the counselor-advisor relationship under the present circumstances as the best way to achieve "results," the oft-repeated test of compliance program effectiveness. Unless the contract compliance program is supported by a commitment from the top to use political muscle, according to this view, compliance specialists will be unable to force contractors to move beyond what they are willing to do voluntarily in response to suggestions and fairly gentle prodding.

Put another way, the approach of many contract compliance specialists is a function of their assessment of how their efforts can be made effective with employers. Perhaps this view is mistaken; specialists may fail to press for sanctions because they believe they will not be supported in doing so. However, in several cases specialists interviewed indicated on a confidential basis that they had been rebuffed in efforts to have their agency penalize contractors whom they found uncooperative. Whatever the reasons, the conclusion which emerged from the field research interviews is that announced decisions of the OFCC to crackdown on violators has not yet been successfully transmitted into the field.

II. SUMMARY OF TESTIMONY OF THE FEDERAL CONTRACT COMPLIANCE PROGRAM

1. Contract cancellation

The testimony before the Ad Hoc Congressional Committee established that the most serious administrative deficiency of the federal contract compliance program is the total failure of the federal government to use its most powerful weapon—namely, the power to cancel or withhold lucrative government contracts.

In every one of its contracts the government has the power to require its contractors to provide not only equal employment opportunity, but substantial evidence of greater utilization of minority group members, as well. Yet despite the existence of this power, the federal government has not once cancelled a contract because of a contractor's disriminatory employment record.

Several witnesses made the point that the cancellation of even one contract would have more impact on the credibility and force of the contract compliance program than any other single action.

2. Lack of commitment by those in authority

The failure of federal agency staff—particularly at the high policymaking levels—to support agency compliance staff on equal employment opportunity policy questions was the key factor in terms of policy which was brought out in the hearings. In the case of one of the witnesses, Girard Clark, vigorous enforcement on his part of the contract compliance program at the Defense Department lead to a debilitating reorganization of that program.

3. Insufficient initiative by Office of Federal Contract Compliance

The witnesses pointed out that the Office of Federal Contract Compliance has never effectively directed and supervised the contract compliance program. For example, it was not until the end of 1969 that it attempted to formally define "affirmative action"—a step which, if taken sooner, would have given the contracting agencies guidance as to their own actions.

This is not to say that the blame rests entirely with the Office of Federal Contract Compliance. Its role is a reflection of the executive branch's commitment to the contract compliance program; given insufficient commitment, the role ofthe Office must necessarily be diminished.

4. Inadequate staffing of Contract Compliance Offices

The testimony revealed that there are far too few personnel assigned to the contract compliance function. At the time of the hearings, only 12 full time professional staff were employed by the Office of Federal Contract Compliance, which has responsibility for monitoring the entire contract compliance program of the government. Individual agencies were also badly in need of additional staff. The Social Security Administration, which contracts with 164 Medicare and Medicaid intermediaries, employed only 15 full time professionals to review their employment practices and affirmative action programs.

As the testimony presented by the representative of the U.S. Commission on Civil Rights, Mr. Sloane, demonstrated, the Department of Defense was so undermanned that it was able to visit only a minority of its contractors in the Southeast Region.

The insufficiency of staff means that compliance reviews by federal agencies must for the most part be limited to infrequent conferences between compliance staff and contractors. In addition, the use of pre-award reviews and follow-up inspections, though repeatedly cited in the hearings as the best method for ensuring compliance, can seldom be utilized because of inadequate staffing.

5. Insufficient enforcement power

During the course of the hearings, the then Acting Director of the Office of Federal Contract Compliance, Ward McCreedy, acknowledged that several changes in equal employment opportunity requirements for contractors which he had suggested to the Department of Defense were simply ignored. Similarly, the Equal Employment Opportunity Commission, while it has demonstrated a commitment to uncovering and exposing employment practices in the private sector in violation of the Executive Orders and of statutes forbidding discrimination, lacks the power to force changes in the practices of those companies which it investigates. Instead, it must refer its findings to the Justice Department.

6. Conflicting roles of compliance officers

A contract compliance officer is often an individual with civil service standing who was selected from the staff of the agency for his compliance role. Very often, his career ambitions are—quite legitimately from a personal standpoint—concentrated on the agency in which he works. At the same time, however, his responsibilities with respect to enforcement of the contract compliance program may require him to challenge the policies of that very agency when it is laggard in implementation of the contract compliance program. Such a situation very obviously places undue and unjustifiable pressures on contract compliance personnel, and it thereby weakens the program.

III. RECOMMENDATIONS OF THE AD HOC CONGRESSIONAL COMMITTEE CONCERNING THE FEDERAL CONTRACTOR COMPLIANCE PROGRAM

1. The Office of Postal Contract Compliance should be transferred to a new agency, or to the Equal Employment Opportunity Commission

The present location of the Office of Federal Contract Compliance—the Department of Labor—places it in an agency having numerous other program missions unrelated to equal employment opportunity. While reorganization merely for the sake of reorganization would be pointless, there are very real beneficial ends which would be served by the Office of Federal Contract Compliance's transfer either to a new agency or, if not that, to the Equal Employment Opportunity Commission.

As Howard Glickstein, Staff Director Designate, U.S. Commission on Civil Rights, stated in testifying on September 10, 1969, before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare with regard to S. 2453, which proposed such transfer:

"The transfer (to EEOC) would promote the centralized enforcement of all Federal employment nondiscrimination programs under one agency, thereby eliminating much of the duplication of effort and confusion which has arisen from the bifurcation of these two major government problems.

"While consolidation would help correct administrative problems of overlap and lack of coordination in the field, an equally significant contribution should be to promote clarity and uniformity in the Federal law of employment nondiscrimination by having the rules for defining discrimination and shaping remedy developing under the aegis of a single agency." (page 168).

Of course, congruent with such a transfer of the Office of Federal Contract Compliance should be the lodging of strong enforcement authority in the agency to which the Office is transferred.

2. The contract compliance functions which presently reside in contracting agencies should be transferred to a new agency or to the Equal Employment Opportunity Commission

The inherent conflict of roles that now exists—employees of the contracting agency monitoring the agency's equal employment performance as to its contracts—weakens the contract compliance program. There is also an inherent mission conflict which weakens the program: on the one hand, the contracting agency's procurement division is to bargain for the best contract; on the other, the compliance officer's function is to assure that the contract meets the requirements of the equal employment opportunity program. These two functions may well diverge as regards a given contract. Consequently, either a new agency should be established to handle contract compliance (as well as the Civil Service's equal employment opportunity program) or the contracting agencies' compliance functions should be transferred to the Equal Employment Opportunity Commission.

3. The Government's power of contract cancellation must be employed

Despite repeated instances of discrimination by government contractors, the government's power of contract cancellation—the most powerful and potentially most effective weapon in its arsenal—has never been utilized.

Delay, procrastination, ambivalence, and endless negotiation can no longer be tolerated. Once the power of contract cancellation is exercised—for justified cause—those businesses which contract with the government will far more readily, and with far more alacrity, meet the equal employment opportunity requirements of their contracts. They will know that the weapon of contract cancellation is not just a meaningless threat.

4. Contract compliance staff must be greatly increased

Whether or not contract compliance functions—both those residing in the Office of Federal Contract Compliance and those residing in the contracting agencies—are transferred to another agency, staffing must be greatly increased.

If the potentially potent procedural measures available—such as preaward reviews and post-award inspections—are in fact to be effectively utilized, there must be sufficient personnel to implement them.

5. Adverse findings by the Equal Employment Opportunity Commission or the U.S. Commission on Civil Rights should constitute grounds for contract debarment

The findings of the Equal Employment Opportunity Commission or of the U.S. Commission on Civil Rights that a concern engages in discriminatory hiring or employment practices should be grounds for debarment of that concern as a government contractor.

6. Unions should be brought within the ambit of Executive Order 11246

Executive Order 11246 should be amended so that labor unions are covered directly—particularly those unions whose referral halls are the source of employees for construction contractors.

IV. TESTIMONY OF MR. MARTIN E. SLOANE AND MR. PETER GROSS

Mr. Sloane is Special Assistant to the Staff Director, U.S. Commission on Civil Rights.

Mr. Gross is Assistant General Counsel in the Office of General Counsel, U.S. Commission on Civil Rights.

The U.S. Commission on Civil Rights is not an enforcement agency; its mission is to find facts relating to denials of equal protection of the laws. In this regard, the Commission has developed a large body of knowledge about the enforcement of Federal nondiscrimination requirements in employment. Mr. Sloane presented testimony based on this information.

Mr. Sloane suggested that the main reason for the failure of the contract compliance program to live up to its potential is that, because the power of contract cancellation has never been used, contractors have not had to take seriously the threat of sanctions for noncompliance.

Mr. Sloane also pointed to the reliance of the agencies on voluntarism, and not enforcement, as the means for assuring equal employment opportunity as cause for the failure of the equal employment opportunity program.

As an example of failure to adequately and promptly enforce compliance, Mr. Sloane recounted the conduct of the Department of Labor's Office of Federal Contract Compliance—OFCC—concerning construction of the San Francisco Bay Area Rapid Transit system. He also reported on the Commission's hearings in Montgomery, Ala., in April and May of 1968, fully detailed in "Cycle to Nowhere," by Paul Good, U.S. Commission on Civil Rights, Clearinghouse Publication No. 14, which examined problems affecting the economic security of Negroes in a predominantly 16-county area of Alabama. As Mr. Sloane stated:

We found that government contractors in the area had done very little to improve the situation for the area's Negroes, and that many had contributed significantly to patterns of segregation and oppression.

In discussing the reasons for the failure of Federal contract compliance, Mr. Sloane pointed to the inadequate number of staff, both in OFCC and in the contract compliance offices of the various agencies. This insufficient number of personnel has meant an inability to conduct initial compliance inspections, as well as follow-up visits.

Mr. Sloane further identified as causes for the failure of the compliance program lack of systematic collection of the data necessary to determine compliance, inadequacies in pre-award reviews, and lack of positive leadership by OFCC. Above all, he singled out the timidity of the Federal Government in pursuing an aggressive compliance approach.

In the colloquy which ensured between Congressman RYAN and Mr. Sloane, the latter called for termination of contracts and firing of some Federal employees to demonstrate that the Government demands compliance, and that it expects Government employees to pursue an aggressive compliance program. He also recommended increased staffing for OFCC, as well as transfer of compliance functions to an agency which does not also have contracting functions, and is thereby seeking to, in effect, serve two masters.

The testimony follows:

TESTIMONY

Mr. SLOANE. I am Special Assistant to the Staff Director of the U.S. Commission on Civil Rights. . . . I appreciate the opportunity to present testimony . . . (concerning) problems of employment discrimination.

As you may know, the Commission on Civil Rights performs a unique function among the several Federal agencies . . . charged with civil rights responsibilities. The Commission is not an enforcement agency, and we are not empowered to redress individual denials of civil rights. Rather, our principal function from the time of the Commission's establishment in 1957 has been to find facts relating to denials of equal protection of the laws and to report these facts to the President, to the Congress, and to the Nation. Among our statutory duties is to appraise Federal policies relating to equal protection of the laws, and in carrying out this responsibility one of our primary concerns has been to evaluate the enforcement of Federal nondiscrimination requirements in employment. Through hearings and investigations, we have developed a good deal of knowledge about how these requirements are working.

I would like to address myself this morning to what we have learned about the enforcement of Federal contract compliance requirements as they affect government contractors (and federally assisted construction contractors).

It should be understood that these requirements are by no means of recent vintage. (Since 1941) . . . Federal agencies have been required by Presidential Executive Order to include in their contracts a provision assuring nondiscrimination in employment by government contractors. Thus, these requirements have represented consistent and continuing Federal policy for a quarter of century. The potential impact of these requirements as a force for equal employment opportunity has been, and is now, enormous. It has been estimated that nearly one-third of the Nation's labor force is employed by government contractors. A large proportion of the biggest industrial employers are government contractors. We believe it is a misfortune of the first magnitude that the contract compliance program has failed to fulfill its potential.

Perhaps the main reason for this failure is that contractors have not had to take seriously the threat of sanctions for noncompliance. Although in isolated instances government contracts have been delayed for noncompliance, no contract has ever been terminated. Thus, a major weapon necessary to establish the credibility of the Federal Government among government contractors never has been used.

Further, until May of this year, no proceedings had been instituted to debar contractors from future contracts. In May, the Office of Federal Contract Compliance (OFCC) commenced proceedings to debar five contractors from further government contracts, bringing into play for the first time the government's principal sanction for noncompliance. This, we think, is encouraging in that it symbolizes a movement on the

part of OFCC towards effective enforcement of the Executive Order.

This current, more forceful position of OFCC, however, is due, we think, at least in substantial part to the fact that court decisions have this year, for the first time, effectively enforced the requirements of the Executive Order and of Title VII of the Civil Rights Act of 1964. Here, as in other areas of civil rights, the judiciary has had to lead the way. A Senior Compliance Officer of OFCC frankly admitted in testimony at the Commission's hearing last May in Montgomery, Alabama that by comparison with the Department of Justice, and the courts, OFCC has been, in his words, "somewhat . . . timid" in construing and applying the Executive Order.

But even this advance by OFCC has not been accompanied by a similar movement on the part of the Federal contracting agencies themselves. And . . . though OFCC is responsible for setting policy and for overall supervision of enforcement, Executive Order 11246 places "primary responsibility" for contract compliance enforcement on the agencies . . . The orientation of the agencies still seems to be rooted in "voluntarism," and not enforcement, as the means for assuring equal employment opportunity.

"Voluntarism," (which) has characterized most of the life of contract compliance . . . means seeking to achieve compliance through persuasion and voluntary cooperation by employers. This approach is useful in its place, but if any one fact emerges clearly from the history of Federal contract compliance, and indeed . . . civil rights generally, it is that unless constructed upon a backbone of strict enforcement, voluntarism easily becomes an excuse for inaction.

I would like to describe to you some examples of the inadequacies of the contract compliance program which the Commission has uncovered in hearings held within the past year or so. Then I would like to suggest what we believe are some of the major defects in the program as conducted by both OFCC and the contracting agencies, which . . . have contributed to its inadequacies.

In May, 1967, the Commission conducted a hearing in the Bay Area of San Francisco, California, inquiring into a broad range of issues affecting . . . (minorities) there.

Employment discrimination was one of the main subjects of inquiry. We took a particularly hard look at one large federally-funded construction project, construction of the Bay Area Rapid Transit system. In this construction, the Commission was told, the Bay Area Rapid Transit Authority anticipated grants of up to $80 million in Federal funds and employment of about 8,000 people at peak construction times. As of May 1967, we found no Negroes among the electricians, ironworkers, or plumbers engaged on this construction.

The General Manager of the Transit Authority, B. R. Stokes, was asked in the course of his testimony before the Commission what he felt the contractors on the project could do to increase minority representation in job categories where the unions had few or no Negro members. Mr. Stokes replied:

"We can implore, we can plead, we can call to the attention, we can do all of these things. We can make these things stipulations in our contracts. Beyond this there is not much we can do, sir."

Mr. Stokes subsequently added:

"Our prime responsibility to the public wihch has voted this bond authority [for construction of the rapid transit system] is to deliver the system as near like we promised it and as nearly on time as we possibly can . . . There was not in that bond issue . . . a social cost factor."

We also heard testimony from the Federal official responsible for coordinating all construction contract compliance in the San Francisco area. Ample evidence had appeared in the hearings that construction contract compliance was yielding remarkably little increase in the employment of minority workers in the Bay Area. Commissioner Erwin Griswold . . . then asked . . . (him):

"Have the efforts of your office brought about the employment of one minority plumber in the San Francisco Bay area?"

. . . (He replied:)

Not to my knowledge.

Following this hearing, in September 1967, the Commission addressed to the Office of Federal Contract Compliance a memorandum containing a number of questions and recommendations regarding Federal contract compliance in the construction industry in the San Francisco area. Nine months later we received a reply which candidly summarized the ineffectiveness of the construction contract compliance program in the San Francisco Bay area. OFCC's memorandum states:

"[The program] has resulted in no known increase in membership in the mechanical trades. It was a casual factor in the development of a Department of Labor-funded training program for Operating Engineers, but it is not now clear that more than 50 Negro youths will enter this local, which has about 30,000 members and only 25 Negro members."

Further, in our September communication to OFCC we had criticized as totally inadequate an affirmative action program which was submitted by a large contractor on the Bay Area Rapid Transit project and accepted by the responsible government agency, . . . the Department of Housing and Urban Development. In its affirmative action plan, the contractor had pledged itself merely to remind the unions of their equal opportunity obligations. In answer to this point, OFCC observed that "this inadequate affirmative action program indicate[s] the limited resources and understanding of the Federal agencies charged under the Executive Order with the primary responsibility to assure contractor compliance." We agree with this conclusion, as far as it goes. Unfortunately, . . . it (does not go) far enough. It does not suggest that OFCC, itself, might have exercised its own authority to require rejection or improvement of the plan.

It should be noted that in several other metropolitan areas, most notably in Cleveland and Philadelphia, Federal construction contract compliance has been operated on a much more meaningful basis, requiring specific results in terms of minority employment. The Commission has not yet fully appraised the operation of these programs. But it appears that this approach is being applied in only a few metropolitan areas. Further, there is little to suggest that this program will be expanded. OFCC, in its response to . . . (us) of last June, said of the Cleveland program:

"There are serious questions being raised as to whether this program exceeds the authority of the Executive Order in the specificity of its requirements."

We believe it is a matter of the utmost importance how these serious questions will be resolved.

In April and May of this year, the Commission held a five-day hearing in Montgomery, Alabama in which we examined problems affecting the economic security of Negroes in a predominantly rural 16-county area of Alabama. Negroes in this area—the population of which is 62 percent Negro—have been displaced from their former principal role as sharecroppers or tenant farmers raising row crops such as cotton and corn. We saw that though the poverty which pervades the area as a whole is shocking, the disparity between whites and Negroes is equally shocking. In 1960, for example, income per unit member of white families in the area was five times that for nonwhite families. We found that Negroes had been largely excluded from the new industrial jobs created in the area; in 1967 reports to the Equal Employment Opportunity Commission from the area, Negroes accounted for only 22 percent of industrial jobs. . . .

We found that government contractors in the area had done very little to improve the situation for the area's Negroes, and that many had contributed significantly to patterns of segregation and oppression*

One large government contractor, with several facilities in the hearing area, is American Can Company. At its pulp and paper mill in Choctaw County, American Can had contracts with the General Services Administration in the first three quarters of fiscal year 1968 for more than $1.7 million. We found that of 1,550 persons employed at this mill, only 108, or 7 percent, were Negro, and that only . . . "several" of these employees occupied skilled positions. This mill draws its employees . . . from an area whose population is about 57 percent Negro.

On July 15, American Can Company submitted to the General Services Administration a purported plan for equal employment opportunity at this Mill. On September 6, OFCC rejected the plan, citing its failure to provide for evaluation of opportunities for utilization of minority personnel, and its failure to provide a remedy for employees who were previously discriminated against. On September 13, GSA informed OFCC that, nonetheless, it was accepting the plan as (being in) adequate compliance with the Executive Order. At last word, OFCC had not responded to GSA's letter.

Since 1960, American Can Company also has owned a company town in the hearing area, at Bellamy, Alabama. This town provided rental housing for employees of the company's nearby saw mill. We found this town to be totally segregated. We found that only 8 of the 123 Negro houses had running water and inside toilet facilities, while every white-occupied house had running water and inside toilets. We found that there were several segregated churches, two segregated swimming pools, and a company-owned Negro school house. A Negro worker employed at the Bellamy saw mill for the past 24 years testified that the town was "just about in the same shape" when he first came there in 1943 as it is at present.

Finally, we found that although 270 of the 340 employees at American Can's Bellamy saw mill—(doing) work which is traditional for Negroes in the South—were Negro, the highest position held by any Negro employee was Assistant Supervisor, and that was a position to which two Negro employees had been appointed just two weeks prior to our hearing.

Up to the time of our hearing, no General Services Administration contract compliance officer ever had made a compliance inspection at Bellamy.

In July and August of this year, American Can Company submitted to GSA a series of proposals for dealing with conditions in the town at Bellamy. None of these proposals were found acceptable by OFCC. On October 4, GSA accepted a modified version of the Company's first proposal. Both the original and the final versions of this proposal were based on a gift of the houses to occupants, and a gift of the church buildings and swimming pools to the respective church congregations—in short, a perpetuation of the segregation which the company had maintained. One of the changes made in the proposal, as first submitted, was that approval by OFCC was no longer to be required. It appears that OFCC never sought to review this modified plan and the plan has now been put into effect.

*Report on these hearings is "Cycle to Nowhere," issued by U.S. Commission on Civil Rights.

We wrote to OFCC on October 24, and again on November 14, requesting it to explain its position and its proposed course of action in the Bellamy matter; to date we have received no reply.

Another government contractor in the hearing area, with a plant located at York, Alabama, is McGregor Printing Corporation. This company does most of its printing work under contract with the Government Printing Office.

Testimony by company officials disclosed that local applicants for employment at McGregor first were interviewed by the mayor of York, Alabama. The company, we were told, received from the mayor an "advisory evaluation" on the applicant's potential, ability, character, "and so on." The mayor also is the owner of a clothing store in York, which has been the target of demonstrations by members of the Negro community because of its failure to hire black people. We have since been informed that the company has discontinued this interview policy. We also heard testimony that the mayor and company officials tell Negro applicants for employment that they do not approve of persons engaging in civil rights demonstrations; an employee of the company testified that he knew of no McGreogr employee who had participated in a civil rights demonstration.

Dan River Mills, another large government contractor in the hearing area, manufactures uniforms for the Armed Forces. At a Dan River Mills plant in Greenville, Alabama, we found that white employees used restroom facilities on the inside of the building, while Negro employees used facilities on the outside. We asked a witness, a Negro formerly employed at the plant, whether he had been told not to use the inside facilities and he replied:

"I was not told that I couldn't use any of the facilities. I was just pointed out the one to use."

The same witness testified that although there was a drinking fountain in the plant, he "was told that the other Negro employees always got a Coke bottle to drink out of." The plant manager of the mill testified that he was unaware of any segregation in the plant.

We found that of the approximately 200 employees at the Dan River Mills Greenville plant, only 3 were Negro—a watchman, a warehouseman, and a truck driver who doubles as a janitor. The Negro witness, formerly employed at the plant, testified that he was hired as a weaver-learner in the fall of 1966, but that he was subsequently assigned work as a sweeper, and that he quit in April, 1967, because he felt that by reason of his race he never would be promoted to weaver. A young Negro girl, a senior at the Negro high school in Greenville, told us . . .:

"Most of the Negroes know they aren't going to be hired for anything but sweeping the floor, so they just don't go out there."

Another large government contractor in the hearing area is Alabama Power Company, which grosses about $2.5 million a year under a contract with the General Services Administration. The company employs 5,394 persons; of those 472 are Negro. About three-fourths of the Negro employees are in unskilled positions. In 1966, of the company's more than 1,300 craftsmen, just 3 were Negroes; two years later, at the time of the hearing, the number of Negro craftsmen had risen by one, to four. From 1967 to 1968, we found, the proportion of the company's male employees who are Negro actually declined. We learned that the company still maintains segregated facilities at locations in Birmingham, Alabama. After field investigations of the company in early 1967, GSA contract compliance staff reported finding patterns of restricted minority group employment and suggested that administrative action against the company should be considered. Nonetheless, at the time of our hearing, in 1968, adequate corrective action had not been taken. Indeed, the company official responsible for equal employment opportunity testified at our hearing that GSA's 1967 reviews had resulted only in . . . "nominal suggestions" that were adhered to, and that he understood Alabama Power Company had been given . . . a "clean bill of health." At the present time, 17 months after the GSA investigations, and 6 months after our hearing, Alabama Power Company still has not corrected these conditions of racial exclusion, restriction, and segregation.

Another large GSA contractor in the hearing area whose officials testified that they believe their company is in compliance with federal equal employment requirements is Allied Paper Company, a pulp and paper mill located in Jackson, Alabama. The personnel manager testified that there are 47 Negroes out of a total of (about) 445 employees, and that none of the Negroes are clerical or supervisory personnel.

Following our hearing, on June 4, GSA acknowledged—in response to our inquiry—that Allied Paper's performance did not meet the requirements of the Executive Order, and stated that it would take action to bring the company into compliance. There then followed the kind of red tape and delay which too often is found in civil rights enforcement.

(Shortly thereafter) GSA learned that Allied Paper Company had become the subsidiary of a large Department of Defense contractor. Accordingly, GSA determined that enforcement should be turned over to the Defense Department, and forwarded the file to . . . (it). But . . . (DOD) compliance officials in turn determined that GSA should continue to handle the case until the deficiencies were remedied. On September 20, the responsible DOD official wrote to OFCC requesting that it cause Allied Paper Company to be transferred back to GSA. Nine weeks later DOD officials reported that they were still awaiting a response to this letter.

From the experience the Commission has gained in its hearings and investigations, it is quite clear that federal contract compliance is not the effective force it should be in assuring equal employment opportunity. Some of the reasons for its failures are readily apparent.

One obvious reason is the gross inadequacy of staff. The OFCC, for example, with responsibility for establishing overall policy for all phases of the contract compliance operation, with responsibility for participating in the more significant contract compliance neogtiations conducted with individual contractors, and—since May of this year—with responsibility for conducting five debarment proceedings, has a staff of 12 professionals to carry out these responsibilities.

The Defense Department, at the time of the Commission's hearing in Montgomery, Alabama, had a contract compliance staff of 11 professionals with responsibility for monitoring the compliance of more than 6,000 contractors facilities in the seven states and Puerto Rico that make up its Southeast region.

The GSA contract compliance operation is much smaller than that of the Defense Department and less regionalized. To supervise equal employment opportunity in GSA contracts in the amount of $1,350,500,000, at the time of our hearing, GSA provided three professionals in Washington and 10 compliance investigators in the field. One investigator covered the entire seven State Southeast region, devoting a portion of his time to matters other than contract compliance.

This lack of staff has had obvious effects in terms of the ability of the agencies to conduct inspections to determine compliance. We learned at our hearing, for example, that in the Defense Department's Southeast region, in the two and one-quarter years from January, 1966, until the time of our hearing last May, just 437 Defense contractor facilities in the Southeast region had been visited. Considering the fact that responsibility for these visits was carried out by a mere 11 professionals, this might be considered an impressive total. It also should be understood, however, that this represented less than 8 percent of listed Defense contract facilities in the region.

It was estimated that nationwide, GSA had subjected about 10 percent of its contract facilities to compliance visits in the one and one-half years preceding our hearing. Referring to this relation between staff size and workload, an experienced GSA contract compliance official, testifying at the Commission's hearing, described GSA's system of compliance reviews as "sort of a hit and miss thing." . . . (W)e question whether GSA permits this kind of casual approach to inspections in areas other than civil rights.

But even this does not tell the whole story. Effective contract compliance enforcement requires much more than an initial compliance inspection. Defense Department contract compliance officials estimated that noncompliance is found in 85 percent of compliance visits in the Southeast region; in all such cases, the company is required to take steps to come into compliance. But this means that follow-up visits must be made to determine whether the facility is in fact coming into compliance. We learned that in the 16 months prior to our hearing, in the Defense Department's Southeast region, contract compliance officers, in 95 percent of their compliance inspections, said that a follow-up inspection was necessary; (yet) in only 10 percent of the cases was a follow-up inspection actually made. On this point, there was the following exchange at our Alabama hearing with the head of DOD contract compliance in the Southeast region.

Question: Do you think that [the] companies that you weren't able to revisit, but companies where you did find some deficiencies and wrote to them about the deficiencies, do you think that they are terribly concerned about what the consequences of not complying are?

Answer: No. Well, let me phrase it this way: I do not believe that you should ever tell a company that you are going to revisit them unless you [do] . . . they are human beings like we are.

Moreover, we learned at our hearing that under a new policy instituted in January, 1968, the Department of Defense was making follow-up inspections only at facilities located in metropolitan areas, despite the fact that more than half the large Defense Department contractor facilities (those with 100 or more employees) in the Southeast region are located outside of metropolitan areas.

Inadequacy of staff is only one reason why contract compliance enforcement has not been effective. Failure to systematically collect the data necesary to determine compliance, inadequacies in pre-award reviews, and the failure of OFCC to provide positive leadership, also have been important factors. Above all, . . . , the timidity on the part of the federal government has been perhaps the most important factor.

On inadequacy of reporting systems, the only method for reviewing the employment practices of government contractors, apart from compliance inspections, is the use of reports submitted by the contractors themselves. The present system of reporting is wholly inadequate.

Companies covered by Title VII of the 1964 Act, and companies with substantial federal contracts, are required to submit an-

nually an employment data report called the "EEO–1" form. The report gives employee statistics, by race or national origin, for each of the employer's facilities. The data in general use are outdated; federal agencies are still relying principally on data from forms submitted in 1966. Moreover, the agencies do not have reports covering all the facilities for which they are responsible. While GSA has responsibility for an estimated 5,000 contractor facilities, GSA told us that it has in its files EEO–1 forms covering only 1,600 facilities.

Of even greater significance is the fact that current racial data on applications, hiring, and promotions, which are crucial for evaluating present employment policies, are not systematically gathered. The official responsible for administering DOD contract compliance in the area comprised of Alabama, Mississippi, and portions of neighboring States, told us that less than a dozen of his 1,300 facilities were at present submitting special compliance reports detailing such current data.

Also, there is no satisfactory system for informing contract compliance officers of the facilities for which they are responsible. GSA, for example, relies chiefly on a listing which is now more than two years old; there are hundreds of companies, representing thousands of different contractor facilities, for which GSA has contract compliance . . . (responsibility but which do not appear in its contract compliance listings.) Smilarly, we learned that though the Defense Department's Southeast region has contract compliance responsibility for thousands of subcontractor facilities, these facilities appear in no listing made available to Southeast region compliance officials.

In addition, (there is) the inadequacy of pre-award reviews. Under the program of "pre-award" compliance inspections, any company which is to receive a publicly advertised federal contract of $1 million or more must be inspected and cleared for equal employment compliance within no more than six months prior to award. In testimony at the Alabama hearing, contract compliance officials strongly endorsed the potential effectiveness of this pre-award program; a Defense Department official stated that in almost all cases contract compliance officers enjoy a much better bargaining position on equal employment opportunity before a contract is signed than after it has been signed. Nevertheless, at least in part because of the indequacy of compliance staff, a DOD official stated that 40 to 50 percent of the inspections made supposedly under the pre-award program in the Southeast region, are in fact made several days or even weeks after the contract has been let.

The result is that new contracts are entered into with companies which are not in compliance wth the Executive Order. For example, a Defense Department compliance officer reported as follows after his compliance inspection of a DOD contractor facility in the hearing area. . . .:

"Subject facility is located in . . . [a county which] has a nonwhite population of approximately 50 percent. . . . [O]n 3 February 1967, the company was awarded a contract for [more than $2 million] covering the manufacturing of men's cotton denim trousers. Based upon the nature and extent of the deficiencies noted during this survey, subject facility was not in an awardable position for receiving the aforementioned contract."

Executive Order (11246) gives to the Secretary of Labor responsibility for the administration of the federal contract compliance program. The Order directs the Secretary to "adopt such rules and regulations and issue such orders as he deems necessary and appropriate" to carry out the purposes of the Order. The Secretary of Labor discharges this duty largely through the Department of Labor's Office of Federal Contract Compliance.

OFCC's most important responsibility is to set out for the guidance of contractors and contracting agencies clear substantive requirements. Apart from directives on testing and segregated facilities, however, OFCC has provided little such guidance. For example, the single most important substantive requirement of the Executive Order is that contractors adopt programs of affirmative action toward equal employment opportunity. Yet OFCC has not made clear to the contracting agencies or to contractors what this requirement means. We are convinced that such coordination and leadership are essential if the Federal contract compliance program is to become effective. . . .

The need for effective leadership by OFCC can be measured in terms of the strength of the forces working against effective contract compliance programs. For both the government agencies and the contractors, effective contract compliance policies may at times be inconvenient and at times even costly.

In short, lack of staff and other inadequacies in enforcement not only are causes of the relative ineffectiveness of the contract compliance program, they also reflect the deepseated reluctance of all parties concerned to upset the status quo. Business and government have enjoyed a comfortable relationship over the years through government contracts, and the kind of change in the status quo that an effective contract compliance program requires is uncomfortable, even painful. But it is a difficult truth that in contract compliance, as in other areas relating to the rights of minorities in this country, we are now well past the point where painless programs can be particularly relevant. On the contrary, the painless, ineffective program may be worse than none at all, since it may become a ruse, a camouflage for inaction. For this reason, we think the greatest damage to the purposes of the Executive Order has been done by those—in government and in business—who have seemed to support the cause but have not allocated the resources, or taken the firm stand, necessary for an effective program.

Mr. Chairman, there has been a good deal of discussion, particularly in recent months, over what private enterprise should be doing to assure equal rights, especially in the area of job opportunities. We agree that the private sector must assume a greater responsibility than it has in the past. In our view, however, government has an even greater responsibility. We have tried to show how in one critically important area—contract compliance—this responsibility has not fully been carried out. . . .

Mr. RYAN. How do we change the attitude of the government officials who are charged with the responsibility for enforcing the Executive Order?

Mr. SLOANE. Mr. Chairman, I think that there are several problems of credibility involved. One we tried to point out is a lack of credibility of stance of the Federal Government among the contractors because no contract ever has been terminated. There, also, I think, is a lack of credibility on the part of the overall government position within the federal government itself among employees of the federal government, those who have been around a long time and who have seen these Executive Orders come and go and have seen policies come and go and have seen heads of agencies come and go. . . . Nothing very much is likely to upset them.

I think we need some examples. . . . First of all, among the government contractors, such as terminating a few contracts where there are flagrant violations and refusal to amend their ways. Secondly, I think we need some examples within the Federal establishment. I think we might try some firings to demonstrate the credibility of the Federal Government.

There is another problem involved in addition to the tendency not to upset the status quo between private industry and the Federal Government. It is a question of where the pressures are coming from. As you know, federal officials are human beings and they respond to pressures, and in the area of civil rights—and it is not limited to contract compliance by any means, but it extends to just about every other area—pressures tend to come to oppose strict enforcement, or any kind of enforcement of civil rights laws. . . .

I think these hearings by this committee are very useful. I think a continuation of these hearings and a continuation of pressures from the other side might also be useful in urging these agencies on to much more meaningful action. But without pressures from the side of those who are in favor of civil rights enforcement, it is going to be awfully difficult for those in Federal Government, those whose intentions are good, to move very far or very fast.

Mr. RYAN. I think what you say has validity. Certainly one of the reasons why we convened these hearings was because we believed that pressure should be exerted, that the regularly constituted committees of the Congress should hold hearings and explore this whole question. . . . I think this is an area in which the Congress could play a very important role. . . . Certainly that is one of the reasons why we are here today.

The question, however, I think comes back again . . . to whether there is a real . . . determination on the part of the Executive Branch, and this it seems to me has to flow from the very top. If from the top it is known throughout government that there is going to be an insistence upon effective enforcement of a Presidential Directive, then if it isn't enforced, there will be an accountability and heads will roll. . . .

Mr. SLOANE. (W)e do have the OFCC, hopelessly undermanned right now. It does have the authority, though, to issue rules and regulations to overrule the agencies. I think this operation has to be beefed up, because I think that no matter how strong the stands of each individual agency will be—I think it will likely vary from agency to agency—you've got to give last authority to somebody outside the agency that has the contracting responsibility and this should be OFCC, and I think it should be beefed up considerably.

So I think on these two points the program could be strengthened considerably: a strong stance by the head of the agency with some demonstrations that he really means it, and, also, a beefing up of the operation of OFCC which does have overall responsibility. . . .

Mr. RYAN. Would you recommend putting either in OFCC or in another independent agency the power which now resides in the contracting agencies so that the contracting agencies, which are essentially attuned to doing business with the concerns, don't have the responsibility for enforcing civil rights?

Mr. SLOANE. I think that it really is necessary in the last analysis . . . I think that authority has to be put in the agency that doesn't have a self-interest in continuing the contracts regardless of anything.

Mr. RYAN. Are there contractors now doing business with the government who have been cited either by the Department of Justice or by State FEPC's or by the Equal Employment Opportunity Commission as violators of civil rights?

Mr. GROSS. (T)here have been debarment proceedings commenced . . . in five cases. There were five in May and I think there have been one or two since. So that in a

sense, the sanction has been applied, since the debarment notice which initiates these proceedings is the initiation of the sanction. And the current status of these five, or the several additional, of course varies. I'm not up on each one, but in some cases I think that there either have been or hopefully shortly will be agreement reached with the contractor which OFCC will accept. So that, in effect, the imposition of the sanction will have, I think, produced quite a definite result as far as moving the contractor.

Mr. RYAN. What are those five cases?

Mr. GROSS. The five that I have originating in May—the firm called Allen-Bradley, a Milwaukee firm; . . . Timken Roller Bearing; Bethlehem Steel, in a plant in the Baltimore area; Pullman, a manufacturer of rolling stock in the state of Alabama; and a fifth company . . .—I'm not sure of its full and correct name . . .

Mr. RYAN. That is a start, but are there not a great many more companies which could be subjected to the same sanction?

Mr. SLOANE. I am confident there are . . .

Mr. GROSS. What has happened is that the contracting agencies which . . . under the Executive Order have the primary responsibility for enforcing the Executive Order have not undertaken the burden of these debarment proceedings. And this one of the major reasons why OFCC is unable to carry out its job. It has the burden, along with the legal staff of the Department of Labor, to actually litigate these debarment proceedings, which it simply is not capable of doing.

So . . . this is by no means the way the program should be working. It should be the contracting agencies themselves through their compliance operations who are undertaking this burden. So . . . this is by no means an adequate start. . . .

MR. GIRARD CLARK

Mr. Clark was Director of Contract Compliance, Navy, from March 1965, to March 1966. He then served as Director of Contract Compliance, Department of Defense, from March 1966, until June 1967, at which time he resigned.

The Department of Defense has jurisdiction over the largest number of companies doing business with the Federal Government. It is estimated that as many as three-fourths of all Federal supply and service contracts are with the Department of Defense. The Department of Defense common-items supply agency—the Defense Supply Agency, or DSA—alone has over 50,000 employees.

The Defense Department's procurement of goods for fiscal year 1968 amounted to $43.8 billion. It has some 20,000 prime contractors and 100,000 subcontractors. Barry J. Shillito, Assistant Secretary of Defense for Installations and Logistics, has pointed out that "some 5,300 cities and towns have at least one plant or company doing business with the armed services."—Two National Journal, No. 10, page 508, March 7, 1970.

The Defense Department's contract compliance machinery has undergone two major organizational upheavals since October 1965. Prior to that time, each of the three military services had its own separate contract compliance unit. There was also a Department-wide compliance unit for common-items procurement in the DSA. Each unit was organized and operated on a different basis. Under the first major reorganization, the three military services and the DSA were directed to consolidate their contract compliance activities into a single unit.

The consolidated contract compliance function was initially placed under the jurisdiction of the Assistant Secretary of Defense for Manpower, who has general responsibility for all Pentagon civil rights matters. Mr. Clark was appointed head of this consolidated division in March 1966. The contract compliance program under this arrangement had a headquarters complement of 16 professionals. There were 13 regional offices with a total authorized staff in fiscal 1967 of 97 professionals and 52 clericals.

The second major reorganization of the Defense Department's contract compliance function was ordered May 21, 1967, effective July 1. It reassigned operating responsibility for contract compliance from the Assistant Secretary for Manpower to the Defense Contract Administration Service—DCAS—which is responsible for Defense Department contract management functions. The service is a part of the DSA. This transfer was not a complete shift of responsibility, as it did not include policy direction and guidance, responsibility for which was retained by the Assistant Secretary for Manpower.

Mr. Clark's testimony in large part concerned the reorganization of the contract compliance effort within the Department of Defense which occurred in 1967 and which, after he resigned, he charged "would diminish efforts to reduce racial discrimination in employment"—Washington Post, June 11, 1967, page A-5.

In recounting the history of contract compliance, Mr. Clark detailed the initial failings of the program, pointing to the adoption of the plans for progress approach—in other words, voluntarism by employers, and, as to the Defense Department, the close working relationship of the military and industry, neither of whom wished to rock the boat, so to speak.

Since June 5, 1967, when the program was turned over to the Defense Supply Agency, Mr. Clark, who resigned on June 2, reports that the compliance program has been steadily curtailed. As examples of this curtailment, he pointed to the DSA order limiting compliance reviews to those plants actually engaged in work on defense contracts, rather than covering all plants of the contractor, as provided by Executive Order 11114, issued by President Kennedy in September 1963. The result of this action by DSA was to reduce compliance program coverage by about 70 percent, or from 25 million jobs to less than 8 million.

In the colloquy between Congressman RYAN and Mr. Clark, Mr. Clark described the practice, when he headed the Navy's program, of meeting with intransigent violating contractors in Washington to negotiate the issues in dispute. This proved to be an extremely successful approach, since the contractors were clearly aware of the pressure being applied and the possibility of sanctions if they refused to comply. One of the key successes involved the Newport News Ship Building Co.

Unfortunately, as Mr. Clark reported, it soon became clear that the Defense Department was not going to honor recommendations for sanctions.

Mr. Clark recommended that responsibility for contract compliance, insofar as equal employment opportunity is concerned, be placed in a separate agency, totally divorced from the contract function, so that contracting agency, which is chiefly concerned with writing contracts, is not administering a program which conflicts with this goal.

Mr. Clark also was critical of the Civil Service Commission. He noted the loopholes in the system which allow a position to go unfilled, even if a qualified minority group member is available for the job. He reiterated the statements of earlier witnesses, as well, about the laborious protest system, and, so far as the Defense Department is concerned, he noted that that Department seeks to avoid hearings by running extremely stringent security investigations and then relying on the slightest past misstatement to justify firing the complainants.

In conclusion, Mr. Clark condemned the "bureaucratic labyrinth," as Congressman Ryan described it, in the Defense Department, which shields the contractors and enervates any attempt at an aggressive contract compliance program. His testimony follows:

TESTIMONY

Mr. CLARK. I am happy to take part in this hearing and to contribute what I can to broader understanding of the reasons behind the general failure and decline of the government's programs to establish equal employment opportunity.

As Staff Assistant to the Director, and Director of the Contract Compliance—EEO Program at Navy for nearly three years and Director of the Defense Department's Contract Compliance (office) for more than a year prior to its being turned over to military control, I was in an excellent position to observe the development and the curtailment of the program in the critical period between March of 1963 and June of 1967.

The contract compliance approach to achieving equal employment opportunity was by far the most direct, effective and economical. The approach was based originally on Executive Order 10925, issued by President Kennedy in March of 1961. This order, unlike those of earlier Presidents, carried with it the threat of economic sanctions—the withholding or cancellation of contracts—against contractors who did not comply. Moreover, the order was not limited to the elimination of discriminatory and segregationist policies and practices, but insisted on affirmative action as well.

The Order was limited, however, to those facilities of a contractor actually engaged in government work. That limitation was removed by Executive Order 11114, issued by President Kennedy in September of 1963. That action more than tripled the coverage of job spaces to perhaps 30 million, since if government work was being done at even one plant of a multi-plant corporation, all of the plants had to be in compliance.

While the 30 or more contracting agencies of the federal government were ordered to develop competent staffs to implement this program, only a few agencies actually responded and little had really been accomplished by mid-1963. There were three basic reasons for this.

First, Lyndon Johnson, then Vice President, and charged with responsibility for the program was and remains dedicated to the ideal of securing voluntary rather than compulsory compliance. Thus he quickly supported an idea of an Atlanta attorney named Troutman to set up an organization of major industries who would sign so-called Plans for Progress, a supposedly solemn covenant with the Vice President to perform above and beyond the requirements of the Executive Order.

The fact was that while some of the early signers of Plans for Progress were long-time leaders in providing equal opportunity, the majority were among the worst employers in this respect and signed only because they correctly surmised that this action would make them immune for a time from review by the contracting agencies. This was confirmed by later statistical surveys by the President's Committee on Equal Employment Opportunity and by the New York hearing conducted by the Equal Employment Opportunity Commission. Results in these cases showed that, as recently as last year, signers of Plans for Progress, as a group, had accomplished less than those who had not signed.

Second. The President's Committee, which theoretically determined the policy and direction of the program, was badly torn between those who wanted all-out enforcement and those who preached education and Plans for Progress. Vice President Johnson chaired that Committee. So, in late 1962, John Feild, the vigorous Executive Vice Chairman of the Committee, was replaced by a Johnson choice, Hobart Taylor, a Detroit attorney. From that moment forward, no agency could look to the committee for support if it attempted strict enforcement. By the same token, no agency simply going through the motions or running a program had any fear of censure by the committee.

Third. The programs at the Defense Department were largely hamstrung by what General Eisenhower described as the military-industrial complex. The big contractors and high-ranking military had long been wed, and the military was not disposed to endanger the marriage over something so alien to both parties as meeting the sociological needs of the nation. Since the military was directly involved in the program in the Army, Air Force and Defense Supply Agency, only the Navy program was allowed to function productively—only at Navy were the lines of communication all civilian.

This third fact involves only the Defense Department, but is crucial to the overall program, because the Defense Department agencies were, and are, responsible for two-thirds of all government contractors and about 80 percent of the job spaces covered by the program.

Almost from the beginning, there were efforts to consolidate the equal employment opportunity programs within the Defense Supply Agency, whose own program was described as a "non-program" which never found fault with any contractor.

Navy managed to forestall efforts at consolidation three times between early 1963 and 1965, the third time with the assistance of Vice President Humphrey. A fourth effort was launched in the summer of 1965 and the Vice President was again prepared to block the threat.

Then, in September of 1965, President Johnson issued Executive Order 11246, which, on the surface, appeared to strengthen and broaden the program. The immediate effect, however, was the exact reverse. The Vice President, a leading proponent of civil rights throughout his public career, was removed from all authority in that area. Surveillance of the contractor program was downgraded by assignment to the Secretary of Labor. Surveillance of the government's own hiring practices was assigned to the civil Service Commission—the agency responsible for creating the problem had been charged with solving it.

One month after the Vice President was removed from authority, the Defense Department ordered the consolidation of the EEO programs and, in early December, I was named director. The program was to operate under the Assistant Secretary for Manpower, but I correctly surmised, as had the contractors, that inevitably the program would fall into the hands of the Defense Supply Agency.

The consolidation and my appointment did permit me to institute tough Navy policies among corporations long accustomed to the gentle treatment of the other Defense agencies. Although the consolidation lasted less than a year before the military takeover was initiated, we managed to conduct some 60–70 corporate-wide reviews, and the compliance posture of most of these companies was such that the reviews resulted in 40 corporate-level confrontations and negotiations in our Washington office. Contractors reviewed during the year represented something over four million job spaces. . . .

Our lease on life was short. Key contractors were outraged over the actual enforcement of the equal employment opportunity clause in their contracts. I assumed policy and directional control of the consolidated program in March of 1966. Offices and payrolls were finally consolidated on August 1, 1966. Within a month a management survey was instituted to determine how to "improve" program efficiency and to determine whether the program should be turned over to the Defense Supply Agency. The management survey report was submitted in February, 1967, and the program, for all practical purposes, was frozen. I resigned on June 2, 1967, three days before the military take-over.

Since that time, the program has been steadily curtailed. The best example is the recent Defense Supply Agency order limiting reviews to those plants actually engaged in work on contracts. This action arbitrarily reduces the program coverage of Defense by about 70 percent, or from 25 million job spaces to probably less than eight million, returning the program to the days prior to Executive Order 11114, issued in 1963. Here are some other examples:

1. Limiting of reviews to plants with 300 or more employees;

2. Limiting of reviews to communities with high minority group population;

3. Virtual elimination of coordinated corporate-wide and industry-wide reviews;

4. Elimination of special programs for Puerto Ricans and American Indians;

5. Elimination of the special program for construction contractor compliance;

6. Elimination of the corporate-level confrontations in Washington;

7. Substitution of check list reviews for in-depth reviews and narrative reports;

8. Establishment of boards at the local and national level to guard against findings of non-compliance;

9. The appointment of some area directors with no previous experience in the field;

10. Firm military control of every step in the communications channel.

That is the story of the Defense Department's Equal Employment Opportunity effort with contractors. It is also typical of what happened to the program in most other agencies. . . .

While Plans for Progress continued, . . . President Johnson more recently turned for industry support to the, "National Alliance of Businessmen," headed by Henry Ford II, who, as a member of the steering committee of the Emergency Convocation of the Urban Coalition in August of 1967, summed up his attitude thusly: "Even more basic than the responsibility of business to provide equal job opportunities is its responsibility to stay in business so that it can provide jobs. . . . Business cannot hire more people than it needs, or hire people who are not qualified to do useful work."

That attitude is as patently directed at Negroes and other minority group people as the phrases, "crime in the streets," and "law and order."

In summary, I submit, as . . . we already have enough laws and Executive Orders on the books to solve all of our problems, if only we chose to enforce them. And if I may phrase that another way, we made no promises we could not keep; we made realistic necessary promises we chose not to keep.

Mr. RYAN. Mr. Clark, you have given a very straightforward and a very disturbing account of the history of the contract compliance program in the Department of Defense, particularly from your own personal experience as Director of that program. . . . Let me see if we can expand on some of the points you made so that we have as full a picture as possible of the situation. . . . I understand from your testimony that you sought to vigorously enforce the President's Executive Order, and instituted a series of corporate reviews which resulted in a number of what you referred to as confrontations . . . in Washington with the corporations. Could you describe in more detail what was involved in these confrontations? Was this a change from past practice on the part of the Department of Defense?

Mr. CLARK. Well, the Department of Defense was not really directly involved with the program. The various agencies ran the program. In the Department of Navy in the period 1963–1964, when we came upon a contractor who was not only (not) in compliance but not willing to go along, we began the practice of calling them into Washington for a final conference. . . . By the time the Defense Department was consolidated . . .

Mr. RYAN. What do you mean by "consolidation?"

Mr. CLARK. The merging of the Army, Navy, Air Force and Defense Supply Agency programs into one program.

Mr. CLARK. Contractors should have gone through the educational period that was necessary, and if contractors were in serious shape and balked in the field at the recommendations made by our field staff, it was time then to call them promptly into Washington to deal with the situation. We would sit down and negotiate anywhere from four hours to two days—and in the case of Newport News, which was kind of a special case, for eight straight days—and exact from them specific programs plans as to how they were going to remedy the situation discovered in their facilities.

We would then establish a deadline date for this to be done and would then review them again subsequent to that date. Of course, if they said no at the conference table, which was reasonably rare, then I would recommend sanctions.

Mr. RYAN. I understand that one of your early successes was the Newport News case.

Mr. CLARK. Well, it was at least an initial success. I have no idea what shape the Shipyard is in now, but this was an excellent example of one of the methods of a government approach to this problem that was tried, succeeded, and was then abandoned. This was a situation where the Department of Navy compliance staff had conducted an intensive review. And we had written letters to the company trying to exact from them certain promises. And then I had sent a letter warning them that I was going to ask for sanctions against them by the withholding of future contracts from Newport News Ship Building, which is the largest shipbuilding concern in the world, probably. . . . Meanwhile, the Equal Employment Opportunity

Commission, reacting to complaints by employees and by the NAACP, also conducted an investigation and came up with substantially the same faults that we found.

(EEOC) . . . got no cooperation. They referred the case to the Justice Department. . . . About March of 1966, the Justice Department filed charges against the company. And at that point, . . . the Office of Federal Contract Compliance took the position that if an agency of the federal government had made a finding of discrimination or segregation—both were prevalent there—against a . . . contractor . . . then no other agency of the Federal Government should do business with that contractor until the matter was resolved. The Department of Navy and my office agreed. Therefore, we brought into play four agencies—the Department of Justice, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance, and the Department of Navy.

We also had fortunate timing in this that we did not plan, and that was that bids were about to be accepted for four attack submarines. Only three yards in the country can handle the bid. They immediately asked to confer with Navy and we said, "No, we'll all meet together."

So, representatives of all four agencies negotiated with Newport News for eight straight days and came out of that with a complete desegregation of facilities. (There were provisions providing: (1) for) . . . a guarantee that all records would be examined by us, not by . . . (Newport News officials—we would examine), personnel records to determine which Negroes had been passed over for supervision; ((2) . . . that these Negroes) then would be next in line for all openings for supervision; (and (3)) that recruitment for the apprenticeship school, which was like a junior college down at Newport News, would be frozen until such time as they were able to begin approaching a Negro population in that school that was similar to the population of the yard as a whole and the community as a whole—something like 27 percent, I believe. Up to that time, they had had one or two Negroes in a year go through (the apprenticeship school).

There were other upgradings of people at the various job level classifications, and so on, and Negroes were first in line to jump up to the next category.

Endless manhours were spent down there, but, nevertheless, the agreement was such that it would literally have remedied the discrimination that had gone on over the years—in a single weekend they reassigned all lockers and locker rooms alphabetically, and ended segregation.

Mr. RYAN. That is certainly an example of what can be done if a strong and tough policy is followed of enforcing the Executive Order. . . . During (your tenure as) . . . Director of Contract Compliance in DOD, . . . how many major corporations were you able to confront and bring about some results in their practices?

Mr. CLARK. I would say that we (had) . . . 40 confrontations. In about three or four of these cases, it was the second time into Washington for them, so there were probably about 36 corporations involved, . . . and . . . in all but perhaps three or four cases considerable changes were effected. When changes could not be effected at the table, recommendations for sanctions was sent forward.

Mr. RYAN. In how many cases did you recommend sanctions?

Mr. CLARK. After the first major recommendation for sanctions, supported by OFCC, which was cognizant of the situation, I discovered that the Defense Department did not intend to honor intend to honor recommendations for sanctions, that my superiors instead wanted to act as mediators between myself and the contractor, and in no case was a recommendation for sanction approved.

At least two or three others went forward.

Mr. RYAN. You have hit upon a problem internally that any compliance officer has to face in his own agency before you really reach the OFCC. Who or what was the position that was responsible over you for passing on recommendations for sanctions?

Mr. CLARK. Well, it is complicated. . . . There was a Director of Equal Employment Opportunity who was responsible for this program and for the in-house practices. Then, over him was a Deputy Assistant Secretary of Defense who was responsible for civil rights and labor relations—thus he was responsible for other areas of civil rights as well as the military, and Title VII of the Civil Rights Act of 1964.

Over him was the Assistant Secretary of Defense for Manpower, who had the overall responsibility for everything, of course, in his shop. Therefore, . . . it would have to go through two other layers above me before an Assistant Secretary would ever see it. This is unlike the Navy procedure, where I reported directly to the Assistant Secretary, who never refused a recommendation for sanction filed by my office.

Mr. RYAN. You spoke in your testimony about a military takeover. What exactly happened? How was the takeover accomplished procedurally?

Mr. CLARK. The decision was made that since the Defense Supply Agency was responsible through the Defense Contract Administration Service, which is the largest part of the Defense Supply Agency, for all dealings with contractors and for procurement generally, and, therefore, they were the ones that were closest to the contractor, it was most normal that they deal with the contractor—on all phases of the contracts. . . . This would then become a routine clause in the contract and would be handled in a routine manner and enforced right along with the rest of the provisions in the contract. That was the rationale.

There was another rationale that did have some logic. It was one of the arguments against consolidation in the first place. When we think of the Department of Defense, we are really talking about the Office of the Secretary of Defense, (which is) . . . an extremely small organization . . . about 1,600 people. Therefore, when they added our program they did two things. They increased the size of the Office of the Secretary of Defense by ten percent in one motion, and they added an operating unit to an office, or department, if you like, that does not have operating units, with one exception—armed Forces Radio. . . . Therefore, we were an alien organism in that operation, and their idea was that we should be in an operational level, which we had been in prior to the consolidation . . . (So,) they then assigned the responsibility for the operations of the program to the Director of the Defense Supply Agency, and in turn to the Director of the Defense Contract Administration Agency. (B)oth of these gentlemen, by the structure of the agency, are generals or admirals. . . .

Mr. RYAN. In your testimony you spoke about the removal of John Field as Executive Vice Chairman of the President's Committee, and the effect which that had on the understanding throughout the agency of the determination to go ahead. I think you said that no agency which was running a token program feared censureship after that. Can you give us an example or two of what you are describing?

Mr. CLARK. Surely. At one point, the Department of Navy had—just in a 90-day period, I believe, three recommendations for sanctions against three companies doing business with the Navy and with other government agencies, and I don't recall that we ever received a reply to any recommendations for sanctions during the period. This reflects the posture . . . of those agencies trying to do a job and trying to get the President's Committee Staff to support the sanctions provided for in the Executive Order.

Now, on the other hand, there were a number of agencies which had made no motion to staff up at all. There were other agencies, such as Defense Supply, which had the firm practice of never finding fault with any contractor. These received no censure at all from the President's Committee.

An action, as we often complained to a contractor . . . is a far better description of policy than writing out a policy and distributing it. The elimination of what were then called the hawks and the victory of what were then called the doves on the President's Committee, was an expression of policy from on high far clearer than any written policy that could have been distributed among the agencies. . . . (w)ith all of the force and urgency gone . . . from the President's Committee, most agencies allowed the program to drift—non-defense agencies as badly, or (even) . . . worse than defense agencies in most cases.

Mr. RYAN. I think you testified that in 1963 under President Kennedy's Executive Order the coverage was expanded . . . to require compliance by all plants in a company, even those plants which were not doing business with the government, and this made it possible to reach approximately one-third of the work force in the country.

Mr. CLARK. That is correct.

Mr. RYAN. Did you further testify that there's been a recent change in that policy?

Mr. CLARK. Yes. The Defense Supply Agency has issued an order to its operating people in the equal employment opportunity area that . . . this would be with the exception of complaints possibly—as far as reviewing plants, they will limit (review) . . . to those places actually engaged in work on government contracts.

Mr. RYAN. When was that order issued, approximately?

Mr. CLARK. Within the last several months. . . .

Mr. RYAN. What would be the reduction in job spaces . . . covered, approximately?

Mr. CLARK. From about 25 million to about 8 million.

Mr. RYAN. Do you know whether or not that decision was reviewed, or reviewable, by the Office of Contract Compliance?

Mr. CLARK. It is my understanding that it must have been, but I don't know directly.

Mr. RYAN. You have pointed up the anomaly of the federal government urging businesses to expand job opportunities and at the same time not enforcing the Executive Order, and particularly it seems to me this becomes a more inconsistent position when the Office of Defense Supply reduces the coverage. So that instead of being as broad as it was in 1963, it is now considerably narrowed from some 25 million to 2 million jobs.

Mr. CLARK. Back to the status in . . . 1961 and 1962, and that effectively cuts the overall government program by more than half because of the tremendous number of contractors . . . that are covered by the Defense Department.

Mr. RYAN. How do you account for that change in attitude. . . .?

Mr. CLARK. I don't consider it a change in the Defense Department's attitude. . . . I think their rationale, however, was what the only alternative was to acquire sufficient staff to deal with the total problem. That would be a matter of going from the present staff of perhaps 100 to something in excess of 400 professional staff in the field, and go-

ing from a budget of under $3 million to over $8 million.

However, if I may suggest, $8 million is a rather small figure when you consider that what you are doing with it is making some $50 billion in . . . Defense contracts alone do double duty in terms of achieving national objectives.

Mr. RYAN. I think that is a very good point. You had said earlier that enforcement was one of the most economical means of achieving full employment opportunity. . . . Are there any particular recommendations you would like to make in terms of either executive action which you feel should be taken immediately, or in terms of legislative action which you think is required?

Mr. CLARK. I support, as you have suggested, . . . having a separate agency, totally divorced from the contract function, . . . that operates independently, and, therefore, is not susceptible to any of the pressures . . . by contractors. . . . I refer not only to the Defense Department, but to all government agencies.

Mr. RYAN. I certainly think the testimony . . . from yourself and from others during the course of these hearings bears out the importance of the establishment of such an agency.

Now, before we close your testimony, can you give us, aside from the Newport News case, some other examples of effective enforcement where segregation was eliminated by vigorous enforcement of the Executive Order—some of the companies you can remember.

Mr. CLARK. Yes. There are a number of examples. I will include both Navy and Defense experience and perhaps a few that were not Navy and were cleared up by the other agencies.

One of the best examples, I suppose—an early example—was BVD in Pascagoula, Mississippi. . . . A complaint was filed with the President's Committee against BVD. . . . The President's Committee was unable to determine which agency was appropriately responsible for BVD. Therefore, they asked the Department of the Army program people to make an investigation of the complaint. . . .

The Army people did this and submitted a report, well-detailed in narrative and documented, which showed that BVD was out of compliance in a number of ways: . . . (1) BVD barred from employment Negro women, and hired only white women on the line; (2) there were no Negro supervisors; (3) there were no Negroes in white-collar jobs, although there were few of them there; and (4) there were segregated facilities. . . .

The President's Committee did, at that point, find against the company and sent a letter notifying BVD that it would be withheld from further contracting with the Federal Government. And they sent such a letter to all agencies asking that all contracting officers be notified that they were not to do business with BVD. We issued such an order when we received the letter. That was the first we knew about it.

About six months later, a salesman for BVD called Navy Ship Stores in New York and said, "You must be out of BVD's" and Navy Ship Stores said, "Well, we can't do business with you anymore. We are buying them from other producers." They said "What do you mean you can't do business?" and they told them that there was a sanction against them.

Now, it becomes quite clear at that point that other agencies doing the business with BVD paid no attention to the President's Committee in that instance, because the first time that it came up was when Navy refused to do business with them.

They were in Washington the following morning and they were completely cooperative. (Negro) women began to be hired at once, and all other matters of desegregating began—both facilities and job opportunities. . . . Subsequent to that, . . . Navy took 4 contractors in the Delta area of Mississippi and had them attend a conference outside of Greenville, Mississippi. The rationale . . . in this case—another method that was tried and worked, and was abandoned—was that in the South it is not as easy to make one contractor act and not impose the same restrictions and rules on the others. And there, again, we were successful in introducing Negro women into the work force, in introducing (Negro supervisors), in desegregating the facilities, and in introducing Negroes into the white-collar force. This was in 1964–65. . . . The Air Force reviews of IBM resulted in probably one of the best programs in the country. . . . They are a company now that engages in unbelievable, extensive affirmative action. . . .

What IBM does is, if a Negro appears and applies for a position and is qualified for any of the many levels of positions or training programs of IBM, he is . . . put on the staff and work is shared until such time as an opening appears and then he is part of the staff. . . . When we came around after the Defense (Department) consolidation and checked them over, we realized that they were not doing this with Mexican Americans. And they said, "Oh, does that apply to them, too?" And I said, "Oh, yes." So they picked up the phone and said, "Get out a directive and tell them—remember what was said about Negroes?—that goes for the Mexican Americans, too."

There were the shipyards of the Gulf Coast. The craft lines were largely desegregated. There were many . . . problems because of some existing contracts that prevented interdepartmental transfers without losing seniority, but they did break the craft lines in virtually all of these yards.

These were probably among the better examples.

Mr. RYAN. One thing you said was that surveillance of the government's own hiring practices was assigned to the Civil Service Commission . . ., "The Agency responsible for creating the problem had been charged with solving it." Would you care to elaborate on what you meant by "agency responsible for creating the problem?"

Mr. CLARK. Well, the Civil Service Commission is just like, a personnel department of any large company, only probably somewhat worse in terms of the discretion that it gives to the employer or to the management that it's designed to outline procedures for.

An example: if you want to hire somebody, if you have to fill a position, you can either go outside to the Register and take the top three and select from there, or you can take the next three in line for the position from within and select from the top three there. And if even one of them is a Negro he can be bypassed forever. But then—and this is true of one of the big Navy shipyards—if you finally end up after doing this over the years with a situation that the three on the top of the Register outside are Negro and the top three in line for the position are Negro, they will just leave the position open. And that is the way it operates. And they have never done anything to close the gap. As far as they were concerned, so long as you lived within those guidelines, you could not be discriminating, which is, of course, patently ridiculous.

And as far as Civil Service protection in terms of any kind of protest filed through the Civil Service Commission, it is extremely laborious. If it is at any high level or any critical level, then, at least at the Defense Department, the person who files the complaint is in all likelihood, almost always going to undergo a complete security investigation, even if he's been in the government 20 years. And if they can find one statement that is slightly out of line in his original form 57, then they get him that way without having to go through a hearing.

Mr. RYAN. So that is an argument for a strong union in the government?

Mr. CLARK. Yes.

Mr. RYAN. I would like to ask you what kind of criteria you would apply in determining whether or not a company did have a program for affirmative action. What would you require in terms of affirmative action under the President's Executive Order?

Mr. CLARK. Defining affirmative action has been a problem over the years, and I have always described it as doing whatever is necessary to make sure that the policies and practices you are now instituting are going to produce results in terms of living bodies. And I mean that not only in hiring, but in training, production, transfer, job placement. So I could give a couple of examples.

One large company that I know of that had a facility in Alabama was automating the company. There, most of the skilled people were black, but they were illiterate. They did not have to be literate before but now there was automation. There was no question they could handle the machines and work them, except for one thing: they now had to be able to read and write, or they would be out the door. The company, not because we asked them to, but before we even knew about it, introduced literacy training to retrain these people for their jobs and to give them these better jobs that were becoming available through automation.

That is an example. Another example is a company that uses 3,000 engineers on its payroll and complained that they had trouble recruiting Negro engineers. I asked them about the Negro colleges that give engineering degrees, although, granted many of them are not accredited or not approved. They examined this extensively and they found that while these people graduating from these colleges were not engineers, they were engineering technicians and engineering aides of a high level. And then they reviewed the 3,000 engineers they had on the payroll, and discovered that almost half of them were doing work that did not require an engineering degree. So, then, as the jobs opened up, they began recruiting at the Negro colleges.

I remember a concentration of defense industries and other government industries in New England where, literally, the Urban League was fresh out of people and the churches were no help. Most of the people, or a large share of the people, were employed. How do you reach the people who never go to the Urban League and who do not go to church on Sunday? Well, this contractor started calling on Negro doctors and dentists and began getting a referral operation going through them.

There is literally no end of ways. What you have to do in a review is identify what the problem is. And there is no rule of thumb on what you do. You have to do whatever is necessary to produce results. And that is what I would have to say is affirmative action.

Mr. RYAN. I think you have given a very good answer and one which might be well emulated by those who are charged with the responsibility of enforcing the Executive Order.

Now, one other question relates to the curtailment of the activity and the coverage in the Department of Defense under the Defense Supply Agency and your recitation in your statement of some 10 examples of ways in which the curtailment had been brought about. Was this through directives within the the agency?

Mr. CLARK. Through directives.

Mr. RYAN. Were they subject to approval anywhere along the line outside of the Defense Supply Agency?

Mr. CLARK. Well, with the exception of that first one, which was the cutback in the number of facilities covered, which I do believe should have been and may have been processed through the Office of Federal Contract Compliance, the others need not have been.

Theoretically, the Office of Federal Contract Compliance expects, normally on an annual basis, . . . that each agency submit its total program, and this would be included as part of its total propram. Whether they still do that or not, I don't know. But nevertheless, these changes can be, and were, initiated directly by directives to the field. Sometimes, they were in the form of informal directives, later confirmed by memo, but in all cases they were in writing and went to the field.

Mr. RYAN. The first one, limiting of reviews to plants with 300 or more employees, would be at any plant with less than 300 employees?

Mr. CLARK. That is correct . . . It is considerably less restrictive than the Executive Order, which provides for 50 or more employees.

Mr. RYAN. Now, as far as the second point, limiting of reviews to communities with high minority group population, what is the practical effect of that?

Mr. CLARK. Well, I do not know what percentage they finally settled upon, but . . . the first percentage I heard was something like five percent (e.g. if the community) was less than five percent Negro . . . . They were not talking about the other minority groups. This would have eliminated the Twin Cities and Seattle—Denver would have been marginal—from coverage by the Executive Order. And now, if they have dropped it lower than that, why then I can't tell you which cities would be affected and which would not.

Mr. RYAN. Number four, elimination of special programs for Puerto Ricans and American Indians. What programs were eliminated?

Mr. CLARK. Well, there were three programs. . . . We had a special program for Mexican-Americans, (we) . . . were developing one for Puerto Ricans, (and we) had one going for American Indians. The only difference was (that) some of their problems were different: the biggest difference was that it was much more difficult to identify recruitment sources for these minorities, then it was in the case of the Negro. With the Negro, we had a number of civil rights organizations, we had the Urban League, we had t churches, the schools, and so on. It was much easier to identify where the contractor could go to handle recruitment. And that was the original reason for establishing these programs.

I did not list the elimination of the Mexican-American program because, while this was the full, (stated) intent of the Defense Department . . . nevertheless, the program was rescued by being transferred to the Department of Labor. . . .

Mr. RYAN. The American Indian and Puerto Rican programs were administered not by the Defense Supply Agency but the Department of Labor, according to your statement?

Mr. CLARK. Right.

Mr. RYAN. Let's look at your point No. 8: "Establishment of Boards at the local and national level to guard against findings of noncompliance." What do you mean by that?

Mr. CLARK. . . . First, let us think of a field specialist reviewing a plant, and the plant is in noncompliance and is not about to go along with the recommendations, so he files a finding of noncompliance.

This, then, in let's say Indianapolis, goes to his military superior. And then if it gets past him, it then goes to Chicago to the regional office, where it goes through the hands of the . . . Director of Field Specialists. And then, let's say it gets passed through after it goes through his Post, to the Military Commander in Chicago. If it gets past him, it then goes into the Headquarters here. And if it gets through the Office of Contract Compliance at DSA, it then has to pass through the general or admiral who is in charge of the Defense Contract Service Administration, and then it has to go through the general or admiral who is head of DSA.

Now, this was not apparently sufficient protection for the contractor against being found in noncompliance, so now they have established at Chicago, for example, a board made up of civilians and military, none of them from the equal employment opportunity program, who will review such a finding by a field specialist to see if this was not a "precipitous" decision.

And then they are . . . establishing a similar board at the level here in Washington, again made up of people, civilian and military, not connected or having any background with the equal employment opportunity program, who would again review it.

So there are—I can't count them—some 17 layers, I guess, or 15 layers, that a sanction recommendation would go through before it conceivably could go on to OFCC.

Mr. RYAN. There is little cause for wonder then, is there, that there has been so little effective enforcement?

Mr. CLARK. No. (L)ittle cause.

Mr. RYAN. How many boards, similar to the Chicago Board, are there. . . .?

Mr. CLARK. If they have now established them, they would have established them in at 11 regional offices. . . .

Mr. RYAN. (Y)ou certainly have described a bureaucratic labyrinth which would frustrate, it seems to me, any dedicated person who is charged with the responsibility (for) and felt a commitment to, the enforcement of the President's Executive Order.

I want to commend you for your forthrightness and for the dedication which you obviously showed when you were in charge of the Department of Defense contract compliance program and for the results which you achieved.

I think it is a sad commentary that, instead of progressing from that point, we have apparently retrogressed. There has been a reduction in coverage in the number of employees reachable through the President's Executive Order, and there has been an apparent determination made on the part of the Department of Defense not to have the vigorous kind of enforcement which you had espoused and tried to implement.

I think your testimony is most helpful. Certainly, it should arouse the deep concern of everyone who is committed to the enforcement of the President's Executive Order. . . .

What we want to see is results: how many individuals from minority groups are being hired, what are the percentages in compliance, and how can we use the leverage of the contract compliance (program) in order to achieve (these results). . . .

Mr. CLARK. Thank you, Mr. Ryan.

JACK MOSCOWITZ

Mr. Moscowitz is Deputy Assistant Secretary for Civil Rights and Industrial Relations, Department of Defense.

Mr. Moscowitz was accompanied by Mr. C. Stuart Broad.

Mr. Moscowitz briefly discussed the contract compliance program within the Department of Defense. He explained that policy is lodged within the office of the Assistant Secretary of Defense for Manpower, who is Mr. Moscowitz's superior, while the operational aspect is lodged in the Defense Supply Agency—DSA—of which one part is the Defense Contract Administration Service—DCAS—which handles contract compliance.

The structure is such that a military man heads the operational unit—DCAS, while his subordinate heading up contract compliance is a civilian. Mr. Moscowitz, in response to Congressman RYAN's questioning, maintained that the military leadership is entirely capable of carrying out the executive order, even though not specifically versed in the civil rights field and trained in the problems of equal employment opportunity.

Mr. Moscowitz explained that the placement of the contract compliance program in DCAS—a transfer which Mr. Girard Clark had previously testified to as being counter to the goal of meaningful compliance—was essential to create a permanent, operating structure within the contracting process which would establish compliance as an integral, institutionalized aspect of the contracting process.

In discussing the use of sanctions, Mr. Moscowitz acknowledged that contract cancellation had never been employed, but maintained that cancellation is not a meaningful criterion to measure effective compliance. The important thing is the threat of compliance, and the results of this threat—that is, the acquiescence of recalcitrant companies to compliance—cannot really be measured.

Congressman RYAN expressed particular concern with the Department of Defense's reviewing of contractors. Mr. Moscowitz contended that there is insufficient staff—only 100 professionals—to be able to review the approximately 50,000 plant facilities for which the Defense Department is responsible.

Mr. Moscowitz disputed Mr. Clark's earlier charge that Executive Order 11114, extending coverage to all the plants of any contractor doing business with the Defense Department—even if only one plant was involved, had been limited to only cover the actual plant involved, following the transfer of the compliance program to DCAS. He contended that there had merely been a setting of priorities, which was essential in light of the great number of plants and the insufficient staff.

Mr. Moscowitz readily acknowledged that the statistic-keeping aspect of contract compliance was not sufficient, and pointed to the Department of Labor's Office of Federal Contract Compliance as being the body responsible for developing a better system.

TESTIMONY

Mr. MOSCOWITZ. First of all, I want to thank you. I speak for myself and I think—I know—I speak for the Assistant Secretary of Defense for Manpower. I think we both always welcome, not only coming over to Congress, but any organization that wants a look at one of our programs. It has been our experience that after somebody has looked at it and has talked to us about it, that there has always been an improvement. . . .

The present federal contracts compliance program was established by President Kennedy in Executive Order 10925, issued March 6, 1961. Executive order 11114, issued June 22, 1963, extended coverage to all plants of any contractor currently doing business with the federal government. The program was ad-

ministered by the President's Committee on Equal Employment Opportunity, and included all federal departments and agencies engaging in substantial business with outside contractors.

Our current EEO program is based upon an Executive Order of President Johnson—11246—issued September 24, 1965. This order transferred EEO administration from the President's Committee on Equal Employment Opportunity by assigning civilian personnel matters to the Civil Service Commission and the contracts compliance program to the Department of Labor. . . . (T)he Secretary of Labor established the Office of Federal Contract Compliance in 1965 to set policy for all federal agencies in their administration of this program.

Since that time the OFCC has supervised administration of contract compliance aspects for the EEO and the departments and agencies have supplied management, manpower, and operational support. Recently, Executive Order 11375—October 13, 1967—extended coverage to sex discrimination.

Within the Department of Defense, the Contracts compliance program was initially operated by a separate staff in each military department and the Defense Supply Agency. This continued until July 1, 1966, when all EEO functions were consolidated and assigned to the Assistant Secretary of Defense Manpower. . . . (O)ne year's experience in the operating of the contracting office revealed that the Office of the Secretary of Defense did not have the capability or resources to support a nationwide, 11 regional office, organization. . . . Therefore, it was decided to transfer the operating functions effective July 1, 1967, to the Defense Contract Administration Service, within the Defense Supply Agency. . . .

DCAS, an established national organization with considerable resources, has enhanced the effectiveness of the contract compliance program. In the first year of operation, the Defense Contract Administration Service has completed more than 3,600 compliance actions, more than ¾ of which were initial and follow-up compliance reviews. . . .

Beginning in January, 1968, the Office of Contracts Compliance embarked upon a survey of the compliance status of the 10 largest textile contractors in North and South Carolina. This, by the way, is in combination with OFCC and some work by EEOC. To date, 65 facilities have been reviewed; over half of this number had been reviewed by 30 June 1968. Many significant changes have been brought about in plants visited, resulting in the abolition of discriminatory practices which have been traditional in the area for a number of decades. Major deficiencies encountered were:

Inequity in the employment of minority group females;

Maintenance of segregate housing;

Inequity in advancement of minority group employees, particularly with respect to lines of progression and seniority.

The discovery of these deficiencies in facilities of 3 contractors has led to negotiation at the top level of Defense to bring about correction of the unacceptable practices. In these negotiations, the Department of Defense is taking a firm line, to assure the achievement of compliance as soon as possible. . . .

We have made progress. We are not yet fully satisfied. We are hopeful in the next fiscal year to exand the size of the program and increase our coverage in quantity and quality. . . .

Mr. RYAN. Thank you very much, Mr. Moscowitz. I think it would be helpful if you could explain the exact organization of the compliance office in DOD. Who is actually in control of the program? Now, as I understand it, there is a Director of Compliance in the Defense Supply Agency.

Mr. MOSCOWITZ. That is correct.

Mr. RYAN. And is he a civilian or a military man?

Mr. MOSCOWITZ. . . . The policy is vested in the Assistant Secretary of Defense for Manpower. The Executive Order requires the appointment of a contract compliance officer at the executive level—the Presidential appointee level. . . . He is my direct superior. The Deputy Contract Compliance Officer is the operational director who is the head of DSA. . . .

So now we have two staffs, really, and that is the policy staff, which is a small staff which consists of . . . (the Assistant Secretary) who has many other responsibilities, and myself. . . . Then we have an operational element. DSA is a large organization of some 75,000 people. . . .(A)s one of its components it has an organization called DCAS—that is, Defense Contract Administration Services. The head of that organization is a Military man. . . .

As one of his responsibilities, and he has others, he has an Office of Contract Compliance and . . . that office is headed by a civilian. Now, the similar structure is carried out nationwide in 11 regional offices. If you . . . were to go to . . . the New York Regional Office, the New York Regional Office would have a military head and then he would (have) several components headed by civilians.

One of those separate, distinct components would be the Office of Contract Compliance, with various staff members on it. . . .

Mr. RYAN. . . . You have changed the structure in the last year or so from a structure in which you had a contract compliance director in DOD—namely, Mr. Clark?

Mr. MOSCOWITZ. That is correct. We took the operating director out of DOD and placed him into DSA. That is correct.

Mr. RYAN. . . . As a result of that, then, you also have operating control under Military men, do you not?

Mr. MOSCOWITZ. That is correct. Which, by the way, is the common occurrence in the Department of Defense. The military men maintain operating control. That is the structure. Whether we are talking about a military operation or a procurement operation . . . the policy may be made at a civilian level, but the common thing is to have a military head of the operating structure.

Mr. RYAN. This is one of the questions we want to raise.—whether . . . in enforcing and implementing the President's Executive Order, it is wise to leave the operating control of the Executive Order to military men, or whether there should be someone who is conversant with the civil rights field and with the problems of equal employment opportunity who bears that responsibility . . .

Mr. MOSCOWITZ. . . . We were first faced with the problem . . . (of) an organization that was outside of the sytsem; that is, that was composed of people who were really not part of purchasing, buying, contract administration system.

And if you examined it, you had to come to the conclusion that they were not having much effect on the system, and that though they may have been aggressive, and may have been more experienced—I don't want to evaluate that because I don't think I am in a position to; I think you can say . . . that they were more sensitive to the problem . . . —they had very little impact on the contracting process. So then you decide to put it in the contracting process because in the long term, when I have left the Department, when others are left, you will then have a permanent structure, and that was the goal, to have some effect on the contracting process . . . In my experience there, I just do not have any question in my mind that the military leadership in the Department of Defense is prepared to carry out every letter of this Order, and that would have been sufficient reason enough.

Mr. RYAN. Well, prior to the change, was the contract compliance program carried out aggressively by Mr. Clark?

Mr. MOSCOWITZ. The reason I am hesitating is that the answer is yes, depending on what you mean by the word "aggressively." I do not dispute it. Gerry Clark was very sensitive in this issue and I am sure still is, and I am sure that his goal was the same goal that I have, and that is to have an aggressive program.

So, what I am saying is, in that sense, yes; but when you have to face the question of having a program have an effect on a very large contracting organization and of making it permanent—a permanent structure, one that is part of the contracting process, that will be always accepted as part of the contracting process—you have a different issue, and that was our goal.

Mr. RYAN. Well, the question is what kind of structure is going to get results, is it not?

Mr. MOSCOWITZ. That is correct, and I believe that this structure has gotten more results. Now, that doesn't mean that the people before were not any less or more aggressive.

Mr. RYAN. Have any contracts been cancelled by the Department of Defense for noncompliance? . . .

Mr. MOSCOWITZ. . . . First, I do not believe that cancellation as such is a measure of compliance, and I will go on. I think there may have been, but I do not know of any. In fact, I do not know of any cancelled, and we are just one part of the Government, and then I go on from there.

There are now several contractors who are in the hearing stage. They may or may not be cancelled, I do not know, and I think that is a measure of how your enforcement—do you bring the contractors to a hearing stage?

Mr. RYAN. . . . (W)hat is the hearing process, and what contractors are in that process at this point?

Mr. MOSCOWITZ. Well, the hearing can be started actually from two organizations. It can be started from the contracting organization or the OFCC. . . . (A)fter a series of reviews and negotiations, and if the contractor does not come (up) with an acceptable program, . . . they are then notified that their contracts will be terminated—cancelled—or they will be barred from future contracts, and . . . they are entitled to request a hearing on this matter before disbarment. That is the procedure. Now, the exact composition of hearing officers is left to the agency that is holding the hearing.

Now, OFCC has three—Allen-Bradley Corporation of Milwaukee; Timken, though I am given to understand that that now has been conciliated in Ohio, Canton, Ohio; and the third is Bethlehem Steel, Sparrows Point.

We have started hearings with an organization caled Swedish Crucible Steel of Hamtramck, Michigan. Those are the four. . . .

A true measure is not—again, I say it is not—cancellations, because there are a number of instances where great progress has been made when a contractor has been faced with the ultimate moment, or when on a pre-award review, a review was held up, . . .

I can give you the specific instance. Everybody talks about Newport News, and there is no cancellation there, but there was a confrontation between that contractor and the top level of the Department of Navy, . . . where it was clearly understood that he would have to have a program.

Mr. RYAN. To what extent have sanctions other than cancellations been imposed?

Mr. MOSCOWITZ. Well, they have been imposed in the situations I have described. There is some sort of action as it is escalated up at all levels. You start with first the professional who goes out to the plant and you work yourself up—an example is the textile companies. . . .

Just by the order of things, one textile company now has the personal attention of the Assistant Secretary of Defense and the head of DSA, and we are now in a series of discussions and negotiations with them. We are hopeful, and I am hopeful, that we will be able to then have an affirmative action plan from the textile industry that will be a pattern for the rest of the industry.

Now, how do you measure that? We may not then have to talk to the rest of the textile companies who have similar problems because we will set the pattern and I am hopeful that they then will comply and that our people will go out and say, "See what X textile did and that is what we expect of you. . . ."

Mr. RYAN. How do you determine or measure compliance in a given situation? What guidelines do you lay down for an affirmative action program?

Mr. MOSCOWITZ. Well, I think the guidelines are here, and we carefully worded this preamble, and I would like to read the last sentence, the last two sentences:

"The total findings then must be related to actual results in terms of employment of minority applicants and the treatment of employees without regard to race, creed, color or national origin. It is results which will determine whether the contractor is in compliance with the Executive order."

Now, that is our policy.

Mr. RYAN. Do you have any method of reviewing each and every contractor?

Mr. MOSCOWITZ. No. As best as people can measure, we are responsible for 50,000 plant facilities—I have heard everywhere from 30,000 to more than 50,000—but the fact is that we have 100 professionals working on this program. So, it is a physical impossibility for us to cover the facility of each and every contractor.

Mr. RYAN. Exactly what is the review procedure?

Mr. MOSCOWITZ. I do not quite understand.

Mr. RYAN In the first place, do you have a pre-award review in this situation?

Mr. MOSCOWITZ. Right. There are two requirements that are met that we have no control over, and that is not to say that we should or should not. We are required to review every contractor before he receives—for supplies or services—an award for a million dollars or more,

We are also required to investigate any complaint which we receive, or that goes to OFCC. That work load forms a pretty good portion of a number of reviews carried out. . . .

The balance of the work load is devoted to trying to cover the balance of the 50,000 facilities that are our obligation.

Mr. RYAN. Well, would you dispute the testimony before us that approximately 40 percent of the pre-award reviews are actually after the contract has been awarded?

Mr. MOSCOWITZ. I do not know that to be true. I would be glad to go back to DCAS and get some hard evidence on it. . . .

Mr. RYAN. We are also concerned about the apparent change in the application of the Executive Order . . . (previously), it (was) applied to all plants and companies owned by the same corporation, even though the Department of Defense was only doing business with one plant. . . . (T)oday we understand that there is a memorandum, which was issued within the past few months, which has restricted the coverage so that now its application is limited to those plants and operations actually doing business with the Government. . . .

Mr. MOSCOWITZ. (T)here is no such memorandum or directive . . . that in any way restricts the coverage we are responsible for under the Executive Order.

Now, I again go back to the physical problem. We have 100 professionals. We have some estimated 50,000 facilities to cover. Now, just looking at that, you can realize that it is impossible for 100 professionals to cover 50,000 facilities.

We then have this fixed obligation to carry on the pre-award survey—review as it is called—plus to investigate the complaints. So, then, somebody has to say, how are you going to devote, you know, the rest of this remaining man hours? How are you going to set your priorities? What contractor are you going to go to? . . .

I think the paper you are referring to, or that some people have misconstrued, is merely just that, which says to the people in the field, when you set priorities, take into consideration—does the contractor have more than 150 employees . . . is (it) in a high area of concentration of minority group employees, and, I believe the third criterion is, (does it have) . . . an active Government contract? . . .

(T)hat does not exclude or modify the coverage because, one, the Regional Director, and I can give you instances that I am personally involved in, can go beyond this any time he wants. . . .

(T)he most outstanding example is the textile reviews. . . . (A) great number of those textile manufacturers that we have just gone through in great detail had no existing government contacts.

All that seems to be misinterpreted here is—and I think maybe the language could have been improved—a device to try to set some priorities when you only have 100 professionals to work with. Give us more professionals and we will cover every bit of our responsibility. (B)ut I want to make that clear again, we know what our responsibility is, and I will be the first one to admit that we are not meeting it because of the manpower shortage, and I don't think anybody questions that. . . .

Mr. RYAN. Whether it is in terms of a regulation or a memorandum setting priorities, there has been testimony before us that there were a number of steps recommended which had the effect of limiting the scope of the review and the application of the Executive Order.

Mr. MOSCOWITZ. I think it has expanded it, sir.

Mr. RYAN. One was limiting reviews to plants of 300 or more employees, and it is your testimony that that is really 150?

Mr. MOSCOWITZ. Yes. But the reason I took issue, and I apologize for interrupting, is that I do not think it limits, because you still, no matter how you do it, somebody can argue with how you set your priorities, you are still faced with the problem—you only have 100 men and they can only do so much work. Now, you can say the way to do this is to do industry-wide reviews, as we did in the textile industry. Or the way to do it is (to increase) staff. The end result is going to be (that) so many companies or so many facilities will not be reviewed.

So, I think the system of saying these are the priorities has given us more work out of the men we have. Now, I could be wrong and somebody else could say that there is a better way of doing it, but he is not going to be able to cover all of the work-load we have, no matter what system he uses.

Mr. RYAN. (W)hat is the size of your staff in the Southeast region of the United States?

Mr. MOSCOWITZ. We have got 15 people there, 11 professionals and 4 clerical. . . .

Mr. RYAN. And how many contractors are they supposed to oversee?

Mr. MOSCOWITZ. By the way, before I answer that, I just might say, that most of the textile program is in the Southeast region, and we had to add manpower, take it away from some other place. It is estimated that the total—the total SF 100 file is 5,818. . . .

Mr. RYAN. How many of those 5,818 have been found to be in compliance by your own compliance officials?

Mr. MOSCOWITZ. I do not have an answer to that. I can try to get it for you. I will be glad to give it to you.

Mr. RYAN. There was testimony this morning from Mr. Sloane, a Special Assistance Staff Director of the United States Commission on Civil Rights, that DOD contract compliance officials estimated that noncompliance was found in 85 percent of compliance visits in the Southeast region. Would you disagree with that statement?

Mr. MOSCOWITZ. I do not know of any such fact as that. Again, I would have to ask him what he means by "noncompliance." . . . (L)et me just say that you can go to a contractor, and this is quite probably true, and find him in noncompliance.

Now, if you mean by that, that that necessarily leads to a contract cancellation, the first step of the professional is to bring them into compliance. So the contractor found in noncompliance on the fourth of December may be in compliance by the time the seventh of December rolls around. . . .

(I)t is not uncommon to go to a contractor, whether it is in the southeastern United States, in the northeastern United States, and not find it in full compliance when you get to it. (B)ut the procedure is to suggest a remedy.

If it does remedy this situation, it then comes into compliance. . . . I do not think it is a safe thing to say, to imply, that 85 percent of Defense contractors in the Southeast are in noncompliance presently.

Mr. RYAN. . . . (H)ow do your Regional Boards work? Are there 11 Regional Boards composed of military and civilians?

Mr. MOSCOWITZ. I think what you are referring to is what are called panels. Again, we start down with the man who makes the initial review. He makes an initial review; he does more than make the review. He is a relations specialist. He then makes an attempt to get the contractor to comply.

Assume he finds that the contractor is not in compliance or does not have an acceptable affirmative action plan, which is a much better phrase than noncompliance. . . . (H)e then makes suggestions.

"Well, I'm not interested in your suggestions," or "They are unreasonable and I refuse to go along with them," he then goes to his superior, who is a civilian in the organization.

Then, assuming that the contractor says,

They then bring this to the panel. Now, this panel is composed of the Deputy Director of the Region, who is a civilian. In most cases, the top legal officer and another top management official dealing in procurement. . . . review the file and they make a recommendation to the Commander.

The purpose of the panel is, again, to get people to come into compliance and to get the whole organization involved in the problem—legal, procurement, management. . . .

Mr. RYAN. . . . (I)s there any review of those companies which are found to have affirmative action plans? (And) . . . are those decisions reviewed in any way? Suppose the field specialist finds that the company has an affirmative action plan that is satisfactory to him. Is there any review of that?

Mr. MOSCOWITZ. There is an ongoing review and reporting system . . . each man . . . fills out a report of the visits he has made, the findings he has made.

That report goes through the organization and eventually ends up here in Washington, . . . and that is the one we are trying to refine to get a much better measurement than we have now of what is being done. (T)he monthly review (also) goes to OFCC. . . .

I would be the first to admit that we, as the policymakers, do not have, or have not yet developed, the best reporting system in this area.

Mr. RYAN. What kind of statistics and how current do you keep them? What kind of

statistics do you have on minority employment by contractors? . . .

Mr. Moscowrrz. . . . Every Government contractor, or everybody subject to Title VII, has to file a report with the Office of Federal Contract Compliance—the EEO–1. Now, again and as I say, as we have been now in an almost permanent discussion with OFCC about improving gathering the information from that report.

That report, by the time it has gotten around, . . . is old. That is the first document for all contractors and it is a source document for the Department of Labor, for the Equal Employment Opportunity Commission, and for us, ...

It is more, really, in . . . (OFCC's) responsibility than mine, except that we are, in Defense, very interested in retrieving and getting this information and getting as much as we can. . . .

Mr. Ryan. Now, the other aspect of the statistics relates to the positions held by minority group members. In other words, at what level are they employed, what is their salary range, how many are unskilled, how many are skilled, how many in supervisory position.

Do you have any data that expresses that?

Mr. Moscowrrz. Those forms . . . have a breakdown as to clerical, white-collar, blue-collar, and as to wage levels, also. (OFCC is) the coordinating agency of the forms. We want as much information as we can get. . . . I fully realize that we are 80 percent of the Government action in this area, but all I am saying, and not (as) an excuse, is that the Department of Labor is the coordinator and is the information gatherer in this area, and I am sure that they are as interested in getting the information as we are.

Mr. Ryan. I do not understand how you can determine a company to be in compliance or to have an affirmative action program if you do not have statistics which show what the employment pattern is; what the percentage of minority group members may be; what that may be in relation to the population in the area, which seems to be a factor that everyone who has testified here believes is important. And then, what the distribution of those jobs is throughout the company, so that if we find that the base of the pyramid has 10 or 15 percent minority utilization . . . does this hold true as you go up to the higher levels of the wage scale?

Now, certainly, you would find that it did not, and then the question are: what percentage at a supervisory level are there, what percentage of minority employees are there at the white-collar positions, and what percentage at blue-collar positions, and so on.

It just seems to me that those are statistics which would be required to make a sound analysis of the situation within any given company.

Mr. Moscowrrz. You are absolutely correct, and you have just described what a reviewer should do if he does his job, and that is what he does. He brings the EEO form and then he updates it there and breaks it down, as you say. And also, now I have verified my opinion why I did not want to insert figures, because I agree with you, that they do not measure anything really, and I agree with what has to be done, and I am . . . hopeful that every reviewer does do that in those plants that he goes to. . . .

Mr. Ryan. Yes, but beyond that, what I was trying to do was to convey the idea that if the Department of Defense kept these statistics so that they had a complete picture of what was happening with every contract, then you would be better able to enforce the Executive Order and not rely on 100 field representatives, but rely on the statistical picture also, in order to determine where you should expand your efforts, assuming that you have a limited amount of manpower, and then you could use the statistics to determine where you could best secure the greatest gains from minority employment.

Mr. Moscowrrz. I again agree with you, and I would like to just, if I may, say that we have asked for just the thing that you are talking about from the Defense Contract Administration Services.

Mr. Ryan. Well, I cannot impress upon you strongly enough, Mr. Moscowitz, my own personal concern, and the concern of those Congressmen who are sponsoring these hearings, for the strong and vigorous enforcement of the President's Executive Order, and it is certainly a disturbing thing to me to note, throughout the testimony of the representatives from the Civil Rights Commission, . . . which is a Government agency charged with the responsibility of reviewing what progress is being made by Government officials and Government agencies in carrying out the contract compliance program, . . . that as far as the Civil Rights Commission is concerned, the whole contract compliance program is far from perfect.

In fact, it has not succeeded as it should in bringing into employment large numbers of minority group members who have been excluded because of discrimination . . . I hope you will review the testimony of the Civil Rights Commission (representative) and that you and your superiors will find a way to have a much more effective program within the Department of Defense, one which will take advantage of the fact that you do spend 80 percent of the taxpayers' dollars that are contracted out and that you have tremendous leverage . . .

I want to thank you for coming and appearing and for answering as frankly as you did the questions which we raised, and as you said, you would be the first to concede that there is a great deal more to be done.

Mr. Moscowrrz. Thank you . . .

MR. WARD M'CREEDY

Mr. McCreedy was Acting Director of the Office of Federal Contract Compliance, Department of Labor.

With the issuance of Executive Order 11246 in 1965, responsibility for the equal employment opportunity program of companies and individuals contracting with the Government was placed in the newly created Office of Federal Contract Compliance—OFCC—within the Department of Labor.

Mr. McCreedy's testimony concerned the policies and regulations of OFCC, which has supervisory authority over the equal employment activities of all Federal agencies, so far as these agencies' contractors are concerned.

Mr. McCreedy pointed to such regulations initiated by OFCC as that issued in May 1966, requiring that preaward compliance reviews be undertaken of all contracts of a million dollars, or more. He noted that the construction industry, because of the presence of unions and numerous prime contractors and subcontractors, requires a concerted multiagency approach, such as that used in the Philadelphia Plan.

Congressman Ryan and Mr. McCreedy engaged in a colloquy which brought out the fact that until OFCC's issuance of a regulation in May, 1968, the various agencies were not even required to have a formal program implementing Executive Order 11246.

Mr. McCreedy also pointed to an order issued by OFCC implementing validated testing to ensure that tests are job-related. Mr. McCreedy also pointed to the seniority problem as a difficult one, following upon effective implementation of an equal employment program.

Perhaps one of the most perplexing components of Mr. McCreedy's testimony concerned the assertion that even though the EEOC might make a finding of probable cause in regard to discriminatory employment practices by a contractor, the OFCC may not undertake cancellation proceedings. Mr. McCreedy maintained that legal rulings of his office and the Department of Justice barred such an approach, even though OFCC has the power to cancel contracts. Mr. McCreedy contended that the matter would be referred to the contracting agency, which then would have to take action. If cancellation were to be employed, a hearing would have to be held.

Mr. McCreedy also testified that OFCC does not review all of the findings of contracting agencies, one reason being a lack of sufficient manpower. He also acknowledged that no Government contract has ever been cancelled because of noncompliance by the contractor.

The testimony follows:

TESTIMONY

Mr. McCreedy. . . . My statement will consist essentially, of the presentation with explanation, of the orders and the regulations and other written policy pronouncements that our office has developed in the 3 years of its existence. It will only be generally chronological. The main objectives will be to show how, why (and) with what effectiveness the policies and programs have been developed. . . .

(T)he agencies that have the primary responsibility for carrying out the program . . . include AID, Agriculture, Atomic Energy Commission, Civil Service, Commerce, Defense, General Services Administration, HEW, Housing and Urban Development, Interior, Department of Labor, NASA, National Science Foundation, OEO, Post Office, SBA, State Department, TVA, Transportation, Treasury, USIA, and Veterans Administration. . . . I think there are 28. . . .

When . . . Executive Order (11246's implementation) was transferred by President Johnson to the Department of Labor, Secretary Wirtz set up within his office the office called Federal Contract Compliance. . . . (As) the essential elements of our approach of equal employment opportunity in government contracts, (he) . . . enumerate(d) several items: (1) the affirmative action part; (2) the emphasis on pre-award and compliance reviews; (3) attention to specific complaints; (4) consistency across the board; (5) assisting the contract agencies to improve their compliance; (6) assistance from contracting agencies in soliciting their views as to how things should be done; (7) coordinated government approach; and (8) the enlistment of support of non-government organizations, such as Project Equality and others.

The program that we saw, as we started to implement (OFCC's role), was really dealing with the structural barriers that are inherent both in the government and industry. By "structural barriers" we mean those systems that are built in, that have to be changed. . . .

One of the first efforts made to correct the structural impediments, or barriers, . . . (was the) notice to the heads of all agencies from the . . . Director, Ed Sylvester . . . in May, 1966, requiring that the government undertake a pre-award compliance review in contracts of a million dollars or more, before the issuance of the contract.

The policy concept behind this is relatively simple. It is the contention that the government should make a determination as

to the contractor's ability to meet this part of the contract, . . . just as the government has to determine his capability to perform all other parts of his contract. The million dollars was established as a first start, based upon a work load volume. . . .

We have also issued a number of special pre-award orders against specific government contractors or people that want to do business with the government, based upon facts that came to the attention of the office. . . . There (have been) . . . 14 such pre-award actions. . . .

Mr. RYAN. . . . (A)re these . . . issued by the various agencies, or by your office?

Mr. MCCREEDY. They have been issued by our office. . . .

Mr. RYAN. All right.

Mr. MCCREEDY. . . . The problem of . . . pre-award (compliance in the construction industry) . . . is much different than it is in the nonconstruction industry, because you are dealing with a number of primes and subs, and a number of unions . . . . (T)he effort to obtain pre-award compliance there requires that all the different government agencies that have construction going on in a certain city be coordinated. . . . And so we try to approach it as a broad, across-the-board, coordinated effort (among all the agencies funding construction within a given city). . . .

I don't want to dwell in detail on all the changes (that OFCC instituted,) but I would call your attention to a number of types of changes that we put into (the rules and regulations) . . . dealing with areas that we had identified in the period of time between our office's establishment and the time that the rules finally became effective, that deal with the structural type of barriers or impediments that we saw. . . .

(T)he duties of the agencies (now) include new requirements that the agencies furnish the office with information that previously hadn't been required. And it imposes a new requirements that the agencies establish a program and procedures to carry out the agencies' responsibilities. . . .

Mr. RYAN. When were these changes promulgated?

Mr. MCCREEDY. They became effective in the rules and regulations when they were filed on May 27, 1968. They were published in the Federal Register. . . .

Mr. RYAN. . . . It is your statement (that) the significant aspect of those rules and regulations (was) . . . a new requirement that an agency establish a program and procedures to carry out the agency's responsibilities, to be approved by the Director (of OFCC)?

Mr. MCCREEDY. That's right. . . .

Mr. RYAN. . . . (W)ere not the agencies required to have a program to carry out their responsibilities under the Executive Order before May, 1968?

Mr. MCCREEDY. Not a formalized program. This requirement demands that they set out their priorities, how they are going about their business, just as you formulate any structured program, and then devise the rules and regulations to implement the program. Previously, that was not required.

Mr. RYAN. And the second significant change, then, was the requirement that each agency prescribe regulations for the administration of the Order?

Mr. MCCREEDY. That is right. Every agency is structured differently, as you well know, and in order to try to get each agency to come up with a system that was going to work within that agency in terms of the contract administration of this section, it had to be devised to meet the structure of the procurement system within the agency. . . .

Mr. RYAN. In May . . . of 1968, your new order to the agencies (also) required them to ensure that no contractor or subcontractor had segregated facilities?

Mr. MCCREEDY. That's right.

Mr. RYAN. And there was no such requirement placed upon them prior to May, 1968?

Mr. MCCREEDY. The language of the contract included the language that was that requirement. It said that there shall be no treatment during the course of employment based upon race. The contractual requirements had been there for a period of time, but the interpretation apparently was that that was not included. And it became obvious that it had to be singled out because it was a problem that was still in existence.

Mr. RYAN. . . . (I)f it was a problem . . . in May, 1968, does it still exist as a problem (today) . . . ?

Mr. MCCREEDY. Yes, sir. . . .

Mr. RYAN. Can you estimate among how many contractors that pattern of segregated facilities continues to exist?

Mr. MCCREEDY. I don't have that estimate for you now. . . . I might point out that the segregated facility order placing the responsibility on the contractor wasn't there. . . . I think (this) has eliminated a number of the problems; . . . he has to, as a part of his contract, at the time of entering into the contract, submit a certification with his invitation to bid that he does not maintain any segregated facilities. . . .

Now, (the contractor) . . . is subject to criminal prosecution if it is found that it has submitted a false statement on segregated facilities. We have not yet had a case come to our attention where a contractor has submitted a false certification that has been referred to Justice for prosecution.

Mr. RYAN. . . . (W)as this requirement imposed (retroactively) . . .?

Mr. MCCREEDY. No. It is on new contracts after May, '68. From a practical standpoint, it . . . affects all the contractors . . . because of the nature of the contracting business. Take the 1,000 largest government contractors, for instance. They are repeat contractors, and their subs would be automatically covered by that provision. . . .

Mr. RYAN. In other words, they certify for the subcontractors?

Mr. MCCREEDY. Yes, sir, that's a part of their contract. . . . (Turning to another subject), (w)e eliminated the so-called special compliance review and the routine compliance review, because . . . (they were) administratively confusing and (we wanted) . . . to build (reviews) . . . into the regular compliance business machinery of the agency. We wanted these to become (a part of) an on-going normal contract administration. . . .

(W)e also required that where there was deficiencies discovered, . . . the contractor has to state what is to be done in correcting those deficiencies. . . . We also . . . started to develop the requirement that the people doing the compliance review become specialist. . . .

Mr. RYAN. . . . I notice that (one of) your regulation(s) states "The contractor may be considered in compliance upon good faith implementation of his commitments as approved by the agency."

Mr. MCCREEDY. That's right, sir.

Mr. RYAN. Now, how is good faith determined by the agency?

Mr. MCCREEDY. Well, I don't know how good faith is determined by the agency. I can tell you what the intent of the section is. Let's take a very simple situation that should be easy to correct: . . . the segregated facility question. If a compliance review officer goes through and he says, "You have segregated facilities," and the contractor says, "I'm going to correct that, and so the fellow tears down the walls . . . makes the necessary plumbing changes, and he gives . . . (a) program to the agency (showing) that he's intending to do that and it is going to take him 30 days to get it corrected, or whatever the period is, then that should be approved by the agency.

Mr. RYAN. Is that subject to review by your office . . .?

Mr. MCCREEDY. Yes, sir. Not as a routine matter. We do not review all compliance reviews by the agencies. The head of the agency is responsible for that determination. . . .

(W)e (also) attempted to streamline the hearing process in order to utilize the sanction provided for in the Executive Order. The previous Executive Order is the same as the one we are (now) operating under, but the previous rules and regulations were not clear on procedures in terms of hearings for debarment, sanction, or suspension, cancellation, et cetera. And the process by which the final determination is made was not clear. So we established . . . a system whereby we can get to the hearing stage either through the informal or the formal hearing, or (through) show-cause notices to institute the sanctions. . . . (Thereby, we) clarified the problem that was in the rules and regulations as to whether or not it was necessary to have a hearing and a formal finding before you could cancel or terminate or suspend.

Previously, the only requirement was that you had to do it for debarment. And this has created a number of problems, both for the Justice Department and for our legal office, in terms of procedure. So we have clarified these things.

A section was added (in the new regulations) on intimidation and interference. As we started to deal with some of these real complicated structural problems, particularly in areas of the Deep South, it became obvious that the problem of intimidation was a very real problem, and we had to make the contractor, in the fulfillment of his contract, take on responsibilities to ensure that there would not be intimidation, giving him much more responsibility in that area than previously. . . .

(The change in the regulations in regard to) the affirmative action program . . . has significance in . . . terms of the requirements (placed upon) . . . government contractors now. . . . (The contractor is required) to make a detailed analysis of his structural problems or his employment problems, which would be essentially the same, that we would expect our compliance review officers to (otherwise have) undertake(n). This is a thorough examination of his total work force. Then, (the contractor must). . . develop remedies and time tables and goals, and put them into effect prior to the government arriving on the scene to do a compliance review. . . .

(A) testing order . . . has been recently issued by the Secretary. This goes to the area that I mentioned before, in terms of structural impediments. . . . (I)t became obvious over a period of time that the personnel system was operating on a fairly routine type of basis, and had built into it a system of testing that was having discriminatory effects.

There are a number of tests being used by government contractors that are not scientific, in the sense that they are not properly validated, and therefore requirements were being made for jobs which were not proper requirements. In order to eliminate this problem, we issued a very comprehensive testing order which was developed after nearly a year and a half by a number of professional psychologists—industrial psychologists (and) academic psychologists. . . .

In order for us to implement this order, we are going to have to have the expertise of the . . . psychologists . . . . (So) we have set up an advisory committee to our office . . . . They, in turn, will be working with a number of other people from the field that know much more about testing than I do . . . .

Mr. RYAN. And what results do you expect from the (testing) order?

Mr. McCREEDY. Well, I think we have already started to see a number of results. Some major corporations have said that this is very much needed and is producing an increase in the utilization of minorities in their organizations; that it is an appropriate management technique, so far as their personnel system is concerned.

One major corporation told me that since they have discontinued the use of tests . . . they have increased the minority flow into the organization substantially and that they have found, contrary to their previous belief, that these were better employees than the employees they were getting through the testing device . . . . (T)heir turnover was less, and that, of course, is money for the company as far as that is concerned. . . .

Mr. RYAN. . . .(C)an you summarize how this order affects tests, very briefly?

Mr. McCREEDY. Well, it requires that before you can use a test, it has to be job related, . . . and proven in a job-related fashion.

Mr. RYAN. And who makes that determination—the compliance officer in the agency, or the corporation, or your office?

Mr. McCREEDY. . . .(T)he word "validation" is the key word here, and that has to be professionally determined—that a test is job-related through validation studies. You actually have to do studies of the people performing the job, have to test them, have to evaluate the relationship between the job and the performance, before you can say that a test is validated. And (this is done by) . . . a very technical psychological method that has developed in the personnel field . . . .

Mr. RYAN. I am trying to determine who in the federal government approves or disapproves the validation.

Mr. McCREEDY. Well, the head of the agency will have the responsibility, and he has had to designate a person inside his agency who is going to become proficient in this field. And they will have the resource consultants of the subcommittee, or the testing committee, I referred you to.

Mr. RYAN. Okay.

Mr. McCREEDY. . . . Of the nearly 9 million employed Negroes in the country today, probably 90% of them are frozen into lower paying jobs structurally based upon existing collective bargaining arrangements between management and labor. . . .

(I)n order for them to have access to the better paying jobs within their current employment, it is necessary to change the seniority system . . . (so) that they can get these better paying jobs without the loss of their seniority or without a reduction in pay. This is a very complicated problem, and it exists throughout the entire country.

Our first major case in this area . . . (involved) Crown Zellerbach in Bogalusa, La., which had . . , the whole problem of bringing in Justice to enforce the actions that we had ended up in court on. And at the same time that was going on there was a separate action that was not initiated by . . . the Federal Contract Compliance Office, in the *Quarels* vs. *Philip Morris* seniority case.

Both of those cases are summarized in an OFCC order. And we have instructed the agencies that they have to effect the same sort of resolution in the compliance problems that they are dealing with. . . .

Mr. RYAN. How do you expect that to be accomplished?

Mr. McCREEDY. Through the agency getting the government, or getting the contractor to undertake negotiations with his union to change the collective bargaining.

Mr. RYAN. And in how many cases has this been initiated through the agencies?

Mr. McCREEDY. To my knowledge, I don't think an agency has yet been successful in instituting any changes in the seniority system. We have four or five cases within our office that an agency has assisted on, but we have not yet received any report from any agency that they have completed the corrective action in the seniority system.

Mr. RYAN. How much time are you going to give the agencies in order to take corrective action in the seniority system?

Mr. McCREEDY. I don't think we give them any time. As fast as we can find the cases where that problem exists, we are dealing with the agency to get them to correct it.

Mr. RYAN. How do you find the cases?

Mr. McCREEDY. Well, we know of a number of cases right off the bat in the paper industry, as an example, throughout the entire South. . . .

Mr. RYAN. Which agency has jurisdiction over most of the paper industry . . .?

Mr. McCREEDY. Department of Defense.

Mr. RYAN. And how many paper companies is the Department of Defense dealing with?

Mr. McCREEDY. Ten or 15 corporations with major facilities or with numerous facilities.

Mr. RYAN. And what steps has the Department of Defense taken to correct the seniority system within those ten or 15 paper industries?

Mr. McCREEDY. They have not taken any action yet. They have not confronted the industry.

Mr. RYAN. Your order was issued on August 8, 1968?

Mr. McCREEDY. Yes, sir.

Mr. RYAN. And to date the Department of Defense has not confronted the industry with the implementation of this Order. What action is your office taking to require the Department of Defense to follow through?

Mr. McCREEDY. Well, the action that we have been taking is to continuously urge and insist, and we have had numerous meetings with them about the problem in terms of the utilization of their people, what they are doing with them in the development of their priorities in the cases that they have to resolve.

I am still anticipating that the agency head will carry out his responsibility.

Mr. RYAN. During the time the Equal Employment Opportunity Commission has been in existence, has it made findings of discrimination in the seniority system of various companies in the country . . .?

Mr. McCREEDY. They have found probable cause, which they have either referred to Justice or they have attempted to conciliate and negotiate. . . .

Mr. RYAN. . . . (So) the Equal Employment Opportunity Commission has concluded that there has been probable cause to believe (that) . . . throughout the seniority system there is discrimination, right?

Mr. McCREEDY. Yes, sir. . . . We get the probable cause findings from the Commission.

Mr. RYAN. . . . (W)hen you get a finding of probable cause from EEOC, what action do you take?

Mr. McCREEDY. We have forwarded the information to the agency which has the contractual responsibility, and ask them to follow up on it. Now, I want to discuss this problem with you in some detail, because it does present a legal and administrative problem. The remedies under Title VII (of the Civil Rights Act of 1964) are enforceable through the Justice Department on its own motion if there is failure to conciliate, or through the individual filing his suit.

Mr. RYAN. Well now, you are talking about remedies under Title VII. . . . I am not concerned with remedies under Title VII. I am concerned with your using information derived from the EEOC proceedings . . . in order to enforce the Executive Order.

Mr. McCREEDY. I understand.

Mr. RYAN. Because you have more power through the Executive Order, perhaps, than the EEOC has through the judicial remedy which you cited, because you have the power of cancellation of a contract.

Mr. McCREEDY. But we do not have the power to cancel a contract on a probable cause finding (under) Title VII, as far as our lawyers and the Justice Department tell us, and that is the issue that I said was the problem. In other words, merely because somebody has found probable cause, it does not give us the power per se, as far as our legal people and the Justice Department tell us, to start hearings, to cancel a government contract.

Mr. RYAN. . . . Do you mean to say (such a finding) . . . does not give you the power to immediately cancel the contract, or does it not give you the power to start a hearing? Because, under your orders which you have (discussed) . . . this morning, you have 2 hearing procedures—one an informal hearing and one a formal hearing. And what I am asking is, do you have any method of taking the information of probable cause . . . from EEOC . . . and using this as the basis to start a proceeding within your agency to cancel or debar a contractor?

Mr. McCREEDY. Not (on) . . . the legal advice that I have been given so far.

Mr. RYAN. . . . I don't understand that kind of advice.

Mr. McCREEDY. The question is still being studied as to what is the legal basis on which the Executive Order can be used even after conciliation has failed and the person's remedy is then in court. . . .

Mr. RYAN. Let's assume there were no Title VII and there were no EEOC in existence. . . . Does not the Office of Federal Contract Compliance, under the Executive Order, have the power and authority to cancel or to withhold government contracts because of discrimination?

Mr. McCREEDY. Yes sir.

Mr. RYAN. All right. Then, what I am asking is, what action have you taken with respect to those companies of which you know, through the referral to you be EEOC of its findings of probable cause—which (establish that) . . . one agency of the federal government has determined (that those companies) are in violation of anti-discrimination provisions, whether . . . Title VII or . . . any other Act?

In other words, it seems to me that this information that comes to you from a government agency should be the basis for actions within your agency looking toward the cancellation of these contracts. And I don't understand any legal advice which says you can't proceed. . . . It seems to me this is simply an administrative problem within your agency.

Mr. McCREEDY. I assure you, sir, that I have been told that it does have these legal complications, and we have had many coordinating . . . sessions with the Justice Department . . . trying to work that out. . . .

Mr. RYAN. In any event, the answer is (that) no action has been taken with respect to those companies cited by EEOC for discriminatory practices?

Mr. McCREEDY. No, sir. That's not my answer. You said "no action." We have referred to the agencies the matter of compliance reviews. We have told them to try to assist in straightening out the matter. We have worked jointly with the Commission on numerous cases together, using the combined resources of the government on specific cases in seniority. . . .

Mr. RYAN. All right. Proceed Thank you.

Mr. McCREEDY. . . . I might at this time discuss very briefly with you the status of the 5 cases that we have set for hearing. Allen-Bradley has been concluded. . . . As to Bethlehem Steel, the hearing has been started, . . . recessed, and is to continue again. . . . The Pullman case has been under conciliation. . . .

The Timken matter has been settled. It involved seniority. The company and the union changed their seniority system. . . . There were approximately 240 seniority units in their facilities, employing about 10,000 people. They now have 4 seniority units, and a person can use his length of service to transfer into any job that is posted on a plant-wide basis, and he carries with him his seniority. Previously, he was not able to bid on these other jobs without loss of seniority. . . .

The B & P Motor Express case has not yet been set because of the lack of staff to prepare for all the hearings. We don't have enough legal people on our staff. About 2,250 manhours were used in the Allen Bradley matter and, frankly, all of our resources are now being used in the Bethlehem Steel matter.

Mr. RYAN. Why did it take so long to proceed against Timken Roller Bearing Company? As I recall, this company was cited by your office back in 1966 for refusing to cooperate—

Mr. MCCREEDY. Well, they corrected that. The first citation that was issued was failure to disclose information. Then they said the information was available. Then we did an analysis of the work force and entered into a series of negotiations to correct the problem. After the negotiations only partially corrected the problem, namely, seniority, which was not affected, we started in the agency to proceed with the correction of seniority.

And when there were not any results being obtained, then it was necessary to set the hearing.

Mr. RYAN. Over what period of time were these negotiations taking place?

Mr. MCCREEDY. I guess that the period of time was—and I would have to check my records, but my memory is roughly over a year and a half, something like that.

Mr. RYAN. And throughout that time, was the company continuing to do business with the Federal Government?

Mr. MCCREEDY. Yes, sir.

Mr. RYAN. (W)hy wasn't this a good opportunity for the Office of Federal Contract Compliance to impose sanctions, such as canceling the contract of Timken Roller Bearing, where you had such obvious and well documented discrimination?

Mr. MCCREEDY. Because you have to go through the hearing procedure to cancel a contract.

Mr. RYAN. (W)as there any reason for not proceeding with a hearing a year and a half ago?

Mr. MCCREEDY. Yes, sir. At that point in time it appeared that the company was going to correct all the matters that needed to be corrected.

Mr. RYAN. Have all these companies that you cited, all five of them, continued to receive government business?

Mr. MCCREEDY. Yes, sir. (Y)ou have to have a hearing and a formal finding under the Administrative Procedure Act before you can cancel or debar.

Mr. RYAN. (D)o you have to have a formal finding before you . . . enter into a new contract with a company?

Mr. MCCREEDY. That's what I'm told, sir.

Mr. RYAN. How many notices of hearings have there been through the Federal Contract Compliance Office?

Mr. MCCREEDY. Five.

Mr. RYAN. And in how many years?

Mr. MCCREEDY. Three.

Mr. RYAN. All right. Thank you.

Mr. MCCREEDY. . . . (A)nother part of the problem, as far as government is concerned, . . . is to try and devise recruitment procedures for the placement of qualified people across the board, and for all government agencies. . . . In addition to trying to upgrade the skills of government, we have also been working with the Civil Service Commission in conducting a number of training programs. . . . I guess 29 agencies have sent some 304 people to these 11 training programs since November, 1966. . . .

Mr. RYAN. . . . I wonder if you could tell us how large your professional staff is . . .?

Mr. MCCREEDY. . . . We have 36 positions budgeted. That is professional and clerical, and includes the clerical support—which I believe is 5 or 6—for Plans for Progress, which the Department of Labor has to give clerical support to. Our professional staff is supposed to be around 18. We have on board right now 12, and we are recruiting for 6 more positions to fill vacancies.

Mr. RYAN. Now, what are the responsibilities of the professional staff?

Mr. MCCREEDY. The professional staff is given across-the-board administrative responsibilities for agency review of programs and handling of particularly tough, keynote-type cases. . . .

Mr. RYAN. Does your staff review all of the findings of the contracting agencies?

Mr. MCCREEDY. No, sir.

Mr. RYAN. How does it determine which ones are to be reviewed?

Mr. MCCREEDY. This is based upon the knowledge of the industry and the type of problems that have been identified, and upon asking the agencies to bring to our attention specific cases that need reviewing. There are thousands of compliance reviews being conducted, and we can't review all of them. But we know enough about the nature of the different problem areas to try to pick out cases to review.

We ask the agencies under their program plans to tell us where they are going to be for the next six months, what contractors they are going to go in to see. Then we will be able to ask for specific file information on the results of their compliance reviews of these particular companies or places.

Mr. RYAN. How do you ensure that the contracting agencies require affirmative action plans from their contractors?

Mr. MCCREEDY. Well, that is in the rules and regulations.

Mr. RYAN. How do you——

Mr. MCCREEDY. How do we assure ourselves?

Mr. RYAN. Yes.

Mr. MCCREEDY. Meeting of the requirement that a contractor have an affirmative action program, when the compliance agency gets to that facility to review it, would have to be picked up by asking the agency to furnish us with specific information on a given contractor. . . .

Mr. RYAN. . . . Do the agencies have a proposed or a model affirmative action program which they would require with whatever modifications are necessary of their contractors, which you then review . . . ?

Mr. MCCREEDY. Well, the agency is required to develop and submit for our approval its program plans to assure compliance. That does not include a model format of a typical affirmative action program that it is going to require each contractor to follow, because the problem that we have identified is that the contractor has to identify his problem and design the remedy for his problem, which is his affirmative action program.

Mr. RYAN. Well, I am trying to see what guidance you give . . . in order to monitor the agencies. You have to certainly hold out some standard for the agencies if you are going to monitor them.

Mr. MCCREEDY. . . . We monitor the agencies by calling up the compliance reviews from the various problem areas that they have been working in. We tell the government contractor through rules and regulations that it is his responsibility to correct his problem. We expect the agency to do the compliance review, and to determine whether that problem has been resolved.

Mr. RYAN. Now, am I correct in my understanding that in the Newport News case, (the company) . . . was told that it could not bid for any Government contract until it corrected its discriminatory practices?

Mr. MCCREEDY. During the course of the negotiations the pre-award order was issued by the Secretary requiring that prior to any further government business, the government inquire as to the status of contract compliance with that company. That's right.

Mr. RYAN. (T)here was no question about the legality of that order, was there?

Mr. MCCREEDY. The legality of that order came up again in the Crown Zellerbach case, where a similar order was issued, and the company and the union took it to court, and (the) Judge . . . said that that order could not stand because it was in effect taking a contract without a hearing.

The orders that we have issued subsequent to that time are in the form of consult orders, because we think it is our responsibility to tell (other agencies) the status of the contractual relationship with . . . (one agency) that a non-complying company has. Then it is up to the agency head to make his determination as to whether or not he wants to award that contract.

Mr. RYAN. Then the contract could be withheld? That's my point.

Mr. MCCREEDY. I don't know if it could or not, sir.

Mr. RYAN. (Previously), . . . we had testimony from Martin Sloane, Special Assistant to the Staff Director of the United States Commission on Civil Rights, and among other things he said that he believed it was a misfortune of the first magnitude that the contract compliance program had failed to fulfill its potential.

Would you care to comment on that statement . . .?

Mr. MCCREEDY. Well, I don't think the contract compliance program has reached its potential yet, and I would agree that it is a serious problem. . . .

Mr. RYAN. He went on to say, "Perhaps the main reason for this failure is that contractors have not had to take seriously the threat of sanctions for noncompliance." . . .

Mr. MCCREEDY. Well, I can't speak for the contractors.

Mr. RYAN. (D)o you think the contractors take the threat seriously?

Mr. MCCREEDY. I think they do, sir, now, from everything I have heard around the country. And I might just mention that during the past month and a half we have met with a thousand or more government contractors, and I can't find any of them, major contractors, that don't take this seriously. They are concerned about their government contracts.

Mr. RYAN. Has any contract ever been terminated?

Mr. MCCREEDY. No, sir.

Mr. RYAN. All right.

Mr. MCCREEDY. Mr. Ryan, sir, I tried to explain there times—

Mr. RYAN. I know.

Mr. MCCREEDY. —we have to go through the hearings.

Mr. RYAN. I know your explanation.

Mr. MCCREEDY. All right. The hearing is——

Mr. RYAN. I want to make the point that the fact still remains that no contract has ever been cancelled.

Mr. MCCREEDY. That's a fact.

Mr. RYAN. I would like to raise a question or two regarding the relationship between the Office of Federal Contract Compliance and other Government agencies, such as the Civil Rights Commission.

In September, 1967, the Civil Rights Commission submitted a memorandum to the Office of Federal Contract Compliance concerning the San Francisco Bay area. It is my understanding that that memorandum was answered nine months later, in May of

1968, . . . by Mr. Sylvester, the Director of that time. . . .

And in his reply, which was a comment upon a memorandum from the Civil Rights Commission based upon a hearing held in May of 1967, in his reply a year after the hearing, he said, and I quote from Mr. Sylvester's memorandum, "The San Francisco plan has resulted in no known increase in the membership in the mechanical trades. It was a causal factor in the development of a Department of Labor-funded training program for operating engineers. But it is . . . not now clear that more than 50 Negro youths will enter this local, which has about 30,000 members and only 25 Negro members."

Now, my question really goes to this—how do we expedite this process from a hearing in May, '67, a memorandum in September, '67, from the Civil Rights Commission to the Office of Contract Compliance, a reply nine months later in May of 1968, a year after the hearing, in which your office confirms the finding of the hearings a year earlier?

How are we going to speed this up so that we can begin to really move in the whole area of contract compliance . . . ?

Mr. MCCREEDY. I don't think . . . (there was) delay merely because a letter was written one time and the answer (another)—there was exchange of information back and forth between the Commission and our office informally. I think that was a formal result of the attempt to implement the so-called Cleveland Plan and the BART plan. And it wasn't successful, and we finally had to say it wasn't successful.

Mr. RYAN. Well, here again, in June of '68, your office memorandum says that the ". . . affirmative action program is clearly an inadequate implementation of the BART–HUD agreement. It was expressly so found by our area coordinator in this office, as well as the Director of Equal Employment Opportunity in Secretary Weaver's office. The HUD Regional Administrator accepted it, nevertheless."

Now, if you make a finding that a plan is inadequate and the agency accepts it, what recourse do you have? Can't you countermand the agency's acceptance?

Mr. MCCREEDY. . . . I think we could. . . .

Mr. RYAN. All right. Thank you very much. Mr. McCreedy, for your testimony. . . .

MR. LOUIS ZAWATSKY AND MR. PAUL L. EVERETT

Mr. Zawatsky is Deputy Assistant Commissioner for Administration, Social Security Administration, and Deputy Equal Employment Officer, Social Security Administration.

Mr. Everett is Chief of the Insurance Compliance Staff, Social Security Administration.

Testimony on employment within the Social Security Administration, itself, by these witnesses appears in an earlier portion of this report.

Mr. Zawatsky's and Mr. Everett's testimony concerned the contractors which serve, in effect, as intermediaries in the processing of the payment of hospital and doctor bills under the Medicare program. Mr. Zawatsky pointed to statistics showing that since SSA took over compliance responsibility for these contractors in 1966, minority group employment rose from 12,600 to about 25,000. The percentage of minority group employees, which had been slightly more than 5 percent, thereby rose to 9 percent. He also claimed that minority group members had new promotion opportunities, and were occuping fields previously closed, in effect, to them.

Among the devices SSA uses to secure compliance are threats, by letter, not to renew contracts, and conferences with the top executive officers of the companies. At these conferences, SSA requires that the executive present staffing goals for the next year.

Mr. Zawatsky stressed the value of conferences with the EEO coordinators of the companies, and conferences with the top corporate officials, who are essential for effective implementation of equal employment opportunity programs.

In response to Congressman RYAN'S questioning, Mr. Zawatsky acknowledged that no contract had ever been cancelled by SSA, although SSA has used the threat of cancellation to induce the companies to correct deficiencies.

Mr. Everett also pointed to a new reporting system implemented by SSA to achieve better data on employment as a means to better the EEO program.

Mr. Zawatsky did acknowledge that SSA has a very poor record in employing Spanish-surnamed persons, and noted that SSA had recently established a special recruiting officer for Mexican- and Spanish-Americans.

TESTIMONY

Mr. ZAWATSKY. The Social Security Administration has responsibility for ensuring that 164 insurance contractors meet the requirements of Executive Order 11246. Most of these contractors serve as intermediaries in processing payment of hospital and doctor bills under the Medicare program. We believe that the efforts of our insurance compliance staff have contributed to the marked improvement which has been made by the insurance industry in providing equal employment opportunity.

When the Social Security Administration was given the compliance responsibility for this group of contractors in 1966, the minority group utilization of the contractors for whom we were responsible was slightly more than 5 per cent. Practically all of this minority group employment was at the clerical level or in service jobs. In the last two years there has been marked change in these figures; minority group utilization of our insurance contractors now stands at about 9 per cent.

What is more important, in terms of total figures, minority group employment has about doubled, going from 12,600 to about 25,000. This progress has been accomplished through fairly consistent improvements over the two-year period, although there was an initial spurt in the early part of this period which can be attributed to the increased opportunity to fill positions required to process the new Medicare workload.

We believe that one of the most important measures of a contractor's compliance with the requirements of Executive Order 11246 is the extent to which they utilize opportunities to hire and promote minority group members. For example, we obviously could not expect the same degree of improvement in the posture of a contractor that is undergoing a reduction in staff—and that has happened—as we would if a contractor is increasing its work force. However, in both cases we would require affirmative action to ensure maximum utilization under the circumstances. It is significant that minority group members have been hired to fill about one-third of the available jobs on our contractors' staffs since we have had compliance responsibility under this approach.

While the progress of the contractors is most noticeable in relation to the gross percentage of new hirees that are minority group members we have also emphasized that employment policies must provide equal opportunity for promotion and that equal opportunity must exist for all types of positions. Although we do not have at this moment industry-wide figures, our records indicate that meaningful progress has been made in the placement of minority group members in technical, professional, supervisory and managerial positions. Minority group members are now being employed in positions from which they have been traditionally excluded, such as group sales, actuarial work, investments, mortgage and loan, and legal staff work. We are now working on developing a reporting system which will permit us to more accurately and effectively assess the progress being made in promoting and hiring minority group members for positions above the clerical level.

Despite the overall advancement, the progress has not been even. We become aware of questionable situations based on the efforts of compliance specialists who deal with corporate officials at their headquarters. When the compliance specialist encounters a situation in which the contractor's performance is not adequate and believes that a special effort may be necessary, he calls this situation to the attention of his superiors.

They review his report and recommendations and decide on whether it may be productive to call the contractor to our Baltimore office for a speical conference. So far we have conducted six compliance conferences, but in each instance the posture of the contractor has significantly improved during the period between our notification and the conference, or shortly after the conference. Several contractors that have been advised that we were considering calling them in for a conference in Baltimore have requested additional time to improve their performance. On a few occasions we have agreed to these requests and the results have justified our decision to postpone or cancel these conferences. . . .

Most of the contracts with the Medicare intermediaries are set up so that they will be renewed automatically unless either party gives notice that it wishes to terminate the relationship. We take advantage of this situation by sending a letter specifying any deficiencies to a contractor whose contract is up for renewal. These letters state, in effect, that unless there is a meaningful improvement in the EEO performance and posture of the contractor by a given date, we may not be able to renew the contract. These have been very helpful.

Although considerable progress has been made, we recognize that the industry still has a long way to go to fully assure equality of employment opportunity. . . .

Mr. RYAN. What size staff do you have for contract compliance?

Mr. EVERETT. . . . (W)e have a staff of 30, including 15 professionals. . . .

Mr. RYAN. And do they do the field work, too?

Mr. EVERETT. The 15 compliance specialists perform the field work.

Mr. RYAN. Do you have other staff personnel in your Baltimore office, or is this the whole setup?

Mr. EVERETT. That is the entirety of the insurance compliance staff. However, we use all of the entities for support in those areas where necessary. For example, our electronic data processing, and so forth. . . .

Mr. RYAN. Out of these 15 professionals, how many had prior experience in civil rights work?

Mr. EVERETT. Oh, roughly one-third.

Mr. RYAN. Before they were brought into this? That would be five out of 15?

Mr. EVERETT. Correct.

Mr. RYAN. And from what area did the other 10 come?

Mr. EVERETT. Within the Social Security Administration—claims policy positions,

management, and analyst positions, similar jobs. . . .

Mr. RYAN. We have been concerned with the President's executive order, and its enforcement, and the opportunity which it offers . . . to ensure, as you have pointed out . . . equal employment opportunity within the insurance industry, and I think this is an area in which you have great leverage.

There was reference to this in a report which I made last February, which you may recall, in which I discussed at least one insurance company in North Carolina called the Pilot Insurance Company. . . . (O)ur investigation showed that there had been a contract awarded there, even though the company itself had not agreed to what you call a pre-award review. Now, in fact, are you requiring some kind of review of each insurance company before (awarding contracts)...?

Mr. ZAWATSKY. . . . I can say this categorically, that across the board . . . there has been vast improvement in every category. . . .

Mr. RYAN. . . . Can you give specific details?

Mr. ZAWATSKY. . . . (Minority group members) have been hired above clerical levels. Programs are in effect in some of the companies which will make possible—some exist already . . . district managers . . . being appointed area managers. . . . (They have) training programs of great dimensions. And they have certain target dates in some of these companies, I have noticed, where . . . there will be so many district managers, so many area managers, by such and such dates.

Some of the companies are involved in hard-core employment—that is, hiring the hard-core unemployed. They have set up extensive training programs for people who have dropped out of school, so they can work part of the time, and they are trained and taught while they are at work a part of the time.

There has been a tremendous shift. I am not trying to say that there isn't a lot of room to go, but there has been a tremendous shift in the recognization of the importance of the equal employment opportunity program in the industry. . . .

Mr. RYAN. You said at one point you didn't have industry-wide figures?

Mr. ZAWATSKY. Industry-wide figures for specialized jobs—that is, how many actuaries, how many statisticians, how many lawyers. I don't have that, but I do have gross figures. For instance, . . . in December of '65 . . . there were approximately . . . 240,000 employees in . . . the total of all Medicare contractors, . . . of which 12,000 were minority employees, or 5.3 per cent.

Today, December of '68, the Medicare contractors' total . . . is 280,000, . . . and the minority employees make up roughly 25,000, or 8.7 per cent. . . .

Mr. RYAN. (A)re we going to find a pattern, if we look at this, where minority group employees are in the lowest positions, and as you go up—just as in SSA itself, or in any of the other agencies of the federal government . . . in income levels or grade levels, as . . . they are called in the Federal Civil Service, the percentage of minority group employees goes down?

What are you going to require the contractors to do, in terms of affirmative action, so that they are extending not only the opportunity for equal employment, but in fact providing equal employment and providing openings that were never before provided to minority group members . . .?

Mr. EVERETT. . . . At this point in time, Congressman Ryan, we have corporate conferences with the top executive officials of a given entity. At that time we make as a requirement, as an agreement from the executive present, that they establish staffing goals for the next year, and the staffing goals include an analysis of their present work composition, and an analysis of the opportunities to fill vacancies through expansion or turnover, and what they intend to do in the use of minority group persons in filling these vacancies created by turnover or expansion. . . .

Mr. RYAN. Of the 164 contractors, with how many have you had staffing conferences?

Mr. EVERETT. Oh, I would say perhaps 80 per cent. We would not have in a one-year period a 100 per cent review. I would include the corporate home offices, which would be perhaps 95 per cent of the commercial insurance companies. With the Blue Cross-Blue Shield plan, we have been operating through the National Association of Blue Shield plans, and the Blue Cross Association in Chicago, so that we get a coverage that is very close to 100 per cent.

Mr. RYAN. Can you give me an example of the kind of staffing goals you will set for a company?

Mr. EVERETT. Yes, I can give you an example. One of our large commercials had virtually no black district managers in their life insurance area. They had virtually no agency managers, which would be the next lower position. They had very few black salesman. They had more Spanish-surnamed salesmen, but still they were very short in numbers for the upper positions. They had a few Orientals, and virtually no American Indians.

We met with that particular commercial in April of this year, 1968. At that time they agreed that, where possible, starting with the most feasible department and moving on, they would immediately establish staffing goals for the entry level professional position, and for the higher supervisory and administrative positions.

They have since that time sent to us a clear breakout on what their affirmative action plan would be, not only for 1968 but for '69 and the next three years—a five-year affirmative action plan . . . .

Mr. RYAN. Are you satisfied that the companies are doing everything they can to open up opportunities?

Mr. EVERETT. Oh, no, we are far from satisfied, Congressman Ryan.

Mr. RYAN. What do you suggest should be done to spur them on?

Mr. EVERETT. We suggest a number of approaches and techniques. We plan, for example, to convene the EEO coordinators of the commercial companies.

Mr. RYAN. Does each one have an EEO coordinator?

Mr. EVERETT. Absolutely.

Mr. RYAN. Do you require that?

Mr. EVERETT. Absolutely. We intend to convene them during the first quarter of 1969, at which time we will spell out exactly what the Social Security Administration expectations are for them, where they should be by now, where they will be expected to go.

We will see to it that they have an understanding of the rules and regulations that have been recently issued, the orders from the Office of Federal Contract Compliance, the guidelines that we have received from the Department of Health, Education and Welfare.

Additionally, we intend to describe to the corporate officials in the conference that are held at the close-out of home office reviews—and assure ourselves that the very top officials of each entity thoroughly understand—what we mean by affirmative action, what we mean by staffing goals, what the rules and regulations indicate that they should be carrying out in their own corporate entities. These are a couple of the aspects.

Mr. ZAWATSKY. I might add, Congressman Ryan, that we have found from experience not only with the contract compliance work but in our own program—that is, our in-house program that the only time that you really get meaningful compliance and meaningful results is when top management and I mean the very top management, really not only issues policies but ensures through a good reporting system that they expect certain results.

Mr. RYAN. Have you used, or threatened to use, the cancellation of a contract in order to enforce compliance?

Mr. ZAWATSKY. We have on several occasions written to some of our contractors and advised them of certain deficiencies, with the clear indication that if those deficiencies are not corrected by such and such a date that we may have to cancel the contract.

Mr. RYAN. Has any contract been cancelled?

Mr. ZAWATSKY. The only one that I know of is one company which bowed out on its own.

Mr. EVERETT. They asked us not to . . . cancel before they bowed out. . . .

Mr. ZAWATSKY. What we are doing more and more, and we found that to be very effective, is to place the burden upon the top executives of the company to show results. I mean, we are not just interested in the policy statements.

Now, we used to spend a great deal of our time visiting local installations of the insurance companies. Now more and more I think we are shifting our emphasis, with our concentration based upon the reports that we are getting, our meetings with the top officials of the central officers of the company, and asking them to carry the ball. Is that a fair statement?

Mr. EVERETT. That is correct. Also, we are able at this point in time to spend our time dealing with these lesser officials who have responsibilities for offices where equal employment opportunity is not in existence, virtually. We are not spending the amount of time now with contractor officials . . . performing well to the same extent as we did at the outset of the program.

Mr. ZAWATSKY. You know, Mr. Everett, Congressman Ryan might be interested in, in the last two years, how many actual onsite visits we have made.

Mr. EVERETT. We have made in the vicinity of 1,500. We currently are performing fewer, for example, in fiscal year '69 than we did in fiscal year '68.

Mr. RYAN. How many were there in fiscal year '68?

Mr. EVERETT. 561.

Mr. RYAN. That is by your contract compliance specialists?

Mr. EVERETT. That is correct. We find that we are able to get better data from the individual corporations. We are able to identify the problem areas far better, and to concentrate on these instead of visiting various parts of the country without knowing what we will find when we get there.

Mr. RYAN. Mr. Zawatsky, you referred to the reporting system which you are planning to develop. When will that be in effect?

Mr. ZAWATSKY. I would like to turn to my colleague, Mr. Everett, again. . . .

Mr. EVERETT. It is presently in effect, Congressman Ryan. By the new reporting system we are referring to quarterly reports from the various contractors and the use of our electronic data processing capability in utilizing that data.

Mr. RYAN. What information are you gathering now that you didn't gather before through the new system?

Mr. EVERETT. Well, quarterly reports, for example.

Mr. RYAN. As to what?

Mr. EVERETT. This would concern the number of hirees, the number of vacancies, the number of employees of majority and minority groups above clerical levels. It would relate to various terminations, whether by compulsion or voluntary terminations. It would also include information regarding stipulations that were made by the contractor, and implementation.

Mr. RYAN. Does it go into the question of the various positions?

Mr. EVERETT. Absolutely.

Mr. RYAN. So that you know what level position you are talking about.

Mr. EVERETT. It does. . . .

Mr. RYAN. This is one of the prime statistics I think we will all be interested in.

Mr. ZAWATSKY. We have used another technique. We have had a number of seminars with the insurance industry in different parts of the country. We have had one in New York and . . . then we had one in California.

Mr. EVERETT. Chicago, Los Angeles, Kansas City and Atlanta.

Mr. ZAWATSKY. And there we bring the industry and the minority group leadership together . . . (and) we discuss the needs of the industry and the available minority resources . . . with the aim and hope that we will open up in that way many, many more opportunities. . . .

Mr. RYAN. In terms of Spanish-speaking citizens, what efforts have been made in areas where there are concentrations of (these people) . . . ?

Mr. ZAWATSKY. (L)et me put it this way. I want to be very frank with you. . . . If we take our Spanish-speaking Americans and Mexican-Americans in-house—that is, in the Social Security Administration, itself—I think we run some place around 2 per cent. That is nationwide. Now, we have much heavier concentrations, of course, in the Southwest—in areas like California, and other places. . . .

(V)ery recently we have established a special recruiting officer for Mexican- and Spanish-Americans, and his job will be to travel the length and breadth of the country to help our regional staffs to locate and to do what can be done to improve our position in these areas.

One of the things that we have found out is that many of our Mexican-American people are reluctant to move out of the areas where they now live, so that if we have vacancies in different parts of the country, we have found it very difficult to get them to move into other areas. Now, this has not been a problem with the Negro population. They have moved quite readily. . . .

Mr. RYAN. In particular cities do you think it would be helpful in addition if you had a special recruiting officer assigned to those regions?

Mr. ZAWATSKY. We do have. For instance, we have in our regional offices a recruiting officer in every regional office, but this particular person that I was referring to . . . whose position we have just established . . . he will work with the recruiting officers in those areas where the groups do exist, and work with them and . . . the Mexican-American groups to see what we can do to improve our position. . . .

Mr. RYAN. I understand. What about in the New York area, for instance, where there are a large number of . . . people of Puerto Rican origin?

Mr. ZAWATSKY. Hardly enough. I am personally disappointed with the progress we have made . . . there. We have a fairly good percentage. . . . But we do not have the kind of representation that I would like to see. Chicago is the same thing.

Mr. RYAN. Do you think, then, that in New York and in Chicago it would be helpful . . . if you had somebody who had the specific responsibility in those regional offices of working with your new national recruiting officer, rather than just putting the burden on the present recruiting officer. . . .

Mr. ZAWATSKY. In those regions, . . . the Health, Education and Welfare Department has a full-fledged civil rights office in each region of Chicago and New York, and they work with our recruiters in those areas, and that is the reason we haven't found it really necessary to do that.

Mr. RYAN. Except that your figures, your statistics show a very disappointing . . . result, according to your testimony.

Mr. ZAWATSKY. It isn't that we are not trying. We are, basically, and I hate to say this, but we have to follow the system. We have to go to Registers. We try to get people on Registers. We work with the schools. But if they are not on the Registers, we just can't pick them up.

Mr. RYAN. Do you do anything about giving special examinations?

Mr. ZAWATSKY. We do.

Mr. RYAN. Or preliminary classes preparatory to examinations in Spanish?

Mr. ZAWATSKY. Do you mean for people who are not now working with us?

Mr. RYAN. Yes.

Mr. ZAWATSKY. No, we haven't done that, sir. We have not done that. We have—through this grade 1 idea—brought some people into it because that does not require a written test, as I mentioned earlier.

Mr. RYAN. But do you think it would be helpful if you helped to set up some kind of preparatory course for people who have a language problem, so that they can be better prepared to take the examinations which you say the system requires?

Mr. ZAWATSKY. Well, we have done this. We have worked with the schools. We have done that. We have worked with the schools, studied their curriculum and advised them what people would have to do to qualify, but—I may be off-base on this one, Congressman—I don't know whether a federal agency has that kind of authority.

Mr. RYAN. I would say yes it does, because we have seen this done with the Post Office.

Mr. ZAWATSKY. Well, we have done that through the transitional program with the veterans coming back. We have done some of that. And . . . I have noticed that some of our private contractors are doing that. . . .

Mr. RYAN. (W)e were talking about contractor employment of Spanish-speaking people, and we got off onto the subject of in-house employment.

Mr. ZAWATSKY. Yes, . . . the contractors . . . are doing that which you are suggesting. They hire people and they train them, and they gradually put them into positions.

Mr. RYAN. What about a city like Miami, where there has been an influx of Spanish-speaking people from Cuba?

Mr. EVERETT. I would like to address myself to that. We have raised that question in virtually all of our corporate conferences. Some of the contractors have said that in order for them to hire Cubans in the types of jobs that are available in Miami or in Tampa, or a few other communities where Cubans reside, the Cubans must become citizens, and that this is in accordance with state law, so that there has not been the amount of progress at this point regarding a number of the Cubans that we will find as soon as citizenship papers are taken out, and so forth.

Mr. RYAN. (It) . . . is not clear to me what the state law requires.

Mr. EVERETT. As I understand it, the state law requires citizenship. . . . In order to be an insurance salesman.

Mr. RYAN. How many of the employees of these insurance companies are really insurance salesmen?

Mr. EVERETT. Well, for the bulk of our commercials, most of their available jobs are as salesmen. Their clerical positions have very low turnover, as a rule.

The Blue Cross-Blue Shield entity, which is of considerable size in Florida, does not have that shortcoming, and has made considerable progress in the hiring of Spanish-surnamed Americans. But for the commercials that are doing largely life insurance business in Florida, they have had considerable difficulty in hiring Cubans as quickly as they would like to. . . .

Mr. RYAN. I assume you have had your legal staff check out the accuracy of their position, have you?

Mr. EVERETT. That is correct.

Mr. RYAN. And is it Florida law?

Mr. EVERETT. We have been informed that it is Florida law.

Mr. RYAN. That American citizenship is required?

Mr. EVERETT. To get a life insurance sales license.

Mr. RYAN. But that does not prevent the insurance company from hiring non-citizens in other positions, does it?

Mr. EVERETT. That is correct, it does not.

Mr. RYAN. Is there anything else, Mr. Zawatsky, that you want to add to the record . . .?

Mr. EVERETT. Mr. Ryan, you had asked information regarding the effects by SSA to utilize Spanish-surnamed Americans in its contract compliance program.

Mr. RYAN. Yes.

Mr. EVERETT. I would like to point out to you that the seminars that were staged in Los Angeles and in New York were directed towards Spanish-surnamed communities, principally, and to the other ethnic groups, tangentially.

For example, all of the . . . principal Mexican-American community organizations in Los Angeles were invited to our seminar there, while only a few of the other minority group organizations were invited.

The same obtains with New York City, where we saw to it that all of the major Spanish-surnamed organizations were invited to the seminar, and that they would send representatives, while for the other ethnic organizations less emphasis was given. This was because we felt that the Spanish-surnamed organizations had a greater difficulty in conveying the problems inherent in that particular group.

Mr. RYAN. How many Spanish-speaking members, if any, do you have on your compliance staff of fifteen professionals?

Mr. EVERETT. We have one at the present time.

Mr. RYAN. Mr. Everett, . . . let me thank you both for coming and giving us the benefit of your testimony. . . .

MR. HERBERT HILL

Labor Director, National Association for the Advancement of Colored People, 1790 Broadway, New York City, N.Y.

The major thrust of Mr. Hill's testimony was a total condemnation of the Federal Government's efforts to achieve equal employment among its contractors. Contending that the power to withhold or cancel Government contracts is the most powerful single weapon to eliminate employment discrimination—a power made clear by Executive Order No. 10925, issued by President Kennedy in 1961, and the immediate predecessor of Executive Order No. 11246. Not one contract has been canceled. Instead, the Federal Government has opted for a voluntary compliance approach, which has proved to be illusory, as well as of little value.

Mr. Hill contended that a finding of "reasonable cause" by EEOC should result in the violating company's contract being canceled, or, if there is a case pending in court, at the least the company should be barred from further contracts until the court rules in the company's favor. Mr. Hill took issue with Mr. McCreedy's earlier testimony, thereby. Mr. McCreedy had stated that a probable cause finding by EEOC would not be sufficient to authorize contract cancellation,

in itself—there would have to be a hearing, first.

Mr. Hill pointed to the construction industry as a particular area in which equal employment compliance is especially essential, because of the high visibility of construction activity, the large amount of money and number of workers involved, the large amount of federally funded or assisted construction in ghetto areas, and the masculine image which construction work bears—an image especially important to minority group members, who have been degraded and deprived of their dignity.

Mr. Hill branded voluntary compliance a failure. And he pointed to recent judicial rulings which provide the basis for stringent enforcement or contract compliance—an enforcement the Government has not undertaken.

In summary, Mr. Hill made six recommendations:

First. The Office of Federal Contract Compliance (OFCC) must be immediately transferred from the Department of Labor.

Second. Noncompliance with the equal opportunity provisions of a contract must be regarded as nonperformance of the contract, and sanctions must be rapidly applied.

Third. Preaward contract compliance must become a strictly enforced, required premise to award of a contract.

Fourth. The Executive order should be amended to more directly and effectively cover labor unions.

Fifth. Contract compliance agencies should regard a finding of "reasonable cause" by the EEOC as grounds for contract disability. When a law suit is initiated under title VII by the Attorney General, the contract should be cancelled.

Sixth. OFCC should issue clear, defined standards establishing what "affirmative action" is, and what must be done to effect it.

In closing, Mr. Hill urged that the Federal Government must make civil rights preeminent among our national priorities.

TESTIMONY

Mr. HILL. The passage of the Civil Rights Act of 1964 has been quite properly hailed as the most significant legislation in American race relations since the adoption of the Thirteenth Amendment in 1865. Among the most important of the eleven major sections of the Civil Rights Act of 1964 is Title VII which prohibits racial discrimination in employment, but the principle of equality in job opportunity has been a requirement in United States Government contracts since 1941 when President Franklin D. Roosevelt issued Executive Order 8802.

By 1964 more than twenty million employees already had the theoretical protection of a federal prohibition against job discrimination, based upon executive orders requiring non-discrimination provisions in United States Government contracts. These contract clauses established that those seeking to do business with the Federal Government must not engage in job discrimination because of race, creed, color or national origin.

Since 1941, the basis for enforcement of this provision has been contract cancellation, but in the entire twenty-seven year period not a single contract has been canceled.

Although many major government contractors have been found guilty of engaging in a variety of discriminatory employment practices by federal and state civil rights agencies, even by the courts, not one government contract has (been) terminated for violation of the non-discrimination clause. The history of the failure of federal contract compliance provides a classic example of the administrative nullification of civil rights laws and executive orders.

(Yet), the power to withhold or cancel lucrative government contracts is undoubtedly the most powerful single weapon that has existed for more than a quarter of a century to eliminate nationwide patterns of employment discrimination. Far more potent than the administratively weak state and municipal fair employment practice commissions, more direct than the awkward, limited and time-consuming precedures established by Title VII of the Civil Rights Act, is the power of the United States Government to cancel contracts.

The potential of Federal contract cancellation has never been realized. Unfortunately, the national government, under both Republican and Democratic administrations, has substituted an illusion called "voluntary compliance" for enforcement. Thus, Negro workers and members of other minority groups have benefited but little from what might have been the most effective method at the disposal of the government for achieving an end to institutionalized racism in the employment practices of major industrial and other business enterprises.

The consequences of the failure of federal officials to enforce the anti-discrimination provision in government contracts are far-reaching and have broad social implications. Throughout the nation, high public officials are calling upon Negroes to observe law and order, but the irony is not lost upon the Negro citizens of Newark, Detroit, Buffalo, Watts, Cleveland and many other cities where the rates of unemployment and underemployment in the black ghetto areas have reached crisis proportions.

These citizens have noted that high government officials who piously demand law and order are the same public officials who refuse to enforce the law in protecting the rights of Negroes against discrimination in employment, especially where job discrimination is directly subsidized by federal funds. . . .

This year, the United States Government will give over $54 billion—I repeat, over $54 billion—worth of contracts to private industry. More than 23 million people will receive employment, or, approximately one out of every three jobs in the national economy will exist as a result of these government contracts.

For the fiscal year 1969, according to "The Budget of the United States Government," 1969, Appendix, Page 711, there are 225,000 contractor facilities and sites subject to the most recent executive order prohibiting job discrimination by government contractors. A vigorous enforcement of the standard anti-discrimination clause in United States Government contracts would have a more direct effect in eliminating racial discrimination in employment than all of the lawsuits and all the complaints filed by Negro workers against employers and labor unions with municipal, state and federal civil rights agencies.

Since 1941, the general principle for such enforcement has been established in executive orders and every President since then has issued successively stronger executive orders intended to prohibit employment discrimination by contractors providing goods and services to the Federal Government. With the issuance of Executive Order 10925 by President John F. Kennedy on March 6, 1961, the clear and direct power to cancel or withhold government contracts because of employment discrimination was firmly established.

Here I completely disagree with Mr. McCreedy's interpretation, I entirely disagree with the timid, frightened and wrong interpretation of the legal advice he's been getting, because whatever ambiguity may have existed in the previous orders on the matter of cancellation, and I acknowledge that in the previous orders there was a good deal of ambiguity, with the issuance of Executive Order 10925 on March 6, 1961, any doubt on the matter of cancellation was ended. It is clear. It is explicit. It is written into the order. There is great clarity on this question.

I don't know what law schools those learned counsel went to, but they certainly have developed some very dubious rationalization for non-action. The machinery for genuine enforcement of the contract clause has in fact existed and been available to this government since 1961. Before 1961, there were questions: there were legal doubts; there were vague areas of legal interpretation. But I hold, sir, that since 1961, the Government has had the firm and clear legal basis to move to cancel and withhold government contracts. The fact that it has not done so constitutes a national tragedy.

At least in the abstraction of the law, the government requirement had moved from passive non-discrimination to affirmative action. With the issuance of Executive Order 10925. However, for the past seven years, the Government has not used that machinery to eliminate well-documented patterns of employment discrimination. Instead that machinery has become a vehicle of bureaucratic duplicity and delay that has led to bitter frustration for Negro workers and members of other minority groups who have patiently sought those rights their national government repeatedly told them would be forthcoming if they used proper legal procedures . . . .

On March 6, 1961, the President's Committee on Equal Employment Opportunity was established by virtue of Executive Order 10925. At that time the President's Committee was the only federal agency existing to enforce the government's antidiscrimination policy in relation to government contracts. The Committee possessed the powerful weapons of contract cancellation and debarment of offending contractors from receiving government contracts in the future.

But after four years of operation the President's Committee on Equal Employment Opportunity decisively proved to be a failure. Only a very small percentage of the complaints received were successfully resolved. Broad patterns of employment discrimination in many industries operating with vast government funds were not eliminated. Many of the so-called "settlements"—and an examination of these "settlements" would suggest how very dubious they were—were later reopened by the Equal Employment Opportunity Commission, the agency established by Title VII of the Civil Rights Act of 1964, which found, upon extensive investigations, that despite the so-called "settlements" patterns of racial discrimination continued to exist.

And in some very significant cases the settlements themselves were found to be discriminatory. . . .

The President's Committee developed a task force of over 130 professional investigators and had its staff members operating in the major federal contracting agencies. It was legally empowered to systematically investigate some 32,000 enterprises employing over 10 million workers, and it was able to secure a total of between three and four million dollars for its operations. Although there were many instances that fully justified either contract cancellation or debarment, which would have had a most desirable effect upon major multi-plant employers dependent on government contracts, in the four years of its operations the Committee never took such action.

Unfortunately, the possibilities inherent in the Order were never realized, as early in the history of the Committee the Federal Government made a political decision to substitute what they called voluntary compliance—a voluntary compliance approach called "Plans for Progress"—for enforcement through contract cancellation and related procedures. The "Plans for Progress" program had the dual effect of allowing an employer to publicly proclaim a policy of equal employment opportunity while privately practicing the opposite.

In reality, the "Plans for Progress" operation functions as a public relations agency for government contractors financed and operated through the United States Department of Labor. As of September 1, 1968, 441 major companies have signed the "Plans for Progress" pledge. The "Plans for Progress" staff is composed of men who, we are told, are "on loan" from several of its member corporations; its secretarial and other expenses are paid for, however, by the Department of Labor.

The National Association for the Advancement of Colored People filed 958 complaints with the President's Committee. These were documented complaints. On April 6, 1962 the Association made an appraisal of the first year of the operation of the President's Committee on Equal Employment Opportunity and stated, and I quote: "The Administration has relied for favorable publicity on a superficial approach called "Plans for Progress." The so-called "Plans for Progress" have not produced the large scale job opportunities for Negro workers that have been so long denied them. It is our experience that major United States Government contractors operating vast multi-plant enterprises regard the signing of a "Plans for Progress" as a way of securing immunity from real compliance with the antidiscrimination provision of the government contract." And now, six years later, we are forced to conclude that that is still true.

In January of this year, January 1968, the Equal Employment Opportunity Commission held hearings in New York City to examine the racial employment practices of one hundred major corporations whose national office headquarters were located in that city. These enterprises were among the largest in the United States, contributing 15.8 percent of the Gross National Product and having total assets of over $116 billion.

Ninety of the one hundred companies were government contractors and forty-six of the one hundred were "Plans for Progress" members. On the basis of detailed investigation, the Commission found that the one hundred companies' average of Negro employment was only 2.6 percent.

When the forty-six "Plans for Progress" companies were compared with the fifty-four non-"Plans for Progress" companies, it was found that the companies that had signed the "Plans for Progress" agreement employed a smaller percentage of Negro managers, supervisors, technicians, professionals and officer and clerical workers than the non-"Plans for Progress" companies. These findings are very significant because they involve key managerial, technical and professional fields of employment where "Plans for Progress" employers were allegedly making their greatest effort. And it should be noted that many of the contractors most laggard had taken the pledge five years before.

It is not without interest to note that at the present time there are 18 lawsuits brought by the Department of Justice under Title VII of the Civil Rights Act of 1964 against major contractors, several of whom by the way have signed the "Plans for Progress" agreement.

In addition to the lawsuits initiated by the Department of Justice, many cases initiated by private parties after the Equal Employment Opportunity Commission found reasonable cause of their complaints are currently pending in United States District Courts.

Mr. Ryan, I would like to suggest that a finding of "reasonable cause" by the Equal Employment Opportunity Commission should result in an immediate contract disability by all federal contracting agencies. At the very least, the Office of Federal Contract Compliance should delay further contract awards while cases are pending in the federal courts and after the Commission has issued a finding of "reasonable cause."

At the present time contracts are not cancelled or withheld by federal agencies in those many cases where the Equal Employment Opportunity Commission, after investigation and after it has exhausted conciliation powers, finds the contractor not in compliance with Title VII of the Civil Rights Act of 1964. It is known that copies of all such findings—and Mr. McGreedy has acknowledged that this is the case—are routinely sent by the Equal Employment Opportunity Commission to the Office of Federal Contract Compliance and to the government agencies that have awarded the contracts.

Certainly where the United States Department of Justice files a lawsuit against a company that is a government contractor, because it has been found to be operating in violation of Title VII, the federal contracting agencies should have an immediate obligation to cancel or withhold all government contracts. But even this is not being done.

A company that is found to be in violation of Title VII is obviously also in violation of the Federal Executive Order, but the contracting agencies systematically fail to act. For example, over three hundred individual complaints have been filed by Negro workers against the United States Steel Corporation, and the Equal Employment Opportunity Commission has found "reasonable cause" in most of the complaints, many of which also involve the United Steelworkers of America.

But, although the Equal Employment Opportunity Commission, after much effort, has been unable to bring the company and the union into compliance through conciliation procedures and Negro workers have filed private lawsuits against the company and the union, contracting agencies of the Government continue the United States Steel Company's extensive government contracts and indeed continue to award new contracts even though this major corporation is clearly violating basic federal civil rights laws and executive orders. In the case of the Bethlehem Steel Company, the United States Department of Justice has actually initiated litigation—not the private parties, but the United States Department of Justice, the Attorney General, has initiated litigation charging violation of the Civil Rights Act, but other agencies of the government continue Bethlehem's contracts. Many other examples in virtually every sector of the national economy may be cited. . . .

On April 27, 1968, the United States Commission on Civil Rights began a series of five-day hearings in Montgomery, Alabama to establish the facts regarding employment and other forms of racial discrimination suffered by Negro citizens in a 16-county area, where 60 percent of the population is Negro and 90 percent of the population lives well below the poverty line. The United States Commission on Civil Rights found broad violation of the Executive Order, and that the Civil Rights Act was also being violated by many government contractors. One case involved the American Can Company, which operates a sawmill in Bellamy, Alabama and which is a vast national corporation with multi-million dollar government contracts. As far back as 1962, sir, it took the "Plans for Progress" pledge.

The American Can Company, in addition to operating the sawmill in Bellamy, also owns and operates a rigidly segregated company town with broken down shacks and a dilapidated all-black schoolhouse with an outdoor privy. Both the schoolhouse and the outhouse are owned by the American Can Company. In the all-white residential area, the company owned houses provided for white workers have indoor bathrooms and running water, but of the 123 company-owned homes for black workers, only four have such facilities.

This company still receives its lucrative government contracts and still pledges itself through the "Plans for Progress" program to take "affirmative action" to guarantee equal employment opportunity for all workers. But apparently this company's definition of "affirmative action" is to do nothing but line up for the next government contract. . . .

I'd like to give some details regarding the Timken Roller Bearing case, because I filed those complaints with the Office of Federal Contract Compliance in behalf of Negro workers and also with the Equal Employment Opportunity Commission. And the NAACP Branch in Columbus, Ohio and our National Office for three and a half years has been involved in this case, which in a classic example of the administrative nullification of the law.

The racial employment practices of the Timken Roller Bearing Company, a "Plans for Progress" employer whose major manufacturing operations are in Ohio provides further evidence of how the United States Government subsidizes racial discrimination in employment. And this is the heart of the matter, that our government, using public funds, subsidizes racial discrimination in American industry both in the supply operation as well as in the construction industry.

In addition, the United States Commission on Civil Rights established that the company maintains segregated facilities within its sawmill operations together with separate racial job classifications. Out of a total work force of 1,550 employees, 108 are Negroes, all in the lowest paid menial job classifications, and this in an area with a very extensive Negro population, where more than half of the total population is black. The Commission noted that exactly two weeks before its hearings in Montgomery began, two Negroes were promoted to hitherto "lily-white" jobs.

And I would suggest, sir, that this is precisely the kind of compliance that the Office of Federal Contract Companies has been interpreting as meaning compliance with the intent of the Executive Order. This makes a travesty of the Executive Order. This is not even conspicuous tokenism. It is less than a beginning. It makes a farce, it makes a mockery of this whole apparatus.

Although these conditions have existed since May of 1960, when the American Can Company began operations in Bellamy, the Office of Federal Contract Compliance and the General Services Administration, which has given substantial contracts to this company, never initiated a compliance review or enforced the law. This is not my charge. This is the charge of the United States Commission on Civil Rights.

Earlier this year, in addition to its other government contracts, American Can Company received $1.7 million contract from the General Services Administration.

An examination of the response of the Office of Federal Contract Compliance to the proven charges of racial discrimination currently practiced by the Timken Roller Bearing Company and the United Steelworkers of America at the company's Columbus, Ohio plant is most illuminating and reveals the fundamental failure of federal contract compliance. Although federal and state civil rights agencies have acknowledged that a clear pattern of racial discrimination exists at the Timken Roller Bearing Company, none of these agencies have exercised their powers to eliminate the discriminatory employment practices and the company continues as a government contractor.

The record is as follows: On May 18, 1966, in response to complaints received from Negro workers employed by the Timken Roller Bearing Company, the NAACP labor department filed formal complaints against the company and Local 2173 of the United States Steel Workers of America, AFL–CIO, with the Equal Employment Opportunity Commission, charging violation of Title VII of the Civil Rights Act of 1964. On the same day complaints were also filed with the Office of Federal Contract Compliance charging violation of Federal Executive Order 11246.

These actions were taken after four months of fruitless negotiations by Negro employees and representatives of the NAACP with both the company and the union. The aggrieved Negro employees charged, in sworn affidavits, that the company and the Steelworkers Union had conspired to prevent Negro workers from having any jobs except janitorial, and other menial, occupations. The complaints filed with the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance described the operation of a discriminatory seniority system that systematically violates the job rights of Negro workers, limits Negro promotions to certain menial job classifications and, that in violation of the law, allows promotion of newly hired white workers to jobs in the "white only" seniority lines, thus bypassing Negro employees with many years of seniority. . . .

On November 9, 1966, Edward C. Sylvester, Director of the Office of Federal Contract Compliance, issued the first of several press releases on the charges against the Timken Company. Page one of the Wall Street Journal of that day carried the announcement that the company was under close investigation and that the Office of Federal Contract Compliance had initiated procedures that might lead to contract cancellation. On November 15, 1966, the Wall Street Journal quoted Mr. Sylvester in a second story as stating that "the major bearing producer poses the 'first clear-cut refusal' by a company to supply the government with sufficient information on which to judge equal employment practices."

On December 1, 1966, the Ohio Civil Rights Commission, in a report to the NAACP and to the aggrieved Negro workers, confirmed that a pattern of racial discrimination existed at the Timken plant. Immediately thereafter, thirteen additional complaints were filed against the company and the union with the Equal Employment Opportunity Commission.

On January 17, 1967, the NAACP filed 13 formal charges with the Cincinnati Regional Office of the National Labor Relations Board because of (the union's) . . . refusal to fairly and equitably represent Negro employees. This was a dual action. . . . An action . . . against the union, charging that it failed to fulfill its responsibilities as the collective bargaining agent, and also against the company.

These actions brought about an exhaustive investigation by the Regional Office of the National Labor Relations Board which was duly forwarded to Washington on or about July 1, 1967. The report of the Regional Office to the Board sustains and further documents the charges made by Negro workers against the company and the union with the Federal agencies.

On February 6, 1967, representatives of the Department of Defense met with Negro complainants and with NAACP representatives and requested additional information. On May 17, 1968, almost a year later, the Equal Employment Opportunity Commission issued a finding of "reasonable cause" against the Timken Company and the NLRB informed us that it would "defer" to the Commission, thereby, in my opinion, abdicating its responsibility under the National Labor Relations Act to intervene.

On August 15, the NAACP initiated litigation in the United States District Court in Columbus, Ohio against the Timken Roller Bearing Company and Local 2173 of the Steelworkers Union and also against the International Union. The suit asks an immediate end to the discriminatory employment practices engaged in by the company and the union, together with three hundred thousand dollars in back pay and damages for the plaintiffs.

On October 9, 1968, the Office of Federal Contract Compliance recessed hearings . . . on the assumption that the company and the union were in collective bargaining negotiations . . . (As) of November 8, the Office of Federal Contract Compliance . . . closed out the case with a statement saying that the new collective bargaining settlement (settles) . . . the question of contract compliance. But it does not. The new union contract definitely does not do this . . .

On Nov. 21, 1968, Negro workers publicly condemned the new bargaining agreement as a fraud and in a leaflet distributed during a picket line domonstration around the plant to protest the new union contract, stated that "far from providing job equality for all Timken workers, the new bargaining agreement simply perpetuates the old Timken system."

I find it simply incredible that the (OFCC) . . . has accepted the new seniority provision of the contract as a basis for closing out the charges against the company. I should state that at the present time the NAACP is continuing its suit in the Federal District Court. Even though the OFCC doesn't think there is a case, we think there is a case and we are prepared to take our chances in a federal court . . .

(Another egregious case concerns the Allen-Bradley company.) For years the contract compliance agencies did nothing with the Allen-Bradley Company (in Milwaukee, Wisc.). However, as a result of increasing protests and local dissatisfaction with contract compliance operations starting last year, the Milwaukee Youth Council of the NAACP, under the leadership of Father Groppi, conducted mass demonstrations at the Allen-Bradley Company plant in the heart of Milwaukee, in a very tense racial situation. . . . We distributed leaflets and held press conferences to reveal the failure of federal contract compliance agencies to secure compliance with the law. And as a result of this, the Office of Federal Contract Compliance, in May of 1968, began to threaten—they only began to threaten—to invoke debarment procedures against this company and some others. . . .

The company . . . is the largest employer in Milwaukee . . . (T)his is a situation that prevails in many cities: . . . that is, that the racial employment practices very often of the government contractor have a decisive influence in determining the racial employment pattern of an entire industrial community. . . .

In 1962, the company had 6,383 employees, one of whom was a Negro. In January 1964, the company had 6,500 employees, four of whom were Negroes. As of the date of the Hearing, August 20, 1968, the company had exactly 32 Negroes, most of whom were in the less skilled, lower paying job classifications.

The Allen-Bradley Manufacturing Company has been receiving government contracts for several years, although the company employment policy has been to exclude Negroes. On March 25, 1964, the company was informed by the Air Force of its first compliance review. During July, 1965, a second inspection was conducted by the compliance officers of the Department of Defense. Two conciliation conferences were held in September, 1967 and January, 1968 and at that time the company refused to comply with government requests that it recruit employees from the Milwaukee Negro community, which was suffering from a critical employment rate. The record will show that the Office of Federal Contract Compliance found that a clear pattern of employment discrimination had existed at the Allen-Bradley Manufacturing Company since Executive Order 10925 was originally issued in 1961.

Therefore, it has taken fully seven years for this case to come to a completed hearing and, as I have indicated, more time will pass before a final decision is made by the Secretary of Labor, who, must pass on these matters and decide if a recommendation for either debarment or cancellation will be made. And much more time will pass before there is justice for the Negro workers in Milwaukee. . . .

It is abundantly clear that the government's policy of voluntary compliance has failed. At the inception of the contract compliance program in 1961 it was argued by government officials that the mere possession of the power of cancellation and debarment would act a threat and would provide a deterrent to prevent racial discrimination by government contractors. The record of this program proves conclusively that at best there has been paper compliance, but not tangible enforcement of the law.

I submit, sir, that only one instance of genuine enforcement, one contract cancelled, would have been real evidence of intent to use the enforcement powers provided by the executive orders. As the history of government contract compliance demonstrates, the deliberate non-use of enforcement powers has so negated their intent that today they are no longer even functional—even as a threat. This failure has destroyed not only the real power of governmental authority in this field, but the symbolic power as well.

The appalling failure of contract compliance in the supply operations of the government is exceeded only by federal complicity in directly subsidizing a nationwide pattern of racial discrimination in the building and construction industry. . . .

In excess of 77.5 billion dollars was spent for new construction last year, and public works accounted for almost a third, or $26 billion, of new construction. The Department of Housing and Urban Development, during the fiscal period 1966–67, was alone responsible, according to its own estimates, for some 465,000 man-years of employment. During this period, $5.5 billion in HUD construction projects alone was involved. And because of the Model Cities program construction scheduled for next year, this sum will be very considerably expanded.

In domestic military construction, another example of federal involvement in the industry, last year's Congressional appropriation was over $4 billion.

Despite the vast amount of public funds spent for construction and the growth of the building industry with its ability to provide hundreds of thousands of man-years of employment, together with the fact that acute labor shortages now exist in several skilled occupations, Negroes are permitted to receive what Roy Wilkins, Executive Director of the NAACP has called, ". . . only the crumbs of expenditures for public construction."

The nation's construction industry is of unique importance to Negro wage-earners for several reasons. Among these are the following:

(1) It is a huge industry with vast growth potential . . .

(2) The construction industry is highly dependent on public funds in comparison to other large industries. At the present time public works represent approximately a third of all new construction. However, in the 25

major areas of Negro urban population concentration, between 50 and 60 percent of new construction projects are financed by federal, state and local agencies. Given the anticipated new programs these proportions will substantially increase.

(3) Wages in the construction industry are among the highest in the nation. Wages for the craft occupations in the unionized building trades average about three times the general industrial wage . . .

(4) My fourth point is extremely important, as I am sure you will appreciate. Jobs in the building trades are for men. In the highly important symbolic sense, as well as because of practical considerations, construction jobs are male jobs. These "manly" jobs with their high status implications are especially important for Negro male workers, so frequently either denied employment or permitted to work only in low-paying menial, "dead-end" jobs.

(5) Jobs in the construction industry are highly visible and of special significance to low-income black communities. Much of new construction, including urban renewal, Model Cities, highway and road building, and public housing among others, is in, or very near, large Negro communities . . .

(6) And finally, it should be noted that throughout the nation, much of the test of what happens to the major recommendations made in the Report of the National Advisory Commission on Civil Disorders—the Kerner Commission Report—will be decided in the construction industry and in the nation's housing and urban development programs. The employment practices of the building and construction trades have unique social implications—especially for black workers—and if the recommendations of the Kerner Commission Report have any meaning at all in the future, they will be to a large degree revealed by the future status of black workers in the construction industry. . . .

One . . . case . . . I feel I must cite. On September 13, 1968, in the United States District Court in Cincinnati, Ohio, Judge Timothy S. Hogan ruled that Anderson L. Dobbins, a Negro electrician, must be admitted to Local 212, a "lily-white" local of the International Brotherhood of Electrical Workers, AFL–CIO. Local 212 has jurisdiction in Cincinnati and in 13 surrounding counties in Ohio, Kentucky, and Indiana. Mr. Dobbins, a veteran of the United States Army who holds a Bachelor of Science degree . . . from Hampton Institute, and who is a fully certified journeyman electrician—he's been certified in Newport News, Virginia, where he took the certifying journeyman electricians' exam—has been attempting to gain admission into Local 212 of the Electrician's Union since 1949. Because he had been repeatedly denied membership in the Union, which maintains an exclusive hiring hall system in the greater Cincinnati area, Mr. Dobbins has not been permitted to work in the vast new public and private construction projects in and around Cincinnati.

Spokesmen for organized labor, including George Meany, President of the AFL–CIO, have repeatedly stated, both publicly and privately, that Negroes are not refused admission into the craft unions because of their race and color, but because they are "not qualified". But Federal Judge Hogan found that in spite of the fact that Anderson L. Dobbins was a college graduate, had successfully passed a journeymen's certifying test, and had a wide range of experience as an electrician, he was still refused union membership and thereby the right to work in his craft.

In a ninety-page opinion rendered by Judge Hogan in *Dobbins vs. Local 212, International Brotherhood of Electrical Workers, AFL–CIO*, the Federal Court ordered that, because of Mr. Dobbins' extensive training and experience in the electrical field, he must be admitted into union membership immediately; that he must not be required to pass a union qualifying journeyman's admission examination, and that he must be placed on the union's referral list as of the time he last applied for union membership, which was in September, 1965. Obviously, here there was a clear violation of the Executive Order and a clear violation of the Civil Rights Act.

I should point out that the . . . (case) of Anderson L. Dobbins in Cincinnati (is) not (a) rare, isolated instance. (He) represent(s) many thousands of Negroes throughout the country who have looked in vain to the Federal contract compliance apparatus of the Federal Government to protect their rights.

In 1967, an event occurred which might have been the turning point in the history of federal contract compliance in the nation's construction industry. In a historic decision handed down in the United States District Court in Columbus, Ohio on May 17, 1967, in the case of *Ethridge vs. Rhodes* (266 F. Supp. 83 (S.D. Ohio 1967)), a permanent injunction was secured against state officials involving discrimination in public construction. In this case, brought by the NAACP on behalf of aggrieved Negro construction workers who had been barred from membership in AFL–CIO building trades unions, the United States District Court ruled that the state had the "primary responsibility" for ensuring that Negroes had equal opportunities on all public works contracts. For the first time a federal court enjoined all state officials from entering into public works contracts until they could provide equal job opportunities for Negroes in both journeymen and apprentice job classifications. . . .

As a result of the *Ethridge* decision, construction was halted on a $12.8 million medical science building at Ohio State University because the contractors had entered into agreements with labor unions requiring them to use "lily-white union hiring halls as the . . . exclusive source of labor supply.

As a result of this precedent-setting decision, which provided the Office of Federal Contract Compliance with an additional weapon, which it does not wish to use these days, the government did withhold, at one point, during 1967, more than $43 million of federal funds earmarked for construction projects in Cleveland, Columbus . . . Akron, and other cities.

These developments gave us some hope. There was some reason now to believe that for the first time OFCC, with the *Ethridge vs. Rhodes* decision behind . . . (it), would begin to cancel and withhold construction contracts and enforce the law, especially as it was learned that when federal funds had been withheld, building contractors had hired a significant number of Negro craftsmen outside the union ranks.

But the hope was shortlived, as high federal officials responded to pressure from the AFL–CIO. Secretary of Labor Willard Wirtz, in a speech to the convention of the Building and Construction Trades Department of the AFL–CIO on November 29, 1967 promised the building trades unions that the new enforcement procedures and the withholding of federal funds would not become the rule. I refer you to the proceedings of the 54th Convention of the Building and Construction Trades Department, AFL–CIO . . . Americana Hotel, Bal Harbour (Florida) . . . pages 55 and 56. . . .

Well, the Secretary of Labor . . . kept his promise to the Building and Construction Trades Department of the AFL–CIO. No further federal funds have been withheld, business continues as usual, and Negro workers remain excluded from new job opportunities in the construction industry.

I would also like to call this Committee's attention to the influence and unwarranted power of discriminatory labor unions upon the policies and practices of the United States Department of Labor. It is perhaps no accident that the Office of Federal Contract Compliance (OFCC) is an agency of the Department of Labor, and perhaps its ineffectiveness is no accident as well. . . .

The courts have given . . . (OFCC) a full legal rationale to proceed and they continue to ignore emergence of a new body of decisional law which could be creatively and broadly used to enforce the Executive Order. In April of 1968 (for example) Federal Judge Joseph P. Kinneary . . . (of) the United States District Court in Ohio found Local 189, an all-white affiliate of the Plumbers and Steamfitters Union and its Joint Apprenticeship Committee, guilty of racial discrimination and of violating federal law. The plaintiff, Mr. Guillard Locke, a Negro pipe welder, was awarded $10,000 damages; the union was ordered to admit him immediately into membership, to eliminate their discriminatory hiring hall practices, and to cease discriminating in apprentice selection.

But, in this case, as in so many others where the federal courts have found discriminatory union apprenticeship control to be violation of the law and where the Equal Employment Opportunity Commission has found "reasonable cause" in complaints against union apprenticeship programs, not a single apprenticeship program has been decertified by the Bureau of Apprenticeship and Training of the United States Department of Labor, nor has the Office of Federal Contract Compliance taken action. . . .

Now, what more do the bureaucrats in the Office of Federal Contract Compliance want than that a federal court has found an apprenticeship training program, or a union hiring hall, or a government contractor . . . guilty? They have been found guilty. And perhaps this explains why, according to the goverment publication, "Negroes In Apprenticeship" (Manpower/Automation Research Monograph No. 6, published by the Manpower Administration of the United States Department of Labor, August, 1967), Negro participation on federally supported construction projects was 2.2 percent. . . .

Since July 22, 1965, the Equal Employment Opportunity Commission has received and processed approximately 250 complaints against building trades unions. And in a majority of these, the Commission has found "reasonable cause" to credit the allegations of the complaint. The Justice Department has filed lawsuits charging a pattern of discrimination against 16 major building trades unions and one Building Trades Council of the AFL–CIO, and an additional number of private suits are pending in United States District Courts in several cities.

In some cases, the courts have already issued decisions in which the unions were found guilty of discriminatory racial practices. But although now, for the first time, the federal courts are providing clear legal definitions of what constitutes racial discrimination in employment, administrative remedies still are blocked as many labor unions continue their defiance of the law and attempt to defend their traditional racist practices in complex court challenges. The legal departments of many labor unions are now busily engaged in introducing a tangle of procedural legal questions in an attempt to prevent change by continued court challenges.

Given the emergence of a new body of decisional law involving employment discrimination, one might reasonably assume that the Office of Federal Contract Compliance would proceed with new vigor to enforce the Executive Order under which it operates, especially since the courts are significantly undergirding its administrative powers. Given the combination of Title VII of the Civil Rights Act, the increasing activity by the Attorney General in filing lawsuits, and the recent court decisions in employment

discrimination cases, the Office of Federal Contract Compliance is in a new strengthened position to secure compliance with the Executive Order. But, unfortunately, it gives no indication that it is about to do so. . . .

It must . . . be recognized that federal contract compliance is the most potent available instrument to end job discrimination in American life. Contract compliance can be used to achieve great results only if it is broadly and vigorously applied in relation to both construction contracts and supply operations, and only if the government demonstrates its commitment and its willingness to use its full legal powers. . . .

Now is the time for prompt and forceful action to convince employers and labor unions that the federal government is committed to equal employment opportunity as a basic national policy, and that the old policy of delay and futile negotiations without enforcement has in fact come to an end. Now, there must be new standards of contract compliance, and in the national interest it must be recognized that the basis of determining progress must be the number of American citizens who are still discriminated against, rather than the number of persons in jobs that were not there last year, or five years ago or ten years ago.

Now, because I believe that such an approach is vital to the national interest, I make the following six recommendations and with this conclude my testimony.

(1) The Office of Federal Contract Compliance must be immediately removed from the Department of Labor and shifted to the Department of Justice. The Department of Labor has for too long been a captive of institutions that are bitterly resisting changes in their racial practices. Too many high officials of the Department are former functionaries of bigoted labor unions, and their original loyalties as well as their attitudes remain unchanged. An investigation of the Solicitor's Office, or of the Manpower Policy Operations, or of the Bureau of Apprenticeship and Training—that's a great one—and of other units in the Department of Labor will reveal that former trade union officials use their high positions as representatives of the United States government to protect the interests of racist labor organizations.

If the Office of Federal Contract Compliance is to become a law enforcement agency as it should be, then it properly belongs in that department of the government whose primary function is law enforcement.

(2) Contract compliance agencies must regard violations of the Executive Order as a fundamental breach of contract, no different from a failure to comply with any other term or condition of a government contract. Non-compliance must be regarded as nonperformance of the contract and sanctions rapidly applied.

(3) Pre-award contract compliance must become a reality. Employers seeking government contracts must demonstrate that they maintain an integrated labor force on all levels before they can be eligible to bid for government contracts, not after.

Failure to do so should prevent contract awards. The government has an obligation not to give contracts to discriminatory employers and then attempt to secure compliance after the contract has been signed. . . .

(4) The Executive Order should be amended to cover labor unions more directly. It has been repeatedly demonstrated that in several industries the racial practices of labor organizations are decisive. Therefore, compliance regulations must regard labor unions, especially where there are union controlled referral systems or hiring halls, as being directly covered by the Executive Order. Such coverage by amendment or by administrative interpretation of the Order would bring labor unions under more direct federal pressure to end job discrimination.

(5) As a matter of fundamental policy, contract compliance agencies should regard a finding of "reasonable cause" by the Equal Employment Opportunity Commission as grounds for . . . contract disability. Certainly when a contractor is found to be violating Title VII of the Civil Rights Act of 1964 and the Attorney General initiates a law suit after the contractor has failed to comply, the power of contract cancellation should be exercised.

(6) The Office of Federal Contract Compliance should issue new specifications redefining "affirmative action." In the light of new federal court decisions, the government can and should issue manpower specifications to prospective contractors requiring the employment of racial minorities, all minorities. The government, in short, must establish new standards, new manpower requirements that go beyond the empty gestures of the past.

This course of action, together with other new and related approaches, must be seriously considered. The well-being of all citizens, and indeed, the future of our country requires a commitment of the highest order to the ideals of racial justice and equality. And there can be no excuse for further delay.

Thank you.

Mr. RYAN. I should like to thank you, Mr. Hill, for a thoroughly documented, very effectively and eloquently presented statement. . I don't know whether you have an opinion whether . . . (administration of the compliance program) should be lodged in the Equal Employment Opportunity Commission. . . .

Mr. HILL. I'd like to see it in the Department of Justice. It is less . . . prone to political pressure from both big business and organized labor in the Department of Justice than probably any other department. That is not to suggest that such pressures do not operate in the Department of Justice, as the history of the anti-trust . . . (laws) will, of course, suggest. But I would say that they will be less . . . pressured in the Department of Justice than in most other government agencies.

Mr. RYAN. Would you prefer to see it in the Department of Justice to being an independent agency?

Mr. HILL. Well, I am not prepared to give my final view on this. The NAACP has not taken a formal position on this. Therefore, I am a bit hesitant to give a final answer. But, generally, our feeling is that short of some fundamental reorganization of all the civil rights compliance agencies, it belongs in the Department of Justice.

(Further), it seems to me, sir, if I may comment, that the time has come for the federal government to give a priority to civil rights, that is, not less than all the other priorities. I would argue that it . . . (should be given) a greater priority; I would argue that the fundamental interests of the future of our country requires an even greater priority, . . .

CONCLUSION

Above and beyond any recommendations which the Ad Hoc Congressional Committee on Discrimination in Federal Employment and Federal Contractor Employment has made in this report, there is one element that is absolutely, preeminently essential if equal employment opportunity—within the Federal civil service and by Federal contractors—is to become a reality. This is the element of executive commitment.

Congress can pass laws. But the primary responsibility for administering them and enforcing them rests with the executive branch. And in the absence of commitment on the part of that branch, it is difficult to imagine any equal employment opportunity program functioning meaningfully and effectively.

The testimony of the witnesses who appeared before the ad hoc congressional committee leaves no doubt: Equal employment opportunity does not exist. There is no doubt, also, that it must exist.

Ad Hoc Congressional Committee on Discrimination in Federal Employment and Federal Contractor Employment: JOHN CONYERS, JR., Member of Congress; CHARLES C. DIGGS, JR., Member of Congress; John Dow, former Member of Congress; AUGUSTUS HAWKINS, Member of Congress; HENRY HELSTOSKI, Member of Congress; ROBERT NIX, Member of Congress; and WILLIAM F. RYAN, Member of Congress.

Appendixes follow:

VI. APPENDIXES

Appendix A—Executive Order 11478: Equal Employment Opportunity in the Federal Government.

Appendix B—Executive Order 11246: Equal Employment Opportunity.

Appendix C—Executive Order 11375.

APPENDIX A—EXECUTIVE ORDER 11478: EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

It has long been the policy of the United States Government to provide equal opportunity in Federal employment on the basis of merit and fitness and without discrimination because of race, color, religion, sex, or national origin. All recent Presidents have fully supported this policy, and have directed department and agency heads to adopt measures to make it a reality.

As a result, much has been accomplished through positive agency programs to assure equality of opportunity. Additional steps, however, are called for in order to strengthen and assure fully equal employment opportunity in the Federal Government.

Now, therefore, under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

Section 1. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government.

Section 2. The head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in section 1. It is the responsibility of each department and agency head, to the maximum extent possible, to provide sufficient resources to administer such a program in a positive and effective manner; assure that recruitment activities reach all sources of job candidates; utilize to the fullest extent the present skills of each employee; provide the maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities; provide training and advice to managers and supervisors to assure their

understanding and implementation of the policy expressed in this order, assure participation at the local level with other employers, schools, and public or private groups in cooperative efforts to improve community conditions which affect employability; and provide for a system within the department or agency for periodically evaluating the effectiveness with which the policy of this order is being carried out.

Section 3. The Civil Service Commission shall provide leadership and guidance to departments and agencies in the conduct of equal employment opportunity programs for the civilian employees of and applicants for employment within the executive departments and agencies in order to assure that personnel operations in Government departments and agencies carry out the objective of equal opportunity for all persons. The Commission shall review and evaluate agency program operations periodically, obtain such reports from departments and agencies as it deems necessary, and report to the President as appropriate on overall progress. The Commission will consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this order.

Section 4. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex, or national origin. Agency systems shall provide access to counseling for employees who feel aggrieved and shall encourage the resolution of employee problems on an informal basis. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

Section 5. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out this order and assure that the executive branch of the Government leads the way as an equal opportunity employer, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this order.

Section 6. This order applies (a) to military departments as defined in section 102 of title 5, United States Code, and executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and to the employees thereof (including employees paid from nonappropriated funds), and (b) to those portions of the legislative and judicial branches of the Federal Government and of the Government of the District of Columbia having positions in the competitive service and to the employees in those positions. This order does not apply to aliens employed outside the limits of the United States.

Section 7. Part I of Executive Order No. 11246 of September 24, 1965, and those parts of Executive Order No. 11375 of October 13, 1967, which apply to Federal employment, are hereby superseded.

RICHARD NIXON,
President of the United States.

AUGUST 8, 1969.

APPENDIX B—EXECUTIVE ORDER 11246: EQUAL EMPLOYMENT OPPORTUNITY

Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

Part I—Nondiscrimination in Government employment

SECTION 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency. The policy of equal opportunity applies to every aspect of Federal employment policy and practice.

SEC. 102. The head of each executive department and agency shall establish and maintain a positive program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in Section 101.

SEC. 103. The Civil Service Commission shall supervise and provide leadership and guidance in the conduct of equal employment opportunity programs for the civilian employees of and applications for employment within the executive departments and agencies and shall review agency program accomplishments periodicaly. In order to facilitate the achievement of a model program for equal employment in the Federal service, the Commission may consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this Part.

SEC. 104. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, creed, color, or national origin. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

SEC. 105. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this Part, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this Part.

Part II—Nondiscrimination in employment by Government contractors and subcontractors

Subpart A—Duties of the Secretary of Labor

SEC. 201. The Secretary of Labor shall be responsible for the administration of Parts II and III of this order and shall adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof.

Subpart B—Contractors' Agreements

SEC. 202. Except in contracts exempted in accordance with Section 204 of this Order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and each other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided,* however, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

SEC. 203. (a) Each contractor having a contract containing the provisions prescribed in Section 202 shall file, and shall cause each of his subcontractors to file, Compliance Reports with the contracting agency or the Secretary of Labor as may be directed. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Secretary of Labor may prescribe.

(b) Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this Order, or any preceding similar Executive order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.

(c) Whenever the contractor or subcontractor has a collective bargaining agreement

or other contract or understanding with a labor union or an agency referring workers or providing or supervising appenticeship or training for such workers, the Compliance Report shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor may prescribe: *Provided*, That to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the contracting agency as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

(d) The contracting agency or the Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, creed, or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this Order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Secretary of Labor may require.

SEC. 204. The Secretary of Labor may, when he deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including any or all of the provisions of Section 202 of this Order in any specific contract, subcontract, or purchase order. The Secretary of Labor may, by rule or regulation, also exempt certain classes of contracts, subcontracts, or purchase orders (1) whenever work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (2) for standard commercial supplies or raw materials; (3) involving less than specified amounts of money or specified numbers of workers; or (4) to the extent that they involve subcontracts below a specified tier. The Secretary of Labor may also provide, by rule, regulation, or order, for the exemption of facilities of a contractor related to the performance of the contract: *Provided*, That such an exemption will not interfere with or impede the effectuation of the purposes of this Order: *And provided further*, That in the absence of such an exemption all facilities shall be covered by the provisions of this Order.

Subpart C—Powers and Duties of the Secretary of Labor and the Contracting Agencies

SEC. 205. Each contracting agency shall be primarily responsible for obtaining compliance with the rules, regulations, and orders of the Secretary of Labor with respect to contracts entered into by such agency or its contractors. All contracting agencies shall comply with the rules of the Secretary of Labor in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this Order and of the rules, regulations, and orders of the Secretary of Labor issued pursuant to this Order. They are directed to cooperate with the Secretary of Labor and to furnish the Secretary of Labor such information and assistance as he may require in the performance of his functions under this Order. They are further directed to appoint or designate, from among the agency's personnel, compliance officers. It shall be the duty of such officers to seek compliance with the objectives of this Order by conference, conciliation, mediation, or persuasion.

SEC. 206. (a) The Secretary of Labor may investigate the employment practices of any Government contractor or subcontractor, or initiate such investigation by the appropriate contracting agency, to determine whether or not the contractual provisions specified in Section 202 of this Order have been violated. Such investigation shall be conducted in accordance with the procedures established by the Secretary of Labor and the investigating agency shall report to the Secretary of Labor any action taken or recommended.

(b) The Secretary of Labor may receive and investigate or cause to be investigated complaints by employees or prospective employees of a Government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in Section 202 of this Order. If this investigation is conducted for the Secretary of Labor by a contracting agency, that agency shall report to the Secretary what action has been taken or is recommended with regard to such complaints.

SEC. 207. The Secretary of Labor shall use his best efforts, directly and through contracting agencies, other interested Federal, State, and local agencies, contractors, and all other available instrumentalities to cause any labor union engaged in work under Government contracts or any agency referring workers or providing or supervising apprenticeship or training for or in the course of such work to cooperate in the implementation of the purposes of this Order. The Secretary of Labor shall, in appropriate cases, notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever it has reason to believe that the practices of any such labor organization or agency violate Title VI or Title VII of the Civil Rights Act of 1964 or other provision of Federal law.

SEC. 208. (a) The Secretary of Labor, or any agency, officer, or employee in the executive branch of the Government designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, as the Secretary may deem advisable for compliance, enforcement, or educational purposes.

(b) The Secretary of Labor may hold, or cause to be held, hearings in accordance with Subsection (a) of this Section prior to imposing, ordering, or recommending the imposition of penalties and sanctions under this Order. No order for department of any contractor from further Government contracts under Section 209(a)(6) shall be made without affording the contractor an opportunity for a hearing.

Subpart D—Sanctions and Penalties

SEC. 209. (a) In accordance with such rules, regulations, or orders as the Secretary of Labor may issue or adopt, the Secretary or the appropriate contracting agency may:

(1) Publish, or cause to be published, the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this Order or of the rules, regulations, and orders of the Secretary of Labor.

(2) Recommend to the Department of Justice that, in cases in which there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in Section 202 of this Order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, or organizations, individuals, or groups who prevent directly or indirectly, or seek to prevent directly or indirectly, compliance with the provisions of this Order.

(3) Recommend to the Equal Employment Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Acts of 1964.

(4) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Secretary of Labor as the case may be.

(5) Cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with the nondiscrimination provisions of the contract. Contracts may be cancelled, terminated, or suspended absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the contracting agency.

(6) Provide that any contracting agency shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary of Labor that such contractor has established and will carry out personnel and employment policies in compliance with the provisions of this Order.

(b) Under rules and regulations prescribed by the Secretary of Labor, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this Order by methods of conference, conciliation, mediation, and persuasion before proceedings shall be instituted under Subsection (a)(2) of this Section, or before a contract small be cancelled or terminated in whole or in part under Subsection (a)(5) of this Section for failure of a contractor or subcontractor to comply with the contract provisions of this Order.

SEC. 210. Any contracting agency taking any action authorized by this Subpart, whether on its own motion, or as directed by the Secretary of Labor, or under the rules and regulations of the Secretary, shall promptly notify the Secretary of such action. Whenever the Secretary of Labor makes a determination under this Section, he shall promptly notify the appropriate contracting agency of the action recommended. The agency shall take such action and shall report the results thereof to the Secretary of Labor within such time as the Secretary shall specify.

SEC. 211. If the Secretary shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this Order or submits a program for compliance acceptable to the Secretary of Labor or, if the Secretary so authorizes, to the contracting agency.

SEC. 212. Whenever a contracting agency cancels or terminates a contract, or whenever a contractor has been debarred from further Government contracts, under Section 209(a)(6) because of noncompliance with the contract provisions with regard to nondiscrimination, the Secretary of Labor, or the contracting agency involved, shall promptly notify the Comptroller General of the United States. Any such debarment may be rescinded by the Secretary of Labor or by the contracting agency which imposed the sanction.

Subpart E—Certificates of Merit

SEC. 213. The Secretary of Labor may provide for issuance of a United States Government Certificate of Merit to employers of labor unions, or other agencies which are or may hereafter be engaged in work under

Government contracts, if the Secretary is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the labor union or other agency conform to the purposes and provisions of this Order.

SEC. 214. Any Certificate of Merit may at any time be suspended or revoked by the Secretary of Labor if the holder thereof, in the judgment of the Secretary, has failed to comply with the provisions of this Order.

SEC. 215. The Secretary of Labor may provide for the exemption of any employer, labor union, or other agency from any reporting requirements imposed under or pursuant to this Order if such employer, labor union, or other agency has been awarded a Certificate of Merit which has not been suspended or revoked.

Part III—Nondiscrimination provisions in federally assisted construction contracts

SEC. 301. Each executive department and agency which administers a program involving Federal financial assistance shall require as a condition for the approval of any grant, contract, loan, insurance, or guarantee thereunder, which may involve a construction contract, that the applicant for Federal assistance undertake and agree to incorporate, or cause to be incorporated, into all construction contracts paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to such grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the provisions prescribed for Government contracts by Section 203 of this Order or such modification thereof, preserving in substance the contractor's obligations thereunder, as may be approved by the Secretary of Labor, together with such additional provisions as the Secretary deems appropriate to establish and protect the interest of the United States in the enforcement of those obligations. Each such applicant shall also undertake and agree (1) to assist and cooperate actively with the administering department or agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with those contract provisions and with the rules, regulations, and relevant orders of the Secretary, (2) to obtain and to furnish to the administering department or agency and to the Secretary of Labor such information as they may require for the supervision of such compliance, (3) to carry out sanctions and penalties for violations of such obligations imposed upon contractors and subcontractors by the Secretary of Labor or the administering department or agency pursuant to Part II, Subpart D, of this Order, and (4) to refrain from entering into any contract subject to this Order, or extension or other modification of such a contract with a contractor debarred from Government contracts under Part II, Subpart D, of this Order.

SEC. 302. (a) "Construction contract" as used in this Order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The provisions of Part II of this Order shall apply to such construction contracts, and for purposes of such application the administering department or agency shall be considered the contracting agency referred to therein.

(c) The Term "applicant" as used in this Order means an applicant for Federal assistance or, as determined by agency regulation, other program participant, with respect to whom an application for any grant, contract, loan, insurance, or guarantee is not finally acted upon prior to the effective date of this Part, and it includes such an applicant after he becomes a recipient of such Federal assistance.

SEC. 303. (a) Each administering department and agency shall be responsible for obtaining the compliance of such applicants with their undertakings under this Order. Each administering department and agency is directed to cooperate with the Secretary of Labor, and to furnish the Secretary such information and assistance as he may require in the performance of his functions under this Order.

(b) In the event an applicant fails and refuses to comply with his undertakings, the administering department or agency may take any or all of the following actions: (1) cancel, terminate, or suspend in whole or in part the agreement, contract, or other arrangement with such applicant with respect to which the failure and refusal occurred; (2) refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and (3) refer the case to the Department of Justice for appropriate legal proceedings.

(c) Any action with respect to an applicant pursuant to Subsection (b) shall be taken in conformity with Section 602 of the Civil Rights Act of 1964 (and the regulations of the administering department or agency issued thereunder), to the extent applicable. In no case shall action be taken with respect to an applicant pursuant to Clause (1) or (2) of Subsection (b) without notice and opportunity for hearing before the administering department or agency.

SEC. 304. Any executive department or agency which imposes by rule, regulation, or order requirements of nondiscrimination in employment, other than requirements imposed pursuant to this Order, may delegate to the Secretary of Labor by agreement such responsibilities with respect to compliance standards, reports, and procedures as would tend to bring the administration of such requirements into conformity with the administration of requirements imposed under this Order: *Provided*, That actions to effect compliance by recipients of Federal financial assistance with requirements imposed pursuant to Title VI of the Civil Rights Act of 1964 shall be taken in conformity with the procedures and limitations prescribed in Section 602 thereof and the regulations of the administering department or agency issued thereunder.

Part IV—Miscellaneous

SEC. 401. The Secretary of Labor may delegate to any officer, agency, or employee in the Executive branch of the Government, any function or duty of the Secretary under Parts II and III of this Order, except authority to promulgate rules and regulations of a general nature.

SEC. 402. The Secretary of Labor shall provide administrative support for the execution of the program known as the "Plans for Progress."

SEC. 403. (a) Executive Orders Nos. 10590 (January 19, 1955), 10722 (August 5, 1957), 10925 (March 6, 1961), 11114 (June 22, 1963), and 11162 (July 28, 1964), are hereby superseded and the President's Committee on Equal Employment Opportunity established by Executive Order No. 10925 is hereby abolished. All records and property in the custody of the Committee shall be transferred to the Civil Service Commission and the Secretary of Labor, as appropriate.

(b) Nothing in this Order shall be deemed to relieve any person of an obligation assumed or imposed under or pursuant to any Executive Order superseded by this Order. All rules, regulations, orders, instructions, designations, and other directives issued by the President's Committee on Equal Employment Opportunity and those issued by the heads of various departments or agencies under or pursuant to any of the Executive orders superseded by this Order, shall, to the extent that they are not inconsistent with this Order, remain in full force and effect unless and until revoked or superseded by appropriate authority. References in such directives to provisions of the superseded orders shall be deemed to be references to the comparable provisions of this Order.

SEC. 404. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this Order and of the rules and regulations of the Secretary of Labor.

SEC. 405. This Order shall become effective thirty days after the date of this Order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 24, 1965.*

APPENDIX C. EXECUTIVE ORDER 11375: EQUAL OPPORTUNITY FOR WOMEN IN FEDERAL EMPLOYMENT AND EMPLOYMENT BY FEDERAL CONTRACTORS

Amending Executive Order No. 11246, relating to equal employment opportunity

It is the policy of the United States Government to provide equal opportunity in Federal employment and in employment by Federal contractors on the basis of merit and without discrimination because of race, color, religion, sex or national origin.

The Congress, by enacting Title VII of the Civil Rights Act of 1964, enunciated a national policy of equal employment opportunity in private employment, without discrimination because of race, color, religion, sex or national origin.

Executive Order No. 11246 of September 24, 1965, carried forward a program of equal employment opportunity in Government employment, employment by Federal contractors and subcontractors and employment under Federally assisted construction contracts regardless of race, creed, color or national origin.

It is desirable that the equal employment opportunity programs provided for in Executive Order No. 11246 expressly embrace discrimination on account of sex.

Now, therefore, by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered that Executive Order No. 11246 of September 24, 1965, be amended as follows:

(1) Section 101 of Part I, concerning nondiscrimination in Government employment, is revised to read as follows:

"SECTION 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, color, religion, sex or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency. The policy of equal opportunity applies to every aspect of Federal employment policy and practice."

(2) Section 104 of Part I is revised to read as follows:

"SECTION 104. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex or national origin. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission."

(3) Paragraphs (1) and (2) of the quoted required contract provisions in section 202 of Part II, concerning nondiscrimination in employment by Government contractors and subcontractors, are revised to read as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin."

(4) Section 203(d) of Part II is revised to read as follows:

"(d) The contracting agency or the Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Secretary of Labor may require."

The amendments to Part I shall be effective 30 days after the date of this order. The amendments to Part II shall be effective one year after the date of this order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 13, 1967.*

TWO PRIORITIES FOR SURVIVAL

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. MURPHY of New York. Mr. Speaker, in man's fight against pollution, the Congress has been caught in a web of those who demand immediate salvation and others who give some credence to the proposition that economic feasibility and the technical state-of-the-art deserve attention when writing antipollution legislation. In the current issue of World Ecology–2000, Edward Hull, one of this Nation's outstanding ecologists, puts the entire pollution dilemma into heretofore unstated and uncomplicated perspective. Mr. Hull, the editor of World Ecology–2000 and Ocean Science News, clearly presents us with man's real pollution limits and choices. Under leave to extend my remarks in the RECORD, I include Mr. Hull's definitive article:

THE FIRE THAT RAGES BEYOND THE FRYING PAN

WHAT ARE MAN'S REAL POLLUTION LIMITS; CHOICES?

Some very costly decisions are being made these days (how clean air, where solid waste disposal, what about thermal pollution)—decisions potentially loaded with severe social and econmic penalties—and they are being made with little concern for basing points which have yet to be developed for human ecology. Hence: (1) We do not know the basic definitive parameters of the "normal," unpolluted environment, and we have no reliable bases for comparison; (2) We do not know, in fact, to what degree we have departed from the norm or at what rates and in what ways we are continuing to depart; (3) We do not know what the practical limits are, or in what ways an increase in one pollution index may serve to lower the tolerable limits or yet other factors; and (4) We do not know the human response to pollution of all kinds, singly or in complex interassociation, sufficiently well to define either absolute limits or an array of reasonable choices. And, until we get a much better handle on these things, particularly with regard to *man* and his environment, we ought to be compelled by survival instinct to exercise caution in indulging in environmental excesses. For the same reason, we should also be compelled to exercise caution not to overcorrect or overprotect and unwittingly thereby, set in motion other changes which may be irreversible and quite possibly more damaging than the conditions we seek to remedy.

It's the old frying pan and fire bit. We're in the frying pan and know it's getting hot, but we don't know if there's a fire out there or not. We'd do well to find out first before legislating "jump" as the quick-answer cure-all to our environmental frying pan problem. There is an urgent critical need. But the need is not to resort to unknown modifications of the environment in order to ameliorate those known to us. That is a real danger. The need is to find out what in the hell we're doing, how, how much, for what, and for whom. We can not see our ignorance quite so strikingly as a river's stench, foul air, and littered highways and beaches, but it is far more appalling, far more frightening, and far more in need of the relief only knowledge can provide.

TWO PRIORITIES FOR SURVIVAL

Priority First: Environment. We need to learn more about the environment, what is normal, and how various factors (both natural and man-made) interact with and impact upon it. Within this priority we first must develop normal environmental basing points, then define the impact of man's activities on the environment and finally discern and define natural environmental influences, both gradual and catastrophic, both potential and imminent. Knowledge of the total functioning of the Earth Life Support System is a prerequisite to the understanding and control of both human and natural environmental factors. Since man is the cause of man-made pollution, since—particularly locally—it seems to be having a more rapid and more adverse effect than natural phenomena, since many man-made pollutants do not appear to be susceptible to natural degradation and/or offset, and since the treatment of these environmental ills seems more within our technological (if not our political) capabilities, it is with man-made pollution we should next deal. Control of natural phenomena—such as weather, earthquakes, cimate, ice ages, etc.—absolutely requires a far greater knowledge of planetary kinematics, dynamics, and kinetics than presently exists, and in many cases exceeds our present technological resources. The matter of "planetary engineering", therefore, we relegate to the lowest position within our proposed Priority First Program."

Priority Second: Man. Concurrently with Priority First, a Priority Second Program should be undertaken to define man is his environment. Studies of various forms of pollution already are legion. The first two Numbers of Volume I (1970) of "Pollution Abstracts", for example, carries no fewer than 1,350 citations. The vast majority of pollution studies, however, relate one or another form of pollution to one or more basic environmental factors, concern themselves with man's encroachment on a piece of wilderness land, chronicle the impending extinction of some endangered species, or evaluate pollution causes, remedies and costs. Man, the animal *homo sapiens,* of course, is chiefly concerned with pollution, but in few cases of existing studies is he chiefly considered.

The need, therefore, is to conduct an extensive program of research with man—the modern, technological, social, living animal—as the central theme of that research, man in relation to his environment as it was, as it is, and as it is likely to be. What are his physical and psychological limits? What are the nature of stresses being imposed upon him? How adaptable is he to change within hours, within years, within generations? How does an increase in one pollution-induced stress decrease or increase his tolerance to other stresses? How does he respond individually? As a very large group? Man and pollution: What are the causes and effects? What are the choices? What are the costs in mental and physical health, in social response, in political acumen, in creativity, in production, in endurance, in life expectancy, in genetic progression, and so forth and so on? You get lots of opinions and emotional harangues on this subject but comparatively few facts. And what facts there are tend to be scattered, unrelated, unsusceptible to reliable evaluation, and often contradictory—usually depending on the vested interests of the source of the "facts". There is no complete picture of man in his environment, of man and pollution and until there is we cannot properly decide the limits of what is good or bad for him, of the choices he has open to him, and of their costs.

Needless to remark, Priority First and Priority Second require efforts that are massive, objective, and competent. Obviously, the issuance of an Information for Bid and the award of a contract to the lowest bidder among the many hungry aerospace companies and/or independent research centers is not going to provide any very useful answers. What has been suggested is a project of the urgency, scope and independence of thought and action of the Manhattan Project. Basically, Priority First and Priority Second must be coordinated and concurrent. Their results must be beyond reproach. And the programs must be conducted on an international scale. The sheer scope of the needed effect precludes its successful accomplishment *in time* by a single nation—or most probably even by a small group of nations. Indeed, we feel that cooperation and coordination should go beyond a pooling of financial, scientific, technological, equipment, and data resources. We strongly recommend that serious and urgent consideration be given to establishment of effective machinery for the international coordination of pollution standards, administrative actions, and legislation. Faced as we are now, for example, with the tremendous task and cost of converting to metric system measurements we would do well to standardize an environmental management criteria among nations now—rather than risk the far more costly conversions later.

A NEW ROSE TO HONOR A GREAT LADY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. PICKLE. Mr. Speaker, of all the flower festivals in the world, one of the best known is the Tyler Festival Rose Show, scheduled this year for October 22–25.

This year's show takes on a special significance because of a special highlight—the "Lady Bird Johnson" rose will be on special display. It is a special occasion because this marks the first rose ever to be named for our former First Lady.

As you know, Mr. Speaker, we have only to look outdoors to see evidence of Mrs. Johnson's concern. During her time as First Lady, Mrs. Johnson greatly advanced beautification programs here in the Capital and throughout the Nation. This, long before environmental causes became popular bandwagon issues.

Thus, it is a great tribute to a great lady that this rose was developed. I have not seen the rose, but the accompanying news article describes it as a rose "as superior in vigor and beauty to Tropicana, a rose whose fame and popularity has spread worldwide."

The following article from the October 4 edition of the Austin American Statesman:

"LADY BIRD" ROSE TO HIGHLIGHT SHOW

TYLER.—A great new rose, named "Lady Bird Johnson," will highlight one of the most outstanding specimen exhibits of recent years at the 1970 Festival Rose Show in Tyler, October 22–25, Dr. Eldon Lyle, Chairman, said.

Other choice blooms to be exhibited will be the three All-America "Oscar" winners of the year and many old favorites.

Dr. Lyle labels the "Lady Bird Johnson" rose as superior in vigor and beauty to Tropicana, a rose whose fame and popularity has spread world wide.

The new hybrid rose developed by Dallas rose fancier Eldon Curtis and named for the former first lady will be the queen of the show and in a sense is making its debut as this is the first year the rose will be on public sale.

Mrs. Johnson had declined earlier requests to have other roses named for her, Curtis said. But when Dr. Eldon W. Lyle, plant pathologist of the Texas Rose Research Foundation at Tyler, saw the magnificent new bloom, he wrote Mrs. Johnson for permission to name the new flower after her.

She gave it, partly because of the new rose's similarity to Tropicana, one of Mr. Johnson's favorites.

To create a hybrid rose takes a world of patience, especially when working for both fragrance and favorite color. Curtis got both. Hybrid simply means half-breed. The Lady Bird Johnson rose is the child of two famous rose parents, Hawaii and Montezuma.

Also to be shown at the show in special silver vases will be three of the year's coveted AARS award winners in national competition, Aquarius, pink and red grandiflora; Command Performance, a bright orange hybrid tea, and Redgold, yellow-orange floribunda.

These roses may also be seen growing in a special section of Tyler's rose garden.

The winning trio triumphed over hundreds of new roses tested in two years in AARS test gardens throughout America, including Tyler's test garden which is located at the home of L. A. Dean in Highland Acres addition in Tyler.

Two of the winners are the products of American hybridizers—Aquarius by Dr. Davis Armstrong and Command Performance by Robert Lindquest. The third All-American winner, Redgold, was hybridized in Ireland by Dickson and has already won a Certificate of Merit of the Royal National Rose Society, Victoria Australia.

STEEL SLUMP

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. CARTER. Mr. Speaker, high-ranking leaders of the Nation's leading labor unions have been loudly criticizing the Nixon administration for the current economic difficulties. I submit, however, that if they took a look in the mirror, they might dry up their crocodile tears. Why? Because, following the leadership of union officials, there are now 320,000 auto workers out on strike. This UAW strike, now going into its fourth week affects over a hundred plants, thousands of dealers, tens of thousands of suppliers, and an estimated 10 percent of the Nation's steel production. It seems to me that the union leadership should stop pointing an accusing finger at the administration and take a look at the effect of its own recent actions.

To help them in this self-examination, I suggest they take a look at an article on the front page of today's Wall Street Journal entitled "Steel Slump: Mills Report Orders Slide as Repercussions of GM Strike Spread." This article points out that not only is the GM strike directly responsible for the steel slump, but it has also caused a ripple effect resulting in a broad-based weakness in nearly all major steel markets, from construction and capital goods to containers and appliances. The article also points out that the auto workers' strike may also affect the entire economy—

Some economic analysts say further—

The article reports—

that they are beginning to wonder if the combined effects of the GM strike and its repercussions jeopardize any near-term upturn in the economy generally * * * The economic recovery that we began to see in the third quarter has slowed up a bit * * * It's partly due * * * to the "chilling effect" a strike against the biggest industrial corporation has even on unrelated areas of the economy.

The article added, quoting a steel analyst.

The effects of this strike, now in its fourth week, are going to be extremely serious for the Nation's economic welfare if it is allowed to continue any longer. Therefore, I implore the unions to face up to the enormity of their actions and to stop trying to focus the public's attention elsewhere. Thanks to the fiscal and monetary measures undertaken by the Nixon administration, our economy in the last quarter showed real signs of halting inflation without risking recession. But if the unions allow this strike to continue, it is they who will have to shoulder the burden of damaging the economic welfare, not only of their own members, but of all other Americans as well.

The article follows:

STEEL SLUMP: MILLS REPORT ORDERS SLIDE AS REPERCUSSIONS OF GM STRIKE SPREAD

CONSTRUCTION, CAPITAL GOODS, APPLIANCE INDUSTRIES ALSO SHOW UNEXPECTED WEAKNESS: LAYOFFS AND FAILING PROFITS

(By Thomas Lindley Ehrich)

PITTSBURGH.—The steel industry, which for months has been counting on a brisk autumn upturn in sales to revive its sagging fortunes, is getting a rude jolt. Instead of getting better, business is getting worse.

In large measure, of course, the slump is directly traceable to the strike at General Motors Corp. Besides being the nation's biggest manufacturer, GM is also the biggest domestic steel consumer.

But as the strike drags through its fourth week, it's becoming clear that the shutdown is having ripple effects—both economic and psychological—on many other industries as well. Consequently, it's not just the idleness of GM alone that's hurting steelmakers; rather, mills are experiencing a broad-based weakness in nearly all their major markets, from construction and capital goods to containers and appliances.

All in all, steel mill executives fear they may be in the midst of one of the poorest business periods in years. Some economic analysts say further that they are beginning to wonder if the combined effects of the GM strike and its repercussions jeopardize any near-term upturn in the economy generally.

4,000 LAYOFFS AT J&L

The depth of the steel industry's slump was dramatically illustrated by a broad production cutback disclosed yesterday by Jones & Laughlin Steel Corp., the nation's sixth-largest steelmaker. J&L, a unit of Ling-Temco-Vought Inc., said it already has cut back steelmaking this week in Pittsburgh and Cleveland, and next week plans cuts in everything from iron ore mining to steel-finishing. The cutbacks will affect ore mines in Minnesota, New York, Michigan and Ontario, and mills in Pittsburgh, Aliquippa, Pa., Cleveland, Ohio, and Hennepin, Ill., triggering layoffs expected to total 4,000 men.

J&L blamed the cutbacks, which come atop smaller work force cuts by other steelmakers, not only on the GM strike but also on "a general reduction in steel demand." J&L said it now expects "shipments for October will be approximately 30% below earlier projections."

Industry analysts and steel executives express varying degrees of pessimism about the immediate outlook, but there's general agreement that unless the GM strike ends by mid-November, the industry will be in deep trouble. The implications are broad:

—Fourth-quarter steel earnings can't be anything but poor, Wall Street analysts say. Some analysts are beginning to question whether some steel companies will be able to maintain their current dividends for long unless earnings are better than now appears likely. Six-month profits at some steelmakers just barely covered their dividends, and third-quarter earnings of most steelmakers are expected to fall substantially from a year ago. (For a more detailed look at Wall Street's view of the steel industry's prospects, see Heard on the Street column on page 29.)

—Steel prices, under severe pressure for some weeks, show increasing signs of buckling. A currently unresolved industry battle over discounts to be offered on some grades of cold-rolled sheet, the largest-volume product, is one indication. U.S. Steel Corp., the

largest producer, has announced a new grade of cold-rolled sheet priced more than 6% under the book price of a comparable grade, and other makers probably will have to follow.

A GLIMMER OF HOPE

The one glimmer of hope on the horizon is for a rebound in steel demand in the first half of 1971. Not only may the mills then be shipping strike-delayed tonnage to GM—assuming the walkout ends in the meantime—but they'll be filling extra-big orders from customers who plan to stockpile steel in advance of the steel labor contract expiration Aug. 1. Still, the prospect of such a rebound isn't easing the current slump.

Declines in incoming orders are "spread through the economy," says a sales official at one large Eastern steelmaker, adding: "Customers don't want to buy steel on what has been considered normal lead times. They're working hard to get inventories down and to hold them down." Inventory liquidation will continue, the official says, "reflecting the high cost and the difficult availability of money."

The economic recovery that we began to see in the third quarter has slowed up a bit," says David Healy, steel analyst for Argus Research Corp. "We're seeing the same thing in other industries. It's a continuation of the recession we've been in." It's partly due, he adds, to the "chilling effect" a strike against the biggest industrial corporation has "even on unrelated areas of the economy."

"Now the economic recovery is questionable," says another steel analyst.

FORD, CHRYSLER HOLD OFF

"The strike at GM has tended to abort the recovery in consumer goods," which usually leads an upward movement in steel business, says the market researcher at a major Eastern steel producer. "This is because of the strike's direct effects and its psychological effects."

The seasonal declines in construction and capital goods that usually hit steel in the fourth quarter aren't being offset by the normal pickup in steel buying for consumer goods and auto production. So far at least, Ford Motor Co. and Chrysler Corp. haven't stepped up their auto production or steel buying in an effort to take advantage of the halt in GM's output, steelmakers say.

At least one steel official believes Detroit's steel buying reflects a problem that goes beyond the GM-strike. "We hear that the auto makers have been very disappointed with their new model sales, and certainly just judging from their steel ordering, the nonstruck automakers aren't enjoying any sales bulge at GM's expense," says a sales executive at a big Midwestern steel company.

Steelmakers have continued to produce steel for General Motors. It's being stored at the mills and in private warehouses. But most steel plants have no more than a month's storage space. When it's gone, production will have to stop. James Hughes, president of United Steelworkers Union Local 2659 at McLouth Steel Corp., Detroit, illustrates the problem. "At the company's Gibraltar (Mich.) plant," he says, "they'll have the mill filled up in about three or four days. They just don't have any other place to pile the steel for GM. It's about all the way up to the overhead crane now," with big steel coils stacked three and four high, he adds.

Completing the list of woes, a steel market researcher notes the industry is "still being hit" by an unfavorable shift in the foreign trade balance. The strong flow of steel exports that bolstered first-half steel shipments, in effect offsetting weakness in domestic markets, has slowed to a trickle. Meanwhile, lower-priced imports keep hurting some markets, especially in stainless and other specialty steels.

Dwindling steel orders are taking their toll at the mill level. Steel producers haven't provided a complete picture of their production cutbacks and layoffs, but initial comments from the companies plus checks with some union officials indicate the impact on mill workers is already severe and is likely to worsen.

Several hundred workers at nearly all major producers have been put on short workweeks, usually 32 hours. Others have been reassigned to lower job levels at lower pay.

The way layoffs can multiply is demonstrated by what's happening at J&L's Southside Works in Pittsburgh. James Comer, president of USW Local 1272, says the plant cut back to six open-hearth steelmaking furnaces this week from seven furnaces two weeks ago. This put 150 men on furlough. Dropping another open-hearth next week, however, will put 400 to 500 men on layoff, the union official says, because lowering raw steel output beyond a certain point forces slowdowns in operations throughout the mill, from the machine shop to the finishing lines.

Some mills are taking advantage of the slowdown to repair facilities in advance of next year's expected production binge. Others are cutting work turns on rolling and finishing operations. One Midwestern steelmaker has rescheduled only 12 to 13 work turns next week on a hot-rolling mill, down from 17 to 18 turns a week prior to the GM strike. "This won't necessitate layoffs but merely shorter work weeks," an official at the company says.

The length of the GM strike is, of course, crucial to the steel earnings outlook. A mid-November auto settlement would enable steel producers to get six weeks of steel shipments to GM into the quarter. One steelmaker forecasts fourth-quarter shipments could total 22 million to 23 million tons if the strike ends by early November but would plummet to 20 million tons if the strike lasts the entire quarter. The strike's downward pull on other steel markets presumably would continue, and the mill would get no relief for the heavy cost of maintaining inventories of steel ordered by GM.

A SCHEDULE FOR ENDING THE WAR

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ADAIR. Mr. Speaker, after almost a decade of war in Vietnam we at last have a plan for peace that holds the promise of an end to that tragic conflict. In his address to the American people last night, President Nixon took several bold steps forward in outlining a schedule for ending the war.

In his proposals the President covered all the major points necessary for an end to the war including a ceasefire, negotiation on a specific timetable for withdrawal of all troops on both sides, and immediate release of all prisoners of war on both sides.

Significantly, the President proposed no preconditions which would serve as inhibiting factors to the other side. If North Vietnam continues to refuse to negotiate solely on the grounds that they will not deal with the recognized leaders of South Vietnam, then their true motives will stand revealed before the world.

The President's peace plan is without doubt the most solid proposal made by either side in this long conflict. It is reasonable and will end the war under conditions which should be satisfactory to both sides. It is hard to fathom what further purpose would be served by North Vietnam's refusal to respond favorably. The President has put this country clearly on the side of peace. If North Vietnam will make an equal move, the war can be ended.

REPRESENTATIVE WILLIAM S. BROOMFIELD REPORTS ON SECOND SESSION, 91ST CONGRESS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BROOMFIELD. Mr. Speaker, the following is my annual report of action taken during this session of Congress on the major proposals of the administration along with my views and votes on them. As a member of the House Foreign Affairs Committee, I also include some observations on foreign policy. Although Congress must return next month to complete its work, this information will be helpful to my constituents as they prepare to evaluate my record this November.

The effort to reorder our national priorities was the theme stressed by both the President and the Congress during the last 2 years, although they frequently differed on methods and timing. Between them they made some genuine progress in edging the country toward a basic realignment of our national goals.

The administration's fresh approach to foreign policy, aimed at winding down the war in Southeast Asia and reducing U.S. involvement throughout the world, helped set the stage for this fundamental change in priorities.

Federal spending is now shifting away from defense outlays and toward domestic programs. Congress generally approved and in some cases accelerated this shift. But it was disappointingly slow to act on the new programs and basic reforms proposed by the administration in virtually every major area in which the Federal Government is involved.

The administration put forward innovative programs to protect the environment, combat drug abuse, reform the draft, the Federal tax structure, social security, the Post Office, welfare system, Federal-State relationships, transportation, our approaches to poverty and the cities, education, foreign aid, presidential election procedures, efforts to control and reduce crime and pornography, population control and consumer programs.

Important action was taken to reform the Post Office, provide tax relief and more tax equity and combat drug abuse. A promising beginning was made toward protecting the environment, social security and transportation improvements and crime control. But the record remains disappointing in such areas as revenue sharing with the States, education and welfare reform, and modernization of our presidential election procedures.

ENVIRONMENTAL PROTECTION

Programs to protect and restore our environment were among the major beneficiaries of the shift away from defense spending. Congress approved record amounts of money for pollution control projects and authorized some basic new approaches.

Creation of an Environmental Protection Agency to centralize the Federal Government's many cross-purposed environmental programs was one of the most important of these new approaches and I fully supported it.

The new agency will handle work formerly carried out by the Federal Water Pollution Control Administration, the National Air Pollution Control Administration, the Bureaus of Solid Waste Management, Water Hygiene, and Radiological Health along with some functions of the Atomic Energy Commission, the Department of Agriculture, and the Food and Drug Administration.

Congress similarly created with my support a National Oceanic and Atmospheric Administration to consolidate major Federal programs dealing with the oceans and atmosphere.

Spending of a record $1 billion for construction of waste treatment facilities was authorized along with $98 million for the Federal Water Pollution Control Administration. Stiff new restrictions were approved on dumping oil, sewage, and chemicals into our lakes and rivers along with measures to promote research on mine water pollution and waste treatment techniques.

Most important for Michigan, the Water Quality Improvement Act authorizes special efforts to reduce contamination of the Great Lakes. I voted for all of these measures. Still pending in Congress is legislation I sponsored to provide relief for Great Lakes fishermen put out of business by mercury pollution.

Legislation setting strict new national standards for air quality was passed by both the House and Senate, although with differing limits and timetables. Efforts at agreement on a single bill are now underway. Both measures establish deadlines for meeting these new requirements by the auto, airplane, and fuel industries. The House bill, which I supported, calls for gradual improvements during the next 10 years; the Senate would require compliance by 1975—a deadline the auto industry says it cannot meet.

Still pending in Congress are four other bills I introduced dealing with water pollution. They would authorize additional funds for sewage treatment and research, establish an agency to assist local communities in borrowing to build sewage treatment facilities and provide stiffer penalties for industrial polluters.

Legislation similar to a bill I sponsored was approved by Congress authorizing studies of better ways to recycle junked autos, of recovering useful material from solid wastes, and improved methods of solid waste collection and disposal.

For south Oakland residents, action appears near on construction of a long sought $170 million improvement to the Red Run Drain-Clinton River channel through Madison Heights and Macomb County. After years of urging, the House Public Works Committee finally appears ready to include the project in the 1970 omnibus rivers and harbors and flood-control bill. Final approval will speed relief from flooded basements and streets in south Oakland and Macomb Counties.

Together, Congress and the administration took a great many additional steps in this broad area dealing with research, facilities construction, oil and mercury pollution, pesticide reform, parks and recreation facilities, industrial pollution, and population control. I will be pleased to provide more detailed information on these efforts upon request.

DRUG CONTROL

One of the most urgent of our national problems, drug-control legislation, was one of the last on the agenda of a Congress slow to recognize its importance.

After more than a year's delay, the House in September approved with my support a comprehensive set of drug-abuse-control proposals submitted more than a year and a half ago by the administration.

Included are new tools for enforcement, new money, and approaches to research, education, and rehabilitation and the streamlining of a wide range of existing Federal narcotics laws. The bill makes laws applying to drug sellers more severe while allowing more flexibility in the sentencing of first-time drug users. Heroin offenses are judged more serious than those involving marihuana and a judge is permitted to erase the conviction of a first offender if he satisfactorily completes a probation period. The bill also establishes a Presidential Commission on Marihuana to provide more information about the real effects of its use, a measure which I cosponsored.

The administration, meanwhile, launched high priority efforts to stem the flow of narcotics into this country both through the hiring of more than 500 additional U.S. Customs inspectors and through diplomatic discussions with Turkey, France, and other nations which are the source of raw narcotics.

Controlling the drug epidemic in America will require the concerted and cooperative efforts of our private institutions and individual citizens with Government at all levels. New laws will only provide better tools for dealing with it.

CRIME AND PORNOGRAPHY

One of the most disappointing aspects of this Congress was the slowness with which it acted on the President's crime control bills, an area in which Americans clearly want action the most.

In early October the House finally approved a bill giving the Federal Government broad new powers to crack down on organized crime and terrorist bombings, a measure which I fully supported. The Senate already has passed the measure in somewhat different form, but final approval is expected before yearend.

The House-passed bill will strengthen the legal means for obtaining evidence against gangsters, establish special grand juries to investigate racketeering and public corruption, provide increased protection for Government witnesses, expand Federal jurisdiction over syndicated gambling, and the infiltration of legitimate business by criminals. Finally, it severely increases penalties for the illegal use of explosives.

Earlier Congress approved with my support a record authorization of $3.15 billion in Federal funds for law enforcement and crime control, most of the money going to State and local police agencies.

The House also approved legislation similar to a bill I sponsored to prohibit pornographic mailings to residences with minor children. The bill places the responsibility for determining if a minor is affected on the sender. Efforts at stronger language have been blocked by recent U.S. Supreme Court decisions.

EDUCATION

While I generally have supported efforts to cut Federal spending, I disagreed with the President on his veto of the education appropriations bill in early August. I am convinced that a great many Federal education programs are in serious need of reform. But cutting off funds a month before the new school year began could have caused major disruptions. In the increasingly partisan atmosphere of Congress, it was unlikely that a compromise bill could have been approved quickly. The greater likelihood was for continued deadlock which would have left school administrators throughout the country uncertain about the amount of Federal aid they could plan on, possibly until sometime next year.

On that basis, I voted with the majority to override the veto. Federal programs in this field remain in critical need of modernization and review particularly to direct funds toward poor school districts where they are needed most. We must streamline the more than 200 separate Federal programs for which local schools may apply, eliminating such wasteful and costly programs as impact aid, a leftover from the Korean war. Hopefully, this is an area which the new Congress will tackle early next year in order to accomplish reform without interrupting school planning.

SPACE SPENDING CUT

The President's veto of the HUD-independent agencies-space spending bill—to which Congress added $451 million—contained no budgetary deadlines comparable to the education bill.

Spending on the space program, one which should be lowered on our new list of priorities, had been increased substantially by the Senate. In contrast, innovative programs such as "Operation Breakthrough"—designed to enlist the resources of private industry in the low-cost housing crisis—were cut. As a result, I voted with the majority to sustain the HUD-Space spending veto. Meanwhile, HUD, NASA, and the other affected agencies are funded on a month-to-month basis at about the same level as last year pending approval of 1971 funds, probably when Congress returns in November.

INFLATION AND THE ECONOMY

Both vetoes underscored deep concern about the need to maintain tight budgetary policies in an effort to curb inflation and stabilize the economy. By late summer there were some cautious signs

that these policies may be beginning to take effect. Retail sales, factory orders, industrial production and the stock market all have been on the rise recently. High interest rates, caused by huge Federal deficits of the 1960's, have come down somewhat and there are signs they may continue to move downward. The rate of price increases has leveled off and homebuilding is making a comeback—up substantially in July over January.

Unemployment, especially in the Detroit area, remains a difficult problem. Cutbacks in space and defense spending, part of the shift from a war to a peacetime economy have contributed to the problem.

To help those out of work, Congress in August approved with my support an increase in unemployment insurance benefits and an extension of the program to cover an additional 5 million workers. Congress also gave the President standby authority to impose wage and price controls. Although I voted for this bill as a precautionary measure, I am hopeful the economy can be stabilized without resorting to this sort of artificial restraint.

POSTAL REFORM

One of the real accomplishments of this Congress—one that should have long-range implications for Federal budget deficits—was passage of the historic postal reform legislation, finally signed into law on August 12. The bill, which I fully supported, will, within 1 year, replace the 181-year-old Post Office Department with a semi-independent U.S. Postal Service, designed to operate free of partisan politics and with all of the advantages of modern, private business. Plans call for the service eventually to be self-supporting with a gradual reduction in Federal subsidies during the next decade.

SOCIAL SECURITY

In an effort to ease the burden of inflation which falls most heavily on the elderly, Congress last December approved a 15-percent increase in social security benefits with my support. The increase was effective in January 1970. Soon afterward, the House began further consideration of social security and medicare benefits and subsequently approved an additional 5-percent increase. The House-passed bill also calls for future increases to be linked automatically to rises in the cost of living, a provision which I specifically endorsed. Although the Senate has not yet completed work on the bill, its Finance Committee has recommended a flat 10-percent increase in benefits without the cost-of-living escalator.

The Senate committee has also recommended an increase in the minimum monthly benefits from $64 to $100 and a number of changes in medicare. These include a cutback in the medicaid program and the creation of an independent Inspector General for health care to review medicare and medicaid programs against violations of regulations and the principles of efficiency. Final approval of these measures is expected before the end of the year.

HEALTH AND WELFARE

I disagreed with the President in his veto of the $2.7 billion hospital construction bill and voted with the majority in Congress to override. While I fully support efforts to reduce Federal spending, I felt hospital construction, like education, was the wrong place to cut.

The President's comprehensive welfare reform package, which passed the House last year with my support, is, like the social security bill, still pending in the Senate. While I am not fully in favor of all aspects of this broad-based legislation, I believe it will provide a foundation for reforming the present system which is growing increasingly expensive without offering any real hope to those trapped in its cycle of dependency.

DRAFT REFORM

President Nixon took the initiative in reforming the Selective Service System last year by ordering the draft restricted essentially to 19-year-olds. The action reduces a young man's period of uncertainty about the draft from 7 years to 1 year.

With my support, Congress agreed to the President's further recommendation to create a national lottery to insure random selection of draftees.

Otherwise, Congress has been extremely reluctant to make basic changes in the system. The House has refused to consider legislation which I cosponsored to abolish the draft by next June and replace it with an all-volunteer military, steps recommended by a special Presidential commission. The Senate rejected a similar proposal. Expiration of the present Selective Service law next summer will force reconsideration of draft reform by the new Congress and I am hopeful it will move in the direction of a volunteer armed force.

TRANSPORTATION

The House missed an important opportunity to rearrange priorities when it approved additional funds for continued research and development of a supersonic transport plane over my opposition. While the SST holds promise for the future, its cost and unanswered questions about noise and air pollution should move it far down on the list of important national projects. I am hopeful the Senate, which has not yet acted on the measure, will reject it.

I supported a $3.1 billion program to help finance urban mass transit systems and a $5 billion airport and airways improvement program over the next several years.

With the tripling of air traffic during the next decade a virtual certainty and the prospect of huge new airliners such as the SST, improvement and expansion of our existing terminal and air traffic facilities is critical. Similarly, creation of low-cost mass transit systems is one of the key elements in the revitalization of the cities.

The House also authorized the hiring of 2,500 special airline guards and a tax on airline tickets to pay for them as a major step toward detering air hijackings, a measure I supported. Following hearings conducted by the House Foreign Affairs Committee, on the problems involved in airlines hijacking, I introduced legislation which would require U.S. air carriers to boycott countries harboring hijackers and freezing assets held in the United States by those nations.

FARM SUBSIDIES

Congress extended the farm subsidy program—which costs taxpayers between $3 and $4 billion a year—again over my "no" vote. The farm program contributes both to higher food prices and higher taxes and should have been scaled-down or eliminated long ago. Congress did, at least, make a start toward dismantling the program by limiting subsidy payments to $55,000—still too high, but an improvement over the present unlimited ceiling.

I will continue to press for action on my bill to phase-out the entire farm subsidy program over a 5-year period and providing job training and relocation payments to those marginal farmers forced to seek new careers.

CONGRESSIONAL, ELECTORAL REFORM

In a long overdue step, both the House and Senate approved broad reforms of their own operations including an end to secret voting. The legislation which passed with my support also opens committee hearings to the public and live radio and television broadcasts, except where national security would be compromised, and requires that all votes taken in committee be made public.

The bill failed to deal with the present system of selecting committee chairmen and ranking minority members solely on the basis of seniority. However, both parties are working on reform measures in this area, an effort which also has my full support.

In an effort to bring presidential elections more directly under the control of the voters, the House last year approved a proposed constitutional amendment providing for the direct election of the President and Vice President.

The measure, which I cosponsored and voted for, has so far been blocked in the Senate, virtually eliminating the chance that change can be implemented in time to affect the 1972 presidential election.

MILITARY SPENDING

The search for new national priorities made its greatest impact on defense spending. In each of the last 2 years, the President has presented a defense budget substantially reduced from the previous year and Congress cut it even further.

In the 1971 fiscal year—which ends next July—the defense budget will be down from its 1968 level by at least $17.3 billion and will amount to 34.6 percent of the total Federal budget.

The continuing shape of this new policy can be seen in a number of long-range steps. The Defense Department, for example, recently announced plans to cut U.S. troop strength by three divisions during the next 9 months. This is a step that will result in a substantial further reduction in the military budget and bring our Armed Forces to the lowest numerical strength in more than a decade.

The ABM program which former President Johnson envisoned 3 years ago as a $60 billion program involving some 25 to 50 sites—a program which I opposed—

has been cut back to less than five sites with appropriations under $5 billion. I have reluctantly supported the scaled-down program as a bargaining tool in negotiations with the Soviets although I would prefer limiting our efforts in this field to research and development.

Overall, I have supported the reductions that have been made in our defense budget and believe that further prudent cuts can be made without jeopardizing national security. But we must proceed carefully in this search for economy. We cannot afford to lose sight of our real responsibilities as a major world power and we must resist the temptation to return to the isolationism that proved so costly just a few decades ago.

FOREIGN POLICY

At the end of World War II, America's excess military and economic power enabled it to spread its influence to virtually every corner of the world. As war recovery was completed and economic and technical progress produced other major world powers, the margin of U.S. dominance dwindled gradually. The failure to adjust our foreign policy to these new realities left America spread thin during the 1960's with little understanding of our really important interests. Vietnam was the culmination of that basic weakness of foreign policy.

In his inaugural speech and his statement at Guam more than a year ago, the President sketched the outlines of a new U.S. foreign policy addressed to the realities of the 1970's. Its aim is to reduce U.S. power and presence to rational and reasonable limits throughout the world and to open an "era of negotiation" rather than confrontation with the other major world powers.

The Pacific and particularly Vietnam is the focal point of efforts to reduce U.S. involvement. U.S. troop withdrawals from Vietnam have continued at an accelerating rate with troop levels falling in recent months to the lowest point in 3½ years. Casualty rates, although still too high, have decreased.

The five-point peace proposal offered by the President on October 7 contains all of the ingredients that the United States can supply for the early and complete withdrawal of U.S. forces in Vietnam. It should receive serious and thorough consideration. During my visit to the Paris peace conference in July as a representative of the House Foreign Affairs Committee, I was convinced that the best hope of an early end to the conflict remains through negotiations.

Elsewhere in the Pacific, the President concluded an agreement calling for the gradual withdrawal of U.S. forces from Okinawa as the Vietnam war ends and the island's reversion to Japan during the next several years.

In Korea, a cutback has begun in the 50,000-plus U.S. garrison with a promise that we will help provide the South Korean military with modern equipment before we leave.

That promise to Korea is the key to our doctrine throughout Asia: That we will provide material assistance—but not troops—to help those governments willing and able to muster the manpower and initiative to defend themselves against aggression. Our air, sea, and nuclear power will remain in the background as an umbrella of protection against direct intervention by the Soviet Union or Communist China.

Possibly because of our preoccupation in Asia, we have been overdue in implementing this new policy approach in Europe. I have introduced legislation urging the President to make substantial reductions in the 300,000-plus U.S. troops we still maintain there at an annual cost of nearly $14 billion. Progress in the strategic arms limitation talks—SALT—with the Soviets, our improved relations with France, and the recently signed German-Soviet nonaggression pact are evidence of the general economic and strategic well-being of Western Europe.

We should insist at discussions now underway for renewal of the NATO agreements that Western Europe assume a greater share of the burden of its own defense in keeping with the new power realities in Europe.

The Strategic Arms Limitation Talks to which I served as an official observer in July, is the main vehicle for opening the "era of negotiation" President Nixon has launched with the Soviet Union. Both U.S. and Soviet delegates have been working in a businesslike manner toward a "limited" treaty restricting numbers of intercontinental missiles and possibly ABM's. There are indications that such an agreement may be reached before the end of this year—the most far-reaching restriction on the nuclear arms race in the 24 years we have been negotiating with the Soviets. Such a treaty would not mean the mass destruction of existing weapons, since neither we nor Russia trusts the other that much. But there is a real chance for limitations, freezes, or agreements not to build future weapons systems—in effect, an end to the nuclear arms race.

We have attempted to apply these same principles of negotiation in the Middle East where the U.S. cease-fire initiative, by itself, provides grounds for hope—not optimism—that the Mideast can somehow be defused short of another all-out war.

Trying days still confront us. But I am convinced that support of Israel is clearly consistent and linked with the survival of democracy in our own country.

The door also was opened gradually during the past year to communication with Communist China by easing slightly trade and travel restrictions and by resumption of diplomatic discussions with the Chinese in Warsaw. A majority of the experts on Red China who testified recently before the House Foreign Affairs Committee indicated that the end of the cultural revolution in China will bring with it increased Chinese participation in international affairs.

The shift away from foreign involvement and defense spending to domestic concerns carries with it a new challenge. A mere rearrangement of priorities will not—by itself—guarantee solutions to the pressing domestic problems we face.

We will accomplish little if we do not find ways of using these new resources in ways that produce results efficiently. The challenge now is determining what domestic programs really do contribute to an improvement in the quality of life for the American people.

THE COLUMBIA BASIN PROJECT

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mrs. MAY. Mr. Speaker, for many years I have been proud of the Columbia Basin Project reclamation area located in my congressional district in Washington State. This formerly arid area in central Washington is irrigated, as many Members of this House know, by waters backed up by Grand Coulee Dam, and there are now nearly 500,000 acres irrigated by an intricate canal and reservoir system. Our goal is a project totaling 1 million acres.

Recently, the magazine Irrigation Age, published in Dallas, Tex., sent reporters to tour the basin, and a resulting article in the magazine is titled, "Columbia Basin Project Boasts $100 Million Crop Income." The article contains information that should be of interest and a source of pride to all, and I want to commend it to the attention of other Members. The article appears below:

COLUMBIA BASIN PROJECT BOASTS $100 MILLION CROP INCOME

(By Tom Milligan)

The Columbia Basin Project in the state of Washington is carrying a tag as Potato Country U.S.A. as the irrigating farmers in the rich but arid area of Central Washington expand their potato acreage and boast of their yield per acre.

The Washington Potato Association claims the area, irrigated from water backed up by the giant Grand Coulee Dam, is now the fifth in the nation in total acres of potatoes planted, but a healthy third in the total number of hundred pound sacks harvested.

Area promoters contend that by the mid-1970's the Basin may well be the Number One potato producing area in the nation.

Currently, the area claims per acre yields in excess of 550 sacks (100 pounds to the sack) and an overall average of 450 sacks an acre. The national average is 220 sacks an acre.

In 1969, the Columbia Basin Project had more than 50,000 acres of spuds, mostly the Russett Burbank variety.

Potatoes have joined wheat, alfalfa and sugar beets as a major crop in the Basin which now has nearly 500,000 acres irrigated from the intricate canal and reservoir system.

The first water was delivered through the main system in 1952 and while the total irrigable acres now stands at 512,650 acres a total of one million acres is expected to be irrigated from the project by the mid-1970's.

The Bureau of Reclamation developers of the Columbia Basin Project, is currently studying the feasibility of delivering water to another 1½ million acres known as the East High—an arid area east of the current project boundaries.

The economic impact from irrigation is substantial when you consider that the sparkling array of crops grown, more than 30 in 1969, yielded a total gross crop value of $101,710,110. The 5,451 farm units in the Basin Project last year had a gross crop value per irrigated acre of $220, up 12 percent from 1968.

As the irrigated acres have grown, so has the population. The Bureau states that

the project area had a population of 25,000 in 1948. In 1966, the number of people had climbed to 70,000. Along with people came processing plants to handle the crops produced—more than 100 are located in the area now.

Potatoes, while accounting for just 11.2 percent of the irrigated acres in the project, contribute 31.9 percent to the total crop value.

Alfalfa hay ranks second in the percent of total value with 20.7 percent but the legume occupies 32.2 percent of the acreage. Next in value is sugar beets which contribute 16.1 percent of the crop value while occupying 8.9 percent of the acreage.

The project's irrigation season lasts about seven months and during the past several years, an average of 1¼ million gallons of water per acre has been delivered to farmers. Rainfall is low in the area averaging 8–10 inches a year.

Irrigation Age toured the Basin in early June with two busloads of farmers and irrigation proponents from the Upper Missouri Water Users Association of North and South Dakota. This was the third trip to Washington by the Dakota farmers in their quest for practical knowledge of irrigated farming as they anxiously await the completion of the Garrison Diversion Unit. The Bureau of Reclamation project will deliver water to an initial 250,000 acres of rich Dakota farm land.

Members of the tour viewed several farms in the Columbia Basin Project area and adjoining areas that are now irrigated from deep wells. These are farms where the land was either tabbed non-irrigable or lay outside the project boundaries.

Roland Hintze, county extension agent in Adams County, said that about five years ago—when the wheat situation tightened up to the point many couldn't stay in business on a dryland operation—numerous farmers and/or landowners began to look with increased interest at laying out the large sums of money required to put in deep well systems. And, some of the farmers were getting to the age that, if they expected to irrigate in their lifetime, they were going to have to supply their own water, what with the lengthy time it takes for expansion of the government project.

A case in point is Bill Phillips who farms about 12,000 acres near Schrag in Adams County. He waters about 5,000 acres from seven wells 750 to 1,100 feet deep and yielding 1,200 to 2,500 gallons per minute. His land varies in elevation as much as 200 feet.

Phillips started out with wheel roll systems, figuring they would take a lot less labor than hand lines. He is converting to center pivot systems because in his situation three men can handle 3,000 acres under the pivots where it took one man to handle 50 acres irrigated by wheel or hand line systems.

His 10 pivot systems are working on some land put in beets and potatoes that is so steep in a place or two, a large wheel tractor can't make it uphill. The pivot systems are putting out 25 to 28 acre inches of water a year to grow a crop where 50 acre inches were going through the handline and wheel roll systems.

Phillips will drill about nine more wells to serve more acres. Currently, he supplementally irrigates wheat—uses the water for the Gaines wheat when it isn't required for beets, potatoes and seed alfalfa. He would like to full-irrigate the wheat because he has made about 65 bushels to the acre with limited irrigation and more than 100 when full irrigated. His best dryland yields averaged about 30 bushels to the acre.

This innovative rancher is putting out about one-third of the fertilizer through the pivot systems.

He successfully uses the Raincat pivot systems on more than one circle. Three men move a system one-half to one mile in about three hours. He has a machine or two that is moved seven times during a season. Electricity is supplied to the pivot points by a quarter-mile long 4-wire extension cord.

As he expands with the pivot systems, Phillips hopes to eliminate some county roads and nest the circles together to cut down on the corner losses.

Another case in point is the father-sons team of the A. J. Pryor Farms near Warden in Grant County. Father A. J., Ken and Chester operate 1,500 acres that is devoted to crops and livestock. Some 1,200 acres are irrigated and they grow sugar beets, carrot seed, dry peas, alfalfa seed and hay, red Mexican beans and corn for silage.

Their operation also includes 300 acres of irrigated pasture that is a mixture of orchard grass and alfalfa. It works because they have been producing 1,000 pounds of beets to the acre.

The Pryor family does a good job of utilizing permanent labor. The six men that work for them the year round are cowboys in the winter and irrigators in the summer.

They like the carrot seed business because they have harvested 800 to 1,000 pounds per acre and received 35 to 45 cents per pound for their production.

The Pryor's contract half their potato crop and gamble on the fresh market for the rest.

Their cattle operation works like this: Stockers weighing 400–500 pounds run on irrigated grass through the summer. In the fall, the steers go into the feedlot and get a ration consisting mainly of corn silage—home grown. The steers also get the cull potatoes off the farm plus some from a nearby processing plant. Chopped alfalfa hay and molasses complete the ration. Sometimes when the grass gets short, beet tops are grazed by the cattle.

The Pryor farm has one sprinkler system, a wheel roll system, on 40 acres and the rest of the land is furrow irrigated. They built their own concrete ditches at a cost of about $1.00 per foot.

A good bit of land in the Columbia Basin is operated by tenants with excellent cooperation from the landlord. Operating this way is Benny Kirkpatrick at Othello in Adams County. He rents two and a half sections of the Everitt Michel Ranch.

Kirkpatrick irrigates from wells in spite of the fact that a Columbia Basin Project canal runs right by one of his fields. The farm was just drilled on the boundary of the Columbia Project. Mr. Michel drilled and equipped a well with a 250 HP deep well turbine pump and a 150 HP booster pump to get the water to the fields. The well is 640 feet deep and produces 2,100 gallons per minute from a pumping depth of 195 feet.

Kirkpatrick has one Raincat center pivot system and seven wheel roll systems.

He rotates three years of wheat and one year of potatoes. Kirkpatrick usually has 340 acres of potatoes a year. The circular system is used to cover four circles.

The knowledgeable farmer makes it a point to check every field every day to keep abreast of what is going on. He strives to keep the soil wet three to four inches below the effective root zone. And, he fertilizers through his irrigation system putting on about two pounds of nitrogen per day.

His cultural practices pay off because he had been producing 28 to 32 tons of potatoes an acre with 90 percent grading No. 1.

There are many more examples of the Phillips, Pryors and Kirkpatricks in the Columbia Basin Project but their experiences point to one thing: This is a progressive area. It has now boiled down to a group of farmers who were willing to take advice and they have made it. The area at first had a few know-it-alls. They didn't make it and they are no longer on the scene.

CAN THE UNITED NATIONS BE REVIVED?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. BINGHAM. Mr. Speaker, for all persons interested in strengthening the United Nations—and especially for the members of the President's Commission on the 25th anniversary of the U.N.—Prof. Richard Gardner's comprehensive article in the July issue of Foreign Affairs is must reading. It pulls no punches and it will make a lot of people angry or despondent, or both.

But there is nothing to be gained by refusing to recognize the scope and magnitude of the obstacles to strengthening the U.N. Indeed, I think Professor Gardner, a former Deputy Assistant Secretary of State for International Organization Affairs, has if anything underplayed one major problem: the increasing tendency of member States to act at the U.N. in narrowly political ways, without regard for the interests of the organization itself. Perhaps he does not dwell on this particular problem because even his ingenious and resourceful mind cannot invent a solution to it.

In any case, with regard to other difficulties, Professor Gardner sets forth a remarkable number of recommendations, directed both at the United Nations and its related agencies, and at the United States in its dealings with these international organizations. Many of these will be extremely difficult to carry out, and some are highly controversial. But all are worthy of study.

And one recommendation in particular is a mind-blower—to borrow a contemporary phrase from the young—because it is so right and because we are so many leagues away from being able to carry it out. Professor Gardner says:

The central preoccupation of U.S. foreign policy in the 30 years remaining in this century should be the building of effective international machinery to manage mankind's common problems.

The text of the article follows:

CAN THE UNITED NATIONS BE REVIVED?

(By Richard N. Gardner)

Twenty-five years after the League of Nations was born a successor organization was being formed at San Francisco. This fate, at least, has been spared the United Nations. The United Nations is not dead. But it certainly is ill. It is suffering, even supporters admit, from "a crisis of confidence," a "decline in credibility," and "creeping irrelevance." However we define it, the fact is that the world organization is being increasingly bypassed by its members as they confront the central problems of the time.

To be sure, a negative diagnosis of the patient's condition requires some qualification. One can argue that the important thing to say about the United Nations is not that it has fulfilled so few of its ambitious mandates, but that it has accomplished so much in the face of all the difficulties inherent in the international situation. The achievements of the organization are real and are worth recalling even though we may tire of hearing them recited at U.N. Day celebrations. The United Nations *has* helped prevent or contain violence in Cyprus, the Middle

East, the Congo, Kashmir and other trouble spots through peacekeeping and peacemaking missions. It *has* launched an unprecedented effort to raise living standards in the less developed countries through its network of Specialized Agencies and special programs. It *has* speeded the process of decolonization and eased the transition to independence for over a billion people. It *has* done an impressive amount of lawmaking, not only in the field of human rights, but in such areas as outer space and the oceans. Before we yield to the temptation to write the United Nations off as wholly ineffective, we might ask ourselves what the world would have been like during the last 25 years without it.

The twenty-fifth anniversary of the United Nations, however, is an opportunity not just to celebrate past achievements, but to launch a continuing process of renewal and reform. If this process is to begin, we must pull no punches in analyzing the current state of the world organization. The United Nations today probably enjoys less confidence on the part of its members and the public at large than at any previous time in its history. The obvious reason is its demonstrated inability to deal with the central problems of war and peace in the world. It is hard to explain to people in most countries why the organization cannot do something to bring peace to Vietnam. It is hard to explain to Arab and Israeli opinion why it cannot assure a just settlement in the Middle East. It is hard to explain to African opinion why it does not implement its innumerable resolutions calling for an end to colonialism and racial discrimination in Rhodesia, South West Africa, South Africa and the Portuguese territories. It is hard to explain to American opinion why the United Nations does nothing to prevent the Soviet Union from suppressing liberty in Czechoslovakia or stop communist support for "wars of national liberation." It may even be hard to explain to opinion in communist, countries—and elsewhere, too—why the United Nations is silent in the face of unilateral U.S. actions in the Dominican Republic and Southeast Asia.

The decline of the United Nations is particularly notable in the United States, the country which took the leading role in its formation and provided far and away its greatest single source of support. Relations between Washington and the world organization turned sour during the Article 19 crisis and became increasingly abrasive during the late Johnson years over Vietnam and the U.N. role in the Arab-Israeli crisis. The Secretary-General's abrupt withdrawal of UNEF and the pro-Arab bias of certain U.N. resolutions alienated opinion in the administration, Congress and the public at large. The present American attitude toward the organization, however, is less irritation than indifference. The Nixon administration pays little attention to it in the conduct of foreign policy, and American leadership in the world body has declined to an all-time low. Despite the noble efforts of a revitalized United Nations Association and other nongovernmental organizations, the American people seem less interested in the United Nations than ever before—as may be verified by the empty galleries at U.N. meetings and the decline in coverage even by papers like *The New York Times*.

II.

Can anything be done to revive the United Nations from this low estate? It is easy enough to assemble a shopping list of reform proposals, but such an exercise is sterile unless it is related at the outset to the political context in which the organization has to operate and to the fundamental causes of its illness. Moreover, proposals are worth making only if they are likely to yield significant benefits *and* have some reasonable prospect of approval from those members whose support is constitutionally and politically indispensable.

In a fundamental sense, the United Nations' problems are not so very different from those that afflict the political institutions of its members. There is a crisis of authority—a trend toward lawlessness and violence—between as well as within nations. It is said of international as well as domestic institutions that they are insufficiently responsive to the times, that they have failed to promote change by peaceful means, and that their failure to act upon real grievances and real needs leaves no recourse but self-help. For many young people around the world, the United Nations is an ossified "establishment" just like many institutions of domestic government.

The analogy between the U.N.'s afflictions and those of national political institutions may help us come to grips with the central problem. If the institutions of domestic government do not work, we are quick to recognize that the fault lies with the people who have the responsibility to make them work. The responsibility in the United Nations lies with 126 governments. As one U.N. ambassador likes to say: "There is nothing fundamentally wrong with the United Nations—except perhaps its members." Virtually all members pay lip service to the United Nations while at the same time pursuing their short-term national interests, often at its expense. Virtually all members take a largely instrumental approach to the organization, citing Charter principles when they seem to yield a short-term advantage, ignoring them when they do not. This has always been true of the Soviet Union. What is profoundly disquieting, however, is that it is becoming increasingly true of other countries, including the United States. For example, the United States only asked itself how the United Nations could help it to do what it wanted to do in Vietnam—it never seriously asked itself how it should conform its Vietnam policy to its U.N. commitments. With few exceptions, U.N. members ask what the United Nations can do for them, not what they can do for the United Nations—or for the building of a civilized system of collective security and world order.

It is this attitude which explains the demoralization at U.N. headquarters today. Rules of procedure and past decisions of the organization are frequently ignored by members because they are temporarily inconvenient. References to Charter principles or other sources of international law are regarded with increasing cynicism. There has been a marked decline in third-party attitudes and a marked increase in the tendency to vote, not on the merits of a question, but with regard to bloc affiliations and the protection of other interests. If a clear and unambiguous case of agression came before the Security Council or General Assembly today, there would be little confidence that a majority of the members would treat it as such and come to the aid of the victim.

Of course, the United Nations is a political institution. It is natural that members should seek to pursue their national interests through it. The question, however, is how they define those interests. The link between law and politics in the United Nations, as in any institution, is the expectation of reciprocity, the fear of reprisal, and the recognition that in the common interest of saving the community one cannot have one's way on every issue. For the world organization to work more effectively, its members will have to give greater priority to their long-term interest in building a civilized system of world order than to short-term considerations of national, ideological or racial advantage.

The Secretary-General of the United Nations recently said its members have 10 years left in which to subordinate their quarrels and launch a global partnership to curb the arms race, to improve the human environment, to defuse the population explosion and to supply the required momentum to world development efforts. After that, he warned, these problems would be out of control. U.N. delegates have repeatedly cited this ominous forecast in connection with the twenty-fifth anniversary. What is required, however, is for their governments to act as if they believe it. Each member, for example, might ask what changes in its own policies—not just in the policies of others—are necessary to revive the United Nations and save humanity from self-destruction. Only in such a spirit of self-criticism and open-mindedness could proposals for reviving the United Nations have any serious possibility of success.

The central contribution of the twenty-fifth anniversary, therefore, must be in helping U.N. members to redefine their national interests in the organization. Surprising as it may seem, few members have a clear idea of just what they want it to become. At a recent meeting organized by the United Nations Institute for Training and Research (UNITAR), most of the delegates admitted that the present structure of international society was unsatisfactory and that by 1995—the fiftieth anniversary year—major changes would have to be made if the human race is to survive. Yet none of the delegates was in a position to present a preferred model of the future.

It is often said that politics is the art of the possible, but it is forgotten that politics is also the art of making possible tomorrow what seems impossible today. Even if few fundamental reforms in the United Nations prove possible on the occasion of the twenty-fifth anniversary, the organization could launch some ventures that might make reforms more likely by 1995, or better still, by 1985 or 1975. This suggests that particular attention should be given now to such consensus-building activities as the seminars, studies and training activities of UNITAR, the strengthening of the public information area (with particular attention to the use of communications satellites and other new technology), the creation of a U.N. University and the establishment of a U.N. Service Corps in which volunteers from many U.N. member states could work side by side in U.N. programs.

III

There are 10 specific areas in which steps could be taken in the next few years, commencing with the twenty-fifth General Assembly, to make the United Nations a more effective instrument for the performance of its tasks. I believe they would serve the enlightened self-interest of all members, even though they would require almost every member to modify one or more of its present positions.

First, the United Nations should move as rapidly as possible toward universality of membership. This would mean offering admission to East and West Germany, North and South Korea, and North and South Vietnam, and it would mean acknowledging the People's Republic of China and Taiwan as successors to the membership of the Republic of China, with the Security Council seat assigned to the People's Republic. Agreement by the Permanent Members of the Security Council would be needed to secure the admission of the first three divided states, but the seating of Communist China and Taiwan under a successor state theory could be achieved by a vote of two-thirds of the General Assembly and by the procedural majority of nine in the Security Council, thus bypassing a possible veto by the Taiwan régime. The seating of all these régimes could be done in a way which did not prejudice the possibility of unification by peaceful means. While it is true that the problems of the two Germanys, the two Koreas, the two Viet-

nams and the two Chinas are all different, a "package deal" on all of them would make it easier for many countries to swallow their opposition to the seating of one or more. Such a bold step would give the United Nations opportunities it now lacks for assisting peaceful settlements in Indochina and Korea, as well as elsewhere, would open new channels of communication between the two halves of these divided states, and would enhance the long-term potential of the organization for dealing with such global problems as development, population and environmental defense. New steps should also be taken to encourage Switzerland to seek membership, in recognition of the diplomatic as well as financial resources which the Swiss could make available. If the twenty-fifth General Assembly is not prepared to seat these states immediately, it could at least appoint a committee to study how universality of membership might be achieved. The committee could provide an opportunity for key members like the United States and the Soviet Union to reassess their positions. It could also recommend interim steps toward universality—the adherence of all states to multilateral conventions and invitations to all states to participate in such U.N. meetings as the 1972 Stockholm conference on the environment.

Second, a special effort should be launched to streamline and improve the procedures of the General Assembly. Some of the reforms would be relatively modest—starting meetings on time, organizing the debate around groups of items, enforcing the rules against repetitive or irrelevant interventions, encouraging delegates to limit their remarks and submit more detailed statements for the record. The Assembly could also consider a more fundamental reform: it could eliminate the time-consuming general debate. In its place governments could submit writtten statements on the world situation in advance of each Assembly, on the basis of which the General Committee, with the help of an analytic summary by the Secretariat, could draw up a provisional agenda. Any member could insist on adding an item to this agenda, but it would have to take a special initiative to do so, and this might reduce the number of "hardy perennials" that are debated each year to no advantage. Under a reform of this kind, heads of state, prime ministers and foreign ministers could gather at the end of each Assembly rather than at the beginning to resolve major issues, assess the results and agree on measures to follow up the General Assembly's decisions. Consideration should also be given to ways of changing the Assembly's main committees from committees of the whole to committees of 45 members or so, even though the political obstacles to doing this are obviously great.

Third, a beginning should be made at reducing the gap between voting power and real power in the world organization. One measure already under consideration would be to offer "ministates" associate membership in the organization with the privelge of circulating documents and addressing meetings, but without the privilege of voting and the burden of paying a share of U.N. expenses. Hopefully some of the ministates already in the United Nations as well as those that are expected to apply for membership could be persuaded to accept this new status. Even with such an arrangement, however, there would still be a great disparity between voting power and real responsibility for implementing U.S. decisions. This problem exists even in the Security Council where despite the Charter stipulation that members be chosen with regard to their contribution to the maintenance of international peace and security, six of the 10 elected members currently pay the minimum .04 percent toward the expenses of the organization. The members might well consider some formula under which five of the 10 elective seats could be reserved for 10 middle powers (*e.g.* Japan, India, Italy, Brazil and the U.A.R.), which would thus be guaranteed a place on the Council for two out of every four years. In the General Assembly, where the disparity between voting power and real power is even greater, more use could be made of small committees (*e.g.* a Peacekeeping Finance Committee of 21) in which the large and middle powers would have a greater proportion of places than they have in the Assembly as a whole. To make such a committee system fully effective the Assembly would have to agree that resolutions could be adopted only when they had been approved both by the small committee and the General Asembly—in effect a bicameral arrangement. More fundamental—and probably incapable of adoption in the short run—would be a system of dual voting (double majorities), under which certain kinds of resolutions would be considered adopted only when approved by the regular two-thirds majority including a majority of the large and middle powers. It is frequently argued that no reforms along these lines will be possible, since they require the approval of the small countries which now have the voting majority. Certainly such reforms will not be easy. But they may not be impossible if the small countries can be convinced that reforms would result in a United Nations more effective on matters of interest to them—and that in the absence of such reforms the major powers will increasingly bypass the organization on matter of substance.

Fourth, concrete steps can be taken to strengthen the U.N. peacekeeping machinery. All member states have a long-term interest in strengthening this machinery. Both the United States and the Soviet Union have experienced the perils of unilateral involvement. Both the superpowers, and the world as a whole, would benefit from a policy of reciprocal abstention by the superpowers from local conflicts and a strengthened U.N. capacity to patrol borders, supervise elections and verify compliance with nonintervention norms. Since the Soviet Union has now conceded that peacekeeping operations may be validly authorized outside of Articles 42 and 43, it may be possible to agree on guidelines for wholly voluntary operations when undertaken by the Security Council. These guidelines could provide for a committee of the Council consisting of the Big Four and troop-supplying countries to advise the Secretary-General on the conduct of each peacekeeping operation, although the Secretary-General would maintain sufficient operational control to assure peacekeeping effectiveness. Members of the Council could also agree to support financially operations carried forward in accordance with these guidelines. The question of the residual powers of the General Assembly to launch peacekeeping operations where the Council is unable to act can best be left open, in anticipation of the day when Peking may be occupying a Security Council seat. Beyond all this, the membership could make its most tangible contribution to peacekeeping by establishing a peace fund of $100 million or more, with substantial contributions from both the United States and the U.S.S.R., to liquidate the organization's deficit, retire the U.N. bonds and provide a modest amount for future peacekeeping emergencies.

Fifth, new measures can be taken to strengthen procedures for peaceful settlement and peaceful change. The United Nations was intended to be an instrument for the settlement of disputes, not merely a forum where they could manifest themselves. There is need for new methods for settling disputes that can provide a cooling-off period for the fever of controversy to subside, that can mobilize opinion behind a reasonable settlement, and that can enable international agencies to take responsibility for outcomes for which the parties themselves cannot take responsibility. To this end, regular closed meetings of the Security Council could be held at the Foreign Minister level to discuss international problems. Greater use could be made of individuals or small committees of the Council to meet with the parties to disputes and explore possibilities of settlement. A panel could be created of persons available for fact-finding and mediation, and U.N. members could be requested to agree in advance to accept the use of the panel in disputes to which they were parties, even though they might reserve the right to challenge the facts found or settlements recommended by the panel members. New efforts could be made to encourage the Security Council to recommend terms of settlement in particular disputes, and the Permanent Members could agree not to employ the veto to prevent the Council for discharging its responsibilities in this way under Chapter VI of the Charter.

Sixth, the U.N. system should begin a step-by-step program of institutional reform to put it in a position to handle a much larger volume of technical assistance and preinvestment aid. The case for carrying on this work on a multilateral basis, and for channelling a much larger share of development capital through the World Bank and regional banks, is increasingly understood in most of the aid-giving and aid-receiving countries. But if the volume of U.N. technical assistance and preinvestment aid is to rise in the next decade, as it should, from the present level of approximately $200 million a year to something like $500 million, the system for delivering that aid will need further improvement. New efforts are needed at headquarters and in the field to assure a more unified effort between the United Nations and its Specialized Agencies in support of country development plans. The measures needed to achieve this end are now under discussion—having the Governing Council of the U.N. Development Program approve three to five-year programs of assistance to particular countries rather than individual projects, and increasing the quality and authority of the U.N. resident representatives. Studies should also be launched of more fundamental and long-term reforms, such as the creation of a Director-General for Economic and Social Affairs at U.N. headquarters, with the power to direct the work of the headquarters institutions, semi-autonomous bodies and Specialized Agencies (except for the Bank and Fund). The pressing problems of development, population growth and the environment transcend the old-fashioned functional categories of agriculture, health, labor and the like. The United Nations cannot be effective in dealing with these problems unless its institutional pattern is revised in recognition of this fact.

Seventh, the United Nations should put itself in a position to respond to the important new challenges which science and technology have thrust upon it. The phrase "science and technology" appears nowhere in the U.N. Charter, yet the new tasks the organization will be called on to perform in this area, little dreamed of at San Francisco, may prove to be among its most important. The time has come for the United Nations to deal with science-related questions, including outer space, seabed and other resources, population and the environment, in a more unified and professional way. To this end the General Assembly should establish a new committee on Science, Resources and Environment in place of the Special Political Committee (whose few items could be transferred to other committees). The Secretariat should establish a new Department for this same work headed by an Under-Secretary or Assistant Secretary. The present Advisory Committee on the Application of Science and Technology for Development could be given a broader mandate and become an

expert committee advising on scientific questions in this broader sense, not only as they affect developing countries, but as they affect developed countries as well. If reforms of this kind were undertaken, it might be possible to attract outstanding scientists to work in the U.N. secretariat and serve on national delegations as members of the new General Assembly Committee, thus adding an expertise currently lacking in U.N. science work. These reforms would make it possible for the organization to stimulate and carry out new measures for global coöperation in outer space, the seabed, the environment and population control which could, of course, serve the interests of all members.[1]

Eighth, special attention should be paid to a largely underdeveloped area of the Charter—the implementation of human rights. For most of its first quarter-century, the United Nations has focused on the rights of peoples to self-determination, but has paid less attention to the rights of individuals within nations, whose dignity and worth are affirmed in the opening lines of the U.N. Charter. True, the organization has developed an impressive body of human rights law in the form of Conventions and the two broad human rights Covenants. Further efforts to secure wider adherence to these instruments would be useful (the United States, which has one of the least impressive records in this regard, could ratify the Genocide Convention as well as the other instruments before the Senate). But what is most needed in the human rights area now is not more law, but a more effective system for implementing the law we already have. The establishment of a High Commissioner for Human Rights, discussed at recent General Assemblies, would represent a major step forward. Although he would have no enforcement powers, he could make regular reports on the performance of member states in meeting their human rights obligations and lend his good offices to the Secretary-General, the Human Rights Commission and the General Assembly in dealing with specific human rights problems.

Ninth, a sustained program should be undertaken to revitalize the U.N. Secretariat. Even sympathetic observers have noted the progressive deterioration in the quality of staff and perhaps even in fidelity to principles of objectivity and impartiality. A comprehensive, high-level study of the Secretariat should be undertaken with a view to reversing this trend. The study should explore in particular certain remedial measures that now seem called for—a substantial raising of the U.N. salary scale, which has slipped seriously in the last decade relative to salary scales in member nations; increasing the number of fixed-term as opposed to career appointments, so that outstanding and independent-minded professionals and scientists who might be unwilling to serve with the United Nations for a lifetime can take leave of their national careers for three to five-year periods; and easing the excessive requirements of anonymity now imposed on civil servants, so that they may publish material under their own names. In addition, we need to explore ways of providing income supplements for citizens from developed countries like the United States, to match the difference between an employee's salary at the United Nations and the salary he would earn in his normal employment. This might be paid in the form of deferred compensation by the national employer, or it might be paid on a current basis by the organization itself from funds provided by a private foundation. One final point: It represents no lack of appreciation for the outstanding services of the Secretary-General and his Cabinet to note that most of them have served the United Nations for a decade or more at great personal sacrifice and that their average age is over 60. New leaders will be needed at the top of the U.N. pyramid in the 1970s to provide the dynamic leadership the organization needs.

Tenth, a major overhaul is needed in the United Nations' system of budget preparation and financial management. The world organization has lagged behind most of its major members by its failure to develop a modern planning, programing and budget system. Neither the Secretary-General nor any central group in the Secretariat shapes the U.N. budget with a view to overall priorities. The budget is shaped from the bottom up rather than from the top down—the result of a series of uncoordinated decisions by Secretariat units and specialized committees. It is still presented in the form of "inputs" (travel expenses, conference costs, salaries, etc.) rather than "outputs" (the delivery of specific services to members in the form of peacekeeping, human rights and development programs). New measures are also needed to deal with the problem of "taxation without adequate representation"—the five permanent members plus Japan pay ⅔ of the United Nations' costs, yet members whose total contributions equal 4½ percent of the budget control ⅔ of the votes. The principal contributors to the U.N. budget, who have concentrated recently on joint representations to the Secretary-General and other agency heads, might pay more attention to building alliances with those less developed countries which share a common interest in reducing unnecessary U.N. costs. Further attention should also be paid to strengthening the work of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), and keeping it in virtually permanent session to analyze not merely the headquarters budget but also the budgets of the special programs and Specialized Agencies.

IV

No program to revive the United Nations can possibly succeed without strong leadership from the United States. To say this is not to minimize the responsibility or the contribution of other countries. Obviously, the United States cannot and should not do the job alone. But the facts of life are that the U.S. input into the system—political, intellectual and financial—has been essential to every successful U.N. action in the last 25 years. For obvious reasons, this is likely to continue to be so for the foreseeable future.

All this makes the present U.S. attitude toward the United Nations particularly distressing. The trauma of Vietnam and the preoccupation with domestic problems has reduced the role of the world organization in official and public opinion. This should not be the case. Our disenchantment with unilateral action should enhance our commitment to multilateral cooperation. We ought to recognize that our domestic problems cannot be dealt with effectively if the international ones are ignored. Yet at the present time the "low profile" of the Nixon Administration is even more evident in the United Nations than in some regions of the world. Presidential and other high-level statements about the organization have been notable for their blandness and lack of any forward motion on matters of substance. In both the U.S. Mission and in the State Department's Bureau of International Organization Affairs the emphasis is on damage-limitation rather than institution-building. The commendable objective stated in the "Nixon doctrine"—that the United States should do less by itself and more in partnership with others—has yet to be given substantive expression so far as the United Nations is concerned.

The absence of any policy for strengthening the United Nations has been accompanied by increasing evidence of penny-wise pound-foolishness on U.N. budgetary matters. Congress has cut U.S. contributions to the U.N. Development Program to the point where the nation can no longer put in its traditional 40 percent of the total. Congress has even required that $2.5 million of the U.S. assessed share of the assessed budgets of U.N. agencies be paid in nonconvertible foreign currencies—a requirement which may well put us in violation of the U.N. financial regulations if implemented in full. The United States, which has rightly complained in the past of the failure of other U.N. members to meet their financial responsibilities, is now in danger of slipping into default itself. Although the principal responsibility for these actions rests with the Congress, it must be noted that the administration made no major effort to prevent them.

Everyone agrees, of course, that in the face of rising costs and pressing domestic needs every effort must be made to reduce unnecessary expenditures in the United Nations as well as elsewhere. What is inadmissible, however, is the assumption widely prevalent in the Appropriations Committes and in parts of the administration that increases in U.S. contributions to international organizations must be limited in proportion to limitations placed on the other parts of the federal budget. Total U.S. contributions to the U.N. system in 1969, including the Specialized Agencies and the voluntary programs, amounted to $250 million—less than the cost of the New York City Fire Department and less than one week's cost of the Vietnam war. This is for an enterprise we once called "man's last, best hope for peace."

The implications of this budgetary attitude for attempts to revive the world organization are obvious. American delegates are in the anomalous position of saying they favor U.N. initiatives in environment and population matters, for example, provided they don't cost money. (If we are serious in what we say about the urgency of the world's population problem, the U.N. Population Commission ought to meet annually, not just every two years, but under present directives U.S. delegates would have to oppose this on the ground of increased cost!) Obviously, so long as the current financial attitude persists, the United Nations will not be able to respond as it should to the new challenges confronting it. Moreover, and this is a point frequently overlooked in Washington, the United States will be in a poor position to press for needed reforms in the organization—for better coordination of assistance efforts, for a higher quality Secretariat or for more rational methods of making decisions—if it is disengaging from its financial responsibilities and narrowly circumscribing the conditions of its participation.

The revival of the United Nations, therefore, depends more than anything else on a new approach by its most important member. That approach can be summed up in a single sentence: the central preoccupation of U.S. foreign policy in the 30 years remaining in this century should be the building of effective international machinery to manage mankind's common problems. Such a policy of peace through partnership would mean a totally new emphasis on the United Nations as well as on regional agencies.

The implementation of such a policy would be assisted by a number of changes in the way the United States handles its participation in the organization. At the present time the U.S. Ambassador to the United Nations and the officials backstopping him in the State Department's Bureau of International Organization Affairs are all career foreign service officers. They are dedicated and

[1] For specific proposals for new U.N. programs in these fields, see the author's statement, "New Tasks for the United Nations," in the House Committee on Foreign Affairs, Subcommittee on International Organizations and Movements, Hearings on the 25th Anniversary of the United Nations, March 1970, p. 258.

highly competent people, but they do not possess the political "clout" to assert the multilateral interest at the highest level of decision making. If the United Nations is to play a central part in U.S. foreign policy, the U.S. Ambassador should be a national figure who can telephone the President at will and command headlines in the press with his statements on world affairs. By way of reinforcing this kind of influence, the U.S. Ambassador should be made a regular participating member of the National Security Council, sitting with the Council at all times and not merely when it thinks it is discussing a "U.N. issue," since everything the Council does is relevant to how the United States is carrying out its responsibility under the Charter.

To support the Ambassador in this new role, the NSC staff should include a top U.N. specialist with direct access to the President—someone it does not now have. In addition, the Assistant Secretary for International Organization Affairs might be raised to the rank of Under Secretary, with responsibility not only for U.S. policy in the United Nations but also for handling the Department's responsibilities in financial and technical aid. There is understandable resistance to increasing the number of Under Secretaries in the Department, but this particular proposal would have the important benefit of strengthening the Department's multilateralists in relation to its regional bureaus and to competing interests in other agencies of the federal government.

Other changes would be necessary if the United States were really serious about the importance of the United Nations. It should upgrade and revitalize its mission in Geneva at the European headquarters of the organization and its missions to U.N. agencies located elsewhere, placing them under the leadership of qualified U.N. experts. Too often these posts have been treated as second-rate foreign service assignments or, even worse, as rewards for the politically deserving. How the United States chooses its public members for its General Assembly delegations is also a measure of how seriously it takes the United Nations. When the President's senior domestic adviser deals with the environment in NATO and a former child movie star deals with it in the General Assembly, foreign governments as well as the American people draw the logical conclusions as to the relative importance of the two institutions.

A new approach is also needed in the recruitment of Americans for the U.N. Secretariat. It is doubtful whether any U.S. Ambassador to the United Nations has spent as much time on this question in an entire year as on a major speech in the General Assembly. Yet the long-term consequence of U.S. policy toward staffing the organization is vastly more important. The Soviet Union, France and Britain all understand this, as is reflected in the attention their permanent representatives devote to Secretariat matters. In the period immediately ahead, the United States will be faced not merely with the problem of replacing Paul Hoffman and Ralph Bunche, but also with finding qualified persons to replace a whole generation of Americans who joined the United Nations in the early years and are now approaching retirement. What is needed is a major effort, supervised at the top levels of the U.S. Mission and the Bureau of International Organization Affairs, to identify those key positions where vacancies will occur and the qualified persons from the academic, professional and business worlds who can step into these assignments. Preparation for filling these vacancies needs to be undertaken months and even years in advance, unless the United States is to become increasingly dependent on assigning foreign service officers to fill such posts. Greater reliance on fixed-term appointments, the institution of special compensation for income losses by Americans in these ports, and relaxation of requirements of anonymity in the Secretariat, as suggested earlier, would be particularly helpful to U.S. recruitment efforts.

If the United States accords central importance in its foreign policy to the United Nations, it will adopt a more affirmative attitude toward its financial contributions. One important step in the right direction would be to remove the U.S. assessed contributions to the United Nations from the State Department budget where they have grown as a proportion of the total from 1/8 to 1/3 over the last 15 years. It is absurd to have contributions to the United Nations competing with the jobs of foreign service officers and subject to the same standards of budgetary restraint as are applied to the budget of the foreign service establishment. The budgetary problem would be made more manageable, too, if Congress could eliminate the seniority system, so that the key Appropriations Commmittees could be chaired by men whose view of U.S. participation in the United Nations is at least as favorable as that of the Congressional leadership. A forthcoming U.S. attitude is needed, too, on expansion of the headquarters site in New York. Unless we are generous in meeting our responsibilities as hosts to the world organization pressure to locate additional U.N. functions overseas will be irresistible, and U.N. efficiency and U.S. influence will both suffer.

These measures to upgrade the level of U.S. participation in the United Nations and finance the world organization more generously do not mean that the United States should passively accept whatever seems to be the view of the U.N. majority or defer automatically to Secretariat leadership. On the contrary, a genuine commitment to strengthen world order would imply lobbying hard for peacekeeping, economic or budgetary reforms where we believe they serve the general interest. We have become unpopular enough in a number of bad causes; we should not be afraid to be unpopular in some good ones.

The most basic division in the world today is not between communists and noncommunists, between blacks and whites, between rich and poor or even between young and old. It is between those who see only the interests of a limited group and those who are capable of seeing the interests of the broader community of mankind as a whole. The United Nations' twenty-fifth anniversary provides a special opportunity to speak for these broader interests.

Man's ability to transform the world is only limited, as Lester Pearson recently reminded us, by "faintness of heart and narrowness of vision." It is only these qualities, in the last analysis that can prevent the members of the United Nations from restoring their organization to the central place it was intended to play in world affairs.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 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?

"SEEDS OF CHANGE" AND THE GREEN REVOLUTION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. ZABLOCKI. Mr. Speaker, on December 5 of last year the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments conducted a one-day symposium-hearing on the "Green Revolution"—the use of high-yield cereal varieties in low-income countries. One of the participants on that occasion was Lester R. Brown, former administrator of the Agriculture Department's Agricultural Development Service and now a senior fellow with the Overseas Development Council.

Since the subcommittee meeting, Dr. Brown has published a book on the Green Revolution. It is entitled Seeds of Change: The Green Revolution and International Development in the 1970s.

I have been pleased to note the favorable comment and success which Seeds of Change has experienced. British Economist Barbara Ward has called the book "the best account available today of the full scale of the Green Revolution and of its impact on every aspect of development strategy." Widely reviewed at home and abroad, Seeds of Change is now in its second printing and is being translated into several foreign languages.

Recently there have been stories in the press detailing problems of the green revolution. They have, too often, given the unfortunate impression to the public that hopes for progress in feeding the world's people have been dashed and that the green revolution has caused more problems than it has solved.

True, not all is sweetness and light in those countries where the green revolution is going forward. As was pointed out during the subcommittee symposium, and is emphasized by Dr. Brown in his book, there are many second generation problems, some of which we are just beginning to understand. A principal difficulty is how to distribute the benefits of the new technology in agrculture so as to benefit everyone equitably.

But for those who would fault the green revolution as if it were some giant hoax I would urge them simply to consider what conditions would be like today in poor countries without the program and the additional food it has produced.

Mr. Speaker, to acquaint my colleagues further with Dr. Brown's book and the thoughts of other noted experts on the green revolution, I am placing in the RECORD at this point 4 reviews of Seeds of Change by acknowledged experts:

[From the Washington Evening Star, June 22, 1970]

A BOOK FOR TODAY: A GENUINELY EXCITING REVOLUTION

(By Robert K. Walsh)

This "revolutionary" book ought to be read—but probably won't be—by all who run to reform without real remedies, confrontation without open-minded negotiation, nihilism without alternatives, and activism without competency, wisdom or patience.

It concerns the "Green Revolution," a still little appreciated breakthrough in agricultural production. It contends that this was an even more meaningful technological achievement for humanity than was the landing on the moon.

During the last 10 years or so many people in the so-called affluent society, and probably more in poverty-stricken and famine-plagued areas of the world, have become at least vaguely aware of the development of new varieties of high yield wheat and rice. Originally produced in Mexico and the Philippines, the growth of those and other strains has since been adapted to conditions elsewhere.

Lester Brown, of Washington, is an authority on world food problems, a senior fellow of the Overseas Development Council and for several years an Agriculture Department policy adviser and administrator. His book tells the story of the "Green Revolution" expertly, comprehensively and clearly.

IMPORTANCE IN FUTURE

The book does much more. It goes far to support a forecast that "the new seeds promise to improve the well-being of more people in a shorter time than any other technological advance in history." Yet, in charting their possible development and hopes for broader distribution in the 1970's, Brown demonstrates he is one of the most realistic of revolutionaries.

The seeds might be called "miracle" but their full use and universal success are unlikely to be "instant." Brown shows graphically and with reasonable objectivity how they must cope with population explosions, near-sighted nationalism, starry-eyed idealism, social conflicts, self-interest, economic policies, unemployment, ecology, and distressingly widespread hunger and malnutrition as well as frequent famine.

Brown is not pessimistic in pointing to all those obstacles and pitfalls in the path toward victory over famine if not over the other apocalyptic Four Horsemen. While citing the dangers he suggests cooperative methods, options and policy courses open not only to the United States but to all nations, rich and poor.

In this era of emphasis on gaps—generation, credibility, moral or ideological—his specialized but universally-aimed book is not fast and easy reading. Its technical and statistical elements are not too numerous, however. Its scholarship and proposals are not so pompous as to discourage or confuse the layman who wants reliable information and practical counsel on a matter that covers the world and surely affects the future of mankind.

"EXCITING" IN A GOOD SENSE

The book could be called exciting in the sense that it arouses interest in the subject and provokes more than a passing thought about an historic change going on in the world.

Eugene R. Black, ODC board chairman, says in a foreword that "the agricultural breakthrough in the poor countries is the most exciting development story of the past decade." He believes, too, that "America's participation in this revolution in the countryside may represent our most successful involvement in international development since the Marshall Plan." The book emphasizes that the entire responsibility and assistance must not be left to the United States.

At a time when United States involvement in international affairs is hardly popular, Brown's account of the global "turnabout on the food front" and the problem of "achieving an acceptable balance between food and people" deserves more than lip service or a fleeting faddish commitment.

"One of the great tragedies of the Vietnam war," he comments, without going to extremes either way, "is that it has taken such a toll of humanitarianism in the United States—the humanitarianism that gave us the will during the years of the Marshall Plan and subsequently to experiment on a vast scale with international cooperation."

The Overseas Development Council, "concerned with focusing attention and stimulating action on development problems," shares credit with Brown for publishing this productive book. It should spread the growth of public understanding, cooperation among many countries, and human compassion in a vast field.

SEEDS OF CHANGE

(Reviewed by Orville L. Freeman)

Seeds of Change is a timely book about the Green Revolution, a "revolution" which may prove to be one of the most significant international economic phenomena in history. The author, Dr. Lester Brown, still in his mid-thirties, has been in the front ranks in the struggle to focus attention on the importance of agricultural development to the less-developed world for more than a dozen years. He writes boldly and with insight.

Seeds of Change spells out for the reader what the Green Revolution is not, as well as what it is. It makes it clear that the spectacular spread of the miracle seeds fathered by research undertaken by the Rockefeller and Ford Foundations is not guaranteed for the future. What it will take to continue it where the Green Revolution has started and to begin it in the tropical less-developed countries where it has not yet begun (mostly in Africa and Latin America) is carefully examined.

CONSEQUENCES OF REVOLUTION

Perhaps the most valauble and timely part of this book is the review of the economic, social and political consequences of the Green Revolution. In a dramatic section entitled "Solving Urban Problems in the Countryside", attention is focused not only on the promise but also on the threat the Green Revolution holds for the less-developed world if it is poorly managed.

Finally, the author issues a pointed challenge to his countrymen. If the United States can lead the world, he asks, to the elimination of famine (which we have done in the decade of the 60's) why can't we exercise the same leadership to abolish hunger and malnutrition in the decade of the 70's?

Hopefully, *Seeds of Change* will contribute to ending a rather sterile debate on whether there has or hasn't been a Green Revolution. There has been a lot of confusion and wasted energy focused on the descriptive term "Green Revolution", which is shorthand for the rapid spread of the new high-yielding cereal varieties and associated techniques in some of the poor countries. Some over-optimistic souls have concluded that now a Green Revolution is under way, the War on Hunger will be quickly won. Others find the description Green Revolution an easy target on which to exercise their talent for ridicule. In the process of such a dichotomy, important know-how is misdirected and non-experts get confused rather than informed.

Seeds of Change makes it clear that the Green Revolution is no universal phenomenon in the poor countries. There are literally dozens of poor countries which the Green Revolution has not yet reached. In the countries where it has begun, the area which will accommodate the new seeds is a minor share of the total, perhaps one-sixth of the total wheat acreage in West and South Asia and maybe seven percent of the rice land in South and Southeast Asia. Water and the ability to control it is a serious constraint on the extension of the Green Revolution. Nor has the technological breakthrough affected all production. So far, it is confined for the most part to food grains, and within that category largely to wheat and rice.

On the positive side, *Seeds of Change* documents that the Green Revolution is a magnificent achievement, bringing new hope and promise to the developing world.

The spread of the new wheat and rice seeds is phenomenal. Since 1965, some 40 million acres have been planted to the new miracle seeds. They have increased production on the acreage planted by approximately 20 million tons at a value estimated at $3 billion. The net income increase to the producer between the traditional and high-yielding varieties is dramatic. For wheat: Turkey, $32 per acre to $80 per acre; India, $17 to $76. For rice: Philippines, $81 per acre to $140 per acre.

The annual increase per acre yield where Mexican wheat is used in India and Pakistan has more than doubled the rate of advance in the United States following the introduction of hybrid seed corn a generation ago. Total wheat production in Pakistan and India has increased more than 50 percent over the past four years. Ceylon's rice production has increased one-third in three years. In Mexico, wheat production has increased each year during the 1960's, starting at 495 pounds per person in 1960 and reaching 680 pounds per person in 1968.

UNBELIEVABLE BREAKTHROUGHS

To a former Secretary of Agriculture who increased domestic wheat acreage allotments twice in 1966, the second time in the face of vociferous opposition, because world food grain reserves were perilously low and another monsoon failure on the subcontinent of Asia would have triggered world-wide famine, the magnitude of the production breakthrough is almost unbelievable. You can be sure I had no inkling in 1966 that miracle seeds doubling and quadrupling yields for wheat and rice would be planted on close to 40 million acres in a few years. As a matter of fact, if one of my advisers in or out of the U.S. Department of Agriculture had made such a prediction in 1966, we probably would have sent him for psychiatric observation. At no time in history has there been such a massive application of new technology in countries assumed to be dominated by traditionalism.

Seeds of Change describes in fascinating detail technological dimensions of the breakthrough, but the book is not limited to the technological. For this reviewer, Chapter 12—"New Seeds and the Cities"—is especially timely. It sets forth a promise and a threat. The promise is to help check the rural-urban migration which is making "many great cities human trash heaps, the very opposite of the centers of civilization envisioned by the great philosophers" by expanding rural employment and purchasing power. The threat is that should indiscriminate mechanization take place and the special needs of the small subsistence farmer be ignored, more millions will be added to the army of the unemployed, driving them into the already almost ungovernable big cities.

BIG CITY PROBLEMS

Seeds of Change doesn't say so explicitly, but it hints that the displacement of large numbers of rural people by mechanization is more responsible for the big city problems which resulted in the burning of cities in the United States in the 1960's than any other factor. For my part, I have no hesitation in confirming this analysis. I have visited cotton plantations in the American southland where in one year the labor supported by the plantations dropped from 100 families to 5 families. Some describe this phenomenon as efficiency and progress, proudly citing per capita output figures. Such an evaluation fails to consider the human and social cost of 95 black families with nowhere to go. They or their children made up the rioting mobs who cried "Burn, baby, burn" in Detroit, Washington, Cincinnati, Cleveland and Los Angeles.

This is not to say that all mechanization is socially counterproductive. Quite the contrary. Dr. Brown points out that some forms

of farm mechanization are employment-creating, while others are labor-displacing. He sees the mechanization of irrigation as one which is highly desirable in that it increases both production and employment.

NATIONAL MECHANIZATION POLICIES

The key point implicit throughout *Seeds of Change* is that wise national policies, by maximizing employment and making sure the new technology reaches the little farmers can help to keep people away from the politically inflammatory urban areas, and at the same time stimulate the entire national economy. In this way, the new technology can build markets for consumer goods like motor bikes, transistor radios and household appliances, creating desperately needed jobs in industry.

Policies governing mechanization may have greater influence on the future economic development of the less-developed countries than policies in any other area. The worrisome thing is that not a single poor country where the Green Revolution has made a major impact has a reasoned, effective national policy on mechanization.

Following his discussion of rural employment and the urban crisis, the author then argues, in what may be the principal intellectual contribution of the book, that the time has come to redefine the population problem. He makes his point as follows:

When Thomas Malthus published his gloomy treatise in 1798, he defined the population problem primarily in terms of food supplies and the threat of famine. Ever since, the threat of overpopulation has been perceived largely in his terms . . . But as we enter the 1970's we are faced with a need to redefine the population problem. After nearly two centuries, it is time to move beyond our legacy from Malthus.

Two independent phenomena, both bearing directly on the population issue, are forcing us to change our conception of it. The first is the agricultural break-through in the poor counties. Although this is by no means a solution to the population problem, it is diminishing the prospects of famine in the near future and buying time—perhaps an additional fifteen years in which to develop the technologies, the will, and the strategies to stabilize global population growth.

While the threat of famine is diminishing, the number of young people entering labor markets is rising rapidly . . . the food problem of the 60's is becoming the employment problem of the 70's. Feeding the increasing numbers of people will not be easy, but is likely to prove much more manageable than providing jobs.

WHO BENEFITS?

The question is frequently and properly raised: Who is benefiting so far from the Green Revolution? Is it reaching the small farmer who makes up the great mass of the population? *Seeds of Change* passes rather lightly over this question by declaring that although it is "conventional wisdom" to assume that big farms benefit most from technology, the real limiting factor is the availability of water, not the size of the farm. The success of small farms in Japan and Taiwan gives some credibility to this conclusion. Nonetheless, it appears to me that such a statement begs the real question, which is "Who gets the water?"

On the Gangetic Plain in India, for example, a farmer with a 15-acre holding can afford to sink his own tube well. A two-acre farmer can't. As a practical matter, eight two-acre farmers seldom, if ever, pool their resources. Nor does the Indian Government sink wells for them. So they can't get water and are observers, not participants, in the Green Revolution. As such, they are potential migrants to the big city and tinder for revolution in the countryside. The ache of discontent and discrimination fueled by the village TV center and their own transistor radios remind them daily that their government, and society in general, doesn't care about them. Strong and determined efforts will have to be made very soon or else the Green Revolution will pass by the small farmers in most of the poor countries.

FROM POTENTIAL TO REALITY

Seeds of Change is essentially a bullish book. It concludes that the Green Revolution is a major breakthrough that holds great promise of becoming a general, not a limited, phenomenon.

The question remains, however, how can the potential become reality. How can poor nations inhibited by centuries of repression, traditionalism, ignorance and poverty apply modern technology quickly and widely?

The principal shortcoming of *Seeds of Change* from where I stand, is that it leaves this question largely unanswered. In the concluding section addressing itself to the basic question "How" should have been a chapter dealing much more fully with what actions both we and the poor countries should be taking.

SEEDS OF CHANGE: THE GREEN REVOLUTION AND DEVELOPMENT IN THE 1970'S

(By Lester R. Brown)

Over the past two years the press has been saturated with confusing and often contradictory statements concerning the "Green Revolution." The public has seen warnings of famine by some experts; warnings of food surpluses by others. Lester Brown was, at the age of 32, appointed head of the U.S. Department of Agriculture's International Agricultural Development Service. He played a major role in initiating the Green Revolution, and he is eminently qualified to write a book on the subject. He has written a fine one, indeed.

Seeds of Change will be welcomed by all those interested in the problem of feeding the burgeoning human population. It chronicles the development of new high-yield grains and describes early successes (and some failures) associated with their introduction to Asia. But the meat of this book is the discussion of how these early successes might be converted into a long-term triumph, a true agricultural revolution in the poor countries of the globe.

Considering his personal involvement, it is not surprising that Brown is enthusiastic about the potential of the new agricultural technology to bring about the needed transformations. It is to his great credit, therefore, that he gives very detailed consideration to the difficulties that must be overcome if long-term success is to be achieved. He discusses social, political, and economic problems, pointing out critical areas and suggesting ways of avoiding trouble. For example, he urges great care in introducing mechanization into the agriculture of underdeveloped countries (UDCs), pointing out that agriculture must remain quite labor-intensive. The underdeveloped world, with roughly 45 percent of its population under 15, will have a high level of unemployment in the immediate future (as those children enter the labor pool), and many UDCs show extremely rapid rates of urbanization as well. Mechanization of agriculture, driving people off the land, would greatly exacerbate these problems.

Brown devotes a chapter to the population explosion, giving strong emphasis to the coming employment crisis. Unlike many other writers, he recognizes that the Green Revolution "is by no means a solution to the population problem [although] it is diminishing the prospects of famine in the near future and buying time—perhaps an additional fifteen years—in which to develop the technologies, the will, and the strategies to stabilize global population growth." Brown also makes clear his awareness of the role of agriculture in the problem of environmental deterioration, although the ways in which that deterioration may itself decrease available food supplies are not made explicit.

Although the book is brief, it contains a wealth of information—considerably more than its title would indicate. For instance, there is a fine discussion of some important agricultural problems in the United States. Examples are well chosen and interesting, and the clarity of the writing is outstanding. The book is suitable for any intelligent layman and is required reading for all professionals interested in the population-resource-environment crisis.

The tone of *Seeds of Change* is optimistic. Some people concerned with the population-resource-environment crisis, including myself, are more pessimistic. In my own case the pessimism stems largely from three sources. First, I feel the problem of environmental deterioration is probably the most serious we face, and that the actions of some "Green Revolutionaries" without Brown's insight may accelerate that deterioration. For instance, massive pesticide inputs in UDCs may seriously reduce the critically important harvest of protein from the sea. Second, I know that even the most dramatic, *immediate* success in the area of population control will not be able to halt population growth for many decades, and I am doubtful if any conceivable success with the Green Revolution can buy us that much time. And, third, I am enough of a cynic to believe that many of the very intelligent suggestions that Brown makes in the area of agricultural development will never be implemented. In addition, we are still a long way even from the first serious attempt to halt the population explosion, to say nothing of a successful program. But that I am more pessimistic than Lester Brown is not a criticism of *Seeds of Change*, which I recommend highly to anyone who is concerned with the problem of feeding a vastly overpopulated world.

PAUL R. EHRLICH, *Stanford University.*

HOPE FOR WORLD'S HUNGRY

(Reviewed by Bernard D. Nossiter)

A few years ago, it was the fashion to make apocalyptic forecasts for poor countries. Disastrous famines were freely predicted for India and others, precisely in 1975. Now the wheel of fashion has revolved a half turn and we are being assured that technology has opened up an era of ever-increasing food production, prospects of a rapid take-off (whatever that means) and, in the words of Lester Brown, "a real possibility that poor countries can telescope in a few years much of the progress that it has taken decades to achieve elsewhere." We are even given the exact date when "self-sufficiency" in food will be reached. For India, Brown has selected 1972.

Brown is a former adviser to the Secretary of Agriculture and is currently a Senior Fellow at the Overseas Development Council. This last has a board embracing several executives from Standard Oil of New Jersey, their banker, eminent foundation executives, a former Secretary of the Treasury, a Washington Post editor and other *bien pensants*. Brown and his book are more important for what they represent than for what they tell us.

His theme is disarmingly simple. The new, high-yielding cereal seeds developed and promoted by the Rockefeller and Ford foundations are "triggering an agricultural revolution" in the Southern Hemisphere. The "rapid increases in cereal production" have launched an "irreversible process" that is not only eliminating the threat of famine but promising surpluses for sale abroad. The problem of the '70s is not hunger, but the creation of jobs for vast pools of unused and

under-used labor. This can be solved by the beneficence of great global corporations (like the oil companies), enlarged quantities of aid from the rich North and a breakdown of the trade barriers that protect domestic farmers everywhere.

Common sense and a touch of scepticism suggest that neither last year's apocalyptics nor this year's evangelists have a monopoly of truth. Development, as even casual visitors to South Asia and other awkward places have discovered, is considerably more complicated than the new breed of Technological Utopians will admit.

Indeed, Brown himself gives the show away by the statistics he cites and those he omits. He reports the rapid rise in wheat for India and rice for West Pakistan. But we read no figures for total food grain output in India (of which wheat is less than one-fifth) nor of rice in the more heavily populated Bengali East wing of Pakistan. Such numbers would make the celebrants of "green revolution" appear to be a trifle premature. Interestingly enough, in the Foreign Affairs article where Brown first launched his thesis in 1968, he cheerfully predicted Asian food output would now rise four to five per cent a year. His book, for good reason, deletes this comforting if elusive forecast.

For India, total food grain production, according to the official figures gathered by the austere International Monetary Fund, has gone like this: crop year ending in mid-1965, 89 million metric tons; thereafter, 72 million, 74 million (the two years of monsoon failure), 95 million, 94 million and, estimated for the year ending this June 30, 100 million. This little series tells us two things: the advance is uneven, and, eliminating the drought years, the annual gain from peak to peak, is something less than 2.5 percent. In other words, the "revolution" has not yet increased food supply at the same rate as the growth in population.

Even on narrow technical grounds this should not be surprising. The uninhibited discharges of pesticides, carbon monoxide and fissioned uranium atoms have taught us that the limited vision of Technological Utopians fails to take into account some not unimportant consequences of their discoveries. So the new wheat seeds invite new rusts; so the new rice is often vulnerable to newer and deadlier plant diseases.

Reading Brown on the importance of water, fertilizer and the system of land ownership, an historian might wonder how his brave new world can be created in the face of a social order that has swallowed up with few traces invaders since the Aryans. Then there is Myrdal's question, whether socially undisciplined societies can successfully undertake great tasks, with or without foundations, foreign aid and global corporations. Finally, an economist might ask whether the principal contribution of the multinational firms that Brown admires might not lie in disbanding their oil cartel that adds so heavily to energy costs in rich and poor countries alike.

But Brown has written a far simpler book. It will comfort those who believe in American technical and financial omnipotence and has already been certified by Eugene Black and Robert McNamara. Its usefulness as a description of things as they are, will be or ought to be is something else again.

SEPTEMBER 24, 1970.

Mr. JACK SULLIVAN,
House Foreign Affairs Committee,
Room 2170, Rayburn Building,
Washington, D.C.

DEAR JACK: We appreciated very much your coming by for the Subramaniam luncheon the other day. Attached is a brief commentary and a cross-section of reviews of *Seeds of Change*—some long, some short, some favorable, some unfavorable, some from the U.S. and some from abroad. I have included only those reviews which dealt with *Seeds of Change* alone. Please feel free to alter the collection if space requires.

Sincerely,

LESTER R. BROWN,
Senior Fellow.

Enclosures.

On December 5 of last year the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments organized a 1-day symposium on the green revolution. Several distinguished participants, including former Secretary of Agriculture Orville Freeman, Secretary of Agriculture Clifford Hardin, William Gaud, former AID administrator, and John Lewis, now dean of the Woodrow Wilson School at Princeton, as well as several Members of Congress, addressed the subject of the green revolution and the second-generation problems. One of the participants, Lester R. Brown, formerly administrator of USDA's Agricultural Development Service and now a senior fellow with the Overseas Development Council, has since published a book on the green revolution entitled "Seeds of Change: The Green Revolution and International Development in the 1970's."

In the words of Barbara Ward, "Seeds of Change" is "the best account available today of the full scale of the green revolution and of its impact on every aspect of development strategy." Published early this year, it has been widely reviewed at home and abroad. It is now going into a second printing and is in the process of being translated into several foreign languages. Mr. Brown's statement that the green revolution will affect more people than any other technological advance in history is certainly being borne out by recent events. In countries such as Mexico, Pakistan India, and the Philippines, where the new seeds are being adopted, food supplies are expanding rapidly.

But not all developing countries are participating in the green revolution. There are no sound agronomic reasons why the people of any country should be deprived of the benefits of the new high-yielding cereal varieties. At least some of these new seeds are adapted to virtually every country in the less developed world. Yet for a lack of political leadership many developing countries, particularly the smaller ones, have not yet begun to take advantage of the new technologies.

Not all is sweetness and light for the green revolution where it is progressing. There are, as the second half of "Seeds of Change" points out, many second-generation problems, some of which are now coming into focus. Principal among these is the question of how to distribute the benefits equitably. But for those who are too quick to fault the green revolution I would simply urge them to consider what conditions would be like in the poor countries today in its absence.

Mr. Speaker, to give some feel for the dimensions of the green revolution and the current thinking about it by such authorities as Orville Freeman, Paul Ehrlich, and others, I insert a global cross section of reviews of "Seeds of Change" in the RECORD:

AFTER THE GREEN REVOLUTION, WHAT?

WASHINGTON.—As recently as two years ago Gunnar Myrdal was suggesting that modern agricultural technology, being Western-oriented, was unadaptable to the climatic and mental conditions of South Asia. He was equally positive that agricultural research institutions in the "soft" Asian States were too few, too unoriginal and too ineffective to have any major impact on food production in tropical and subtropical climes. The Swedish economists, who relied on a vast amount of research and thousands of sources to produce his monumental thesis, "The Asian Drama," also cited the German agricultural economist, Franz Baade, to show that the food shortages experienced by India, Pakistan and Turkey will not only be chronic but "will increase considerably in the years to come."

Myrdal might not have been aware that by the time his book appeared in print, India, Pakistan and Turkey, between them, had already planted over ten million acres with the new high-yielding dwarf wheat, or that that miracle seed was developed with Western know-how, in the subtropical climate of Mexico. He was also probably not aware that far from being suitable for only temperate climes, the Mexican wheat and miracle rice, also developed under the "spell of Western science and technology," in the laboratories and seed farms in the Philippines, Taiwan and India, thrived best in tropical climes where the sun shines longer and imparts more solar energy to plant life.

"DOOMSDAY GRAPH"

But Myrdal was not alone in doubting the ability of the poor countries to feed themselves. At about the same time, two American agricultural "experts" predicted with emphatic precision that by the year 1975 the Black Horseman of Famine would be riding was then shipping vast quantities of food-through India. To the United States, which grain to combat the drought in India, the Paddock brothers had this simple advice to offer. Let the hungry die. Abandon India because it is a casualty past saving. Concentrate instead on countries like Pakistan and Turkey which have a greater will to survive. The Paddocks may not have had any special prescience about agricultural matters, but they at least had their political likes and dislikes. Their thesis scare-headlined in a book called Famine 1975! had brief publicity—and a good deal of notoriety. They had obviously taken their cue from the U.S. Agricultural Department, which hard pressed in its attempts to meet global food shortages, had produced a "Doomsday Graph" which forecast that by 1984 (shades of George Orwell!) food needs of the deficit countries would exceed the capacity of the U.S. to respond. President Johnson, who was then holding India to a "short tether" food policy, in a bid to force it to undertake agricultural reforms, was also, at about that time, impressed by a report written by a young expert in the Agricultural Department who had independently come to the pessimistic conclusion that "the less developed world was losing its capacity to feed itself."

SPURT IN FOOD PRODUCTION

But all that was before the Green Revolution began to change the landscape in the countryside of the formerly food-hungry countries. Lester Brown, the former Agricultural Department adviser, who had despaired of the poor countries acquiring the ability to feed themselves, has now drawn a picture of the world agricultural scene as it is likely to emerge in the 70s. If any thing, it errs only on the side of optimism. In a just published book (*Seeds of Change;* Praeger Publication, New York; $2.50), Brown furnishes a refreshingly original look at the opportunities as well as challenges posed by the spurt to food production which the new seeds and new technology have made possible around the

world, from Mysore to Mexico and from Tunisia to Communist China (which according to recent reports has been surreptitiously importing through Pakistan, the IR–8 seeds developed in the Philippines by such a capitalist institution as the Ford Foundation).

Brown who likens the Green Revolution to a renaissance in agriculture, is convinced that, even though it is still to grind into full gear in many parts of Asia, and is yet to spread to Africa and Latin America, the problem of hunger has been licked for good. According to his projection, between 1970 and 1973, Asian countries in the arc stretching from Afghanistan to Indonesia will have become, if not actual exporters, at least self-sufficient in foodgrain. In the case of India, he believes it will be able to get rid of the habit of relying on imported food by 1972, barring a great catastrophe or serious internal political upheavals. This view is reinforced by Prof. John Lewis of Princeton University (and one time head of the U.S. Economic Mission in Delhi), who is convinced that Indian agricultural production is now established on a growth track of five per cent output-expansion per year, and who believes that before the decade is over Indians will be worrying over agricultural surpluses instead of shortages.

The thrust of Lester Brown's book is, however, not so much with what the Green Revolution has already achieved, but where we want it to take us, and what would happen if it is mismanaged. Because the breakthrough foreshadows imminent changes in the economic, social and political orders of the poor countries, he believes it is important to begin grappling with them from now on before the second generation "problems" created by the Green Revolution—much as those generated by the Industrial Revolution in the Nineteenth Century—produce a runaway revolution. Properly ordered, its benefits evenly distributed through the countryside, the Green Revolution would make the village as attractive and as modern as the city. His innate conservatism softened by the impact and success of revolutionary methods of farming, the farmer would become more receptive to such equally important national programmes as family planning.

DANGER OF CONFLICTS

If on the other hand economic circumstances and lack of political foresight permits one class of farmers to take advantage of the Green Revolution, and leaves another group, unable to afford the new inputs, continuing to subsist on low yield agriculture, then the countryside would become the scene of social tensions between the haves and have-nots. Similarly if high yields and quick profits and a desire to be rid of labour problems induces rich farmers to undertake crash mechanisation, it would drive large numbers of people from the countryside to the already choked cities. In the Indian countryside which already has a landless population larger than the total population of Britain, this could produce acute conflicts; alternately it could also create divisions between a prosperous countryside and overpopulated, decaying cities. However, since the new seeds are labour-intensive, a proper mix between mechanisation and manpower utilisation is possible, given imaginative planning.

At the present stage of the Green Revolution the new seeds will thrive only in those areas which are blest with soil and water suitable to them. This could produce uneven development of various regions of a country. To overcome this, constant research, and development of new seeds, which grow in hardy soils, is necessary. Brown believes that the modern day multinational agribusiness corporations have an important role to play in this transfer of technology across frontiers.

Food prices are likely to become another tendentious issue as farmers, grown powerful with rising incomes, become a forceful political lobby. If prices are set to please the farmer the city dweller will suffer: if they are set too low the farmer will lose the incentive to invest in the ingredients needed to exploit the new seeds.

CASH INSTEAD OF GRAIN

Also, as the new technology spreads, and demand for fertilizer rises steeply, even those countries with their own fertilizer manufacturing capacity will have to spend more and more foreign exchange on imports of fertilizer raw materials they are scarce in (India for instance will have to import all of its needs of potash, sulphur and phosphate rock and some quantities of petroleum). One solution could be to-day's food donor countries agreeing to convert what they now provide in the form of grain into cash aid, but it is doubtful if these donors will be able or willing to make that shift.

Finally there are the changes in world trade patterns that will occur when more and more of to-day's food deficit countries become to-morrow's surplus countries. Unless there is an orderly sharing of world agricultural markets between the rich and the poor, a serious trade confrontation could take place. The outlook here is not too bright because the countries of Europe, and Japan, today live behind highly protective agricultural barriers, resolved to live on high cost, indigenous production to feed their subjects rather than let in cheaper agricultural products from outside. Being rich they are also able to subsidise exports and thus depress world prices to the disadvantage of countries which rely solely on agricultural export earnings. Japan is a glaring example. With an internal support price of $420 (RS. 3.150) for a ton of rice (triple the world market price). Japan has not only closed its rice market to the outside world but even subsidises exports of its high cost rice.

Brown's solution to this problem is an accord between the rich countries designed to help the poor countries enter the world market with this newly surplus food products. Under this accord, each rich country, depending on its Gross National Product, trade balance and general economic well-being, would agree to take out of food production a certain part of its food producing acreage. This arrangement would not only open up markets for the produce of the poor countries, but also enable the consumers in the rich countries to obtain food at prices much lower than they are now paying.

THE GREEN REVOLUTION—SEEDS OF INSTABILITY?

(By M. V. Kamath)

WASHINGTON.—Seeds of change, says Mr. Lester Brown in probably the most quietly relevant book of the decade, may well prove to be the seeds of instability. This warning, coming as it does at a time of general euphoria over the so-called green revolution, needs to be made, that it is offered by a practical scholar who in many significant ways has been closely associated with the beginnings of the revolution, gives it credibility. That it is made in good faith and, what is more, in the full knowledge of what has been already achieved, gives it its special importance.

Mr. Lester Brown's credentials are impressive. He has had a front row seat in the historic drama of high-yielding cereals giving hungry men the world over their first glimmer of hope. He worked with the U.S. Secretary of Agriculture, Mr. Orville L. Freeman, as adviser on foreign agricultural policy. Later, for three years, he served as Administrator of the International Development Service, the technical assistance arm of the U.S. Department of Agriculture. He saw the birth of the green revolution and has watched its remarkable progress like a concerned midwife and in this perceptive book discusses why it became possible, what made it click and what pitfalls it may have to face.

WARNING

The developing countries can ignore his warnings only at their peril. As Mr. Eugene R. Black, former President of the World Bank, remarks in his foreword to the book: "Skillfully handled in the seventies, the green revolution can become the vehicle for eliminating most of the malnutrition and hunger that now cripple half the people on this planet and for providing millions of new jobs in the countryside. Poorly managed, the new seeds and their associated technologies could displace millions in the countryside, forcing them into the already overcrowded cities".

That should be warning enough. Let it be said that neither Mr. Black, nor Mr. Brown, is a professional pessimist or sees everything in dark colours. Not for a moment does Mr. Brown underestimate the magnitude of the achievements of the developing countries. What they have succeeded in doing, he says, "makes the earlier agricultural take-offs in the United States and Japan seem minor by comparison". But he reminds them at the same time that had the high-yielding seeds been developed a decade earlier "it is doubtful that a revolution would have occurred". The developing nations then were just not ripe "psychologically" to take part in the process.

But are they now, despite their apparent success? Mr. Brown is not sure. And his doubts are based on valid reasons.

First, he says, the new seeds and exceptionally favourable farm prices are having an effect on irrigation strategies. The spread of multiple cropping is already "profoundly altering the way of life in the countryside, divorcing it from the traditional seasonal crop cycle which dictated not only planting and harvesting times, but the timing of religious festivals, weddings and a host of other social events as well".

In some parts of the world, as in Mysore, the farmers are working round the year, growing *three* crops of corn every 14 months, thus upsetting ancient rhythms of life and finding that their planting dates change from one year to the next. How will this affect the totality of man's being in a given social environment?

FOOD SUPPLY

Again, multicropping is based on the availability of water. How is this going to be assured as over the years, population pressures increase? Mr. Brown, pertinently, has an answer to this one. "The efficiency of water use," he says, "will ultimately determine to a large degree the food supply per person. Increasingly, the lack of water, rather than of land, is limiting food production. We must, therefore, begin to concern ourselves more with man: water ratios and less with man: land ratios".

Secondly, he says, "centuries of technological progress are being compressed into decades and, in some extreme cases (as in India), into years. Herein lies the trauma of the agricultural revolution."

But this is the least of the problems raised by the green revolution. Mr. Brown's main worry is that "while man breeds new wheats, nature breeds new rusts and occasionally she spawns virulent ones that can attack varieties that had been resistant to those previously prevalent". Are our research facilities equipped to meet this possible menace? What, God forbid, is the answer, should this happen in the immediate future? Are developing nations, particularly India which has gone a long way to plant new varieties over vast tracts of land, in a position to deal with the aftermath of a masive crop failure?

"Traditional agriculture", says Mr. Brown, "maintains a certain level of productivity independent of research efforts, but the productivity levels of modern agriculture would de-

cline rapidly if agricultural research were discontinued."

What gives Mr. Brown's work its peculiar relevance is the fact that he *anticipates* problems and prescribes possible solutions, which is the job of the true expert. He is rightly disturbed at the thought that the agricultural revolution may become a one-shot affair, "just an event, a kind of technological Camelot, that will be remembered only for what might have been, rather than for what actually happened." Are the developing nations doing all they can, for instance, to meet the possible threat of plant epidemics?

This is not an instance of crying wolf. Mr. Brown points out that the threat of disease is "particularly acute" in the case of the 34 million acres of high-yielding cereals in Asia planted largely with exogenous varieties. Even worse he reminds us, is the case of rice, which, because it is grown densely in a warmer, moister environment is "ideally suited for plant epidemics and infestation of pests, much as similar crowding does in human society". If the "new technologies" are mismanaged, surely as night follows the day, they can displace rural populations, driving them into the cities—and Calcutta is a reminder of what could happen.

But what if all goes well, the new varieties indeed prove rust resistant and research keeps up with nature's caprices? What we will then be faced with, warns Mr. Brown, are "second generation" problems. Such as one, obviously, is the problem of equitable distribution of the new wealth that is created. Can any country expect to keep the landless labourer at bay with a small percentage of its farming community raking in all the shekels?

A second, is the as-yet very imperfectly understood but nonetheless menacing problem is of ecological imbalance created by the use of pesticides and other plant protectors.

LABOUR FORCE

A third is the "labour force explosion" caused by the fruition of research on life-saving drugs in the 'fifties and early 'sixties. Babies born then are now coming into the labour market and the food-population problem of the 'sixties is becoming the employment-population problem of the 'seventies. How are the developing nations to provide jobs for the newest batch of hopeful unemployed?

As Mr. Brown sees it, if these millions of young people are not able to find jobs, they could pose "an even greater threat to peace and stability than did the threat of famine in the sixties."

If the irony of the likely problems created by overabundance has not impressed itself on the developed countries, it is because some changes are too fast for nations to adjust themselves to. One answer to the problem of over-production, according to Mr. Brown, is for the richer countries to cut back on their food production. The United States has already done so, diverting almost a seventh of its cropland to non-productive uses and Mr. Brown would like others, especially Japan, which is the natural market for the produce of South-East Asian countries, to follow suit.

The Japanese rice market, once open to imports from East Asia, is as closed today to the outside world as was Japanese society itself prior to the visit of Admiral Perry a century ago. With an internal support price of $420 a ton, nearly triple the current world market price. Japan, says Mr. Brown, "is perhaps the most flagrant violator of the laws of comparative advantage of any cereal producing country". Not only is Japan no longer an importer, it is now subsidising exports of rice, thus severely depressing prices in the world market for countries that must make their living from rice exports. How can Japan be made accountable for this?

Mr. Brown suggests a conference, perhaps convened by the World Bank, of all the rich countries—including members of the EEC—designed to work out a plan for sharing the excess productive capacity. The focus of the conference, he says, should be ways of helping the poor countries to enter world markets with their new agricultural production.

In making this excellent and entirely reasonable suggestion Mr. Brown anticipates the Peterson report. But then Mr. Brown, in the years to come, would have been seen to have made many excellent and reasonable suggestions. If the richer countries will listen to him, the poorer countries in their turn may listen to the rich sermonizing on how they should order their economies. Mr. Brown approvingly quotes Bertolt Brecht's powerful lines from *The Threepenny Opera:*

Now all you gentlemen who wish to lead us.

To teach us to desist from mortal sin,
Your prior obligation is to feed us;
When we've had our lunch, your preaching can begin. (The Times of India, News Service.)

[Dagens Nyheter Torsdagen den 2 Juli 1970]

THE GREEN REVOLUTION

We can regard the food supply of the world during the next few decades with optimism according to Marian Radetzki, who here reviews "Seeds of Change", by Lester Brown. The development of agriculture through, among others, the introduction of new kinds of rice and wheat has meant a veritable revolution in many underdeveloped countries.

Seeds of Change, by Lester Brown (——— Paperback, New York 1970, $2.50) is the first summarized analysis of the revolutionary changes that have taken place in agriculture of the underdeveloped countries as a result of the new high-yielding types of rice and wheat. As late as 1967, after two unfavorable monsoons in the south of Asia and with the American wheat reserves practically exhausted, a world-wide food crisis seemed imminent. Since then, a virtual revolution has taken place and the development points towards an extensive, even embarrassing, cereal surplus situation. It was first of all, the purposeful and long-range effort of the Rockefeller Foundation that led to the development of a new agricultural technology, adapted to the underdeveloped countries.

If we consider the history of foreign aid, Rockefeller's contribution will most definitely be thought of as one of the most important events of the 1960's. Under the pressure of the increased need for cereals, new types of wheat and rice were spread to a number of countries from research institutes in Mexico and the Philippines. The spreading speed is impressive. In 1966, 17000 hectares (1 hectre equals 2½ acres) were planted to the new types of cereals. In 1967 the figure had grown to 2.2 miljons and had reached 15.5 miljon hectares in 1969, the last year for which data were available. The green revolution has obtained a firm foothold in such countries as India, Pakistan, Turkey and the Philippines and is rapidly advancing across national and continental boundaries.

LABOR SHORTAGE

Revolution is a proper term for what is taking place, because the new rice and wheat require an entirely different production organisation coupled with artificial fertilizers and constant water supply. Despite larger expenditures, the farmer is able to reach an income level that was previously inconceivable.

In 1968, the Indian farmer's net income per one hectare of land planted to traditional types of cereals was estimated at about $37.00, but at $156.00 by application of the new method. In East Pakistan the corresponding figures for rice were $66 and 260. To obtain best results, the new cereals require considerably much more care. Employment in agriculture has therefore risen noticeably in the places reached by the revolution. Labor shortage is now appearing here and there in North India, with higher wages for the poorest as a result. The growth periods are generally shorter, which makes more crops per year possible and with that a more constant employment rate during the year.

India and Pakistan, both countries in which need is crucial and which only a few years ago had to depend on massive imports, today talk about self-sufficiency and even export before 1975. India's wheat crop remained at 10 to 12 tons during the period 1960–67, rose in 1968 to 16 miljon tons and to 18 miljon tons in 1969. For Pakistan the growth rate has been equally great proportionally for wheat and rice production.

The small farmer, who had produced only for his own consumption before, is irresistibly drawn into the market economy. Now he has surpluses and therefore asks for other consumer articles. Market contacts influence and change his habits. He is more susceptible to modernisation. Constant water supply is a criterion for the green revolution. Saving on the part of Indian and Pakistani farmers has spread like wildfire and the funds are being invested in hundreds of thousands of wells and diesel pumps. The effects on the small industries will of course be considerable.

UNEVEN INCOME DISTRIBUTION

But the sky is not all blue. Today the revolution makes more employment possible. But if the wages rise, agricultural mechanization will follow. Unemployment will then speed up the big city proletarization, accompanied by social problems. A large group of marginal farmers, who for different reasons are unable to take part in the new system, will be unable to compete when the cereal prices are reduced. Tenant farmers will lose their leases when the landowners discover the profitability of the new methods. Brown hints that the landholding conditions in Latin America might explain why the green revolution has had difficulties getting a foothold in that continent. Without active measures the new technology might contribute to an even more uneven wage distribution between the different population groups of the underdeveloped countries. Many people, who now are drawn into the green revolution will see their expectations frustrated. The rice and cereal prices are already declining. The increased production will not lead to proportionately higher income. The problem recurs at the national level. When country after country becomes self-sufficient, export possibilities diminish. Countries, having concentrated on an intensive agricultural development for export, will find their investments yielding no profit at the lower price levels. Will the industrialized countries soften their agricultural regulations and import more food from the underdeveloped countries?

A drastic reorganisation of the food organisation of the world is likely to become one of the central questions of the 1970's. But low cereal prices as such are of course not bad. When the prices drop, more cereal can be used for protein production through breeding of chickens and other domestic animals. Thus, the green revolution will not only satisfy, but also contribute to a higher dietary quality. Maybe Pakistan, rather than the United States, will become the great broiler exporter of the future.

DANGER OF EPIDEMICS

Along with economical there are also biological problems. Traditional grain types have in course of time become resistent to many plant diseases. The high-yielding types are sensitive to new diseases. Genetically homogeneous species on large areas create dangers for new disastrous epidemics. Research is still going on. Ever new and ever hardier crossbreeding has to be worked out.

Maybe, after all, the matter of greatest importance in regard to the green revolution is that it has shown the way how to keep on going. Rice and wheat are only a beginning. Plans are made for more research, which is likely to include domestic animals. We view the food supply of the world for the next few decades with optimism, at least until the population explosion has come to a halt.

Brown's book offers extraordinarily exciting reading. It is written in a simple way, sometimes maybe naively simple, as for example when it tries to show that the farmers of the United States eventually will benefit by the green revolution, or when it contrasts advantages of private enterprise with disadvantages of government controlled enterprise. But these minor details weigh little compared with the important material this book presents. Will we have a Swedish edition before the end of the year?

FINANCE AND DEVELOPMENT

(By D. W. Townson)

The new seeds and the new advances in agricultural technologies—the green revolution—may eliminate the malnutrition crippling half the people on this planet. Or the food-production breakthrough could displace millions in the countryside, pushing them into the crowded cities.

In *Seeds of Change,* an expansion of an article that appeared originally in the magazine *Foreign Affairs,* Lester Brown argues that agriculture "is where the action is" in economic development today. He points out that this means more than working with hybrids, water, fertilizer, and rich-nation money. Agriculture is—or should be—concerned with the major problems facing man: poverty, population growth, unemployment, and the environment crisis, as well as hunger.

Mr. Brown, who was raised on a farm in New Jersey (his boyhood speciality was tomatoes), was formerly with the U.S. Department of Agriculture. The book was written under the auspices of the overseas Development Council, an Organization which aims to improve the American people's understanding of the problems of development.

Seeds of Change points out the "tragic gap" between food production and consumption in developing nations, and new problems arising from agriculture's sudden leap forward. The author argues that the "miracle" rice and wheat strains do not provide the ultimate solution to the food-population problem, but that they have bought time in which to seek a breakthrough in family planning comparable to the breakthrough in plant breeding.

"The new seeds promise to improve the well-being of more people in a shorter time than any other single technological advance in history," Mr. Brown predicts. "They are replacing disappointment and despair with hope. For literally hundreds of millions, they can be the key to the door opening into the twentieth century. But that door will open only if a sustained effort is mounted by the rich and poor countries together."

[From Business Week, May 30, 1970]

SEEDS OF CHANGE

(By Lester R. Brown)

Lester Brown's report on the "green revolution" is encouraging reading. Brown, an agronomist and economist, contends that high-yield rice and wheat seeds are turning several developing countries, from the Philippines to Pakistan, into self-sufficient food producers. But he warns that the green revolution has merely bought time, perhaps 15 years, to curb the population explosion. Otherwise, "the stork will outrun the plow" once again.

Meanwhile, to reap the benefits, the developing countries must create an adequate food marketing system, press for land reform, and fill the new agricultural jobs with thousands of itinerant peasants who might otherwise migrate to cities. Brown also notes that prices of the new grains will drop precipitously unless the developing nations gain access to the highly protected grain markets of Japan and Western Europe. But, temporarily at least, the green revolution is indeed an agricultural miracle.

PLATFORM OF THE STEUBEN SOCIETY OF AMERICA—1970–72

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. REUSS. Mr. Speaker, the Steuben Society of America will hold its 25th biennial national convention in Milwaukee on August 16–20, 1972, under the sponsorship of its Milwaukee-based chapter.

At its 24th national convention, held recently in Los Angeles, Calif., the Steuben Society adopted the following platform and program for 1970–72:

PLATFORM OF THE STEUBEN SOCIETY OF AMERICA—1970–72

PREAMBLE

In these times of increasing interdependence of nations, of newly enfranchised peoples and of social and political upheaval, the tremendous challenges confronting the United States of America compel us to champion the priceless heritage of freedom passed on to us by our forefathers and to affirm the principles of government rooted in the dignity of the individual and the equality of citizens, no matter what their race, color or creed, and to uphold and defend the Constitution of the United States.

We condemn all attempts by all groups to take the law into their own hands under any pretext whatsoever.

As all are guaranteed constitutional rights, Civil Rights are indivisible and must be applied to all persons alike.

PLATFORM

Firmly pledged to these convictions, we submit the following Platform and Program:

1. Government system:

(a) We reaffirm our faith in, and pledge our allegiance to the system of government as set forth in our Constitution: the Executive, the Legislative, and the Judiciary, each adhering to the duties assigned to it by the Constitution.

(b) We advocate that any change in our system of government be made by the constitutionally directed process of amendment.

(c) We urge that all concepts of an all-powerful central government and welfare state be rejected.

(d) We urge legislation which would revise the Electoral College System to assure Government by majority rule, and to expedite its functioning. However, we are opposed to any legislation designed to abolish the Electoral College.

(e) We advocate a constitutional amendment to make Executive international pacts, agreements and commitments subject to the advice and consent of the Senate, as are international treaties.

(f) The Constitution provides that Federal Judges shall be nominated by the President, and appointed "by and with the Advice and Consent of the Senate," by majority vote, "during good behavior."

We propose that the Constitution be amended to terminate the appointment on the judge's 70th birthday.

We maintain that the Senate has the power and the duty to prescribe a standard for "good" judicial "behavior."

(g) We advocate the reorganization of governmental departments and bureaus as outlined by the Hoover Commission reports.

(h) We favor a roll call in both Houses of Congress on all bills and measures involving the expenditures of monies.

(i) We urge the Congress to establish a United States Foreign Service Academy comparable to the academies for our Military Services, to assure personnel of the highest caliber and loyalty for the Department of State and Diplomatic Service.

We deplore the use of high-level diplomatic appointments as partisan political rewards.

2. Communism—subversion:

(a) We propose to fight the doctrines and practices of communism and any other form of subversion.

(b) We advocate the exclusion or dismissal of all Communists and other proponents of subversion from public office and any other positions of public trust, and endorse the continuance of the Committee on Internal Security.

3. National defense:

(a) We reaffirm: Congress has the sole power to declare war or deploy the armed forces for military action in any foreign country.

(b) We advocate adequate preparation for the defense of our country with the most sophisticated weapons. In the event of a constitutionally declared war, all resources of the country as well as its manpower shall be made available as the Congress shall prescribe.

(c) We urge further study of the Selective Service Act to correct the remaining injustices and to attract requisite manpower voluntary enlistment.

(d) We strongly urge the continuance of reserve forces for the defense of our Country and that the National Guard be continued.

4. Space agency:

We recommend that all space planning and development be accomplished within sound budgetary allotments, through the joint efforts of the Federal Government and private industry.

5. Foreign affairs:

(a) General: Conscious of the gravity of world problems, we advocate that our Government in its relations with other nations pursue policies which embody these concepts:

(1) The interdependence of the free world, of which we form an integral part, is the harsh reality of international life; however, the unity, friendship and economic well-being of all the nations in our own hemisphere should have priority in United States diplomacy.

(2) Admission to the United Nations of newly independent countries and the exercise of the full powers and rights of such membership shall be based upon national stability and political maturity.

Member nations shall be denied a vote during delinquency in payments of their assessments.

(3) The constitutional guarantees and the sovereignty of the United States must not be surrendered to any suprastate or world government.

(b) Foreign Aid: We urge that all authorizations and appropriations for foreign aid be curtailed and its distribution rigorously supervised "on the spot" in the nations receiving such aid. No aid shall be given Communist or communist-controlled nations, or nations failing to cooperate with the United States to solve its balance of payments problems.

Expropriation of American property without equitable compensation shall disquality recipients from such aid. The principle of the sanctity of private property shall not be bargained away in international agreements.

(c) Self-Determination: We advocate that the government of the United States pursue its traditional policy of giving moral and material assistance to the reunification of Germany and all other nations which have been partitioned and are striving to reunite under the age-old law of self-determination.

We endorse the observance of Captive Nations Week.

(d) Common Market:

(1) We favor close cooperation with the European Common Market. However, should the Common Market take any action prejudicial to any segment of our economy, we recommend that the Federal Government take such supportive measures necessary to preserve our competitive position.

(2) We favor the establishment of a Common Market in our own hemisphere to obtain the potentials inherent in a Common Market.

(e) Metric System: As an instrument of industrial and commercial efficiency, we advocate adoption of the Metric System.

6. Immigration:

We firmly believe that the immigration laws must serve the best interests of our Nation and all of its people and that the Immigration and Nationality Act of 1965 be amended to correct present inadequacies therein, so as to achieve the intended goal of this legislation.

7. Taxation:

We believe that current methods of taxation are confiscatory and tend toward the destruction of our free institutions; therefore we advocate that studies of both Federal and State tax systems be expedited to achieve a more equitable tax structure.

8. Currency and balance budget:

(a) We advocate a return to sound fiscal policies directed toward a balanced budget, the maintenance of a sound currency and constant appraisal of administrative operations directed toward economy and increased efficiency in government functions.

(b) We recommend that the national debt be amortized annually.

(c) We advocate a comprehensive and effective plan for the Federal Government to curb inflation.

9. Government subsidies:

(a) We believe that the granting of subsidies should not be made a permanent Federal policy. Consequently, we advocate that existing subsidies, except where required for defense purposes or to meet foreign competition, be eliminated in an orderly manner so that our domestic production and markets will not be adversely affected.

(b) We advocate that United States "Counterpart Funds" be made available at low exchange rates to Americans traveling or staying in countries where such funds exist.

10. Government employment—Civil Service:

(a) We believe that government service should be fostered as a carrer.

(b) Qualifications for employment by the Federal Government under Civil Service jurisdiction should be based on merit only.

(c) We advocate that any public servant who under oath shall refuse to answer questions concerning his or her loyalty to this Nation, shall be suspended and his or her remuneration shall cease.

(d) Official in positions of policy-making power shall not be protected by civil service status.

(e) We vigorously oppose the weakening of the present provisions of the Hatch Act as it applies to government employees.

11. Veterans:

We advocate that veterans receive adequate care from our Government for service-connected disabilities and appropriate assistance to qualify for civilian pursuits upon discharge from military service.

12. Business, capital and labor;

(a) We advocate fair and effective enforcement of laws designed to prevent monopoly and restraint of trade, by capital and labor. The ability of small business to compete in a free market must be preserved.

(b) We believe that the incentive and initiative of the individual must be encouraged, and that Government should not compete with private industry.

(c) We maintain that the public interest demands that labor and management discharge their responsibilities to achieve industrial peace and maximum efficiency in production in order to halt the wage-price spiral, and to enable the United States to compete with other countries for world trade.

(d) We advocate that labor and management take more effective measures to retain employees whose jobs may be abolished through automation.

(e) We advocate legislation to set up binding arbitration procedure in all cases where labor and management have failed to come to an agreement in order to prevent any work stoppages affecting vital public needs, national defense, or any federal, state or municipal government operations. Public employees who have agreed not to strike as a condition of their employment, shall not be permitted to strike and shall be discharged for doing so.

(f) We favor the trial of unfair labor practice cases in Federal district courts.

Complaints should have the alternative right to present their own cases, or to have local U.S. attorneys present them.

13. Education:

(a) We oppose any attempt at Federal control of education via Federal aid to education. The principle of separation of church and state faces a serious challenge by Federal aid to parochial schools.

(b) The knowledge of foreign languages is essential for completion of scientific courses in most of our educational institutions, and for cultural, scientific, political and economic intercourse among nations. Among the foreign languages, the study of German is a most critical need and should be more effectively encouraged.

(c) We believe that school books treating of historical and cultural subjects should be based upon accurate unbiased research. We advocate that courses in the history of the United States and of civil government be required subjects in the curricula of all our institutions of learning.

We condemn all attempts to use educational institutions for the furthering of private interests or for propagation of ideas subversive to our form of government. We advocate the continued study by Government agencies and private organizations of the manifold problems facing youth today.

(d) We favor the restoration of voluntary prayers in the schools.

14. Social security:

(a) We advocate that funds collected under the Social Security Act be ear-marked and used exclusively in payment of social security benefits.

(b) We advocate that social security benefits be paid to all those entitled thereto, regardless of any other income.

(c) We favor the voluntary medical insurance plan. Any extension of either the fields and/or scope of coverage beyond the present law must be on a self-sustaining sound financial basis.

(d) We advocate the inclusion of Chiropractic services under Part B of the Medicare section of the Social Security Act.

15. Public health, safety, narcotics and drugs:

(a) We urge more stringent laws to control the import, manufacture and traffic in narcotics and hallucinatory drugs.

Maximum penalties must be made mandatory for the criminal "pusher."

Recent Supreme Court decision make a new approach necessary to the effective apprehension, prosecution and conviction of the violator.

(b) We advocate a comprehensive program of education on the dangers of narcotics and said drugs. We should modernize and humanize our Federal laws, so the victimized addicts may receive medical treatment, assistance and rehabilitation.

(c) We propose that maximum precautions be exercised in the use of chemical and biological agents in products intended for public use or consumption. We urge continued measures to effectuate the objectives of the Pure Food and Drug Act.

(d) We urge the Federal Government to intensify its efforts in cooperation with the States to eliminate the pollution of our air and all bodies of water.

(e) We favor the establishment of regional medical programs to combat the major illnesses, such as heart disease, cancer and others.

(f) We advocate the passage of more effective laws to deal with the manufacture, possession, transportation and use of bombs, "molotov cocktails," and all other explosive devices.

16. Conservation:

(a) We favor the conservation, development and effective control of our Nation's natural resources and their sound utilization for the present and future welfare of the people.

(b) We advocate the strict enforcement of the laws protecting our National Park, all bodies of water, forests and all other natural resources affecting our national economy. We urge the preservation and protection of our monuments.

17. Historic preservation:

The enhancement and protection of places which remind us of our heritage are matters of government concern and further provision therefore should be made by the Congress for such preservation.

ON COLUMBUS DAY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. FISH. Mr. Speaker, on this the eve of Columbus Day, I rise to pay tribute, not only to the great navigator, Christopher Columbus, but to those millions of Americans of Italian ancestry who on Columbus Day we also honor.

In my State of New York, Columbus Day is set aside as an official holiday. This has been done not only to mark the date that great Italian discovered this continent, but to honor the men and women from Italy who emigrated to these shores, and to their descendants.

We are a nation of immigrants. The cultural landscape of America is a vast mosaic created from the melding of many cultures and many customs from many lands. Each national group has left its mark. Each has stamped the fabric of our society with its own imprint. Of these none has been richer than the Italian.

Like the rest of America, the 28th Congressional District of New York which I have the honor of representing here in Washington, has benefited by the work, the loyalty, the dedication, and the color of these fine people. In business, in the professions, in our political life, they are leaders. They have fought in our wars. They have helped build our Nation.

As our great heritage, the very personality and feel that is America, has been so influenced by their work, their social, and spiritual contribution, it is impossible for anyone to estimate what we would have been without them. We can only know that we all would have been poorer.

Therefore, Mr. Speaker, I feel I would be remiss if I did not take the opportunity that Columbus Day affords to pause for a moment to pay even a weak tribute to these fine people. As we all owe them so much, I feel I can do not less.

FIRST ORDER OF BUSINESS FOR THE SUPREME COURT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1970

Mr. WYMAN. Mr. Speaker, the first order of business for the new U.S. Supreme Court is a redetermination of some of the Warren court's first amendment decisions that have been the source of much of the inflammatory and provocative advocacy of violence of late. The first amendment is not a license to people to go around urging others to throw firebombs or commit violence. It was never intended to legalize the publication of pamphlets instructing people how to make bombs and molotov cocktails in a framework of incitement.

There are and there should be reasonable limitations on the so-called right of free speech in this country. Speech inciting to riot or advocating violent overthrow of the Government ought not to be lawful in this or any civilized land. Jerry Rubin's "Kill your parents" and William Kunstler's "Go ahead and commit arson if your grievances aren't met" are specific examples.

In this connection I commend the reading of a recent article by Alland Brownfeld in Roll Call magazine:

THE RIOTMAKERS

(By Allan C. Brownfeld)

Americans no longer doubt that there exists a serious threat to domestic tranquility on the part of political extremists. The planned campaign of terror against the police, practiced by Black Panthers, and the campaign to destory our educational institutions, carried forth by the Students for a Democratic Society and other extremists organizations, have finally convinced even the most skeptical liberal, who once defended such groups, that something dangerous to democracy is in the works.

The wanton murder of policemen in Chicago and Philadelphia, the bombing of a campus building at the University of Wisconsin and the accompanying death of a graduate student, the riots which have shaken our major urban areas—all of these events have, unfortunately, been viewed as disparate, disorganized expressions of grievances against either the university, the police, the landlord, or the society in general. Those who have advanced the view that such violence has been planned and organized by those who are dedicated to the destruction of the very fabric of our society have been labeled "extremists." We must do more "listening" to student extremists, black militants, and others devoted to disruption, they have told us. In the meantime violence has mounted, bombings have increased, universities have closed, and the threat to the future remains ominous.

The most important book written thus far on the subject of urban and campus violence and disorders will be published this month. "The Riot Makers" (Arlington House, 1970) by Eugene Methvin, an Associate Editor of the "Readers Digest," is a masterful work, completely documented with names, dates, and facts. No one who reads this book will doubt that we face a concerted effort at revolution. Hopefully, it will be read by those who make light of our current rash of violence before it is too late.

The riot which shook Newark, New Jersey in 1967, for example, was no accident. It was carefully planned. The crystallizing force arrived in Newark in the summer of 1964. S.D.S. sent a group of organizers there, headed by its chief founder and ideological-tactical sparkplug, Tom Hayden. By 1967, Methvin points out, just three weeks before the Newark riot, S.D.S. national secretary Gregory Calvert boasted that "We are working to build a guerrilla force in an urban environment. We are actively organizing sedition." By 1965, Tom Hayden was able to claim that "We had taken control (electoral) of the major offices in the community action part of the war on poverty there." Methvin explains clearly the manner in which federal funds were used to foment violence.

The campaign of agitation against the police in Newark can be gauged indirectly. In two short years, assaults on policemen in Newark's streets doubled, from 92 in 1964 to 187 in 1966. The anti-police campaign also immobilized the police department in a crucial and ultimately deadly way. As Police Commissioner Dominick A. Spina later told the New Jersey Governor's commission in explanation of his department's total lack of preparation for cilvil disorders, he purposely refused to institute riot training. Why? He feared the anti-police propagandists would have a field day. Spina wired President Johnson and his O.E.O. director Sargent Shriver, protesting the use of federally paid anti-poverty workers "for the purpose of fomenting and agitating" against the Newark city government. "The acceleration of this kind of practice by this anti-poverty agency will undoubtedly lead to riots and anarchy in our city." And so it did.

Who rioted? Were they citizens who had valid grievances, as the President's commission on violence later seemed to say? The answer is clearly: No. The Newark Police Department had prior arrest records on 867—74 percent—of its adult arrestees; 55.6 percent of the juveniles had prior arrest records. Checking 1,089 fingerprint sets sent to Washington, the F.B.I. found that 708 or 65 percent, had prior records on file, either from the Newark police or other departments that file arrest records.

Methvin points to similar figures elsewhere. 53 percent of the 10,771 arrestees in the 1967 summer disorders in 16 cities were under 25. In the early stages the proportion of youth invariably runs higher: 71 percent in Cincinnati's first night, 82 percent in Grand Rapids' first four hours. Of the 126 adults arrested in Toledo a startling 105 had prior arrests, averaging six apiece. Every one of the 22 young adults jailed in the first three hours had criminal records; they averaged only 20 years old with three prior arrests apiece. The 20 young men jailed on fire bomb charges averaged even worse: four apiece.

Why do people riot? Methvin notes that "The people who riot do so because of a state of mind . . . people riot because they have had their minds programmed to hate, by a kaleidoscopic combination of life's accidental circumstances, individual psychological disposition, and systematic hate propaganda."

Radicals do not hesitate to proclaim that violent disruption of society is their goal. It is only those who will not or do not observe what is happening who claim that no concerted effort is being made to disrupt society. At the 1968 S.D.S. convention at Michigan State, Dave Gilbert of the Philadelphia S.D.S. colony, proclaimed: "The ability to manipulate people through violence and mass media has never been greater, and the potential for liberation for us as radicals has never been more exciting than now." Bernadine Dohrn, Interorganization Secretary of S.D.S., was asked if she were a "socialist." She replied: "I consider myself a revolutionary communist." At that, the audience of 500 rose in cheers and burst out with the old Wobbly song, "Solidarity Forever!"

Methvin outlines in great detail the plans set forth by Lenin for the Communist Conquest of free societies, but makes it clear that the overwhelming majority of militants—whether black or student—are not Communists. What they have done, he argues, is to adopt Lenin's methods without also adopting his ideology. The result: they seek to destroy society without having any idea of what they would like to replace it with. In this sense, they are the heirs of the nihilists and anarchists of the 19th century. Methvin writes: ". . . today we have a whole array of people who use the techniques of Lenin without his ideology. They are a new breed of mass media men: conflict managers, professionals in hate propaganda and organizations, hidden persuaders, image breakers and climate makers."

Communists have long advocated "decomposition" of a society as a first step toward taking it over. "Decomposition means what it says," reported Edward Crankshaw of the London Observer. "The object of the decomposer is by all conceivable means to undermine the faith of Western peoples in their own institutions and governments. This works hand in hand with 'disinformation,' designed to make people think that Soviet society and Soviet politics are not what they are." The result: S.D.S., the Panthers and others tell us police are "pigs," our society is "fascistic," and you "can't trust anyone over 30." The Viet Cong, on the other hand, are painted as "nationalists" and "agrarian reformers." And how many of our so-called "intellectuals" have fallen for this, as they fell in the 1930s for the Hitler-Stalin pact, and for Munich?

That the New Left operates a conscious preconditioning program is made clear in an article by Carl Davidson describing this anarchistic recipe: "Desanctify authority—disrupt . . . every institution through which public authority is exercised is an open target: police, armed forces, the family, school, university, corporation, bank, church."

SGT. JOHN F. DEVRIES, MONTGOMERY COUNTY POLICEMAN OF THE YEAR

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. GUDE. Mr. Speaker, I should like to commend the Kiwanis Club of Wheaton, Md., for one of their many public services. Each year the club makes an award to the Policeman of the Year for outstanding accomplishment and service to his community. I think it is particu-

larly noteworthy at this point in our history, when police activities are frequently maligned and officers are subjected to undue peril in the pursuit of their duties, that a civic organization honors a police officer for his dedication to duty. This public support of those who uphold the laws of our country should be an example to all of us in renewing our backing of our policemen in the discharge of their duties.

The recipient of the 1970 Policeman of the Year Award for the Wheaton-Glenmont district is Sgt. John F. DeVries. Sergeant DeVries is in charge of the traffic section where his achievements have been outstanding. In addition to his regular duties, Sergeant DeVries has spent many hours of his free time in teaching and speaking on traffic safety both within the police department and to public groups.

Sergeant DeVries has also devoted much of his off duty time to teaching women's groups self-defense. He lives in Rockville with his wife and three children.

Mr. Speaker, all of us owe a debt of gratitude to organizations such as the Wheaton Kiwanis and to police officers such as Sergeant DeVries.

H.R. 3105—BILL TO AID VOLUNTEER FIREMEN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. HOGAN. Mr. Speaker, when we read in the newspapers of special acts of heroism, we are proud and grateful that in these turbulent and mixed up times there are men, women, and children who will risk their very lives for their fellow man. We tend to forget that similar acts are taking place daily all over this land by a segment of our society known as volunteer firemen.

We owe these brave men so much, yet we repay them with little or nothing. I am very proud of the many volunteer firemen in my Fifth District who assisted the District of Columbia Fire Department in controlling the fires arising out of the April 1968 riots in Washington, D.C. As we all remember, these were no ordinary fires and efforts by the firemen to control them were not made under ordinary circumstances.

It is of concern to me that these and other volunteer firemen who are from time to time called upon to assist in such an emergency or to assist in fighting fires in and around Federal Government facilities receive no recognition from the Federal Government. What is even more unfortunate, if a volunteer is injured or killed in performing this service to the Government, he and his survivors are not eligible for any benefits, as are Federal firefighters who are injured or killed in the line of duty.

As it is my feeling that the Government has a moral obligation to these men and their families, I have introduced legislation, H.R. 3105, which would treat such firemen as Government employees for the duration of their service during riots or in protection of Federal property and in the event of death or injury during that period, entitle them to the same benefits as Federal employees who are injured or killed in the line of duty.

I am pleased that Subcommittee No. 2 of the Judiciary Committee has held a hearing on this legislation, and would like to bring to the attention of the Members my statement to that subcommittee on this matter:

STATEMENT OF HONORABLE LAWRENCE J. HOGAN

Mr. Chairman and Members, I am pleased that this Subcommittee is giving consideration to legislation which I consider to be important—that which responds to the question of Governmental responsibility to public servants who are not government employees when they are seriously injured or forfeit their lives in the line of duty.

Although I will not presume to answer this question for the Members, as that is one of the purposes of these hearings and should be arrived at only after extensive testimony and consideration, there is one aspect of the matter which I do feel strongly about and regarding which I have introduced legislation. H.R. 3105, which is among the bills you are considering today, would compensate volunteer or paid firemen who are injured or killed while fighting fires when the Federal Government becomes involved. This would include firemen who are fighting fires which endanger Federal property. Under such circumstances I believe the Federal Government does have a more obligation in this matter.

Although the Federal Government does maintain a force of over 11,000 firefighters on its payroll, these men are stationed only in those localities which offer the highest potential for fire hazard, such as the Naval Ordnance Station located at Indian Head, Maryland, within my District, where explosive materials are handled.

The Government can no more afford to maintain a full-fledged firefighting force to protect all Government facilities than it can afford to provide police protection for each building. The Government must and does rely on the protection provided by the local volunteer or paid firemen to a great extent.

I am sure that the Members of the Subcommittee realize the large majority of firemen throughout the country receive little or no benefits from local sources in the event of death or disability. This is extremely unfortunate. The only situation I would consider to be more unfortunate, would be for these employees to have died in service to the Federal Government, taking the same risks as Federal firefighters, and not be eligible for any remuneration from the Federal Government in the event of their death or disability.

You will recall that during the 1968 riots in Washington, D.C., and other major cities across our nation, in instance after instance firemen were called upon and did put their lives on the line. The burning which results from riots is an extraordinary problem and, I believe, a Federal problem.

Furthermore, I believe those men who are pressed into service in response to such an emergency should be entitled to the same compensation which Federal employees receive for death or injury in the line of duty. My bill would treat firemen as Federal employees for the duration of the crisis and give them the protection available to Federal firefighters for that period of time.

During the civil disorders in Washington in April of 1968 many volunteer firemen from the Fifth District in suburban Maryland fought the fires alongside the men of the D.C. Fire Department. I hope the time never comes when their services are again required in this manner. But if it does, the Federal Government must be prepared to fulfill what I consider to be its obligation to these dedicated volunteers.

I appreciate having this opportunity to submit my views to the Subcommittee.

THE DICKEY-LINCOLN MYTHOLOGY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. GIAIMO. Mr. Speaker, year after year, this Chamber is treated to a fascinating display of illogical thinking by proponents of the thoroughly discredited Dickey-Lincoln School hydroelectric project in Maine. Year after year, Dickey-Lincoln advocates overestimate the benefits and underestimate the cost of this boondoggle in the Maine woods. Year after year, those who rightly oppose this $500 million farce are branded "tools of the power companies" and worse.

It is time once again to set the record straight, Mr. Speaker. It is time to explode a few myths about Dickey-Lincoln:

Myth No. 1: Dickey-Lincoln would end the threat of severe power shortages in New England, provide the cheapest possible electric power for the region and lower consumer rates.

Fact: Dickey-Lincoln would provide no more than 1 percent of all the power needed in the region. It would cost over $500 million while providing 830,000 kilowatts. On the other hand, the Northfield Mountain pump storage project now underway in Massachusetts will provide 1 million kilowatts while costing only $92 million to build. This and 15 other power projects slated for completion in the Boston area within the next 6 years will provide 10 million kilowatts for New England.

Myth No. 2: Dickey-Lincoln would provide immediate benefits.

Fact: If begun this year, Dickey-Lincoln could not be completed before 1980 at the earliest. Northfield Mountain, which will provide more power than Dickey-Lincoln, is already 58 percent completed.

Myth No. 3: Northern Maine is the best possible location for a power project.

Fact: This project would be located more than 400 miles from the nearest major population center it is supposed to serve. It would cost nearly $100 million to transmit power for this distance. The cost of transmisison lines for Dickey-Lincoln alone would be greater than the entire cost of the Northfield Mountain project.

Myth No. 4: Dickey-Lincoln would be a nonpolluting source of power.

Fact: This project would wipe out more than 88,000 acres of prime Maine wilderness. For this reason, it is opposed by nearly all local and national conservation organizations.

Those are the facts, Mr. Speaker. The supporters of Dickey-Lincoln would have us spend more than $500 million for

power we could obtain much more inexpensively. They would have us build a power project more than 400 miles from the people it is supposed to serve while ignoring the fact that more than one-fifth of its cost would be for transmission equipment. They would have us despoil thousands of acres of one of the few remaining virgin forests in the Northeastern United States. Yet, it we dare to oppose this wasteful scheme, we are tied to some "plot" by the private power companies. That is Myth No. 5. Would Dickey-Lincoln supporters have us believe that the many conservation organizations who oppose Dickey-Lincoln are "tools of the power companies"?

The whole case for Dickey-Lincoln is absurd, Mr. Speaker. What is more, it is absurd to think of spending $500 million for this project when the priorities of this Nation so desperately demand that we apply our resources to the great social problems of our times. In light of this, I am sure that the majority of the New England delegation and the overwhelming majority of my colleagues will join me in continued opposition to the Dickey-Lincoln project.

PERSONAL FINANCIAL REPORT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1970

Mr. KASTENMEIER. Mr. Speaker, today, I am placing in the RECORD a statement of my personal financial condition. This follows a practice I adopted in 1963 and repeated in each succeeding year. In doing this, I would like to reiterate briefly the comments I made in the past to the House and in reports to constituents of Wisconsin's Second Congressional District.

Members of Congress and holders of high elective office in general should make periodic public disclosures of personal finances as a matter of course. Such reports of outside income and interests are needed to provide the public with information that will enable them to assess whether their Representative's personal holdings, in any way, have affected the performance of his public trust.

Presently, House Members are required to make a limited financial disclosure report. Last year marked the initial effort at mandatory public disclosure. While part of the report is made available for public inspection, a more detailed section remains confidential in a sealed envelope to be held from public scrutiny and can be opened only by a majority vote of the House Committee on Standards of Official Conduct.

If conflicts of interest by elected officials are to be avoided, however, and the integrity of Congress upheld, both Houses of the Congress must adopt a standing rule providing for a public report, made periodically, of all outside financial interests and income for all Members.

Mr. Speaker, a report of my personal financial condition follows:

Statement of Financial Condition, January 1, 1970

Cash on account with the Sergeant at Arms Bank, House of Representatives	$2,074.77
Riggs National Bank of Washington, D.C., checking account	7.10
Securities: cash proceeds, sale of stock	2,360.21
Residential real estate:	
House, Arlington, Va., purchase price	28,000.00
Less mortgage	15,863.00
Equity	12,137.00
Lot	14,750.00
House construction in process, subject to mortgage, net value, Jan. 1, 1970	17,120.00
Household goods and miscellaneous personalty	4,800.00
Miscellaneous assets: Deposits with U.S. Civil Service retirement fund through Jan. 1, 1970, available only in accordance with applicable laws and regulations	22,143.44
Cash surrender value of life insurance policies:	
On the life of Robert W	None
On the life of Dorothy C	544.00
Automobiles:	
1963 Oldsmobile	675.00
1965 Chevrolet	775.00
Total assets	77,386.52
Liabilities: National Bank of Washington note	8,400.00
Net	68,986.52
Income for calendar year 1969, excluding congressional salary and expenses: Interest	54.95
Travel, per diem and speaking, honorariums and travel	250.75

HOUSE OF REPRESENTATIVES—*Monday, October 12, 1970*

The House met at 12 o'clock noon.

Father William G. Blough, director of insurance for the Pittsburgh diocese, Pittsburgh, Pa., offered the following prayer:

Let us pray: Our gracious and loving heavenly Father, Thou who art the Creator of Heaven and earth, the giver of every good and perfect gift, the sovereign Saviour of our soul, we come to Thee in prayer, believing nothing too hard for Thee and that with Thee all things are possible. Lord God of our fathers, be favorable unto our land. Give us perfect times and fruitful seasons; prosper our industries and defend us from all enemies. Grant to our President, this Congress, and all in positions of leadership and authority, the wisdom and the strength to know and to do Thy will. Fill them with love of truth and righteousness and make them ever mindful of their calling to serve the people in Thy fear. Enrich our land, O God, with liberty and order, unity and peace, and inspire the hearts of all people to follow after justice.

Grant that all who call upon Thy holy name may be of one heart and of one soul, united in one holy bond of truth and peace, of faith and love, and may with one mind and one voice glorify Thee. For Thine is the kingdom, and the power, and the glory, forever. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, October 8, 1970, was read and approved.

MESSAGE FROM THE SENATE

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

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients;

H.R. 10317. An act to adjust the date of rank of commissioned officers of the Marine Corps;

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered;

H.R. 13519. An act to declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe;

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska;

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code;

H.R. 15624. An act to convey certain federally owned land to the Cherokee Tribe of Oklahoma;

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments of officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status; and

H.R. 16997. An act for the relief of Colie Lance Johnson, Jr.

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

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes, and

H.R. 17825. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1708. An act to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes, and

S. 3528. An act for the relief of Johnny Mason, Jr. (Johnny Trinidad Mason, Jr.)

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R.