

the completion of the prayer and the disposition of the reading of the Journal tomorrow morning, the able Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed 20 minutes; that at the conclusion of his speech, the able Senator from Wisconsin (Mr. PROXMIER) be recognized for not to exceed 10 minutes; that upon the completion of his speech, the able senior Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes; that at the conclusion of his speech, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes; that immediately upon the conclusion thereof, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, again may I say, on behalf of the leadership, it is hoped that we may have votes tomorrow and that all Senators should act accordingly and be present, so that we may have rollcall votes when consideration of the pending bill proceeds to that point.

Mr. President, before moving to adjourn, may I ask, for the information of the Senate, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 514, the elementary and secondary education bill, and the pending question is on the amendment of the Senator from Mississippi, No. 481.

Mr. BYRD of West Virginia. I thank the able Presiding Officer.

ADJOURNMENT TO 9 A.M.

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 9 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 53 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, February 10, 1970, at 9 a.m.

CONFIRMATION

Executive nominations received by the Senate February 9, 1970:

U.S. MARSHAL

Laurence C. Beard, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma for the term of 4 years.

EXTENSIONS OF REMARKS

FREEDOM OF CHOICE IN
EDUCATION

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. FLOWERS. Mr. Speaker, aside from the great overriding problems of the war in Vietnam and inflation which plagues our economy, there is no more serious issue to us in the South than the crisis facing our public education system. The Federal courts and the Departments of Justice and Health, Education, and Welfare each must share part of the blame for the creation of the situation which now exists—where freedom of choice of school is the fair, just, democratic and American way for most of the Nation, but the States of the South must suffer a separate and different standard.

Recently the Vice President of the United States announced the formation of a high level commission to be headed by him and composed of other members selected by the President. Although we have become accustomed to disappointment in our efforts to maintain local control of our institutions in this country, like the poet "hope springs eternal" in our breasts, too.

The following is an open letter that I have directed to the Honorable SPIRO T. AGNEW, Vice President of the United States:

DEAR MR. VICE PRESIDENT: I noted with interest your comments on television last Sunday regarding the creation of a high level Presidential Commission to "apply the decree of the Supreme Court with the least disruption of schools and then preserve the quality of education". We of the South are heartened at this apparent concern over the crisis in our schools brought about by the Supreme Court and the Departments of Justice and Health, Education, and Welfare, but, Mr. Vice President, unless something is done immediately, all of the Presidential commissions in the world will not be able to help the situation.

It has been brought to your attention by many of us and often, that this is a matter of gravest concern to parents, teachers, students and educators of both races. We can-

not understand why the South has been treated differently from the rest of the Nation. We can see no justification for abolishing freedom of choice in education in Alabama, while allowing it to exist in various places of the North, East and West. The Commission that you will lead could perform no more worthwhile service than to investigate thoroughly this oppressive double standard that now exists.

The people of our section have come to accept freedom of choice. It has been a workable solution allowing a continuance of good relations between the races. The abolishment of freedom of choice and the attendant forced busing of children away from their neighborhood schools to distant points is making it impossible for students to receive the kind of education to which they are entitled in this great land of ours.

I invite you (and the other members of your Commission when they are named) to come to Alabama and see firsthand what chaos has been created. I am confident that you will find that it is impossible to "apply the decree of the Supreme Court" and at the same time, "preserve the quality of education."

You have been to Alabama before. You should know that we are not unreasonable people. We merely want to provide our children with good schools, good teachers, good textbooks, and the opportunity to use them without harassment by the Federal Courts and bureaucracy.

Freedom of choice can still be the answer and I believe that any impartial Commission will find that it provides a far superior quality of education than the various plans that are being forced upon us now.

Mr. Vice President, you have demonstrated your ability to speak our language. We hope, for our children's sake, that this Commission will do likewise and translate the words into action.

Sincerely yours,

WALTER FLOWERS,
Fifth District, Alabama.GOVERNMENT SHOULD HALT ITS
POLLUTION OF CALIFORNIA
BEACHES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. BROWN of California. Mr. Speaker, a lot of Government officials are

talking about the need for effective environmental quality programs, but so far, real action still has been limited.

I endorse President Nixon's recent statement that Federal agencies must begin to halt their own pollution practices, and I look forward to immediate and strong action by all Government agencies.

As a starter, I have suggested to the President, in a letter I sent him today, that a massive antipollution program be instituted at Fort Ord, Calif. There, sewage and other effluents from that military base have so fouled local shore waters that State officials have been forced to close down public beaches.

As are the residents of the Monterey Peninsula area, I am outraged by this federally caused pollution. Already, careless—even stupid—Government mismanagement and greed led to the tragic ruin of the southern California coastline from the continuing series of Santa Barbara oil spills.

The situation at Fort Ord is not the only major Government-caused pollution in northern California, but it is certainly the most blatant.

I urge quick and strong Government action to remedy this pollution. I now enter my letter to the President in the RECORD at this point:

FEBRUARY 9, 1970.

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

DEAR MR. PRESIDENT: I am quite pleased to learn of your new efforts to strive for environmental quality, and by the emphasis you place on the need for government agencies to reduce their own pollution.

I would like to offer my suggestion that an immediate and comprehensive anti-pollution program be initiated at Fort Ord, California. Recently, state officials have been forced to close public beaches in the Fort Ord vicinity because sewage and other effluents from Fort Ord have thoroughly contaminated the local shore waters. Since the pollution source is on Federal property, neither state or local government can develop effective anti-pollution remedies.

Already the California shoreline has suffered tragic and priceless damage resulting from Federally-leased oil drilling. Now, a Federal installation further pollutes this val-

uable resource. I urge you to institute a full scale drive as soon as possible to halt this costly pollution.

Very sincerely,

GEORGE E. BROWN, JR.,
Member of Congress.

FAILURE OF NORTH VIETNAM TO ABIDE BY GENEVA CONVENTION

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. SPONG. Mr. President, one of the greatest tragedies of the Vietnam war is the failure of the North Vietnamese to abide by the Geneva Convention. Hundreds of families do not know whether their members are alive or captives, whether they are sick or wounded, or whether they are receiving the treatment which they might need. Hundreds of American servicemen are in facilities which have not been inspected by impartial observers, and they have not been permitted to correspond with their relatives.

Clearly, we need to undertake new efforts to convince the North Vietnamese to abide by the humane and civilized principals set out in the Geneva Convention. The POW and MIA Action Committee, conceived by the Virginia Beach Jaycees, is designed for such a purpose. It has been established to inform persons of our Nation and the world of the conditions faced by U.S. prisoners of war and to mobilize support for these men.

I ask unanimous consent that a summary of the committee's plans and activities be printed in the Extensions of Remarks.

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

HELP US BRING PRESSURE ON HANOI IN BEHALF OF OUR PRISONERS OF WAR AND MISSING IN ACTION PERSONNEL

POW AND MIA ACTION COMMITTEE,
OCEANA STATION, Virginia Beach, Va.

All evidence indicates that Hanoi is viciously mistreating our captive servicemen. In July, 1966, Ho Chi Minh even went so far as to announce that all Allied prisoners would be tried as war criminals. World opinion, however, was so vigorously opposed to this measure that Ho Chi Minh backed off.

This example and many others clearly demonstrates that Hanoi's policies can be influenced by the pressure of public opinion. Therefore, we intend to mobilize public opinion against Hanoi's barbarous treatment of our POW's . . . first on a nationwide basis, then in a worldwide effort. We shall ask for only one concession on the part of the North Vietnamese—that they treat our POW's in accordance with the rules of the Geneva Convention to which they are signatory.

We are not a political group, nor are we fanatics of any kind. The POW & MIA Action Committee is a Jaycee project which was conceived by the Virginia Beach Jaycees, adopted as a state project by the Virginia Jaycees, and then endorsed by the United States Jaycees. We are working with the National League of Families of American Prisoners in Southeast Asia in an effort to find out what is happening to our men in North

Vietnam, and to secure for them the proper treatment they deserve in accordance with the Geneva Convention.

With your help, we hope to pressure Hanoi into complying with our requests for:

1. *The immediate release of a list of prisoners.*—441 men are believed to be prisoners and 991 are in the missing category, but these figures are, at best, hypothetical. Despite agonized pleas from the families of these men, North Vietnam has refused to supply any information. Are they alive, dead, wounded, well? Their families do not know.

2. *Immediate inspection of all POW facilities by an impartial body.*—The international Committee of the Red Cross regularly inspects the Allied POW camps in South Vietnam. If, as Hanoi claims, its POW facilities are models of cleanliness and modernity, why is even the Red Cross refused access to them?

3. *Free flow of communications between the POW's and their families.*—So far, approximately 100 families out of more than 1,400 POW's and MIA's have received letters. Generally, these arrive on a yearly basis, rather than monthly as claimed by North Vietnam. The Geneva Convention guarantees each POW the right to send and receive four letters and two postcards per month. Is this too much to ask?

4. *Repatriation of sick and wounded prisoners.*—The first American POW was a pilot, shot down in August of 1964. Since then, only nine POW's have been repatriated even though we have returned many of their men. What is happening to our sick and wounded? Hanoi will not permit Red Cross inspection of its POW camps, but the nine men who have returned tell terrible stories of pain and filth and torture.

5. *The eventual release of all POW's.*—The U.S. has made repeated attempts to "trade" POW's. To date, in fact, more than 400 Viet Cong prisoners have been repatriated. Hanoi has not reciprocated.

OUR PROGRAM

Until the Virginia Beach Jaycees formed the POW & MIA Action Committee, there was no centralized, coordinating agency designed to publicize North Vietnam's maltreatment of our men. Fragmented efforts were made—by the POW's wives, for instance—and they received brief bursts of publicity, but proved ineffectual because they were not sustained.

With your help, we plan to mount a sustained public service advertising campaign that will last until Hanoi is forced to "save face" by opening its POW camps to Red Cross inspection and to answer our other requests for common decency in the treatment of our men. To this end, we have designed a campaign that will utilize all media to graphically demonstrate the plight of our POW's. It will be implemented, nationwide, by the 6,500 chapters in this country.

Our theme is "The People of The World Are Watching . . ." It is being incorporated into slide presentations, direct mail pieces, newspaper and magazine ads, T.V. and radio announcements, brochures, billboards, bumper stickers, and lapel buttons. We also plan to establish a speaker's bureau in each Jaycee chapter so that word of our effort can reach other organizations on a local basis and gain their support.

We are in the process of contacting all 50 state Jaycee presidents to confirm their endorsement of this project and to enlist their active aid. We are recommending that they organize their states as follows:

1. After a state chairman has been selected to coordinate all activities, regional chairmen should be chosen and given responsibility for appointing and guiding chapter chairmen. Each chapter project chairman should organize his own POW & MIA Action Commit-

tee and do his best to bring the plight of our POW's to the public attention.

2. Each local chapter committee will be supplied with the most current of aforementioned advertising aids and will be responsible for disseminating them among the various media available locally.

Each chapter should have a speaker's bureau to help spread the message to other organizations.

We expect this organizational structure to be functioning in the not-too-distant future. As soon as it is in full swing, we plan to initiate a National Letter-Writing Day. We will ask every Jaycee chapter in the country to arrange for Letter-Writing Centers (such as churches and civic buildings) to be open to the public and supplied with pens, paper, and addresses of influential people. Local and National news media will be contacted and asked to publicize the event, encourage our citizenry to participate and show North Vietnam that we are united in our condemnation of their conduct towards our men and their families.

PLEASE HELP

We need your help! If the clamor is loud enough, if the protests are strong enough, Hanoi will listen. To help our men in the prison camps of Southeast Asia, you or your organization can:

1. Write letters expressing your concern for the treatment of American prisoners.

2. Write to government officials of this and other countries and to news editors around the World. Your local Jaycee chapter can supply you with addresses.

3. Take an official stand by resolution and publicize it.

4. Ask your company or National organization to take a similar stand.

5. Insure the success of our program with financial support.

North Vietnam cannot afford Worldwide condemnation. No country can. Yet she merits such condemnation for her treatment of our POW's.

The wives of these men have sent letters. They have even flown to Paris. Our government has pleaded. But our country has been silent. It is time to break that silence. It is time to raise such a simultaneous uproar that every front page in the World will bear the news. It is time to bring Hanoi face-to-face with the wrath of our people—200 million of us—and the rest of the civilized World, roaring, demanding, insisting . . . "Treat our men in accordance with the Geneva Convention".

THE PRESIDENT'S REALISTIC APPROACH TO SOLVING OUR NATION'S PROBLEMS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. PELLY. Mr. Speaker, President Nixon's ability and willingness to lead this Nation in new directions makes him a dynamic, forward-looking President. Yet while he is advancing progressive initiative and ideas in the fields of welfare reform, crime prevention, environmental quality, and revenue sharing, he retains the conservatism which "does not believe that appropriating billions of dollars is automatically the best way to solve any problem."

The President's realistic approach to solving the problems of our Nation is dis-

cussed in an editorial by Roscoe Drummond. I commend this editorial to the attention of my colleagues, and under unanimous consent I insert it in the RECORD, as follows:

[From the Christian Science Monitor,
Jan. 31, 1970]

NIXON STEALS THEIR CLOTHES
(By Roscoe Drummond)

WASHINGTON.—If the nation's top Democrats were in a huddle in the same spot, it would not be surprising to hear Hubert Humphrey, Edmund Muskie, Mike Mansfield and Edward Kennedy blurt out in unison and exasperation: "That man has stolen our clothes!"

"That man" is Richard Nixon and what he has done should not be surprising to the rest of us because during the 1968 campaign Mr. Nixon frequently cited Theodore Roosevelt as a model of a president.

And now Mr. Nixon is showing that he is likely to be the most activist, reformist Republican president with political skill since Teddy himself.

What the President did in his State of the Union address to Congress was to appropriate nearly all the pay-dirt political issues and put himself at the head of the cause to do something significant about them.

DEMOCRATS' SURPRISE

Many Democrats never thought he would try it, let alone get away with it—if he does get away with it. The voters will decide in this fall's elections after they can begin to see if the White House and the Republicans in Congress start to carry promise toward fulfillment.

The Democrats figured they could delay acting on issues on the grounds that the President would stand still.

They were apparently confident he would stand still because they assumed that Mr. Nixon would be so mired in caution and conservatism that he couldn't possibly respond rapidly to the winds of change.

But those who thought Mr. Nixon couldn't move rapidly on the domestic front failed to understand his concept of conservatism or to measure his political sensitivity.

Mr. Nixon is conservative in that he does not want a bloated, do-everything federal bureaucracy, and he doesn't believe that appropriating billions of dollars is automatically the best way to solve every problem. To him conservatism means using conservative principles to deal with national problems, not just mouthing conservative phrases as an excuse for not dealing with them.

DIVERSE PRIORITIES

And Mr. Nixon is the first Republican politician to be president in a very long time. The presidency is a political office and those who have done best in it have had political sensitivity. It is an asset, not a weakness.

I think Mr. Nixon did not want to move very vigorously into acute domestic problems—all of which require large appropriations—until the heavy cost of the Vietnam war could be radically reduced and inflation could be brought under control. But the President soon perceived that if he did not quickly take the initiative on domestic matters, and do it with a decisiveness that would put him at the head of the class, he would be so far overtaken by public opinion that he would lose command of the situation as President Johnson lost command for different reasons in 1967 and 1968.

This is the difference between Herbert Hoover, an able president without political skill, and Mr. Nixon, an able president, with political skill.

And this is why today the President is causing Democratic leaders to scream, "we wuz robbed"—a political compliment—because the White House is substantially ahead on the crucial issues of crime, welfare, pollu-

tion of the environment and decentralized government through revenue sharing.

The President is not throwing away his other priorities. He is withdrawing from Vietnam and he will come up with another balanced budget by cutting hard where cuts are tolerable. This enables him to propose doubling appropriations on crime control, to expand reform welfare, and to plan a total cleaning up of the nation's lakes and rivers, in a five-year \$10 billion program.

REASONABLE GOALS

The Democrats can earnestly and honestly argue that Mr. Nixon is not proposing to spend enough on anything, but I doubt that that will prove to be a very appealing argument after the Democrats in Congress voted overwhelmingly to reduce Federal revenue needed to finance the programs they advocate.

Mr. Nixon is a relatively modest promiser and it is clear that he believes that the majority of Americans prefer relatively modest goals which can be visibly attained to big, vague promises which rarely get fulfilled and which lead to lack of faith in government itself.

GREATEST ADVENTURE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. SCOTT. Mr. President, it is a pleasure for me to bring to the attention of the Senate the address made by John J. Powers, Jr., chairman of the board and president of Chas. Pfizer & Co., Inc., at the Poor Richard Club in Philadelphia on Benjamin Franklin Day, January 17, 1970. Mr. Powers addressed the club as the 37th recipient of its annual Gold Medal of Achievement Award in recognition of his "outstanding contributions to the Nation."

Taking issue with the "prophets of doom," Mr. Powers told the Poor Richard Club that America is in another of the great historical times of change that marks the beginning of one of mankind's great creative ages. I ask unanimous consent that the address be printed in the RECORD.

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

THE GREATEST ADVENTURE OF ALL

(By John J. Powers, Jr.)

I am greatly honored to be named as the recipient of the Poor Richard Medal for 1970 which I accept most gratefully. But no man stands alone, and I cannot help but feel that to some extent it is intended to honor not just myself but also the men and women of my company, indeed, of the entire chemical and pharmaceutical industry. For all, my deepest thanks.

To respond to this award in the tradition of this occasion would be a challenge at any time. I find it particularly so at this time, at the beginning of the '70's, at the end of the '60's—how shall we characterize them? The decade of confrontation between nations and between peoples within nations—marked by declining civility and mounting instability, of war abroad, of violence at home, and an increased awareness of the interrelated social problems of poverty, of urban deterioration, of racial conflict, and the widening generation gap. As I look forward to the decade of the '70's I see all these, and more, as important problems to be solved

or mitigated, but my attention is drawn irresistibly first to the generation gap, to our young people because tomorrow belongs to them.

In this new decade they will move to the other side of this troublesome, sometimes tragic, gap. For the generation gap is not new. It is and always has been part of the living process. It is not just youthful insights (which are sometimes very right) against adult judgments (which are sometimes very wrong). It is not just the physical prime of youth and the great need to be active against the slowly ebbing tide of adult years that makes of midnight an end not a beginning. These are obvious and understandable and accepted. But, consider when youthful curiosity has finally seen too much with the passing years and novelty has lost its charm, when youthful imagination has been bent heavily under the adult load of routine and repeated tasks, when youthful daring has finally yielded to a great yearning to be secure and unchanged. These, indeed, are great and often disturbing differences. And today every facet of these differences has been magnified to startling proportions by the great conflicts, the fundamental changes, the swift flow of events of our times. Yes, and by the great dissatisfaction in our times as men continuously and rightfully seek to improve their condition. Indeed, more than in any other age there is real hope of what heretofore seemed only distant goals or glorious slogans. It has taken 200 years for Egalité, Fraternité and Liberté suddenly to seem visible of achievement.

It is this, I venture to say, that has whetted the appetite of the new generation, which has caught the sense of justice and adventure of our youth in these tumultuous times and made their voices louder and more demanding. But it is of some importance to recall that we provided the opportunity which they now grope to seize, which soon they must fully exploit as they begin to take over our role and assume the responsibilities of their times.

As for us we are neither proud nor ashamed of the role we played, of the contributions we made. Not ashamed because, we at least, committed ourselves. In the most complex times in the history of the world we have had a real run at it. In some respects, we have done much. But we are no longer surprised that we have not done everything or even most things. We know now that the sands run fast. In the end, we see our contribution as but a small part in the long process of the development of man and the reaching for God. So neither are we proud.

But for them it is the beginning of their contribution. They should be able to do much more than we, for knowledge builds on knowledge in geometric progression. In the swift pace of the years since we stepped over to this side of the generation gap more new knowledge, especially measurable knowledge, has been developed by our generation than in the previous entire history of the world. They will now build on that knowledge and so will do more.

But in another sense they can do no more than to commit themselves entirely to the fulfillment of their responsibilities. We now wonder if, in the end, we quite did this. For while we are of the age which provided the big technological breakthroughs, we are also of the age which sometimes stood watching while murder was committed in the streets. Indeed, I suspect that the first meaning of the tensions of these times is that they provide a new setting where the need for total commitment will be more evident and more compelling, and so here too they will no doubt surpass our generation. Perhaps our proudest boast will be that we spawned the present youth and the times that will form their destiny.

What of those times? What have we wrought, and where does the path now lead?

One suspects that there is a rhythm to life which is beyond our power to control. The vast tides of action and reaction within the long process in the development of man show a pattern. And I would venture to say that in the past forty years and in yet some years to come, we are in one of those great historical moments of change that invariably mark the beginning of one of the great ages of man. Man easily becomes complacent and fat, but the spirit lives, and when once again he is ripped with the spur of adversity, he rises to the challenge with all the genius and creativity of which he is capable.

The glory that was Rome started in the midst of the cruelest of times during which civil wars and corruption and bitter hardship had racked all Italy for years. The Roman state seemed to be disintegrating. Then came the great creative response beginning with Augustus, and there followed 400 years of peace and prosperity and a glorious flourishing of arts and letters.

It is strange that in the times of terrible trouble and tension which give birth to the creative periods, most people are convinced the end has come and see not at all the beginning of the new era.

We now look back on the Elizabethan age as a great and glorious period of English history, yet the early Elizabethans saw it otherwise. Hostile foreign powers pressed them from without. Within, they were overrun by masterless men, boly vagabonds who imperiled internal security. Gloom and decay were all they could see, yet this was the beginning of an age which saw the emergence of a poverty stricken little northern island to world power, and the development of the infinite cultural wealth of English poets and dramatists.

The ravens of doom were croaking again in England in the opening years of Victoria's long and fruitful reign. Crulshank calls it a time when "Statesmen were without ideals, the church without vision, the crown without honor and the common people without hope . . . how could they dream," he wrote, "that they were in a dawn not in a dusk—that it was already here, that it had begun. . . ."

And it has begun here—now—in America. The clue, is of course, not just the tensions that mark these times, but what lies behind them—the explosion of new discoveries, new knowledge and new techniques that make men see new worlds and dream new dreams. They make possible what once lay beyond hope. And, as always, new things lead to change. With them, a vast stirring occurs, a restlessness with the status quo, a wish to be off to the moon. But in our times, the explosion of things new has come with atomic force, and at a pace too swift to grasp. The change is beyond belief. It is more fantastic than the most bizarre of science fiction stories. And change creates tensions between what was and what is becoming and what may be. This time the buildup towards a new era, a new age, is creating greater tensions than ever before, not just on the campus but throughout every aspect of man's activities in the world—social, economic, political and technological.

The one great error of these times, for us as we begin to step aside, for youth as they begin to take over, would be to see the problems and not the opportunities, for us to fight change rather than to build a new world, for them to protest the old without seeing the new. Let none of us stay in the darkness of trouble and woe. These are but the herald of what is to come. The tragedy for each one of us would be to miss the chance to participate in the building of this new world, we at the end of our time, they at the beginning of theirs.

It is becoming now. It is greatest adventure of all the great adventures on which

man has ever embarked. We are no longer spreading throughout the Mediterranean basin, or civilizing northern Europe, or developing the new world of the western hemisphere. There lies before us the entire earth and all its countries and all its peoples. The ferment of change and betterment is touching everyone, the haves as well as the have nots, and this earth will be made over to satisfy these deep-felt needs. The potentialities are fascinating, exciting and stimulating. To work to bring them to actuality will be deeply satisfying as no effort of man in the past could ever be. And our youth are already looking beyond this earth and the man in the moon which for us was the peak of high adventure. They, literally, have their eye upon a distant star. They feel the deepest aspirations of man to reach out, far beyond himself. But maybe here they will not in the end be so different from us. For as they extend their outstretched hands far out into space they will find, I hope, not so much a place on the moon, as they will the only final satisfaction possible for man, their Creator. And unless they see Him they will have seen nothing.

TOXINS AND NATIONAL SECURITY

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. DELLENBACK. Mr. Speaker, on November 3, with the cosponsorship of three other Members and the support 12 additional Members of the House of Representatives, I presented to this Congress a study paper on CBW and National Security. It was an examination of the strategic and tactical importance of chemical and biological weapons. We believed that the judgment of the Congress concerning the future of these weapons should be based on a careful study of this kind.

We were delighted that many of our concerns were resolved by the President's historic announcement. Subsequently, however, uncertainties have developed; one such is with regard to the classification of toxins. Toxins are biologically produced chemicals; they are dead but poisonous products of bacteria. If considered biologics, they fall within the scope of the President's ban on production. As chemicals, they do not. Technically they are chemicals, for they are no longer living. However, they not only must be produced from biological organisms; they produce noncommunicable forms of the diseases we associate with biological warfare, namely botulism, cholera, diphtheria, gangrene, plague, staphylococcus, tetanus, and typhoid. Regrettably, there are indications that the Department of Defense has decided that toxins are to be classified as chemicals and thus not to be covered by President Nixon's prohibition upon the use of lethal biological agents and weapons, and all other methods of biological warfare.

I am concerned that policy not be made on the criteria of what is politically achievable or, in the eventuality of synthetic toxins, what is technically possible. The only acceptable criterion for military expenditure is military neces-

sity. The determining question ought to be whether toxins add to the deterrent and retaliatory effectiveness of nerve gases and other chemicals. Having raised that question, I have come to doubt that the marginal advantages which toxins possess in dispersion suffice to justify a completely separate arsenal. In fact, the greater the dispersion possibilities, the greater are the chances for unintentional spreading of toxins beyond the battle zone. Thus, even were we to accept the necessity for chemical retaliation, the need for toxins remains unclear.

Subsidiarily, there are two other reasons why it seems best not to produce toxins. First, the dangers associated with producing and stockpiling biological agents will persist unless the toxins are extracted immediately from the live spores and the bacteria are killed immediately. I would be interested in knowing whether this is our process.

Additionally and at present even more significantly, we face the problem of being consistent with the President's statement supporting the draft convention against biological war proposed by Britain at the Geneva disarmament talks. This draft treaty includes toxins in its definition of biological weapons. It does so in part because of the conviction that disease should not be a weapon of war. The world impact of the President's announcement would suffer by engagement in definitional disputation, especially at a time of discussions concerning comprehensive arms limitations through SALT.

HONORING MR. DAVIS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. THURMOND. Mr. President, the policy of this administration has often been summed up in the phrase "Bring Us Together." The efforts by the UDC to have Jefferson Davis' name admitted to the Hall of Fame, as expressed in the editorial entitled "Honoring Mr. Davis," will assuredly preserve a national unity and put an end to sectional bitterness. Mr. Davis in his own words states:

A Reunited Country. . . . The past is dead—its hopes, its aspirations. The future lies before you, a future of such expanding national glory before which all the world shall stand amazed.

Mr. Davis' attributes are numerous and these alone should be sufficient to justify his worthiness of being selected to the Hall of Fame. Let us continue in our efforts to see this sectional bitterness dissolved and begin to recognize a person for his achievements and not for his circumstances.

Mr. President, I ask unanimous consent that the editorial entitled "Honoring Mr. Davis" published in the Charleston, S.C., News and Courier of December 14, 1969, be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the News and Courier, Dec. 14, 1969]

HONORING MR. DAVIS

Though Jefferson Davis has not yet been admitted to the Hall of Fame, the United Daughters of the Confederacy have not yet given up hope. Nor has The News and Courier. Formal recognition of the leader of the Lost Cause is deserved for Mr. Davis, whose death December 6, 1889, occurred 80 years ago this month.

Among the tributes paid the president of the Confederate States at the time of his death was an editorial in The New World. The editorial noted that Davis "worked mightily for the preservation of the Union, pleading in many northern states for justice to the South . . ."

After the Civil War was ended, in a speech to the youth of Mississippi, Davis said: "Let me beseech you to lay aside all rancor—all bitter sectional feeling, and take your places in the ranks of those who will bring about a consummation devoutly to be wished, 'A Re-united Country.' . . . The past is dead—its hopes—its aspirations. The future lies before you, a future of such expanding national glory before which all the world shall stand amazed."

Jefferson Davis has been nominated for the Hall of Fame. As Miss Desiree L. Franklin of New York City, honorary president of the UDC, has expressed it, "in thus honoring the memory of Jefferson Davis, the electors, who grant it, will honor themselves." The recognition would help to fulfill Jefferson Davis' plea for an end to sectional bitterness.

CONGRESSMAN JAMES H. QUILLEN
REPORTS FROM WASHINGTON

HON. JAMES H. (JIMMY) QUILLEN
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. QUILLEN. Mr. Speaker, I have just completed my "Report from Washington," which will go out to all postal patrons in my district in a few days, and I would like to make it available for readers of the RECORD. Naturally, I am not including for the RECORD the photographs which are contained in the report.

The report follows:

CONGRESSMAN JAMES H. QUILLEN REPORTS
FROM WASHINGTON

FEBRUARY 1970.

DEAR FRIENDS: The second session of the 91st Congress is now well underway, but before we get too far along I would like to report to you on some of the decisions and activities in which I was involved last year. I am hopeful that when the 1970 session ends, we can all look back on a record of more accomplishments than was evidenced in 1969.

Last year was a busy one for me as your Congressman. And it appears that this year will be equally as hectic.

My office received more mail in 1969 than any other year since I have been in Congress. This is gratifying to me, for it makes me feel I have been of assistance in helping you with your problems involving the Federal Government.

I sent out my Questionnaire last year and I was very pleased with the returns I received—almost 20%. These public opinion polls give me a good indication of how the majority of the people feel on important issues facing the Nation, and I plan on putting my 1970 Questionnaire in the mail soon.

Although the past session of Congress is often called a "foot dragging" Congress as far as the number of bills enacted, I feel there

were many important issues resolved and several worthwhile laws placed on the books.

Two very important issues which continue to plague this Country are the Vietnam war and inflation.

The Vietnam conflict must be brought to an honorable conclusion as expeditiously as possible. The President's plan of eventually withdrawing all American troops and replacing them with Vietnamese forces is a workable plan and will enhance the United States' chances of bringing the war to an end. We need to bring our men back home.

Inflation, as I am sure you are quite aware, is presenting turmoil in our Country. We have made progress in attempting to ease this serious problem which affects every citizen.

The Administration is right in persisting on a policy to control inflation. This battle must be won. President Nixon, in his State of the Union Message, recently pledged to continue to wage an all-out war against this menace. Interest rates must be lowered, the value of the dollar re-established, and an opportunity made available for all to enjoy a better way of life.

Another factor adding to my busy year was the "Open Door" sessions which I held at the Courthouses in the counties of the First District. As you know, I hold these "Open Door" sessions every off-election year.

I initiated these informal type meetings during my first term in Congress, and I have found throughout the years that they give me an opportunity to meet with the people on a personal basis. I hear from many of you through the letters you send me, but because of the time I must spend in Washington, I very seldom have the opportunity to visit and talk with everyone except during my "Open Door" sessions.

There are a number of other decisions and activities in which I was involved during 1969, but space will not permit me to go into detail on each of them; however, on the following pages I will comment briefly on several that I know will be of interest.

PRESIDENT NIXON RECEIVES VIETNAM
PETITION

Near the end of the 1969 session, I was honored to personally present President Nixon with a petition signed by a group who supports his effort to bring the war to an honorable conclusion and return our American fighting men to friendly soil.

This particular petition was signed during a patriotic day observance at the Gateway Baptist Church in Bristol, Tennessee, on November 16, 1969, by those in attendance. I had the honor of speaking to this group at the ceremony, and I was certainly pleased when the pastor, Reverend Don Lasley, asked me to hand deliver the petition to President Nixon. The President was delighted to receive the document.

I feel the President needs the solid support of the American people on his withdrawal program if the United States is to achieve its ultimate goal in Southeast Asia.

In the picture at left, I am shown presenting President Nixon the petition at a special White House ceremony.

CONGRESS GRANTS SOME LONG-OVERDUE TAX
RELIEF

One of the most far-reaching bills passed last year was the comprehensive Tax Reform Bill. It is a move in the right direction to correct glaring inequities in our tax structure.

Although it increases the amount of the personal income tax exemption for everyone, I still feel it is not as great as it should be.

I have advocated increasing the personal income tax exemption from \$600 to \$1,200 a year by introducing a bill in each Congress since I was first elected.

I am of the opinion that we can continue to update our tax laws with the aim of providing even greater tax relief for those who need it.

When the controversial Tax Reform Bill was sent to the Senate-House conferees, I urged the conference to make an effort to close gaping loopholes in the Federal tax structure in order to grant more tax relief.

I feel Congress has been derelict by not coming up before last year with a tax reform package to improve our tax program.

If Congress is to fight inflation, and at the same time provide long-overdue tax relief to those who need it, we must be realistic when we send tax reform legislation to the President for his consideration.

If Congress had taken—and it could still do so—the necessary bold action in closing these glaring tax loopholes, I believe there would be enough funds to operate the Federal Government in addition to providing an even higher increase in personal income tax exemptions and greater social security benefits than the 15 percent already granted.

MY BILL WOULD PREVENT COMMUNISTS FROM
WORKING IN DEFENSE FACILITIES

My bill which would prevent Communists from working in defense facilities passed by a vote of 274 to 65 in the House shortly after the second session got underway this year. I feel this is one of my most important legislative accomplishments.

Of course, the bill must now be considered by the Senate and signed by the President before it becomes law.

The measure is entitled the "Defense Facilities and Industrial Security Act of 1970" and, in my opinion, it is vitally needed. Our national defense facilities have been the targets of these subversives for too long—now is the time to thwart their efforts to overthrow our Government.

As passed by the House, my bill vitalizes, strengthens and improves three basic and necessary national security programs for the purpose of safeguarding (1) selected industrial facilities essential to the defense of the Nation against espionage, sabotage and acts of subversion; (2) classified information released to contractors and (3) vessels and waterfront facilities.

The principal legislative base for the maintenance of industrial facilities programs was Section 5 of the Subversive Activities Control Act of 1950. Under that section of the Act, members of the Communist-action organizations were prohibited from employment in certain facilities designated by the Secretary of Defense as defense facilities. However, in 1967, the U.S. Supreme Court voided that section of the Act on the ground of "overbreadth."

It is unthinkable to me that there should be any question of whether our defense plants should be protected from subversives. This is especially true at a time when we are committed to a fight against Communism throughout the world, and yet, the Supreme Court has handed down decision after decision which virtually rolls out the red carpet for Communists in defense facilities.

The passage of my bill, which I co-sponsored with Representative Richard H. Ichord, D-Mo., Chairman of the House Internal Security Committee, represents two years of legislative efforts on my part and others who supported the measure.

VETERANS LEGISLATION PASSES
OVERWHELMINGLY

I introduced a bill, which passed the House by an overwhelming 352 to 0 vote, that would remove the current mandatory requirements of the Veterans Administration for the annual reporting of income for World War I and other veterans who are 72 years of age or older.

My bill was included as a provision in H.R. 372, a measure to modify the reporting requirement and establish additional income exclusions relating to pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement

for hospitalization of veterans, and for other purposes.

Under the present VA requirements, veterans who are 72 or older must fill out an annual income statement before they can receive a pension. I have hopes that the Senate will act promptly on this bill so it can be signed into law by President Nixon.

The House also passed another bill I sponsored which would make it possible for all Congressional Medal of Honor winners to have a graveyard marker or headstone furnished by the U.S. Government. My bill authorizes the furnishing of headstones to mark the graves of persons awarded the Medal of Honor regardless of the character of discharge awarded for their last term of service. The bill is now in the Senate and I have no doubt it will be passed and sent to the President for his signature.

PORNOGRAPHY PROFITEERS MUST BE STOPPED!

Of all the forces at work today eroding the dignity and basic morality of the people, I believe the most disgusting is the use of the U.S. mails to purvey obscenity and perversion within the privacy of the home. Pornography has become a multimillion-dollar racket, invading the homes of many, unasked and unwanted.

Legislation designed to greatly curb the peddling of smut mail must be given top priority by this Congress.

Smut peddlers prey upon inexperienced and impressionable young people at the very time of their character formation, subverting the principles of morality that decent parents are trying to instill in their children.

Vicious pornography profiteers use mailing lists derived from such innocent sources as high school honor roll lists to flood the mails with offers of hard-core smut. Even the promotional materials which they send unsolicited are far too graphic and obscene to be allowed in the hands of vulnerable youngsters, and a decade ago would have qualified the sender for a term in a Federal penitentiary.

Every week I receive letters from anguished and angry parents, pleading for a way to keep this filth out of their mailboxes. They take the position that the U.S. mails should not be freely available to those who would profit from pandering to the natural curiosity of the young—I wholeheartedly agree.

Last year I introduced four bills—H.R. 12225, H.R. 12519, H.R. 12520, and H.R. 12657—in an attempt to halt this onslaught of smut being forced upon the American people by the misuse of the mails. These measures provide first-offense penalties of a \$50,000 fine and five years in prison for anyone convicted of sending this kind of material.

Special emphasis is placed on protection of children under 18, but the legislation protects the privacy of adults as well.

I hope my bills will be favorably considered so that the people of the First District and throughout the Country will be safe from the purveyors of filth who have too long profited from exploitation of the innocent.

GUN CONTROL LAW SHOULD BE REPEALED

During my "Open Door" visits, I found that the bill passed in 1968 by Congress on gun control was a real concern to the people throughout the District.

I introduced a bill, H.R. 13409, which was included as a provision of another bill, making it unnecessary to register shotgun shells, rifle ammunition and .22 calibre rimfire ammunition. This bill passed the House and Senate in 1969 and was signed into law by the President.

I introduced another bill—H.R. 13408—to repeal the Gun Control Act of 1968. The major complaints of the firearms owners and dealers are that gun control leads to registration and registration leads to confiscation. This must never happen.

I found from talking with some of you, and from the mail I received, that the people believe the gun control law will do little to deter the ever-growing crime rate. I agree with this.

My opinion is that the only people who will comply with such regulations are the law-abiding citizens who aren't in the habit of committing crimes with their guns, including sportsmen, gun collectors, and those who buy firearms for the protection of their families. As Americans, we have a constitutional right to bear arms, and we must protect this privilege.

I am cognizant of the need for law and order, but it will have to come through stricter enforcement of our present laws and more severe punishment for those who violate them.

As the different hunting seasons open, the problems in the sale of ammunition have been solved by the passage of my bill.

IN CONCLUSION

I would add that there were a number of programs and reforms proposed by the Nixon Administration which the Congress simply refused to consider.

Congress failed, over my objection, to enact needed anti-crime legislation; no action was taken on welfare reform; and the lack of new legislation allows pornography to continue to flood the mails.

As the President pointed out in his State of the Union Message, the Administration sent to the Congress thirteen separate pieces of legislation dealing with organized crime, pornography, street crime, and narcotics, but none of the measures reached the President's desk.

Law and order must be restored without further delay. The rapid increase in crime throughout the Country must be halted. Until the Committees of the Congress start acting these goals cannot be accomplished. The log jam just be broken.

I feel the Administration is willing to take steps to reduce Federal spending. We had a balanced budget in 1969, a surplus in fiscal 1970, and the President has presented Congress a balanced budget for 1971.

I approve of the President's plan of improving our environment by taking steps to eliminate air, land and water pollution.

I have a feeling that it's going to be a better year for everyone if we all work together. Sincerely,

JAMES H. QUILLEN.

ALDA WELCOME

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. SCOTT. Mr. President, we enter the new decade of the 1970's faced with a housing crisis. The challenge of our population boom will require, between now and year 2000, a response of a magnitude equivalent to the establishment every 40 days of new cities capable of housing a quarter million people.

A sobering aspect of this situation is the fact that this country's course for countless generations will be affected by what we do now, both in terms of housing construction and, more importantly, land use. Solutions will require our boundless energies, the utmost of our ingenuity, and our collective vision, for visionaries we must be if we are to find an answer to the seemingly answerless problem of where to house our children and our children's children.

One thing, however, is certain: we must turn our attentions more and more to the problems of our environment. We must absorb into our national thinking an ecological approach—ecology must be a common word—because the trespasses against ecology are becoming common knowledge through common sights and common smells.

I am delighted to note that a newcomer on the Washington scene, the American Land Development Association—ALDA—has taken the first small step in promoting this new environmental-ecological approach. The founders of this fledgling association have set forth in their "Statement of Beliefs and Policies of ALDA" a terse announcement of their awareness that as land developers, they hold the key which could unlock a truly beautiful and livable America. I believe this association represents a commendable undertaking, and I wish its members well.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement as it was ratified by the board of directors for the American Land Development Association, and as it appeared in the January 1, 1970, edition of the association's monthly newsletter, Washington Developments.

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

STATEMENT OF BELIEFS AND POLICIES, AMERICAN LAND DEVELOPMENT ASSOCIATION

Consistent with broad national policy, as expressed by the Congress of the United States, to provide, "A decent family," the members of the American Land Development Association are dedicated to the principle of excellence in quality and service.

We recognize that land is a limited basic natural resource. We are aware that land and its development are essential to the production, composition, consumption, and utilization of the nation's total wealth. We are cognizant of our duty to conserve and maintain the land in our possession or under our control and ownership in a manner befitting a precious natural resource.

We believe the members of the land development industry, through free contractual relationships with the various land consuming and land utilizing members of the public, can more perfectly create the means to bring about a balanced and efficient allocation of this limited resource. At the same time, we believe the tradition of American private enterprise, functioning as it does in a mixed national economy under a democratic system of government, will most effectively achieve equity in distribution of land ownership and real property, along with a fair and equitable distribution of wealth and income produced therefrom.

In recognition of our interests and unique contributory function in achieving these high national goals, the American Land Development Association, subscribes to and dedicates itself to promote the following policies and practices:

1. In matters of land development, the public good and benefit is to be a major consideration.
2. Good faith efforts are always to be made to increase land's quality as well as its value.
3. Reasonable efforts are to be made to preserve and protect natural flora and fauna peculiar to a region or locale, where development may be undertaken.
4. Reasonable efforts are to be made to preserve landmarks and structures of unique local, state, or national historic interest and value.

5. Design and engineering of development improvements are to take into consideration total environmental enhancement.

6. When at all possible, innovations and new technology, materials, and methods are to be employed in site design and preparation, and in construction, rehabilitation, renovation, and maintenance.

7. In the sale or advertisement for sale of land or improvements, the doctrine of caveat emptor is to be renounced in favor of on-site inspection, wherever possible, and in all cases true and factual full disclosure as to condition of title, and nature of the land, restrictions and easements, taxes, assessments, and reasonable representatives to the purchaser or lessee regarding the nature, dates for completion and cost to the purchaser or lessee of planned common areas.

8. In the sale or advertisement for sale of land or improvements fair market value is not to be misstated or misrepresented.

9. In the sale or advertisement for sale of land or improvements, statements of future use and value and potential use and value is to be based on known and ascertainable record of fact and on reasonable projections.

10. In the sale or advertisement for sale of land or improvements, no person is to be denied purchase, or lease, or the opportunity of purchase, or lease because of race, color, creed, religion, or national origin.

11. The members of the American Land Development Association will confer, consult, and cooperate with national, state, and local governments, associations of architects, contractors, engineers, and similar groups related to the industry, labor unions, and private and non-profit agencies and organizations in a determined effort to upgrade the land development industry and serve the needs of land developers, individual purchasers, the community, and the nation.

CONTINUING CBW PROBLEMS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. DELLENBACK. Mr. Speaker, when 15 Members of this House joined me last November in releasing CBW and National Security, we assumed that safety measures would be academic should the production and stockpiling of C-B weaponry be unnecessary. Safety hazards will be greatly reduced as the United States now begins to destroy its biological war stockpiles. Regarding chemical weaponry, such hazards will remain with us. Accordingly, we need to be attentive to safety in shipment, storage, testing, and disposal.

Instances of safety difficulties continue to come to light. Most recently, there has been concern over the seeming lack of precautions taken at a U.S. Forest Service Test Center in Globe, Ariz. At the Arizona site, residents blame drifting clouds of the chemical herbicide 2,4,5-T for stillborn and deformed goats and chickens, vaginal bleeding in local women, and the destruction of gardens. The use of 2,4,5-T in Vietnam has been controversial for quite some time. The National Cancer Institute reported that this herbicide can cause cancer, and birth defects have been noted among Vietnamese women living in regions

saturated with it. Last fall, the President ordered its use restricted to remote regions of Vietnam, yet reports indicate that we are still using the chemical in the United States. I encourage investigation of the safety measures employed at our test sites, wherever they may be. More fundamentally, considering its apparent disadvantages, I question the rationale for employing this herbicide.

In mid-December, leaking nerve gas at the Army's Dugway, Utah, Test Center forced the evacuation of 200 workers. The incident occurred when one of the containers sprang a small leak after being dropped or banged against a wall. Dugway, 80 miles from Salt Lake City, is near the area in which 6,400 sheep died in 1968 when nerve gas was sprayed from an airplane during a test.

The Department of Defense has stated its intention of transferring nerve gas from Okinawa to the Umatilla Army Depot in Hermiston, Ore. In light of the past safety record with regard to chemical weapons, I am particularly concerned about this operation. If these lethal chemicals have to be brought to Oregon, I hope every conceivable precaution is taken to assure safety in transit and storage. If these weapons are obsolete or surplus, I believe they should be destroyed in order to maximize safety; if toxins are involved, I urge that the necessary steps be taken to insure their detoxification.

With research in chemical and biological weapons being reduced, the problem of what to do with unused facilities arises. Senator MATHIAS urged on January 9, 1970, that the facilities at Fort Detrick "be given a national mission commensurate with their potential." Because the facilities are well-suited for medical research, Senator MATHIAS has suggested that Fort Detrick be used as a center for cancer research. I wholeheartedly endorse the Senator's proposal.

I have outlined some of the basic problems and hazards involved in maintaining an arsenal of chemical weapons and toxins. Others also have been concerned with this issue. Recently, in a letter addressed to me, the Scientists' Committee on Chemical and Biological Warfare detailed nine points that our Government has yet to resolve in its policies concerning chemical and biological weapons. I commend this letter to the attention of my colleagues as a concise statement of our continuing problems:

SCIENTISTS' COMMITTEE ON CHEMICAL AND BIOLOGICAL WARFARE,
December 16, 1969.

HON. JOHN R. DELLENBACK,
House Office Building,
Washington, D.C.

DEAR SIR: I am writing on behalf of the Scientists' Committee on Chemical and Biological Warfare concerning President Nixon's recent announcement on U.S. chemical and biological warfare policy. While comprehensive in scope, the announcement was sketchy in detail and consequently is subject to varying interpretations. In fact, many of those who are more or less familiar with the CBW situation have tentatively concluded that the President's announcement would result in only very limited changes.

Answers to the following series of questions would help greatly to clarify the situation, and we feel that because of your interest in

and concern about chemical and biological weapons you might be in a position to provide interpretations not readily visible to the private citizen. As it is this Committee's intention to produce for publication a commentary on the President's announcement, please let us know whether or not you are willing to be quoted.

1. Mr. Nixon reiterated the policy of the U.S. never to initiate the use of lethal chemical weapons. Are there also plans to curtail the U.S. program of development, testing, stockpiling and deploying of nerve gases and other agents and their delivery systems?

2. The President stated that "the U.S. shall renounce the use of . . . all . . . methods of biological warfare". Does this renunciation include the anti-crop biologicals, such as rice blast and wheat stem rust? If so, do current plans include the cessation of development and testing of these agents and the destruction of stockpiles? Does it also include botulinum toxin and other similar substances? Will the 20,000 "Botulism bullets" stored at Pine Bluff now be destroyed?

3. Mr. Nixon mentioned that future research on biological warfare will be confined "to defensive measures such as detection and safety measures." Is it thought within the Administration or the military that a biological attack on this country is sufficiently likely to necessitate protective measures for the civilian population? If so, what specific types of protection are envisioned? How will protective systems be distributed and administered? When will the civilian population be informed of their existence and instructed in their use?

4. It has been the contention of those responsible for biological warfare research that the development of new types of pathogenic microorganisms, and the development and testing of delivery systems were a necessary part of defensive research, since one had to anticipate all possible moves of an enemy in order to be properly prepared for defense against them. Does the President's directive on biological warfare include any curtailment of the development of novel varieties of disease-causing organisms or of delivery systems and dissemination techniques?

5. The facilities for biological warfare research at Fort Detrick and at Pine Bluff are said to contain the most advanced equipment available for the study of disease-causing microbes. Are there any plans to convert these installations into national or international research centers for the study of communicable diseases, or to transfer their administration to the Department of Health, Education and Welfare?

6. On the disposal of stockpiles of biological agents, has any tentative timetable been set? Is it planned to destroy the microbes by heat or by some other method?

7. Has a definite timetable been set for the presentation of the Geneva Gas Protocol to the Senate for advice and consent? Will there be a qualifying proviso excluding herbicides and non-lethal gases from coverage by the Protocol?

8. In view of plans to continue the use of herbicides and defoliants in Vietnam, what measures are being taken to eliminate the risk of teratogenesis?

9. In view of recent disclosures that Department of Defense officials have sometimes disregarded administrative and Congressional policy directives, what measures will be taken to ensure that changes in CBW policy, such as destruction of biological weapons and stockpiles, are carried out?

Answers to these questions will greatly help the public and the scientific community to understand in precise terms the Administration's plans with regard to CBW.

Sincerely yours,
RICHARD NOVICK, M.D.,
The Public Health Research Institute
of the City of New York, Inc.

THE LATE JAMES H. HAMMOND,
COLUMBIA, S.C.

HON. STROM THURMOND
OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES
Monday, February 9, 1970

Mr. THURMOND. Mr. President, South Carolina lost a great man and I lost a good friend upon the death recently of James H. Hammond, of Columbia, S.C. I was privileged to work with Jim Hammond as a fellow member of the South Carolina Senate, and I have been privileged to consider him as a friend and supporter. Senator Hammond, who was a native of my home county, Aiken, was the grandson of the late James H. Hammond, who served as a distinguished Member of this body as Senator from South Carolina and also served as Governor.

Senator Jim Hammond's dedication to the best interests of South Carolina led him to a lifetime of public service. He represented Richland County in the State senate, served on the Board of Visitors of the Citadel, and served as chairman of the Santee-Cooper Authority and of the city of Columbia's Sesquicentennial Commission.

In 1968, even though he had passed his 80th year, Jim Hammond served as a presidential elector on the ticket supporting Gov. George Wallace. He was active all his life and will be missed not only by the State of South Carolina which knew him for his energetic involvement in public affairs but also by his family and a large circle of personal friends who regarded him highly.

Mr. President, the State newspaper of Columbia, S.C., published an editorial noting the splendid record of Senator Hammond. I ask unanimous consent that the editorial, entitled "The End of a Busy Life," be printed in the Extensions of Remarks.

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

THE END OF A BUSY LIFE

Some of the zest went out of Richland County—and of South Carolina, for that matter—when James H. Hammond died Wednesday.

"Jim" Hammond had a choice of titles, but he was the sort of man who had them thrust upon him rather than seeking them out. He was "Senator" for his legislative service in behalf of Richland County, "Colonel" for his long tenure on the Board of Visitors of his beloved Citadel, "Chairman" of Columbia's Sesquicentennial Commission and of the Santee-Cooper Authority, "Presidential Elector" on the Wallace ticket in 1968, and "Captain" of the football teams both at The Citadel and (as a law student) at the University of South Carolina.

He crowded more living into his 84 years than could be done by a dozen ordinary men. His involvement in political, civic, historical, and cultural affairs brought him recognition and appreciation, but few persons—no matter how intimately associated with him—knew the full measure of his contributions, financial and otherwise, to his fellow men.

He was a "do it now" sort of individual, impatient of needless delay or selfish motives. Whether the project involved the construction of highways, the honoring of a deserving citizen, the publication of a bit of Carolini-

ana, or the extension of a helping hand to a faltering but worthy person or program, Jim Hammond would somehow find the time and the means to get things moving.

And he himself kept moving until the very end. Ever ready with a quip, a bit of verse, or an outlandish story, he brightened any gathering and delighted every audience. His close association with persons and places throughout the state would prompt him on occasion to jest that he "was born in every county of South Carolina."

Indeed, his life did touch almost every facet and every part of the Palmetto State. When he is laid to rest in what is truly "Hammond country," the Beech Island community of Aiken County, he will join his grandfather, the James H. Hammond whose service as United States Senator and Governor of South Carolina is recalled by his 19th Century cry, "Cotton is King."

Both will long be remembered by South Carolinians.

A QUESTIONNAIRE

HON. ALBERT W. JOHNSON
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Monday, February 9, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, the time has now arrived when according to my usual custom I prepare and send to the people of the 23d District of Pennsylvania a questionnaire on many of the complex issues of the day. For the information of the Members, and in order to make the questionnaire a part of the official RECORD of this session, I am presenting my questionnaire in detail, which will soon be mailed into the district. The questionnaire will have on its face a picture of myself at the telephone, wherein I state that again I am calling to ask the people a few questions. The remainder of the questionnaire is as follows:

FEBRUARY 1970.

DEAR FRIENDS IN THE 23D CONGRESSIONAL DISTRICT: We are now in the decade of the seventies, and the Second Session of the 91st Congress has assembled, and we are about to commence voting on many controversial issues.

As in past years, I have again prepared a questionnaire wherein I seek your views on many of the complex issues of the day, such as inflation, Vietnam, and drug penalties. I would like to ask you to take a moment or two of your time and share with me your opinions on some of these issues.

Results will be tabulated and made known to yourself, the Congress and the President. You do not need an envelope to return this questionnaire. Just refold it and attach a 6¢ stamp.

Thanking you in advance, I remain,
Sincerely yours,

ALBERT W. JOHNSON.

CONGRESSIONAL QUESTIONNAIRE

In answering the multiple questions, indicate your opinion by inserting a, b, c, or d in the space provided. Other questions answer "yes" or "no." Your answers will be held to be confidential.

1. Do you agree with Vice President Agnew's charge that news media are often partial and biased?
2. Should wage and price controls be imposed to stop inflation?
3. Do you approve of the President using his veto power if he believes a bill is inflationary?
4. What should be done about Vietnam?

- (a) withdraw immediately, irrespective of consequences; or
- (b) try to negotiate a settlement around present positions; or
- (c) withdraw our combat troops as rapidly as the South Vietnamese can take over their responsibility (the President's Vietnamization Policy); or
- (d) invade and blockade North Vietnam?

5. Do you favor allowing Federal police officers with a warrant to enter a house without knocking in drug felony cases, if they believe drugs and other evidence being sought may be destroyed quickly?
6. Should we reduce the crime for first time use or possession of marijuana and heroin from a felony to a misdemeanor?

7. Do you favor:
 - (a) increasing Federal aid to education; or
 - (b) reducing allocations; or
 - (c) maintaining aid at present levels?
8. Do you favor busing school children to achieve a better racial balance?
9. What do you consider the single most important problem confronting the country today?

- (a) air and water pollution; or
 - (b) crime and violence; or
 - (c) Vietnam war; or
 - (d) inflation—rise of cost of living?
10. So that industry will install pollution abatement devices, would you favor:
 - (a) granting tax credits for such installations; or
 - (b) issuing a deadline for abatement with a fine for failure to comply?
 11. Has the Supreme Court been too lenient in its decisions on pornography and obscenity?

12. Do you now favor a Federal gun registration law?
13. Do you approve of the way President Nixon has handled the war in Vietnam?
14. Do you favor our government selling military equipment to Israel?
15. Do you favor gradually eliminating the Federal farm subsidy and control programs for agriculture commodities?

16. Would you favor Congress granting home rule to the District of Columbia?
17. Do you favor a four-year term for Congressmen and State Representatives who now serve only for two years?
18. Do you consider yourself a part of the "silent majority"?

19. How would you rate President Nixon's overall performance in office? —good; —fair; —bad.

Comments: _____
Name _____
Address _____

**PRESS CONFERENCE WITH
CYRUS S. EATON**

HON. LOUIS STOKES
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Monday, February 9, 1970

Mr. STOKES. Mr. Speaker, there are few Americans who elicit more deserved respect from their countrymen than a fellow Clevelander who I am proud to know as a friend, Mr. Cyrus S. Eaton.

Many words have been invoked to describe Mr. Eaton—words which otherwise would have lapsed from our vocabularies with the passing of the John Rockefellers, Andrew Carnegies, and Henry Fords. And indeed he is a magnate, a tycoon, and a self-made industrial giant.

But Cyrus Eaton is far more. He is also a philanthropist, a peacemaker, and

our country's premier emissary of good will to Communist nations. His integrity unquestionable, and his energy unlimited despite his 86 years, Mr. Eaton has now turned his sights and the devotion of the remainder of his life to expediting the noblest of men's causes, peace on earth.

Recently Mr. Eaton, accompanied by his lovely and charming wife, spent 8 days in Hanoi conferring with the leaders of the North Vietnamese Government and embassy representatives of many countries now stationed there. He reported his findings and impressions of these encounters in a recent speech before the National Press Club which I was privileged to attend. As always, his commentary was both perceptive and enlightening. Moreover, many of his statements were far different than the usual sterilized reports we receive about the Vietnam war and the financial crisis now confronting our Nation.

I believe that the views which Mr. Eaton expressed on this occasion should be brought to the attention of every Member of Congress. At this time, therefore, I would like to include the speech of Mr. Cyrus S. Eaton in the RECORD for my colleagues to read:

PRESS CONFERENCE WITH CYRUS S. EATON

Mr. EATON. When I saw this snow last night, I thought I was in for another catastrophe in Washington. In March of 1909, we were celebrating the inauguration of one of our boys from Ohio as President of the United States. I had two motives for being here. One, to do honor to President Taft; the other to keep an eye on our railroad and track systems here that are expected to carry a great many passengers; not only be patriotic, but maybe earn an honest dollar, through carrying the great numbers of visitors to this great city. There were no automobiles then. If you look up the weather reports, you will find that Washington had the greatest snowstorm in its history—five or six feet of snow, that fell two days before the inauguration. So that for four days there wasn't a wheel turned in any of the railroad cars.

When I saw the snow last night, I said it will be my bad luck again. However, I'm highly honored to have this large group of distinguished journalists here.

Since that time, 1909, I have had occasion very frequently to visit Washington, both on business and to meet the statesmen in the White House, cabinets, Senate and the House. During the same time, my business financial interests have given me contacts with all five continents.

Last month, Mrs. Eaton and I spent eight fairly crowded days in Hanoi. We met the heads of state. We met many others—journalists, heads of hospitals, educators, and what was highly useful to me, the Ambassadors and their staffs, including their military attaches from many countries, Great Britain, France, Canada, India, Poland, Burma, the Soviet Union. We found those visiting Ambassadors men of great knowledge and great understanding of the country, and they were of enormous help to me, because they knew all the personalities in Hanoi and their eccentricities.

We saw, in addition, we met one day with a delegation from the Revolutionary Front of South Vietnam. So I felt I learned a lot about that country, its history, and its ambitions.

They were occupied by Japan in 1940, and for five years Japan controlled the country. At that time, the present Prime Minister, who in my judgment is a very able man, was in contact with President Roosevelt. Roosevelt said to him, "Expel the Japanese and

we will promise you complete independence for your country." He also—the Prime Minister—was a man who conducted the negotiations for his country at Geneva, and he thought he had made what to him was a satisfactory arrangement; namely, Japan's soldiers had been expelled. He had an understanding that there would be a temporary division between the North and South, and there would be immediately a vote taken which would decide whether the South would join the North or not.

Our Secretary, Mr. Dulles, thought that wasn't a good idea. President Eisenhower supported him in that cause. He said, "If a vote is taken at this time, 80 percent of these people will vote to join the North, and to have a common leader." We gave the encouragement—our Government did—to the French to reassert their ownership, and their domination of that country. The French Foreign Office told me a few years ago that these people asked for their independence, that we in France wouldn't give it to them. They went to war, and after 10 years they threw us out, even though we had tremendous support from the United States, and I warn you, the same thing will happen to the United States, who have gone into this thing without our approval or without any promise of help from us.

I found these people not especially interested in Communism, but very greatly interested in Nationalism. That is the ruling passion in that country—to be independent. Independent of China, independent of the Soviet Union, independent of France, independent of the United States.

My feeling is that they ought to have been supported in that ambition. Now they have reached the conviction, which is shared by all the leaders there and by all the people that we saw in many walks of life, that this Administration does not wish to end the war, but is making plans to continue it. Any small withdrawal of troops is just a tranquilizer to keep the American people quiet who are protesting. That is their conviction.

I tried to persuade them to the contrary. I said America is a peace-loving country. I speak for the businessmen, and there is nothing in the slander that businessmen like this war because of the profit. That is completely untrue. The businessmen of America would like to see this war ended. That is true of people in all walks of life—college people, clergy, farmers, labor leaders.

Well, they are tremendously well informed, and they are watching everything that goes on in America. Every speech made by the President or interview given by him or by Secretary Laird, Secretary Rogers, someone close to those people, they come there instantly by shortwave, and are translated. And I found them extremely sharp and well informed.

When I said America is for peace, they said in effect, how can you get away with that when your appropriation for military activities is \$80 billion year, more than the military appropriations of all the rest of the countries of the world combined—capitalist and socialist?

That was a little hard to explain.

They are well aware of this. \$30 billion of that is directly used in their country, and the rest of it is because of the activities in which we indulge.

I continued to press. I didn't offer a single argument as to why I thought our Administration doesn't want to end the war, nor any reasons for it. I tried to advance every argument I could to persuade them that it was in their interest to get the war ended, and to devote themselves to improving their agriculture and their industries and the many other things that they need to do. But they are going to be hard to convince. If our country wants peace with them, we can't be half-hearted in our approach, or in our statements.

I think the problem is not Hanoi. I think it's right here in Washington. Do we want to end the war? If we do, there is no problem of negotiating. There are great exaggerations brought forward that they are hard to deal with. There is nothing in that. Here I am, an American capitalist, and they talked to me, I believed with great frankness and great freedom.

Mind you, they have problems in receiving a visitor from America, because they not only have their own warlike activities to concentrate on, but they have very important allies whom they have to hold.

China, with the largest standing army in the world and 600 miles of common frontier with them, the Soviet Union, a valued ally.

And the military attaches of our allies there told me they consider the Soviet Army the best equipped, the most efficient, the most modern army in the world. And that army, under the Soviet's contract to defend that country, is at their disposal.

How are we going to end the war? Let me refer a moment to the situation—you will be asking me questions which I will be glad to answer as fully as I can. What I can't answer, Mrs. Eaton will.

(Laughter.)

I would just say a word about the situation as I see it in America. You have only to read the front page of today's newspapers to know what is wrong with America. You will see the fact that the Department of Agriculture, a branch of our government, is raising \$350 million selling bonds yielding nearly nine percent. When you get our government paying nine percent for money, you are right on the verge of a financial crisis that will be terrific.

Look further on the financial pages and you will see some of our greatest preparations. Floating bonds, triple-rated, nine percent interest. Companies that six years ago their three percent bonds were selling at a premium.

Now that affects not only the great corporations but that high cost of money, that almost complete scarcity of credit, that weighs heavily on a farmer who wants to buy a new tractor or on the laboring man who wants to build a new house.

On the front page also you will see that our government is protesting against any move to bring our troops back from Germany, where we have over 300,000 men that we are sustaining.

How can we maintain those military establishments around the world with the great scarcity of money?

I was in Japan on the way back. I saw leading industrialists, bankers and heads of the government. I asked them—I said, "You can't get any money now from America expanding your industry. Where are you getting it?"

They said mainly from West Germany. They said the German industrialists and bankers are supplying us great quantities of money at eight percent but all convertible into the common stock of our industries.

Here you have Japan and West Germany, the two countries that are forbidden to spend any money to speak of on military equipment. They are the two countries with the soundest currency in the world. Does that mean nothing to us?

Here we go on saying we are going to maintain 300,000 men in Germany at immense cost when we are going bust over maintaining our military activities in one little country.

Mind you, our treaty obligations, if carried out, would take us into 43 wars on behalf of 43 nations all over the world that we have agreed to defend. We simply cannot do it.

What is going to happen? You are going to have a revolt by the businessmen of America who no longer can afford to see our resources spent all over the world in military undertakings.

The great difficulty in which the corporation labors today to get money is illustrated by our cities. The City of New York yesterday floated a bond issue. Seven and a half percent on a completely tax exempt issue and with great difficulty. A few years ago New York City credit would have financed that for about a third of the cost today.

What is the main reason for that? It is this unwise, unprofitable war that we are carrying on in that little country.

Now we advanced various possible arguments as to why we are there and why we should continue but from the standpoint of the American businessman, after visiting that little country and seeing those gentle people, I can't see one single sound reason in the world for our being there or continuing.

I would like to see us do what General de Gaulle did in Algeria. There, you will remember, the war went on between Algeria and the French for years and years, and then they started negotiations to end it.

Those talks went on as they are in Paris, getting nowhere.

Finally de Gaulle said he was going to quit this talk and act, and over night he decided to end that war.

He had to withdraw 500,000 French troops and over one million civilians, some of them of the third generation, who had been there.

What we need here is not—our government knows the facts. They understand the whole situation. There is nothing I can tell them they don't already know.

But what we have to have is the courage of someone in Washington to end this conflict. If it can't come from the executive department, then it has to come from the Congressmen and the Senators. After all, the purse strings—one thing they reminded me of: I was proclaiming the dedication of this country to peace. They said there you have your Senate and your House both elected by popular vote and yet you put up \$80 billion a year to carry on war. That is a very hard thing to answer.

So I look forward to action in the House and the Senate that will say we are no longer going to bankrupt America and continue this drain in a useless undertaking. We will see a time when no longer will there be any funds available to carry it on.

Don't forget, these people are very shrewd in international things. They know what is going on.

When we say that we want to end this war but are making preparations to continue it, authorizing these vast sums for military undertakings, you can't convince them.

You will be asking me many questions, I hope, and I will stop now, if I may, and await your questions.

(Applause.)

Mr. HUDOBA. Thank you, Mr. Eaton.

For the members of the audience, a typed transcript of Mr. Eaton's talk, including the questions and answers, will be available this afternoon at the club desk.

QUESTION. Sir, why won't the North Vietnamese let us tiptoe out as Senator Aiken suggests?

Mr. EATON. I don't think we are tiptoeing out. I read this morning again that 350 North Vietnam soldiers were killed yesterday by our artillery. That doesn't look like tiptoeing.

The constant declaration from Washington that as we withdraw our troops we are going to equip others—they would be glad to have us tiptoe out but don't believe we have any intention of doing that.

QUESTION. This may seem a repetition but if the problem in ending the war lies in Washington and President Nixon says he wants to end the war, how come the war doesn't end?

(Laughter.)

Mr. EATON. Well, as Secretary Long said to President Roosevelt, did you mean it when you said it?

(Laughter.)

They have a museum at Hanoi which they call the Revolutionary Museum in which they have many things from the revolutionary war with France. Eighty percent of the equipment of the French was American-made, so they have American guns and all sorts of things. But in that museum the thing they take you around to see is the huge picture of the then Vice President Nixon in his visit to Hanoi. A picture with the commander of the French forces in which the Vice President was stimulating the general to greater activity and persist in the fight against those people trying to get their independence. So with that in mind, it is a little hard to persuade them that the President has changed his mind and wants to end this.

QUESTION. You blame Washington and the Congress for continuing the Vietnam war. Have Hanoi and Moscow no responsibility?

Mr. EATON. I am sure that all Hanoi wants to do and all that the Soviet Union will help them do is to remove from their soil foreign soldiers. If you could see the dedication of these people to independence, far greater interest than in communism—if once you could persuade them that we want to end that war, then all of these questions would resolve themselves. It could be done overnight, as DeGaulle did in Algeria.

QUESTION. Mr. Eaton, do you believe there is a limit to North Vietnam's ability to prolong the war?

Mr. EATON. I am sure they can prolong that war and they are preparing to prolong it for five years, keeping in mind that they have the support of every communist country in the world and that they are receiving from China and the Soviet Union immense support, not only in food and supplies but in modern military equipment.

Every once in a while we see—you know, they have been going on for five or six years. They are about to collapse. That is wishful thinking. There is nothing in it. What amazed me upon looking at these statesmen and everyone was their look of confidence and resolution. No one is scared. Everyone wanting peace so they could get to building their country. But any idea that they are anywhere near being conquered is all bunk.

QUESTION. Two related questions. Hanoi has maintained that no North Vietnamese troops are fighting in South Vietnam. Do you believe this?

The second question: Averell Harriman says he reached agreement with the North Vietnamese in Paris in 1968 for peaceful withdrawal of troops. Was this mentioned to you in Hanoi?

Mr. EATON. Averell Harriman is very highly spoken of by everyone there. They think they were on the way to a solution for all these problems but when Harriman was replaced, they felt that his successor had a totally different policy and different point of view. I think if Harriman had been given authority he would have settled the thing quite early.

Now, as to their troops in South Vietnam, we have to remember that for two thousand years he reached agreement with the North Vietnamese in Paris in 1968 for peaceful withdrawal of troops. Was this mentioned to you in Hanoi?

Mr. EATON. Averell Harriman is very highly spoken of by everyone there. They think they were on the way to a solution for all these problems but when Harriman was replaced, they felt that his successor had a totally different policy and different point of view. I think if Harriman had been given authority he would have settled the thing quite early.

Now, as to their troops in South Vietnam, we have to remember that for two thousand years he reached agreement with the North Vietnamese in Paris in 1968 for peaceful withdrawal of troops. Was this mentioned to you in Hanoi?

Mr. EATON. Averell Harriman is very highly spoken of by everyone there. They think they were on the way to a solution for all these problems but when Harriman was replaced, they felt that his successor had a totally different policy and different point of view. I think if Harriman had been given authority he would have settled the thing quite early.

Mr. EATON. Averell Harriman is very highly spoken of by everyone there. They think they were on the way to a solution for all these problems but when Harriman was replaced, they felt that his successor had a totally different policy and different point of view. I think if Harriman had been given authority he would have settled the thing quite early.

ments of U.S. leaders are available to well-informed North Vietnam leaders. Does a free press in Hanoi relate these U.S. statements to the people of that nation?

Mr. EATON. I doubt that. I couldn't read their language, but I would doubt if that were done. I think their interpretation of those statements are printed and commented on and circulated every day, but of course they don't have a free press as we have here. It is under government supervision. The man who is head of the leading newspaper and in charge of press relations is one of the best men I have seen in any part of the world, well informed, intelligent man, speaks no other native language but French and Chinese. A tremendous person in the editorial field.

They haven't very much television and all that, but remember they are at war with this country and they observe the same regulations and restrictions that we did in World War II.

QUESTION. On the subject of prisoners, why does the North Vietnamese government continue to resist all overtures concerning information on our prisoners of war?

Mr. EATON. That is a problem that is of great concern to America. I think they are going to change their policy. They told Mrs. Eaton and me that hereafter any letters sent to prisoners would be delivered and any letter or message written by a prisoner would get out, but we have to remember this, their means of communication there are very limited. Here is that little nation in total war. Much of their countryside has been bombed. They can't get around swiftly. It is a great problem to get letters in and communicate around there. They are under that very great difficulty. They are dedicated to trying to win that war and defend themselves. I don't think they have given the attention to the prisoner question that they ought to and they will. I would predict in sixty or ninety days anything relating to prisoners that had been done by other countries, that will be done there. They kept reiterating to us that the allegations of cruelty to prisoners, lack of feeding, were untrue. They were being treated just as well as any citizen of North Vietnam.

QUESTION. If I may ask two related questions. When U.S. troops are totally withdrawn will there be any room in South Vietnam for freedom and independence, and what would happen to the anti-communists in South Vietnam if we were to withdraw quickly, as you suggest?

Mr. EATON. That is the identical problem that De Gaulle had in Algeria, which he resolved. The terms which they have suggested that they would accept at the end of the war would be the withdrawal of 100,000 troops say in sixty days and a complete withdrawal of all troops in eighteen months. Now, in that eighteen months our forces would still be there for the protection of anyone that was threatened. There are certain people that have to get out. These three men who are at the head of the government, would they want to stay around? They are planning to get out. But you have to remember that in South Vietnam there are really three groups of people. There are those who support the Saigon government, those who support the revolutionary force and then there is a big group in between. That group in between, a good many don't know if they are in between communism and capitalism and don't care. They are not dedicated one way or the other. That very large group would just like to be left alone to carry on their own work, whatever it is. That is a very important crowd in South Vietnam and they have to be considered.

That in between group has no use for the present Saigon government. One is they were traitors, as they consider it, to their country in their conflict with France. Secondly, they have been parties to bringing in soldiers from abroad.

They are highly offended at that group.

I asked this question recently. If there was an honest-to-goodness vote taken where every man was free in the south to express his opinion, where they were not dragooned by an American army or any other army, but completely free, how many would vote to support the present Saigon government?

The answer, everywhere, was about 20 percent. The 80 percent represent that in between group plus the Front.

QUESTION. With the death of Ho Chi Minh, there is much speculation about who leads North Vietnam. Some say it is Li Gwan. Some say Che Trun. What do you say on the basis of your visit, and who will be his successor as number one Communist in North Vietnam?

Mr. EATON. I must not be dogmatic on a question of that kind, but my opinion is that there is at the present time complete cooperation and understanding between the three main men in the North. Sometimes a man will be there who is interested in bringing up the local economy. You can say this man is against war, or you can see a man directing war-like operations, and you can say that is the side that is prevailing.

Each one of these men is doing his own job in his own way, and I think there is, so far as I could detect, complete cooperation and understanding among them. That is verified to me by the Ambassadors of other countries, including our own allies and friends who are there.

I don't think there is—we keep kidding ourselves all the time that there will be a falling out among these people. There will be no disagreement among them so long as they are fighting us.

QUESTION. This may seem like a repetition, but could you make an assessment of Hanoi's views on Communist China from your observation in Hanoi? Do you expect any change in U.S.-Taiwan relationship in the foreseeable future?

Mr. EATON. There was every evidence of fairly generous support in Vietnam from China. Food, money, small arms.

I'm among those that feel that the sooner we get to relieving of tensions among nations of the world, the better. Some people, I think, have been saying, "Well, there are conflicts between the Soviet Union and China that would be for our benefit." Our own attitude to Taiwan is likely to undergo changes if the present leader disappears.

My grandson had an interesting article in the New York Times, Fox Butterfield, on Sunday, which I think he is highly familiar with what goes on there. And it seems to me he set it up pretty well. That those people want independence, and I think they would be glad to have Chiang Kai-shek out, and I don't think they want to join the mainland, but I don't believe that that is a problem that affects Vietnam.

At the present time the Chinese are giving everything to North Vietnam that North Vietnam asks for. North Vietnam doesn't want any of those soldiers. Over the years they have fought with China. They don't want any renewal of that. But the support that China is giving these people is on a very generous scale, as is that of the Soviet Union, and the same is true of all the other Communist countries of the world.

The Ambassador of Poland struck me as a man of very great ability, and with a real desire to see this war settled, not with any animosity toward the United States or undue feeling toward the other side. And that is true of all the Ambassadors there from all these countries. They think this is an unwarranted warfare that ought to be settled, and I think every one of them could be helpful.

France, for instance, owned the country, dominated it for hundreds of years. They

would like to be helpful. Of course, the Asiatic countries probably have most influence with them, because they belong to the same continent, similar ancestry and interest.

But whether it is India or Burma or any of the other countries of Asia, I think they all want to be helpful in getting this war settled, and I think our State Department would be well advised if they would seek the help and support of these people who had experience with this country, and with that area; but vanity keeps us from asking any help from outside.

I say that I thought they were extremely able, well-informed men, who would be constructive to the N'th degree if given a chance.

QUESTION. Did you balance your talks in North Vietnam with a visit and talks in South Vietnam? Have you discussed any of these issues with the South Vietnamese side?

Mr. EATON. Only with the representatives of the Revolutionary Front. A group from there came up and I heard their side, but I have not had the privilege of talking to any of the Government of Saigon.

I have talked to a lot of our soldiers, both officers and privates, who have come back after having spent their two years there, and I take very seriously their appraisal of conditions in the country in which they spent two years as soldiers.

QUESTION. Senator Fulbright had urged President Nixon to send a representative to Ho's funeral. Was it a mistake that President Nixon didn't?

Mr. EATON. Well, I am one of those who feel that any courtesy that we can show to people of that kind are wise and well advised. I don't believe we gain anything by being rude. Good manners always pay, I think, in any situation, whether it is in business or otherwise.

Now I think nothing better could happen maybe than a meeting between President Nixon and the Prime Minister of North Vietnam. I think the Prime Minister would respond to meeting the President at some neutral place where, without any propaganda from people in between, there was a discussion of the real issues. In other words, we would be asking the boss in each country what are the terms on which we can settle this? And it wouldn't be so good maybe for you journalists because there wouldn't be as many things to speculate about or talk about, but I have found in the business world, if you get two heads of rival corporations together, you are more likely to get cooperation and understanding than if they refuse to see each other but only say mean things about the other fellow.

QUESTION. You visited Japan on your way home. What do the Japanese think of the Vietnam situation?

Mr. EATON. Japan is the one nation that is prospering out of this conflict, because so much of our activities center from there. Japan's prosperity is astounding. Nothing like it in the world.

Tokyo now is a city of twelve million. The largest city in the world. Japan is doing business on a vast and profitable scale all over the world.

Japan is trying to make up its mind on their difficult problems. One is that I think they are being urged to rearm with the idea that they would become a valuable ally of the U.S. against China or against the Soviet Union.

Those of us who can remember Pearl Harbor I think would look upon the rearming of Japan as a hazardous undertaking. I think the present government of Japan is opposed to that. I think fairly subtle pressure is being put on them to rearm with the idea that they would become an immense ally of the capitalist world, and it is a very dangerous doctrine.

Many of the people of Japan are opposed to that. They know what the bomb can do. They had an example of it in their two cities that were destroyed.

I think Japan, in spite of temptations, ought to stick to their policy of no rearmament and forget—there are plenty of scientists in Japan that could produce a bomb but I think they will resist that.

But Japan and West Germany are two countries that are not spending money on armaments. They are the two countries flourishing most in the world. I think we ought to take a look at that and see if it is something that would benefit us.

QUESTION. Moving to the West, Mr. Eaton, are you just as much in favor of reunification of East and West Germany as you are in favor of unification of North and South Vietnam?

Mr. EATON. I think you have a much more difficult problem there than we do in Vietnam. East Germany takes in a lot of areas that join Communist countries and I am a great admirer of Germany, both East and West. I think they are among the most remarkable, thrifty, hardworking, fine people in the world, but I don't think it actually matters much whether they are united or not as long as they drive ahead.

The war destroyed them. They can devote themselves to their agriculture, industry and finance. I don't think it makes too much difference whether they are under one government or two.

Mr. HUDOBA. Before asking the last question, Mr. Eaton, it is my privilege to present to you a certificate of appreciation from the National Press Club for your service to correspondents in commemorating your visit with us today.

(Applause.)

Mr. EATON. Thank you very much. I had the privilege of being here 12 years ago and I hope 12 years from now you will invite me back again.

(Applause.)

Mr. HUDOBA. Well, we certainly shall. I would also like to—this is perhaps one of the most redundant things that could happen, but at the risk of a pun, for a man who owns two railroads, here is another tie. (Laughter and applause.)

Mr. EATON. Blessed be the tie that binds.

Mr. HUDOBA. We have lost the last question but I remember it, I think. Do you plan to give your money away the way that young Brody is doing?

(Laughter.)

Mr. EATON. I want to devote much of the rest of my life to promoting peace in the world. Carnegie, whom I knew, and who was one of the greatest American industrialists, dedicated his fortune to peace but with little effect. I want to be very active in the cause of peace.

I expect to come back to Washington frequently. I want to see my friends in the Senate and the House, and in the executive departments see if I can't persuade them that war is folly and that there is no point in our going bankrupt, especially in these wars that we can't win and we are not much better off if we win them.

Japan and Germany are examples of what can happen to countries that are defeated but yet have the energy and the skill to work hard in their various places.

So I expect to come to Washington; I expect some mayors of big cities will come here privately with me who have their friends in Congress. I expect the heads of big corporations will come down not for any publicity but to talk with the Senators and Congressmen who put up the money to carry on this war in which we are making no progress, and if we continue at the present pace we are all going to go bust.

(Applause and standing ovation.)

A PIONEER IN THE FIELD OF
POLLUTION CONTROL

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. RAILSBACK. Mr. Speaker, the administration should be commended for being the first to take such a strong stand on our increasingly contaminated environment. President Nixon, in his state of the Union message, correctly expressed the concern of virtually every American when he said:

The great question of the '70s is: Shall we surrender to our surroundings or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land and to our water?

But while the public is becoming more concerned about our gradually poisoned environment, the public as well as Government officials involved with pollution control, should take note of the individual efforts of leaders in the manufacturing community.

I am proud to bring to your attention, Mr. Speaker, and to the attention of my colleagues, one such pioneer in the field of pollution control.

Long before it was fashionable, Deere & Co., of Moline, Ill., realized that the cost of pollution to mankind was far greater than the cost of controlling it.

With the exception of the Des Moines and Dubuque operations, the company's manufacturing operations are located in the familiar type of river front "manufacturing sections" which sprang up in the 19th century when water power and transportation were necessary elements in the location of manufacturing operations.

The manufacturing firm, which produces John Deere farm tractors and equipment, industrial tractors and equipment, and lawn and garden tractors and equipment, had for a number of years equipped its factories with a variety of water pollution control devices, such as skimmer ponds. Its comprehensive action against water pollution dates back to 1954. Prior to that time there were no standards for effluent discharge or standardized program to guard against stream pollution; only a general attitude that the company should not be guilty of stream pollution.

In 1954 several stories appeared in the Quad-City newspapers including the Rock Island Argus, the Moline Dispatch and the Davenport Times-Democrat concerning fish kills in the Mississippi River. Although there was no indication that Deere & Co. operations were responsible for any pollution, company executives, spurred on by the articles, adopted a policy which assured the firm would "never be guilty of discharging lethal wastes into a stream."

In 1957, 10 years before the Illinois State Sanitary Water Board adopted its first set of standards, Deere & Co.'s stream pollution control committee set down strict standards which included a system for sampling and testing the dis-

charge from each outlet and a complete review of manufacturing processes with the goal of halting the possibility of discharge of dangerous chemicals into streams. Since cyanide was one of the most dangerous chemicals used, a complete change of heat treating methods was instituted to eliminate the use of cyanide. Other changes were initiated to prevent possible water pollution.

But water pollution control was not the only area in which the company played a pioneering role. The earliest company efforts to control air pollution were made in the 1920's. Dust exhaust systems were placed on grinders and cloth screen collectors were added to prevent a discharge of dust into the atmosphere. Since then, cloth bag collectors, wet scrubbers, and cyclone separators have been installed to prevent pollution from dusty areas of the factory. Many other advances in pollution control were utilized by the company including dust collectors in coal-fired boilers, the use of interruptible gas to reduce soot and fly ash emission, the replacement of seven old small boiler plants with a single modern two-boiler plant designed to curb any possible pollution.

Mr. Speaker, before describing the most ambitious and successful of its pollution control efforts, I think it fitting to relate Deere & Co.'s policy on such control:

All new facilities should be designed and constructed with the ultimate goal of control or elimination of water and air pollutants. Plans for upgrading controls or eliminating the pollutants should be actively pursued in our existing factories. As a company we should actively support laws and regulations governing air, water and land pollution. We should participate in formulation of such laws by control agencies and whenever possible urge that such regulations be provided with specified methods of measuring the contamination and published limits of quality standards. Regulations governing these contaminants should be applied fairly and uniformly, in a manner which would allow industry to provide the facilities for eliminating the contaminants.

This all-inclusive good neighbor policy might well be followed by other companies who are considered by the American public to be notorious polluters and contaminators of our environment.

Last year a modern new foundry with an annual capacity of 80,000 tons which utilizes electric arc furnaces for melting was completed in the Quad-Cities. These furnaces are equipped with extensive fume- and dust-collecting systems which discharge to the atmosphere through high efficiency bag type collectors. The emission, company officials say, will only be 10 percent of that allowed by rules and regulations of the Illinois Air Pollution Control Board, and the air discharged is actually cleaner than the outside atmosphere. The collected material is so fine it must be pelletized before it is disposed as land fill. With these new controls, the new foundry does not even have smokestacks.

The revered journal of the manufacturing industry, Modern Manufacturing, cited the smokeless foundry as one of the top 10 plants in the country in 1969.

The magazine's citation to the company follows:

By departing from typical foundry traditions, Deere has introduced additional di-

mensions to the industry. Comfort and convenience are offered to employees, visitors and neighbors. Especially laudable is the blending of the plant's smart architectural styling with the urban site's attractive landscaping. The mixture complements the surrounding area. Inside, extensive pollution controls, high production automatic conveyors, safety and rest provisions prove Deere is a leader and a winner.

INTEREST IN RURAL DEVELOPMENT, POPULATION DISPERSAL CONTINUES TO MOUNT NATIONALLY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. EVINS of Tennessee. Mr. Speaker, in a recent newsletter, I have emphasized the importance of rural development in the context of the solution of both rural and urban problems.

My newsletter, Capitol Comments, also cited two bills which I have introduced which would assist in population dispersal: H.R. 799, to provide tax credits to business and industry locating or expanding in rural areas and H.R. 9586, to provide for a commission to study the problem and develop a national policy to assure balanced population and industrial growth.

In this connection Mr. James L. Sundquist, former Deputy Under Secretary of Agriculture, in an article in the Public Interest, reprinted February 8 in the Washington Post, provides some additional insight into the problem of rural-urban balance.

Because of the interest of the American people and my colleagues in this most important subject, my newsletter and the article from the Washington Post are placed in the RECORD.

The newsletter and article follow:

CAPITOL COMMENTS

(By JOE L. EVINS)

IMPORTANCE OF SMALL TOWN AND RURAL AMERICA DRAWS INCREASING NATIONAL ATTENTION

The importance of small town and rural development was emphasized again in hearings conducted last week by the House Small Business Committee which your Representative is honored to serve as Chairman. Officials from the Department of Agriculture and the Department of Housing and Urban Development, among other Federal agencies and departments, agreed in testimony that the strengthening of small town and rural America is fundamental in the solution of the problems of our Nation in both rural and urban areas.

Your Representative has repeatedly called for increased attention to the problems of rural areas, pointing out that the lack of opportunity in rural areas has been a major factor in the massive out-migration of our rural population to crowded and congested metropolitan areas.

In recent years programs for rural areas have been strengthened and through private enterprise and efforts of such Federal agencies as the Small Business Administration and Economic Development Administration, business and industrial development in rural and small town areas has been accelerated, creating jobs and employment. In our area, with Federal assistance,

local programs of progress have improved and strengthened many of our communities.

The rate of out-migration has been slowed nationally, and the return of families now living in metropolitan areas to small town and rural areas is now being urged. Chairman Aubrey Wagner of the Tennessee Valley Authority predicted in an address in New York City this week that a new generation of talented young men and women, sons and daughters of Tennesseans who came to the city in search of opportunity, will "take the reverse path to find a more rewarding and satisfying way of life" at home in Tennessee.

Two bills which your Representative has introduced can play a major role in encouraging re-migration. The first is a bill to provide for a system of tax credits for business and industry locating or expanding in rural areas and small towns. Another bill which I introduced last March provides for establishment of a Commission to study and develop a national policy to assure balanced population and industrial growth—a balance between rural areas and the big urban population centers.

Your Representative in a letter to the White House on July 27, 1965—almost five years ago—said: "The new thrust that is needed—the new concept I suggest—is a concentrated effort to develop the small town to its peak of perfection and to wage a national campaign to 'sell' the small town to our new generation. This would ease urban problems by shifting growth to manageable divisions away from urban complexes."

It is heartening to know that progress has been made in this direction and that there is a growing national awareness of the importance of small towns and rural areas, the backbone of America.

[From the Washington (D.C.) Post,
Feb. 8, 1970]

IT'S HIGH TIME FOR AMERICANS TO DISPERSE (By James L. Sundquist)

(NOTE—Former Deputy Undersecretary of Agriculture, Sundquist is now a senior fellow at the Brookings Institution. His article is excerpted by permission from the winter issue of *The Public Interest*.)

By the end of this century, 100 million people will be added to the population of the United States. That is as many people as now live in Britain and France combined. Where shall they live?

If present trends continue—if they are allowed, that is, to continue—most of the 300 million Americans of the year 2000 will be concentrated on a very small proportion of the nation's land area. Projections of the Urban Land Institute place 60 per cent of the country's population—or 187 million persons—in just four huge urban agglomerations.

One continuous strip of cities, containing 68 million people, will extend 500 miles down the Atlantic Seaboard from north of Boston to south of Washington. Another, with 61 million, will run from Utica, N.Y., along the base of the Great Lakes as far as Green Bay, Wis. Some 44 million persons will live on a Pacific strip between the San Francisco Bay area and the Mexican border. A fourth agglomeration, with 14 million, will extend along the Florida East Coast from Jacksonville to Miami and across the peninsula to Tampa and St. Petersburg.

Most of the remaining 40 per cent of Americans will live in urban concentration, too—and big ones. In this decade, the larger concentrations have been growing fastest; metropolitan areas over 150,000 grew faster than the national average of 9.8 percent between 1960 and 1965 while the smaller areas grew more slowly.

These trends, continued for the next three decades, would place 77 per cent of the coming 300 million Americans on 11 per cent of the land (excluding Alaska and Hawaii).

Only 12 per cent of the population would be outside urban areas of 100,000 or more population. Is this the way we want to live?

Two questions are presented. The first pertains to regional balance. Is it desirable that population be massed in a few enormous "megalopolises" along the seacoasts and lakeshores? The second relates to rural-urban balance (or more accurately, the balance between metropolitan and nonmetropolitan areas). Is it in the best interest of the country, and its people, to continue indefinitely the depopulation of rural and small-town America and the building of ever bigger metropolitan complexes, in whatever region?

FORCED MIGRATION

In short, the 300 million can be highly concentrated in a few "megalopolises," or they can be distributed more evenly as among regions and dispersed in a more nearly balanced way among large metropolitan areas, middle-sized cities and thriving small towns and villages. Which do we want?

How each family lives is profoundly influenced, even controlled, by the size of the population cluster in which it is embedded. The degree to which population is massed determines the amenity and congeniality of the whole environment in which adults and children live and grow and work. It affects their personal efficiency, their sense of community, their feelings about the relationship between man and nature, their individual and collective outlooks of the world.

The impact of size is most emphatic on the lives of the ghetto dwellers of the great cities, of course, but no one in a megalopolis is immune. The resident of Scarsdale or Winnetka is not wholly spared the stresses of big city life; the larger the metropolitan area, the greater in strains and irritations of commuting and the more inevitable that the environmental pollution that arises from population concentration will affect the most idyllic suburbs, too.

In any case, the desirability of population concentration must be measured by its consequences for the majority of families who live at near-average or below-average levels, not upon the few who can insulate themselves in political and social enclaves.

So the question is, what kind of environment do we want to build? The nation, through its government, has established policies on matters of far less crucial import, yet the extent to which the country's population will be concentrated remains essentially *laissez-faire*.

That would be all right, perhaps, if by *laissez-faire* one meant free choice by the individuals and the families that make up the population. But it is far from that. The movement of people from smaller to larger places is, to a large extent though no one knows the exact proportions, involuntary, forced migration.

Young people going freely to the cities in search of adventure and opportunity make up part of the migrant flow, but only part; among the rest are millions of uprooted, displaced families who have little desire, and less preparation, for life in large cities and whose destination is often inevitably the city slums. These displaced families are simply forced into the migration stream by economic forces they cannot control.

The spatial distribution of population is determined, of course, by the distribution of jobs. With the exception of the limited numbers of the self-employed and the retired, people are not in reality free to live just anywhere. The vast majority are employees who must live where there are jobs, and the location of jobs is not their choice. The concentration of the country's population is the result of employer-created job patterns that the people have had to follow.

For the most part, employers have not been free to create jobs just anywhere, either. They have been bound by considerations of economic efficiency—the location of raw ma-

terials and markets, the transportation cost differentials of alternative locations, etc. As a result, the basic pattern of population distribution has been designed by the play of economic forces, not by men acting rationally as environmental architects; events have been in the saddle once again.

Even in the absence of quantified evidence, it seems reasonably clear that our largest urban concentrations have grown well beyond the point at which diseconomies of scale begin to show. The costs of moving people and things within large metropolitan areas are demonstrably greater than the costs of moving them in smaller population centers. Commuting distances are obviously longer, the time loss greater, the costs higher. The flight of industry from central cities to the suburbs is a reflection, in part, of the cost of transportation to and within congested areas.

The cost of urban freeway construction varies directly with the population density of the areas affected, and subway systems are an enormous expense that only the larger metropolitan areas require. Such municipal functions as water supply and sewage and solid waste disposal are probably also subject to diseconomies of scale, for the simple reason that the water and the waste must be carried over longer distances. San Francisco, for example, had contemplated dispatching a 70-car train daily to carry its solid waste over 300 miles into the mountains on the Nevada-California border.

COSTLY CRUELITIES

The diseconomies are ultimately measurable, at least in theory, in dollars and cents. Other disadvantages of scale are less measurable but no less real. Air pollution, for example, is a function of the dense concentration of automobiles. Similarly, water pollution is more amenable to control in areas where population is dispersed; there, given the will, the way is at least available.

One other factor that must be considered in any calculation of costs and benefits of urbanization is the social and economic cost of migration itself. To decide which new plant location is really most efficient, it is not enough to measure only the building and operating costs of the plant, although that has been the sole criterion of our *laissez-faire* philosophy.

There are enormous costs, as well as appalling cruelties, in the forced displacement and migration of populations, whether it be Negroes from the South, mountaineers from Appalachia or small businessmen from the declining regions of the Great Plains and the Midwest. (In the 1950s, more than half of America's counties suffered a net loss of population.)

Families lose their homes and savings and equities and property values along with their most deeply cherished associations; communities lose their tax base for public services; community institutions wither. Some of the migrants are too ill-prepared, too sick or too poor to adjust to city life successfully; many of them wind up on welfare, and they burden every kind of institution.

Yet these costs and losses are not borne by the industry locating the plant, but by people and communities, thereby entering no one's cost-benefit equation, no one's computations of efficiency. If they did so enter, then calculations of simple efficiency would no doubt show that, as a general rule, it is far more economical from the standpoint of the whole society to create new economic opportunities where the people are rather than allow existing communities to die while building other whole communities from the ground up in the name of "economic efficiency."

Moving from the physical to the social environment, hard data on disadvantages of scale are even more difficult to come by. Yet we know that as population in general is concentrated, so is poverty (large ghettos ex-

ist only in large urban concentrations) and crime, drug addiction, family breakdown and every other form of social pathology. It may be specious to argue that rural poverty is better than urban poverty when both are bad enough, yet the fact remains that the social evils associated with poverty tend to be mutually reinforcing when the poor are herded together in concentrated masses—as studies of public housing populations, for example, have clearly shown.

Racial tension and rioting are not limited to big cities, to be sure, but in their most terrifying aspects they seem to be. Perhaps most important of all, the problem of unemployment and underemployment of the urban poor appears all but insoluble in the largest urban complexes because transportation systems just cannot economically link the inner cities where the poor live with the scattered suburban sites where the new jobs are being created. In smaller places, by contrast, people can even walk to work.

For all these reasons, it is not hard to accept as a hypothesis, at least, that our largest metropolitan agglomerations are less livable and economically less sound than smaller urban centers. Moreover, what little evidence is available suggests that people do not like to live in unlivable places; they are there, in substantial proportion, against their will. A Gallup poll in 1968 showed that 56 per cent of Americans would choose a rural life, if they were free to choose, only 18 per cent a city and 25 per cent a suburb.

FRUSTRATED FREEMAN

Over the last decade, only one leading figure in public life has made it his mission to sound the alarm on the question of population distribution policy. That was the recent Secretary of Agriculture, Orville L. Freeman. For the whole of his eight years in office, he led a personal crusade for what he initially called "rural areas development" and later came to call "rural-urban balance."

Before a House subcommittee in 1967, he said, "I say it is folly to stack up three-quarters of our people in the suffocating steel and concrete storage bins of the city while a figurative handful of our fellow citizens rattle tapped resources and empty dreams." And then he got carried away: "The whiplash of economic necessity which today relentlessly drives desperate people into our huge cities must be lifted from the bleeding back of rural America."

Freeman's metaphors could be excused; no one listened to all his years of sober pleas and reasoned argument. True, President Johnson gave him moral support and himself made a speech or two on rural development and sent Congress some minor measures, but the subject remained low on the President's priority list.

As for the congressional committees on agriculture, which might have been expected to take some leadership, Freeman could not even get them to set up active subcommittees to consider rural development.

The nation's intellectual community, insofar as it was aware of the Freeman thesis, treated it with a disdain that blended into outright hostility. A composite view of the urban intelligentsia toward rural America can be portrayed, with a touch of caricature, something like this:

Culturally, the cities have a monopoly, and have had since the Age of Pericles. Urban means urbane; rural means rustic. The theater, the concert hall, the museum are exclusively urban institutions; the countryside cannot produce the higher culture, and those who insist on living there are, by definition, both culturally unrefined and, what is worse, content to remain so.

Economically, rural America is destined for decay; the economic forces that built the cities are too powerful to be reversed, even if it were desirable to do so. Freeman's "back to the farm" movement (which, for the record, is not what it was) is romantic

nonsense that flies in the face of every economic reality.

Sociologically, rural America is a backwater populated by misshapen characters out of Faulkner, given to choosing as their leaders men like George Wallace and Lester Maddox and to hunting down civil rights workers and interring them on the banks of the Tallahoga River. Politically, it is time that rural America got its comeuppance; the farmers have been exploiting the cities far too long through outrageous programs that pay them enormous subsidies to cut production while the urban poor—and the rural poor as well—go hungry.

Let the land-grant colleges—the "cow colleges," that is—worry about the Podunks and the hicks and hayseeds who live there; we are an urban nation now.

INTELLECTUALS RECONSIDERING

This picture of the rural areas is not, unfortunately, wholly unrelated to reality. The fact is that the rural areas of the country are disadvantaged in many ways: they are culturally isolated (although their isolation has been drastically reduced by television and good roads); they have declined economically; their governmental and social institutions are often primitive and backward; racial exploitation is rife.

But the cities are not all that superior. There is truth, too, in Freeman's counter-argument of big cities as places of "congestion and confusion, crime and chaos, polluted air and dirty water, overcrowded schools and jobless ghettos, racial unrest . . . and riots in the streets."

But there are signs now that the intellectual world may at last be rediscovering rural and small town America and looking with fresh eyes upon the problem of rural-urban balance. Like so many other trends of current history, this one was set in motion in August, 1965—in Watts.

The analysts of that explosion, and those which followed, suddenly discovered that the problems they called urban had rural roots. "We're being overwhelmed!" cried the urbanists. "Stop the migration. Get these people off our backs!"

So the rural and the urban interest may have converged, finally, and it is out of such convergence that effective political coalitions are born and problems attain their place on the national agenda. The prospects for such a coalition are expressed most sharply in, of all places, the 1968 Republican platform.

"Success with urban problems requires acceleration of rural development in order to stem the flow of people from the countryside to the city," reads the GOP's plank. The language is not without irony for the party of small town America and the party that enacted the Homestead Act. The subject is treated under the heading "Crisis in the Cities"; rural development should be accelerated because the problems of the big cities, where the Democrats live, must be solved.

The leadership for a rural development coalition, also ironically, will have to come from those very cities. Groups with names like the Urban Coalition, the Urban Institute and the Urban League will have to assume the burden of worrying about rural America because there is no rural coalition, no rural institute, no rural league.

Nobody has ever organized to speak for rural and small town people in the nation's councils as the United States Conference of Mayors, say, and the Urban Coalition speak for city people. Farm groups exist, to be sure, but their interest is the economic interest of farmers as producers, and most rural Americans—whatever the definition of the word "rural"—are not farmers but small town and small city dwellers. And they are not organized at all.

When rural America is saved, it is clear, it will be for the wrong reasons and under the wrong leadership. But that is better than not being saved at all.

We can begin by defining one objective—to bring to a halt, as nearly as possible, all involuntary migration. The purpose of governmental policy, then, would be to permit people to live and work where they want to live and work; if they prefer to move to the big city, well and good, but if they want to remain where they are, the objective should be to bring the jobs to them.

This proposal will be confronted at once by the objection that some rural areas are too remote, too backward to be salvageable in any circumstances—that no matter how much they are subsidized, they are beyond the reach of economic opportunity. I hide behind the qualifying phrase; forced migration should be brought "as nearly as possible" to a halt, and where a rural community lies beyond the possibility of redevelopment (the Appalachian "head of the hollow" communities come to mind) then it is by definition impossible to help.

However, the number of people living in such communities is far smaller than is usually believed, if one understands that the jobs to be provided need only be near, not at, the community concerned. Commutation is a fact of life in this automobile age in rural areas as well as on Long Island, and rural people commonly travel daily to jobs within a radius of 25 to 50 miles. Circles with 25-mile radii drawn around small cities that have a proven economic potential—proven by the fact that they are growing now—cover the vast majority of the country's rural population east of the high plains, and if the circles are extended to 50-mile radii, they blanket almost the whole country but for a few sparsely settled sections of the western mountains and the plains.

A population distribution policy, then, would seek to encourage an accelerated rate of growth in the smaller natural economic centers of the country's less densely populated regions. To effectuate such a policy, the present approaches would have to be extended in both breadth and depth.

First, they would need to be expanded beyond Appalachia and the other presently recognized redevelopment areas to cover all areas that are sources of out-migration. Second, they would need to be greatly improved in potency so that they have a decisive impact upon the migration stream.

Present federal programs are limited to public investment—roads, hospitals, vocational training schools and so on—to strengthen the "infrastructure" of the non-metropolitan areas, and loans and loan guarantees to encourage private investment. To these would have to be added the policy instrument of tax incentives that has proved so effective in stimulating and channeling investment both for war production and for peacetime economic growth. If an extra investment tax credit were available for defined types of new industry located in the places where the national population distribution policy called for it to be located, then jobs would be created where the people are rather than in places to which they have to migrate.

WRITING THE LANGUAGE

The rub will come, of course, when Congress begins to write the language defining exactly the places eligible for benefits. Growth centers that serve areas of out-migration would have to be included among the beneficiaries even though the centers themselves were areas of in-migration. But only up to a certain point. A cutoff population figure would have to be established at the point where a growth center is considered to have grown large enough, or at least to be able to attain its further growth under its own power.

But given the old-fashioned booster psychology that still conditions the thinking of the leadership of even the largest cities, Congress will find it difficult to designate

any area, even the New York City area, as one that is destined—if national policy can bring it about—to stop growing. To most community influentials, bigger and bigger still mean greater and greater and richer and richer. A population distribution policy may therefore ultimately have to await a major shift in the national psychology.

CAN ANYONE RUN A CITY?

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. JAVITS. Mr. President, it is becoming increasingly apparent that many of our cities are becoming places that people only want to escape from. The problems of race, pollution, overcrowding, and shrinking tax base have grown greater with each passing year, and no quick solutions are in sight. The last several years have seen a fair number of resignations by big city mayors because of their confessed inability to solve their citizens' problems. Attempts by city dwellers to escape city problems by moving to the suburbs have not been wholly successful, since experience has shown that the city problems follow the migration of people to the suburbs.

Gus Tyler, assistant president of the International Ladies' Garment Workers' Union, has written an interesting article, published in the November 8, 1969, issue of the Saturday Review, discussing the plight of the cities and proposing a "New Cities" to the city problems. I ask unanimous consent that the article be printed in the RECORD.

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

CAN ANYONE RUN A CITY?
(By Gus Tyler)

Can anyone run a city? For scores of candidates who have run for municipal office across the nation this week, the reply obviously is a rhetorical yes. But if we are to judge by the experiences of many mayors whose terms have brought nothing but failure and despair, the answer must be no. "Our association has had a tremendous casualty list in the past year," noted Terry D. Schunk, mayor of Portland, Oregon, and president of the U.S. Conference of Mayors. "When we went home from Chicago in 1968, we had designated thirty-nine mayors to sit in places of leadership. . . . Today, nearly half of them are either out of office or going out . . . most of them by their own decision not to run again." Since that statement, two of the best mayors in the country—Jerome P. Cavanagh of Detroit and Richard C. Lee of New Haven—have chosen not to run again.

Why do mayors want out? Because, says Mayor Joseph M. Barr of Pittsburgh, "the problems are almost insurmountable. Any mayor who's not frustrated is not thinking." Thomas G. Currihan, former mayor of Denver, having chucked it all in mid-term, says he hopes "to heaven the cities are not ungovernable, [but] there are some frightening aspects that would lead one to at least think along these lines." The scholarly Mayor Arthur Naftalin of Minneapolis adds his testimony: "Increasingly, the central city is unable to meet its problems. The fragmen-

tation of authority is such that there isn't much a city can decide anymore: it can't deal effectively with education or housing."

Above all, the city cannot handle race. Cavanagh, Naftalin, and Lee—dedicated liberal doers all—were riot victims. Mayor A. W. Sorensen of Omaha had to confess that after he'd "gone through three-and-a-half years in this racial business," he'd had it.

Although frictions over race relations often ignite urban explosives, the cities of America—and the world—are proving ungovernable even where they are ethnically homogeneous. Tokyo is in *hara-kiri*, though racially pure. U Thant, in a statement to the U.N.'s Economic and Social Council, presented the urban problem as world-wide: "In many countries the housing situation . . . verges on disaster. . . . Throughout the developing world, the city is falling badly."

What is the universal malady of cities? The disease is density. Where cities foresaw density and planned accordingly, the situation is bad but tolerable. Where exploding populations hit unready urban areas, they are in disaster. Where ethnic and political conflict add further disorder, the disease appears terminal.

Some naturalists, in the age of urban crisis, have begun to study density as a disease. Crowded rats grow bigger adrenals, pouring out their juices in fear and fury. Crammed cats go through a "Fascist" transformation, with a "despot" at the top, "pariahs" at the bottom, and a general malaise in the community, where the cats, according to P. Leyhausen, "seldom relax, they never look at ease, and there is continuous hissing, growling, and even fighting."

How dense are the cities? The seven out of every ten Americans who live in cities occupy only 1 per cent of the total land area of the country. In the central city the situation is tighter, and in the inner core it is tightest. If we all lived as crushed as the blacks in Harlem, the total population of America could be squeezed into three of the five boroughs of New York City.

This density is, in part, a product of total population explosion. At some point the whole Earth will be as crowded as Harlem—or worse—unless we control births. But, right now, our deformity is due less to overall population than to the lopsided way in which we grow. In the 1950's, half of all the counties in the U.S. actually lost population; in the 1960s, four states lost population. Where did these people go? Into cities and metropolitan states. By the year 2000, we will have an additional 100 million Americans, almost all of whom will end up in the metropolitan areas.

The flow of the population from soil to city has been underway for more than a century, turning what was once a rural nation into an urban one by the early 1900s. Likewise, the flow from city to suburb has been underway for almost half a century. "We shall solve the city problem by leaving the city," advised Henry Ford in a high-minded blurb for his flivver. But, in the past decade, the flow has become a flood. Modern know-how dispossessed millions of farmers, setting in motion a mass migration of ten million Americans from rural, often backward, heavily black and Southern counties to the cities. They carried with them all the upset of the uprooted, with its inherent ethnic and economic conflict. American cities, like Roman civilization, were hit by tidal waves of modern Vandals. Under the impact of this new rural-push/urban-pull, distressed city dwellers started to move—then to run—out. Hence, the newest demographic dynamic: urban-push and suburban-pull. In the 1940s, half the metropolitan increase was in the suburbs; in the 1950s, it was two-thirds; in the 1960s, the central cities stopped growing while the suburbs boomed.

Not only people left the central city; but

jobs, too, thereby creating a whole new set of economic and logistics problems. Industrial plants (the traditional economic ladder for new ethnic populations) began to flee the city in search of space for factories with modern horizontal layouts. Between 1945 and 1965, 63 per cent of all new industrial building took place outside the core. At present, 75 to 80 per cent of new jobs in trade and industry are situated on the metropolitan fringe. In the New York metropolitan area from 1951 to 1965, 127,753 new jobs were located in the city while more than three times that number (387,873) were located in the suburbs. In the Philadelphia metropolitan area, the city lost 49,461 jobs, while the suburbs gained 215,296. For the blue-collar worker who could afford to move to the suburbs or who could commute (usually by car) there were jobs. For those who were stuck in the city, the alternatives were work in small competitive plants hungry for cheap labor and no work at all.

Ironically, the worthwhile jobs that did locate in the cities were precisely those most unsuited for people of the inner core, namely, white-collar clerical, administrative, and executive positions. These jobs locate in high-rise office buildings with their vertical complexes of cubicles, drawing to them the more affluent employees who live in the outskirts and suburbs.

The dislocation of employment, calling for daily commuter migrations, has helped turn the automobile from a solution into a problem, as central cities have become stricken with autoimmobility; in midtown New York, the vehicular pace has been reduced from 11.5 mph in 1907 to 6 mph in 1963. To break the traffic jam, cities have built highways, garages, and parking lots that eat up valuable (once taxable) space in their busy downtowns: 55 per cent of the land in central Los Angeles, 50 per cent in Atlanta, 40 per cent in Boston, 30 per cent in Denver. All these "improvements," however, encourage more cars to come and go, leaving the central city poorer, not better.

Autos produce auto-intoxication: poisoning of the air. While the car is not the only offender (industry causes about 18 per cent of pollution; electric generators, 12 per cent; space heaters, 6 per cent; refuse disposal, 2.5 per cent), it is the main menace spewing forth 60 per cent of all the atmospheric filth. In 1966, a temperature inversion in New York City—fatefully coinciding with a national conference on air pollution—brought on eighty deaths. In 1952, in London, 4,000 people died during a similar atmospheric phenomenon.

The auto also helped to kill mass transit, the rational solution to the commuter problem. The auto drained railroads of passengers; to make up the loss, the railroads boosted fares; as fares went up, more passengers turned to autos; faced with bankruptcy, lines fell behind in upkeep, driving passengers to anger and more autos. Between 1950 and 1963, a dozen lines quit the passenger business; of the 500 intercity trains still in operation, fifty have applied to the ICC for discontinuance. Meanwhile, many treat their passengers as if they were freight.

Regional planners saw this coming two generations ago and proposed networks of mass transportation. But the auto put together its own lobby to decide otherwise: auto manufacturers, oil companies, road builders, and politicians who depend heavily on the construction industry for campaign contributions.

The auto is even falling in its traditional weekend role as the means to get away. On a hot August weekend this year, Jones Beach had to close down for a full hour, because 60,000 cars tried to get into parking lots with a capacity of 24,000. The cars moved on to the Robert Moses State Park and so

jammed the 6,000-car lot there as to force a two-hour shutdown.

Overcrowding of the recreation spots is due not only to more people with more cars but to the pollution of waters by the dumping of garbage—another by-product of metropolitan density.

Viewed in the overall, our larger metropolises with their urban and suburban areas are repeating the gloomy evolution of our larger cities. When Greater New York was composed of Manhattan (then New York) and the four surrounding boroughs, the idea was to establish a balanced city: a crowded center surrounded by villages and farms. In the end, all New York became cityfied. Likewise, the entire metropolitan area is becoming urbanized with the suburbanite increasingly caught up in the city tangle.

The flow from city to suburb does not, surprisingly, relieve crowding within the central city, even in those cases where the city population is no longer growing. The same number of people—especially in the poor areas—have fewer places to live. In recent years, some 12,000 buildings that once housed about 60,000 families in New York City have been abandoned, with tenants being dispossessed by derelicts and rats; 3,000 more buildings are expected to be abandoned this year. The story of these buildings, in a city such as New York, reads like a Kafkaesque comedy. For the city to tear down even one of these menaces involves two to four years of red tape; to get possession of the land takes another two to four years. Meanwhile, the wrecks are inhabited by human wrecks preparing their meals over Sterno cans that regularly set fire to the buildings. By law, the fire department is then charged with the responsibility of risking men's lives to put out the fire, which they usually can do. However, when the flames get out of hand, other worthy buildings are gutted, leaving whole blocks of charred skeletons—victims of the quiet riot.

Other dwellings are being torn down by private builders to make way for high-rise luxury apartments and commercial structures. Public action has destroyed more housing than has been built in all federally aided programs. As a result, the crowded are more crowded than ever. Rehabilitation instead of renewal doesn't work. New York City tried it only to discover that rehabilitation costs \$38 a square foot—a little more than new luxury housing.

The result of all this housing decay and destruction (plus FHA money to encourage more affluent whites to move to the suburbs) has been, says the National Commission on Urban Problems, "to intensify racial and economic stratification of America's urban areas."

While ghetto cores turn into ghost towns, the ghetto fringes flare out. The crime that oozes through the sores of the diseased slum chases away old neighbors, a few of whom can make it to the suburbs; the rest seek refuge in the "urban villages" of the low-income whites. Cities become denser and tenser than they were. In the process, these populous centers of civilization become—like Europe during the Dark Ages—the bloody soil on which armed towns wage their inevitable wars over a street, a building, a hole in the wall. Amid this troubled terrain, the free-lance criminal adds to the anarchy.

All these problems (plus welfare, schooling, and militant unions of municipal employees) hit the mayors at a time when, according to the National Commission on Urban Problems, "there is a crisis of urban government finance . . . rooted in conditions that will not disappear but threaten to grow and spread rapidly." The "roots" of the "crisis"? The mayor starts with a historic heavy debt burden. His power to tax and borrow is often tethered by a rural-minded state legislature. He has lost many of the city's wealthy payers to the suburbs. His levies on property (small

homes) and sales are prodding Mr. Middle to a tax revolt. The bigger (richer) the city is, the worse off it is. As population increases, per capita cost of running a city goes up—not down; density makes for frictions that demand expensive social lubricants. Municipalities of 100,000 to 299,000 spend \$14.60 per person on police; those of 300,000 to 490,000 spend \$18.33; and those of 500,000 to one million spend \$21.88. New York City spends \$39.83. On hospitalization, the first two categories spend \$5 to \$8 per person; those over 500,000 spend \$12.54; New York spends \$55.19.

Expanding the economy of a city does not solve the problem; it makes it worse. Several scholarly studies have come up with this piece of empiric pessimism: if the gross income of a city goes up 100 per cent revenue rises only 90 per cent, and expenditures rise 110 per cent. Consequently, when a city's economy grows, the city's budget is in a worse fix than before. This diseconomy of bigness and richness applies even when cities merely limit themselves to prior levels of services. But cities, unable to cling to this inadequate past, have had to step up services to meet the rising expectations of city dwellers.

The easy out for a mayor is to demand that the federal coffers take over cost or hand over money. But is that the real answer? The federal income tax as presently levied falls most heavily on an already embittered middle class—our alienated majority. Unable to push this group any harder and unwilling to "soak the rich," an administration, such as President Nixon's, comes up with revenue-sharing toothpicks with which to shore up mountains. Nixon has proposed half a billion for next year and \$5-billion by 1975, while urban experts see a need for \$20- to \$50-billion each year for the next decade. A Senate committee headed by Senator Abe Ribicoff calls for a cool trillion.

But even if a trillion were forthcoming, it might be unable to do the job. To build, a city must rebuild: bulldoze buildings, redirect highways, clear for mass transportation, remake streets—a tough task. But even tougher, a city must bulldoze people who are rigidified in resistant economic and political enclaves. The total undertaking could be more difficult than resurrecting a Phoenix that was already nothing but a heap of ashes.

What powers does a mayor bring to these complex problems? Very few. Many cities have a weak mayor setup, making him little more than a figurehead. If he has power, he lacks money. If he has power and money, he must find real—not symbolic—solutions to problems in the context of a density that turns "successes" into failures. If a mayor can, miraculously, come up with comprehensive plans, they will have to include a region far greater than the central city where he reigns.

A mayor must try to do all this in an era of political retribalism, when communities are demanding more, not less, say over the governance of their little neighborhoods. In this hour, when regional government is needed to cope with the many problems of the metropolitan area as a unity, the popular mood is to break up and return power to those warring factions—racial, economic, religious geographic—that have in numerous cases turned a city into a no man's land.

Is there then no hope? There is—if we putter less within present cities and start planning a national push-pull to decongest urban America. Our answer is not in new mayors but in new cities; not in urban renewal but in urban "newal," to use planner Charles Abram's felicitous word.

We cannot juggle the 70 per cent of the American people around on 1 per cent of the land area to solve the urban mess. We are compelled to think in terms of new towns and new cities planned for placement and structure by public action with public funds. "All of the urbanologists agree," reported Time amidst the 1967 riot months, "that one

of the most important ways of saving cities is simply to have more cities." The National Committee on Urban Growth Policy proposed this summer that the federal government embark on a program to create 110 new cities (100 having a population of 100,000 and ten even larger) over the next three decades. At an earlier time, the Advisory Commission on Intergovernmental Relations proposed a national policy on urban growth, to use our vast untouched stock of land to "increase, rather than diminish, Americans' choices of places and environments," to counteract our present "diseconomics of scale involved in continuing urban concentration, the locational mismatch of jobs and people, the connection between urban and rural poverty problems, and urban sprawl."

New towns would set up a new dynamic. In the central cities, decongestion could lead to real urban renewal, starting with the clearing of the ghost blocks where nobody lives and ending with open spaces or even some of those dreamy "cities within a city." The new settlements could be proving grounds for all those exciting ideas of city planners whose proposals have been frustrated by present structures—physical and political. "Obsolete practices such as standard zoning, parking on the street, school bussing, on-street loading, and highway clutter could all be planned out of a new city," notes William E. Finley in the Urban Growth report. These new towns (cities) could bring jobs, medicine, education, and culture to the ghost towns in rural America, located in the counties that have lost population—and income—in the past decades. Finally, a half-century project for new urban areas would pick up the slack in employment when America, hopefully, runs out of wars to fight.

The cost would be great, but no greater than haphazard private development that will pop up Topsy-like to accommodate the added 100 million people who will crowd America by the year 2000. Right now we grow expensively by horizontal or vertical accretion. We sprawl onto costly ground, bought up by speculators and builders looking for a fast buck. Under a national plan, the federal government could buy up a store of ground in removed places at low cost or use present government lands. Where private developers reach out for vertical space, they erect towers whose building costs go up geometrically with every additional story. On the other hand, as city planners have been pointing out for a couple of decades, "It has been proved over and over again by such builders as Levitt, Burns, and Bohannon" that efficient mass production of low-risers "can and do produce better and cheaper houses." Cliff dwellings cost more than split-levels.

The idea of new towns is not untested. "There is little precedent in this country, but ample precedent abroad," notes the Committee on Urban Growth. "Great Britain, France, the Netherlands, the Scandinavian countries—all have taken a direct hand in land and population development in the face of urbanization, and all can point to examples of orderly growth that contrast sharply with the American metropolitan ooze." To the extent that the U.S. has created new communities it has done so as by-products: Norris, Tennessee, was built for TVA to house men working on a dam; Los Alamos, Oak Ridge, and Hanford were built for the Atomic Energy Commission "to isolate its highly secret operations."

What then is the obstacle to this new-cities idea? It runs contrary to the traditional wisdom that a) where cities are located, they should be located, and b) that the future ought to be left to private enterprise. Both thoughts are a hangover from a hang-up with *laissez faire*, a Panglossian notion that what is, is best.

The fact is, however, that past reasons for locating cities no longer hold—at least, not to the same extent. Once cities grew up at rural crossroads; later at the meeting of

waters; still later air railroad junctions; then near sources of raw material. But today, as city planner Edgardo Contini testified before a Congressional committee, these reasons are obsolete. "Recent technological and transportation trends—synthesis rather than extraction of materials, atomic rather than hydroelectric or thermoelectric power, air rather than rail transportation—all tend to expand the opportunities for location of urban settlements." Despite this, the old cities, by sheer weight of existence, become a magnetic force drawing deadly densities.

Furthermore, concluded Mr. Contini and a host of others, "the scale of the new cities program is too overwhelming for private initiative alone to sustain, and its purposes and implications are too relevant to the country's future to be relinquished to the profit motive alone." The report of the Urban Growth Committee stresses the limited impact of new towns put up by private developers such as Columbia, Maryland and Reston, Virginia. "They are, and will be, in the first place, few in number, serving only a tiny fraction of total population growth. A new town is a 'patient' investment, requiring large outlays long before returns begin, it is thus a non-competitive investment in a tight money market. Land in town-size amounts is hard to find and assemble without public powers of eminent domain. Privately developed new towns, moreover, by definition must serve the market, which tends to fill them with housing for middle- to upper-income families rather than the poor."

The choice before America is really not between new cities and old. Population pressure will force outward expansion. But by present drift, this will be unplanned accretion—plotted for quick profit rather than public need. What is needed is national concern for the commonweal in the location and design of new cities: a kind of inner space program.

VOTING RECORD OF HON. JAMES J. HOWARD

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. HOWARD. Mr. Speaker, during the course of the first session of this 91st Congress, there were a total of 177 rollcall votes in the House. I have gone back over my voting record and tabulated my "yea" and "nay" votes. I am doing this for the benefit of my constituents who may wish to know of my voting record.

My tabulation indicates that I voted on 152 of the 177 "yea" and "nay" votes, answering 85.8 percent of those votes. There are times, of course, when work back in the district or personal family illness may prevent a Member from voting. For that reason, at the end of the table I have noted which way I would have answered on votes that I did miss. I have also noted those occasions on which I was paired for or against a particular bill.

I might add, Mr. Speaker, that I have canceled a number of speaking engagements and meetings back in my district to be on hand for votes which we anticipated may be close. Of the votes that I did miss during the first session of the 91st Congress, almost all of them were

overwhelmingly approved, and my vote would not have been a significant factor.

I have made no attempt in this table to completely describe in detail the bills which were voted on. They are simply noted as a means of identification.

The table follows:

Date, measure, question, and results	Vote
January 3: Call of the Members.----- Pr. Election of the Speaker (McCormack 241. McCormack. Ford 187).	
H. Res. 1: To order the previous question on the resolution which would permit Representative-elect Powell to take the oath of office. (Defeated 176-248.)	Yes.
H. Res. 1: A motion similar to that in rollcall 3 to order the previous question. (Defeated 172-252.)	Yes.
H. Res. 1: On a substitute amendment providing that the matter involving Representative-elect Powell be referred to a special committee for investigation and recommendations. (Defeated 131 to 290).	No.
H. Res. 2: To order the previous question on the resolution providing a fine of \$25,000 and loss of seniority for Representative-elect Powell. (Passed 248 to 171.)	Yes.
H. Res. 2: To adopt the resolution seating Representative-elect Powell and providing for a fine of \$25,000 and loss of seniority. (Passed 252 to 160.)	Yes.
January 6: On the motion that the House of Representatives reject the objections to the electoral vote of the State of North Carolina by which 1 vote would be counted for George Wallace and Curtis LeMay. (Defeated 169 to 229.)	Yes.
February 5: H. Con. Res. 124: On the adoption of the resolution providing for the Lincoln day recess. (Passed 241 to 125.)	Yes.
February 18: H. Res. 89: On a motion to order the "previous question" on the resolution to change the name of the Committee on Un-American Activities to Committee on Internal Security. (Passed 262 to 123.)	No.
H. Res. 89: To adopt the resolution changing the name of the Committee on Un-American Activities to Committee on Internal Security and clarifying its responsibilities. (Passed 305 to 79.)	No.
March 12: H. R. 33: To recommit to committee the bill providing for increased participation by the United States in the International Development Association. (Defeated 155 to 241.)	Absent. ¹
H. R. 33: On final passage of the bill providing for increased participation by the United States in the International Development Association. (Passed 247 to 150.)	Absent. ²
March 18: S. 1058: On passage of the bill to extend to Apr. 1, 1971, the authority of the President to submit reorganization plans to Congress. (Passed 334 to 44.)	Yes.
H. R. 2171: To suspend the rules and pass the bill establishing a commission to advise the President on national observances and holidays. (Defeated 164 to 212.)	Yes.
March 19: H. R. 8508: To approve the bill increasing the limitation on the public debt to \$377,000,000,000 until June 30, 1970. (Passed 313 to 93.)	Yes.
March 27: H. R. 7757: On passage of the supplemental military procurement authorization for 1969. (Passed 341 to 21.)	Absent. ²
Apr. 1: H. Res. 270: On a motion to recommit to committee the resolution authorizing \$425,000 for use by the Committee on Internal Security. (Defeated 73 to 284.)	Yes.
H. Res. 270: To approve the resolution authorizing \$425,000 for expenses of the Committee on Internal Security. (Passed 305 to 51.)	Yes.
Apr. 16: H. R. 4148: To adopt the bill amending the Federal Water Pollution Control Act. (Passed 392 to 1.)	Yes.
Apr. 23: H. R. 514: On the motion to adopt the substitute proposal providing a 2-year extension and certain block grants to the States in lieu of the committee's bill amending the Elementary and Secondary Education Act. (Passed 235 to 184.)	No.
H. R. 514: On final passage of the bill (the substitute) amending the Elementary and Secondary Education Act. (Passed 400 to 17.)	Yes.
Apr. 29: H. R. 4153: To approve a \$142,800,000 authorization bill for Coast Guard ships planes, shore facilities, aids to navigation, and bridge construction. (Passed 382 to 2.)	Yes.
May 1: H. Res. 17: On adoption of the resolution to establish a 7-member Select Committee to Study Crime in the United States. (Passed 343 to 18.)	Yes.
Footnotes at end of table.	
May 6: H. R. 5554: To approve the bill making the special school milk program a permanent program and authorizing appropriations of \$125,000,000 annually. (Passed 384 to 2.)	Yes.
May 21: H. Res. 414: On adoption of the rule waiving points of order in the consideration of H. R. 11400, the supplemental appropriation bill. (Passed 322 to 53.)	Absent. ²
H. R. 11400: To adopt an amendments to the supplemental appropriation bill denying interest grants to colleges which do not enforce the law relative to grants for students convicted of crimes in connection with campus disorders. (Passed 329 to 61.)	Absent. ¹
H. R. 11400: On final passage of the supplemental appropriation bill. (Passed 347 to 40.)	Absent. ²
May 27: H. R. 11612: On an amendment to the appropriation bill for the Department of Agriculture limiting subsidy payments to any one farm to \$20,000. (Passed 224 to 145.)	Yes.
H. R. 11612: On final passage of the Department of Agriculture appropriation bill. (Passed 321 to 50.)	No.
H. Res. 424: On adoption of the rule providing for the consideration of the appropriation bill for the Treasury and Post Office Departments and the Executive Office. (Passed 345 to 12.)	Yes.
H. R. 11582: On an amendment to the Post Office appropriation bill limiting to \$20,000 the postal subsidy for any one mailer of 2d class mail. (Defeated 99 to 239.)	No.
H. R. 11582: On final passage of the appropriation bill for the Treasury and Post Office Departments and the Executive Office of the President. (Passed 325 to 6.)	Yes.
June 2: H. R. 763: To suspend the rules and pass the bill providing for a study of State laws governing the operation of youth camps. (Defeated 151 to 152.)	Yes.
H. R. 693: To suspend the rules and pass the bill permitting veterans 72 years of age and older to enter a VA hospital without declaring inability to pay. (Passed 302 to 3.)	Yes.
June 4: H. R. 11102: On final passage of the Medical Facilities Construction and Modernization Amendments of 1969. (Passed 359 to 0.)	Yes.
H. R. 11271: To approve the bill authorizing appropriations for the National Aeronautics and Space Administration. (Passed 328 to 52.)	Yes.
June 11: H. R. 1035: To approve the bill prohibiting the use of public grounds in the District of Columbia for camping or erection of any temporary buildings. (Passed 327 to 51.)	Yes.
June 18: H. R. 6543: On a motion to recommit to committee "The Public Health Cigarette Smoking Act of 1969." (Defeated 137 to 252.)	Yes.
June 24: H. R. 12167: To approve the bill authorizing appropriations for the Atomic Energy Commission for fiscal 1970 (passed 406 to 3).	Yes.
H. R. 12307: To approve the \$14,900,000,000 appropriation bill for the independent agencies and the Department of Housing and Urban Development. (Passed 388 to 6.)	Yes.
June 25: H. Res. 357: On adoption of the resolution providing for an additional clerk for all House Members. (Passed 204 to 195.)	Yes.
H. R. 7906: To approve the bill providing a system for the taxation of interstate commerce. (Passed 311 to 87.)	Yes.
June 27: H. R. 8644: To adopt the conference report on the bill to make permanent the existing temporary suspension of duty on crude chicory roots and to repeal the freeze on aid to families with dependent children. (Passed 269 to 65.)	Yes.
June 30: H. R. 12290: On final passage of the bill to continue the surtax and the excise taxes on automobiles and telephone service to terminate the investment credit, and provide for a low-income allowance for individuals. (Passed 210 to 205.)	No.
July 8: H. R. 11249: To recommit to committee the authorizing of an additional \$7,500,000 appropriation for the John F. Kennedy Center for the Performing Arts. (Defeated 162 to 217.)	No.
July 8: H. R. 11249: On final passage of the bill to authorize an additional \$7,500,000 appropriation for the John F. Kennedy Center for the Performing Arts. (Passed 210 to 162.)	Yes.
July 9: H. R. 11400: To approve the conference report on the 2d supplemental appropriation bill for 1969. (Passed 348 to 49.)	Yes.
July 10: H. R. 11702: To approve the Medical Library Assistance Extension Act of 1969.	Yes.
H. R. 4284: To approve the bill authorizing appropriations for the Standard Reference Data Act. (Passed 365 to 2.)	Yes.

Date, measure, question, and results	Vote	Date, measure, question, and results	Vote	Date, measure, question, and results	Vote
July 15: H.R. 4018: To approve the bill renewing and extending the Appalachian and Regional Planning Commissions. (Passed 273 to 163.)	Yes.	Sept. 4: H.R. 7621: To adopt the Child Protection Act of 1969. (Passed 327 to 0.)	Absent. ²	Oct. 9: H.R. 11612: On a motion to lay on the table a motion to instruct the conferees on the agricultural appropriation bill to insist on the provisions in the House bill limiting subsidy payments to \$20,000 to any one producer. (Passed 181 to 177.)	Absent. ³
July 17: H.R. 7491: To recommit to committee the bill relative to State taxation of national banks in order to substitute for the committee's bill a provision that would protect national banks from interstate taxation that would permit interstate taxation on State banks.	No.	H.R. 12085: To adopt the bill amending the Clean Air Act to extend the program of research to fuel and vehicles. (Passed 332 to 0.)	Do. ²	H.R. 8449: To approve the Hours of Service Act Amendments of 1969 relating to railroads. (Passed 370 to 0.)	Do. ²
H.R. 7491: On final passage of the bill relative to State taxation of national banks. (Passed 342 to 4.)	Yes.	Sept. 8: H.R. 11039: On the motion to recommit to committee the Peace Corps Act Amendments of 1969 in order to reduce the 1970 authorization from \$101.1 million to \$90 million. (Defeated 144 to 186.)	No.	H.R. 7737: On a motion to recommit to committee the bill relating to public (educational) television in order to reduce from \$20 million to \$10 million the authorization for the Corporation for Public Broadcasting in 1970. (Defeated 131 to 190.)	Do. ¹
July 21: H.R. 11609: To suspend the rules and pass the bill authorizing the construction of an entrance road at Great Smoky Mountains National Park, N.C. (Passed 341 to 3.)	Absent. ²	H.R. 11039: To approve the Peace Corps Act Amendments of 1969 with the \$101.1 million authorization. (Passed 281 to 52.)	Yes.	H.R. 7737: On final passage of the bill relating to grants for public (educational) television. (Passed 279 to 21.)	Do. ²
H.R. 11651: To suspend the rules and pass the bill concerning temporary emergency assistance to provide nutritious meals to needy children.	Do. ²	Sept. 9: H.J. Res. 247: To approve the resolution relative to the administration of the national park system. (Passed 334 to 55.)	No.	Oct. 14: H.R. 13000: To amend the Federal Salary Act to require Congress to take affirmative action on the yearly recommendations of the Federal Salary Commission. (Passed 191 to 169.)	No.
July 22: H.R. 12781: To approve the \$1,500,000,000 appropriation bill for the Department of Interior and related agencies. (Passed 398 to 6.)	Do. ²	Sept. 15: H.R. 13194: To suspend the rules and pass the bill authorizing higher interest rates and market adjustment allowance for student insured bank loans. (Passed 322 to 60.)	Yes.	H.R. 13000: On a motion to recommit to committee the Federal Salary Comparability Act of 1969. (Defeated 81 to 281.)	No.
July 23: H.R. 9825: To recommit to committee the bill relative to civil service retirement financing and benefits in order to continue the provision for "5 consecutive years" and to omit congressional employees from title II of the bill. (Defeated 129 to 261.)	Absent. ¹	Sept. 18: H.J. Res. 681: To recommit to committee the resolution providing for the direct election of the President and Vice President in order to substitute the district plan. (Defeated 162 to 245.)	No.	H.R. 13000: On final passage of the Federal Salary Comparability Act of 1969. (Passed 311 to 51.)	Yes.
July 23: H.R. 9825: On final passage on the bill relative to civil service retirement financing and benefits. (Passed 358 to 48.)	Do. ²	H.J. Res. 681: To adopt the resolution providing for a constitutional amendment calling for the direct election of the President and Vice President by the people. (Passed 339 to 70.)	Yes.	On a motion to adjourn the House. (Defeated 99 to 210.)	No.
July 24: H.R. 12964: To approve the \$2,300,000,000 appropriation bill for the Departments of State, Justice, Commerce, the judiciary, and other related agencies. (Passed 366 to 31.)	Absent. ²	Sept. 19: H.R. 13763: To pass the Legislative appropriation bill. (Passed 177 to 94.)	Absent. ¹	On a motion to adjourn the House. (Passed 112 to 110.)	No.
July 28: H.R. 9553: To amend the District of Columbia Minimum Wage Act for Hospital Employees. (Passed 220 to 141.)	Absent. ³	Sept. 23: H.R. 12549: To approve the bill establishing a council on environmental quality. (Passed 372 to 15.)	Yes.	Oct. 15: H.R. 14127: To approve the bill providing for the coinage of a cupro-nickel half dollar and dollar (Eisenhower-Apollo 11). (Passed 257 to 68.)	Absent. ²
H.R. 255: To recommit to committee the bill authorizing the deduction of interest in advance on installment loans in the District of Columbia. (Passed 356 to 19.)	Absent. ²	Sept. 24: S. 574: On a bill to authorize the Secretary of Interior to engage in feasibility investigations of certain water resource developments. (Passed 364 to 16.)	Yes.	Oct. 16: H.R. 13194: To adopt the conference report on the Emergency Insured Student Loan Act of 1969. (Passed 326 to 10.)	Do. ²
H.R. 2: To amend the Federal Credit Union Act to provide for an independent Federal agency for supervising of federally chartered credit unions. (Passed 365 to 10.)	Do. ²	Sept. 29: H.R. 13369: To approve the bill extending for 2 additional years the authority of the Administrator to set interest rates for guaranteed and insured home loans to Veterans. (Passed 339 to 21.)	Absent. ²	H.R. 4293: On final passage of the bill to provide for continuation of authority for regulation of exports. (Passed 272 to 7.)	Yes.
July 30: H.R. 13080: To approve the bill extending for 15 days to Aug. 15 the withholding of the 10-percent surtax. (Passed 306 to 103.)	Yes.	H.R. 4314: To approve the bill permitting employer contributions to trust funds for scholarships for employees and their families, and so forth. (Passed 354 to 1.)	Absent. ²	October 20: H.R. 14195: To suspend the rules and pass the bill revising the law governing contests of elections of Members of the House of Representatives. (Passed 311 to 12.)	Absent. ²
July 31: H.R. 13111: On an amendment to the Labor-HEW appropriation bill increasing the amount by \$894,500,000 over that recommended by the committee. (Passed 293 to 120.)	Yes.	Sept. 30: H.R. 13300: To approve the bill amending the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act. (Passed 372 to 17.)	Yes. ²	October 23: H.R. 13763: On a motion to lay on the table a motion to instruct the conferees to accept the Senate position.	No.
H.R. 13111: On an amendment to the Labor-HEW appropriation bill to prohibit funds to any college or university that does not comply with the law relative to disorders. (Passed 316 to 95.)	No.	Oct. 1: H. Res. 561: To adopt the rule under which to consider H.R. 14000, the military procurement authorization bill. (Passed 324 to 61.)	No.	H.R. 13827: (S. 2864) On final passage of the Housing and Urban Development Act of 1969. (Passed 339 to 9.)	Yes.
H.R. 13111: Final passage	Yes.	Oct. 3: H.R. 14000: On a motion to order the previous question on a motion to recommit the military authorization bill to committee with restrictions. (Passed 223 to 141.)	No.	October 29: H.R. 19350 (S. 2917): On final passage of the Federal Coal Mine Health and Safety Act of 1969. (Passed 389 to 4.)	Do.
Aug. 4: H. Res. 509: To approve the resolution accepting the Senate amendment to H.R. 9951 (unemployment insurance) extending the 10-percent surtax to Dec. 31, 1969. (Passed 237 to 170.)	No.	H.R. 14000: On a motion to recommit to committee the military authorization bill in order to strike out funds for the ABM Safeguard missile. (Defeated 93 to 270.)	Yes.	October 30: H. Res. 586: On ordering the previous question on adoption of the "Rule" under which to consider H.R. 14001, amendments to the Military Selective Service Act. (Passed 265 to 129.)	No.
H.J. Res. 764: To suspend the rules and pass the resolution authorizing appropriations for expenses of the President's Council on Youth Opportunity. (Passed 396 to 7.)	Yes.	H.R. 14000: On final passage of the military authorization bill for 1970. (Passed 311 to 44.)	Yes.	H.R. 14001: On passage of the bill amending the Selective Service Act to permit the drafting of 19-year-olds first and the use of the lottery system. (Passed 382 to 13.)	Yes.
S. 1611: To suspend the rules and pass the bill providing for a National Center on Educational Media and Materials for the Handicapped. (Passed 365 to 22.)	Yes.	Oct. 6: H.R. 14127: To suspend the rules and pass the bill authorizing the minting of a non-silver cupro-nickel half dollar coin and a nonsilver cupro-nickel dollar coin bearing the portrait of President Eisenhower. (Defeated 205 to 148, a 2/3 majority being necessary.)	Absent. ²	October 31: H.R. 14522: On final passage of the Drug Abuse Education Act. (Passed 294 to 0.)	Do.
Aug. 5: H.R. 13018: On a motion to recommit to committee the military construction authorization in order to strike the provision prohibiting pickets or parades in or near the Pentagon which would interfere with the administration of defense affairs. (Defeated 323 to 87.)	Yes.	H.R. 13304: To suspend the rules and pass the bill relating to educational programs for gifted and talented children. (Passed 352 to 0.)	Do. ²	H.R. 4244: To recommit to committee the bill increasing the authorized annual appropriation for the Administrative Conference of the United States from \$250,000 to \$450,000. (Defeated 130 to 134.)	Absent. ²
H.R. 13018: On final passage of the \$1,500,000,000 military construction authorization bill. (Passed 375 to 30.)	Yes.	H.R. 13310: To suspend the rules and pass the bill to include "children with learning disabilities" among "handicapped" and to provide research and demonstratives in the education of these children. (Passed 350 to 0.)	Do. ²	H.R. 4244: On final passage of the bill increasing the authorized annual appropriation for the Administrative Conference of the United States from \$250,000 to \$450,000. (Passed 133 to 127.)	Do.
Aug. 6: H. Res. 513: To adopt the previous question on the rule under which to consider H.R. 13270, the Tax Reform Act of 1969. (Passed 265 to 145.)	Yes.	H.R. 13576: To suspend the rules and pass the bill authorizing increases in the rates of dependency and indemnity compensation of widows and children of men who died in service or as a result of service-connected disability. (Passed 350 to 0.)	Do. ²	November 5: H.R. 6778: On a motion to recommit to committee the 1-bank holding company bill as amended by the House. (Defeated 124 to 245.)	Do.
Aug. 7: H.R. 13270: To recommit to committee the Tax Reform Act of 1969. (Defeated 79 to 345.)	No.	Oct. 7: H.R. 10878: To pass the bill authorizing appropriations for the National Science Foundation. (Passed 384 to 5.)	Absent.	H.R. 6778: On final passage of the 1-bank holding company bill as amended by the House. (Passed 351 to 24.)	Yes.
H.R. 13270: On final passage of the Tax Reform Act of 1969. (Passed 394 to 30.)	Yes.	Oct. 8: H.R. 14159: On a motion to order the previous question on final passage of the Public Works Appropriation bill. (Passed 215 to 187.)	Do. ¹	November 6: H.R. 14465: To approve the Aviation Facilities and Expansion Act. (Passed 337 to 6.)	Do.
Aug. 12: H. Res. 269: To authorize the Committee on Post Office and Civil Service to conduct studies and investigations. (Passed 196 to 132.)	Absent. ²	H.R. 14159: On a final passage of the Public Works Appropriation bill. (Passed 396 to 3.)	Do. ²	November 12: H.R. 2777: On passage of the Potato Research and Promotion Act. (Defeated 171 to 198.)	Absent. ¹
Sept. 3: H.R. 10105: To amend the National Trade and Motor Vehicle Safety Act and to authorize appropriations for 1970 and 1971 (Passed 321 to 0.)	Yes.			H. Res. 603: On ordering the previous question on the rule under which H.J. Res. 589 (expressing support for the international biological program) was to be considered. (Passed 230 to 100.)	Absent. ²

Footnotes at end of table.

Date, measure, question, and results	Vote	Date, measure, question, and results	Vote	Date, measure, question, and results	Vote
H.R. 14705: To approve the Employment Security Amendments of 1969. (Passed 337 to 8.)	Absent. ²	H.R. 15209: On a motion to recommit to committee the bill making supplemental appropriations in order to eliminate \$7,500,000 for the Kennedy Center for the Performing Arts. (Defeated 142 to 243.)	No.	S. 3016: To adopt the conference report on the Economic Opportunity Amendments of 1969. (Passed 243 to 94.)	Yes.
November 17: H. Res. 675: To approve the resolution agreeing to a conference with the Senate on H.R. 12829, extension of the interest equalization tax as amended by the Senate to repeal certain provisions of the Gun Control Act. (Passed 313 to 36.)	Absent. ¹	December 12: H.R. 12321: On a motion to recommit the bill with instructions to strike all after the enacting clause and insert a substitute which would give states greater control of the OEO program. (Rejected 163 to 231). H.R. 12321 (S. 3016): On final passage of the bill extending for 2 years the Office of Economic Opportunity. (Passed 276 to 117.)	No. Yes	H.R. 13111: On a motion to order the previous question on adoption of the conference report on the appropriation bill for the Departments of Labor, and Health, Education, and Welfare. (Passed 261 to 110.)	Yes.
S.J. Res. 121: To suspend the rules and pass the resolutions authorizing appropriations for expenses of the National Conference on Indian Opportunity. (Passed 316 to 31.)	Absent. ²	December 15: H.R. 15095: To suspend the rules and pass the bill providing for a 15 percent increase in social security effective January 1, 1970. (Passed 397 to 0.)	Yes.	H.R. 13270: On adoption of the conference report on the Tax Reform Act. (Passed 381 to 2.)	Yes.
November 18: H.R. 14974: To approve the \$6,600,000 appropriation bill for the Department of Transportation and other related agencies. (Passed 362 to 25.)	Absent. ²	H.R. 14646: To suspend the rules and pass the bill approving the Connecticut-New York Railroad Transportation Compact. (Passed 352 to 49.)	No.	H.R. 15209: On a motion to agree to a continuing resolution to Jan. 30, 1970, as provided in the supplemental appropriation bill. (Passed 276 to 99.)	Yes.
November 19: H.R. 11612: On a motion to order the previous question on adoption of the conference report on the Department of Agriculture appropriation bill. (Passed 214 to 172.)	No.	H. Con. Res. 454: To suspend the rules and pass the resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Federation Front. (Passed 405 to 0.)	No.	H.R. 15209: On a motion to agree to the Senate amendment to the supplemental appropriation bill limiting the application of the so-called Philadelphia plan on job discrimination. (Defeated 156 to 208.)	No.
H.R. 12829: To agree to the conference report on the Interest Equalization Tax Extension Act of 1969 as amended to repeal certain provisions of the Gun Control Act of 1968. (Passed 334 to 47.)	Yes.	December 16: S. 740: To suspend the rules and pass the bill establishing a Cabinet Committee on Opportunities for Spanish-Speaking People. (Passed 314 to 81.)	Yes.		
November 20: H.R. 14580: On an amendment to the foreign aid authorization bill to add \$54,500,000 for aircraft for the Republic of China.	No.	H.R. 14213: To suspend the rules and pass the bill providing for additional members of the Board or Regents of the Smithsonian Institution. (Passed 273 to 119.)	Yes.		
H.R. 14580: On a motion to recommit to committee the foreign aid authorization bill in order to reduce development loan funds by \$50,000,000 for each year of the program. (Passed 185 to 187.)	No.	December 17: H.R. 15091 (S. 2577): On an amendment to the bill relating to interest rates and inflation which would strike out the provision authorizing the Federal Reserve Board to purchase federally guaranteed mortgages to assist in meeting national housing needs. (Passed 231 to 171.)	No.		
H.R. 14580: On final passage of the \$2,100,000,000 foreign aid authorization bill. (Passed 176 to 163.)	Yes.	H.R. 15091 (S. 2577): On an amendment to the bill relating to interest rates and inflation which would strike out provisions authorizing the purchase of up to \$6,000,000,000 in federally guaranteed mortgages by the Federal Reserve Board. (Passed 233 to 170.)	No.		
November 24: H.R. 11193: To strike from the bill relating to the District of Columbia subway system, a provision for \$150,000 for a study of extending the system to Dulles International Airport. (Defeated 52 to 256.)	Absent. ²	H.R. 15091 (S. 2577): On a motion to recommit to committee the bill relating to interest rates and inflation in order to substitute portions of the Senate-passed bill, S. 2577, that would provide authorization for the purchase of \$3,000,000,000 in federally guaranteed mortgages by the Federal Reserve Board. (Defeated 193 to 206.)	No.		
H.R. 11193 (S. 2185): To approve the National Capital Transportation Act 1969 (Subway system). (Passed 285 to 23.)	Do. ³	December 17: H.R. 15091 (S. 2577): On final passage of the bill relating to interest rates and inflation. (Passed 259 to 136.)	Yes.		
H.R. 14916: To approve the \$683,000,000 appropriation bill for the District of Columbia. (Passed 305 to 9.)	Do. ³	S. 2917: To recommit the conference report on the Mine Health and Safety Act with instructions to insist upon the House position relative to sec. 110(B) on injunctions. (Defeated 83 to 258.)	No.		
November 25: H.R. 14741: On passage of the Federal-Aid Highway Act of 1969. (Passed 341 to 1.)	Yes.	S. 2917: On final passage of the conference report on the Mine Health and Safety Act. (Passed 333 to 12.)	Yes.		
December 1: H. Res. 613: To order the previous question on the resolution of support for the President's efforts to negotiate a just peace in Vietnam. (Passed 225 to 132.)	No.	December 18: H.R. 14944: On passage of the bill to establish the Executive Protective Service. (Passed 394 to 7.)	Yes.		
H. Res. 722: To adopt the rule under which H. Res. 613 was considered. (Passed 251 to 100.)	No.	H.R. 13111: To table the motion which would have instructed the House conferees to agree to Senate amendments to the Labor-HEW appropriation bill which would uphold the authority of HEW to cut off funds from school districts that refuse to desegregate. (Defeated 180 to 216.)	No.		
December 2: H. Res. 613: On a motion to recommit the resolution to the Committee on Foreign Affairs with instructions to insert the following amendment "requests to Government of North Vietnam to abide by the Geneva Convention of 1949 in the treatment of prisoners of war". (Adopted 392 to 0.)	Yes.	H. Res. 572: On adoption of the resolution to authorize investigative authority to the Committee on Education and Labor. (Passed 224 to 153.)	Yes.		
H. Res. 613: To adopt the resolution as amended affirming House support of Nixon efforts to negotiate a just peace in Vietnam. (Passed 333 to 55.)	Yes.	December 19: H.R. 14580: To adopt the conference report on the \$1,970,000,000 foreign aid appropriation bill. (Passed 208 to 166.)	Yes.		
December 8: H.R. 15090: To approve the bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1970. (Passed 330 to 33.)	Yes.	S. 2577: To adopt the conference report on the bill relating to interest rates and inflation. (Passed 358 to 4.)	Yes.		
December 9: H.R. 15149: To amend the foreign aid appropriation bill to provide \$50,000,000 for Korea and \$54,500,000 for Taiwan. (Passed 250 to 142.)	Do.	December 20: H.R. 15149: On a motion to recommit to committee the conference report on the foreign aid bill with instructions to agree with the Senate amendment deleting \$54,500,000 for military assistance to the Republic of China. (Defeated 136 to 220.)	Yes.		
H.R. 15149: To pass the bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970. (Passed 200 to 195.)	Do.	H.R. 15149: To adopt the conference report on the foreign aid appropriation bill in the amount of \$1,460,000,000. (Passed 181 to 174.)	No.		
December 10: H.R. 4293: To adopt the conference report on the bill providing for the continuation of authority to regulate exports which liberalized the rules on trade with the Communist nations. (Rejected 238 to 157.)	Yes.				
December 11: H.R. 4249: On a motion to amend the committee bill by substituting an administration bill establishing a nationwide suspension of literacy tests extending nationwide the Attorney General's authority to monitor elections and initiate voting rights law suits, establishing uniform requirements for presidential elections and establishing a presidential commission to study voting practices. (Passed 208 to 203.)	No.				
H.R. 4229: On final passage of substitute voting rights bill. (Passed 234 to 179.)	No.				

Footnotes at end of table.

¹ If present, would have voted no.
² If present would have voted yes.
³ Paired against.

WATER POLLUTION CONTROL

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 9, 1970

Mr. SCOTT. Mr. President, we are in an environmental crisis. The dreary shroud of pollution hangs ominously over the land. Sewage, pesticides, detergents, and chemicals have changed sparkling streams into slime, clear blue lakes into something once called water, and ocean coastlines into submarine deserts. Billions of gallons of heated water are being spewed out by power generating plants into our lakes, rivers, and coastal waters. Our food supply is threatened.

President Nixon, in his state of the Union message, wisely termed environment "the great question of the 1970's." It has become a matter of survival. Yet, despite some encouraging signs, too many Americans are still unaware of, or refuse to face up to, the danger. Clearly, there is an informational challenge as well.

With this in mind, I was particularly gratified to learn that the Washington Chapter of the Public Relations Society of America has, for the second consecutive year, presented its Thoth Award for professional excellence to the Federal Water Pollution Control Administration's Public Information Office. With imagination, inspiration, and ingenuity, they have been alerting America to the multiplying dangers of pollution. Their message is crucial, and they richly deserve this recognition.

I ask unanimous consent that a letter from the Public Relations Society of America's awards chairman, Mr. Bernard A. Goodrich, to the Director of the Federal Water Pollution Control Administration's Public Information Office, Mr. Charles M. Rogers, as well as selected comments from publications of the broadcasting and entertainment industries, be printed in the RECORD.

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

WASHINGTON CHAPTER PUBLIC RELATIONS SOCIETY OF AMERICA, INC.,
December 1, 1969.

Director, Office of Public Information, Federal Water Pollution Control Administration, Washington, D.C.

DEAR MR. ROGERS: It is my pleasure to inform you that your entry in the Washington Chapter, PRSA Annual Awards Program, has awarded first place in the government category.

The judges, members of the Richmond (Va.) Public Relations Society were greatly impressed with the very effective public relations program your office has fashioned to present facts about water pollution, prevention and control.

The Thoth Award, the Washington Chapter's symbol of professional excellence, will be presented at the Annual Awards Banquet on Friday, December 5 at the National Press Club. We hope you or a representative of your office will be on hand to receive it.

Congratulations on an excellent job.

Sincerely,

BERNARD A. GOODRICH,
PRSA Awards Chairman.

SIX BLURBS ON A SHOESTRING

It's enough to make Madison Ave. shiver and shake. The Federal Water Pollution Control Administration division of the U.S. Dept. of the Interior (bureaucrats, right?) has distributed three one-minute blurbs and three 20-second blurbs—all in glorious tint—for pubservice slotting by networks and stations. The chiller is that the FWPCA division of the USD did it on a production budget totaling \$31,000, without an ad agency—and with a producer who had never turned out a blurb before.

Previously, the Administration had been making its video pitch via an "animated little man." But officials decided, with acceptable logic, that so serious a subject required something other than the light touch. They got it.

Out of nine producer bids, the Administration picked Bill Jersey's Quest Productions. Jersey was producer of the critically acclaimed teleumentary, "No Time for Burning," aired last season as an "NET Journal" seg on the NET web, but had never produced a blurb. Jersey, with Don Buxbaum as producer and Michael David scripting, managed to bring off the project sans ad agency creative help or production supervision.

The blurbs feature Hudson River and Hamburg, N.Y., locations and such diverse performers as folk singer Tom Paxton and a professional (AFTRA?) rat. Paxton wrote and sings a moody ode to a river, while the camera pictures it as it should be and how man and industry have really fouled it up. Another blurb features children's voices over, seemingly headed for a beach—but the water is polluted and the only sun bather turns out to be the rat. A sign reading, "This water unsafe for bathing," is a main prop in this one.

Third blurb is interior, with a happy guy humming and mixing lemonade in the kitchen. The lemonade is fouled by a montage of the various industrial gooks that are ruining the waterways. Very effective in tint.

There's brief voice-over on all blurbs, and an invitation to write to Clean Water, U.S. Department of the Interior, Washington, D.C.

The three 20-second blurbs are edited out of the full minutes—just like on Madison Ave.

TROUBLED WATERS

The Federal Water Pollution Control Administration is sending prints of 60-second and 20-second films alerting Americans to the dangers of water pollution, to tv stations around the country.

Each of the films—three '60s, three '20s—is a strong statement of the urgency of

cleaning up America's waters. For example, one of them, to the accompaniment of a nostalgic ballad called *My River*, opens to shots of debris-laden water, river covered by industrial scum, effluvia of factories, tankers dribbling chemicals into the stream, and other enchantments of the industrial environment.

Another shows a deserted beach town, the cottages all boarded up, as, voice-over, children chant "we are goin' swim-min'," while the camera dips down to surfside to show the beach littered with dead fish, the boardwalks posted with "Danger—bathing prohibited—Polluted Water" signs. (The '20s are lifts from the 60-second films)

The beach spot ends with a glimpse of a water rat scurrying among the marine waste, with a voice warning that since nothing was done, "now the beach belongs to him."

The third spot shows a guy setting about to make a pitcher of lemonade with the available water supply. First milky, then rusty, then oily, then acidulous, then sludgy elements go into the pitcher, until the result is a one pitcher microcosm of what has happened to the country's water.

Charles Rogers of the Water Pollution Control Administration said the campaign was conceived as a way "to tell the American people that we're running out of clean water."

To sock the message across, it was decided to use a documentary style, unlike the whimsical cartoon treatment used by the division of the Department of Interior in an earlier campaign.

On a budget of \$30,000, excluding print costs—700 prints of each of the spots are being shipped to stations—the films were produced by Quest Productions, headed by William Jersey, who made the widely-acclaimed *A Time for Burning* for the Lutheran Council.

Jersey directed the film, from a script by Michael David. Producer was Don Buxbaum of Quest. The song, *My River*, was written and sung by folk singer Tom Paxton.

The Advertising Council is urging stations to run the spots as often as possible.

TV SPOTS ATTACK BEFOULED RIVERS, BEACHES

That impure water is a problem and clean water a national need are the messages, and TV is the medium being used by U.S. government water-pollution fighters who are spending more than \$30,000 in the production and distribution of some 700 prints to stations and networks.

Officials of the Federal Water Pollution Control Administration of the Department of the Interior at a screening in New York last week said the color films—three one-minute messages and shorter 20-second versions—were produced by Quest Productions and mark a departure from the agency's use of animated spots to documentaries.

The said the step up in TV exposure was in keeping with the "critical and serious" nature of the water pollution problem in the U.S. A film on river pollution features folk-singer Tom Paxton on the sound track; another spot dramatizes water impurities as a pitcher of lemonade is mixed, and a third is a pictorial study of a beach area closed because of pollution.

AN INTERESTING POLL

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. KYROS. Mr. Speaker, one swallow does not a summer make, and the tem-

perature today shows only too clearly that winter is still very much with us. In the State of Delaware, however, the first State to sign our Declaration of Independence, a political poll was recently conducted by a well-known national polling organization. I would like to bring the results of the presidential preference segment of this poll to the attention of my colleagues. These results are as follows:

	[In percent]	
Muskie -----		48
Nixon -----		39
Wallace -----		13

EIGHTH DISTRICT POLL SHOWS NIXON VIETNAM SUPPORT

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. BETTS. Mr. Speaker, the people of the Eighth Congressional District of Ohio have responded enthusiastically to my 1969 legislative questionnaire. It was mailed to every household November 10 and a total of 15,535 questionnaires were completed and returned. In many cases a questionnaire represents the thinking of an entire family rather than just one person.

President Nixon's handling of the war in Vietnam is supported by 81 percent of the people. Several hundred letters accompanied the questionnaires, most commenting on Vietnam. There is a strong consensus that American battlefield involvement should end with the Vietnamese taking over the combat responsibilities. I find most people want an honorable conclusion to the war, that is the freedom of the Vietnamese people must be insured. Basically, these are the stated objectives of President Nixon, particularly well presented in his November 3 speech. The President has the confidence of the American people to reduce America's role in Vietnam and throughout Asia, which is very important.

While strongly backing the President on Vietnam, only 61 percent favor the controversial ABM—antiballistic missile—system. The people are reacting to findings of excessive and wasteful defense spending. Quite a few said they did not have enough facts about the ABM to make an informed judgment. Now that President Nixon is to make this defense system operational, Congress will be debating the issue again this year. I supported the President when the issue first arose because I believe the first responsibility of the National Government is defense of its citizens. The ABM system is challenged on its potential effectiveness and high cost while the President believes it will protect against the Russia-China nuclear threat. The risk involved if ABM is scrapped is one of not being protected against attack—I for one do not want to take that risk.

Criticism of defense spending, I believe has in large part resulted from disclosure of cost overruns, duplication, and inefficiency in the Department of De-

fense. I am sponsoring a bill to require a modern accounting system for every department and agency. This is one of the real deficiencies at Defense. People are losing patience with extravagance of the military bureaucracy. The charge of a military-industrial complex is more than a cliché, as General Eisenhower so correctly described in his farewell address. These reasons no doubt lead residents of the Eighth District for the first time in my memory to drop defense from top priority Federal spending. My constituents ranked their spending priorities in this order: aid to education, health, defense, crime prevention and control, aid to cities, poverty programs, space programs, and foreign aid.

I did not ask a question on pollution because of the obvious concern along Lake Erie and throughout the district about the deterioration of our environment. However, I share the commitment of my fellow citizens that a much greater portion of Federal effort must be directed to water and air pollution and the entire scope of environmental control problems.

Only 49 percent of the people want the space program continued at the same level. I think President Nixon's leveling off of NASA spending in the new budget reflects a nationwide feeling that problems on earth deserve as much of our money as we can devote to them. Nearly everyone I talk with commend NASA for its great Apollo moon feats but question whether we are getting ahead of ourselves with such scientific expeditions when the immediate area we live in has urgent needs.

With the number of complaints about postal rates and mail service, I was surprised that opinion was so divided on the future of the Post Office Department. Some 21 percent want the Post Office to become a Government corporation, 37 percent think it should be turned over to private, and 36 believe it should be left as it is. Let me make two observations about postal reform. The postal employees, clerks, carriers, and administrative personnel in my district are top flight, hard workers. They do their best to speed the mails and the people know it. I participated in the post office dedication at McComb recently and could see how the local post office is a respected institution in that community. This is why the greater percent of opinion favors leaving the Post Office as it is, as opposed to a drastic change. The chances of the Post Office being turned over to private enterprise are minimal but presidentially endorsed legislation is being considered by Congress to establish a public corporation like TVA to manage the Post Office. Taking the Post Office out of direct Government supervision would allow for reorganization, modernization, elimination of political control, and adjustment of postal rates closer to the costs of handling various types of mail.

On other questions, the people believe our welfare programs should place emphasis on work as a condition for receiving payments and enrollment in vocational or job training programs should

be required. The Ways and Means Committee of which I am a member is currently reviewing the President's proposed Family Assistance Act which contains a work or training feature along with many other important reforms in the national welfare system.

Students should not receive Federal subsidies if they engage in unlawful activities, 86 percent of the people believe.

I am very pleased the preponderant belief in the district is for the census to be limited to a few mandatory questions with others asked on a voluntary basis.

Mr. Speaker, I am including the questionnaire results at this point:

EIGHTH CONGRESSIONAL DISTRICT LEGISLATIVE QUESTIONNAIRE
(In percent)

Do you approve of the ABM (Anti Ballistic Missile Defense System) as proposed by President Nixon?

Yes	61
No	26
Undecided	13

Do you approve of the efforts that President Nixon is making to end the Vietnam war?

Yes	81
No	12
Undecided	7

Should the Federal Government refuse grants or loans to students actively engaging in unlawful disorders?

Yes	86
No	11
Undecided	3

Should our welfare programs include:

Emphasis on work as a condition for receiving payments?

Yes	88
No	1
Undecided	11

Vocational and job training as a condition for payments?

Yes	73
No	6
Undecided	20

Benefits to all whose income is below the poverty level without any conditions?

Yes	8
No	69
Undecided	23

Does the United States space program justify its cost?

Yes	49
No	36
Undecided	15

Do you believe that we need stricter Federal laws in the area of obscenity and pornography?

Yes	78
No	18
Undecided	4

Should the 1970 Census include just a few basic questions which everyone must answer, with all others being asked on a voluntary basis?

Yes	87
No	8
Undecided	5

Should the Post Office Department be:

Converted into a government owned corporation?	21
Turned over to private enterprise and separated from the government?	37
Left as it is?	36
Undecided	6

Indicate in order of priority the areas where you would most like to see your tax dollars spent?

First priority: Education and Health
Second priority: Defense, Crime Prevention and Control

Third priority: Aid to Cities and Poverty Programs

Fourth priority: Space Programs and Foreign Aid.

Do you approve of Congressional questionnaires such as this?

Yes	98
No	0
Undecided	2

CONGRESSMAN JOE L. EVINS OF TENNESSEE DELIVERS INFORMATIVE REPORT ON 91ST CONGRESS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. JONES of Tennessee. Mr. Speaker, my colleague and friend, Representative JOE L. EVINS of Tennessee, recently delivered an address to the Board of Directors of the Upper Cumberland Economic Development District, meeting in Cookeville, Tenn., which drew much commendation and attention. The meeting was attended by county judges, mayors and other local officials and leaders from 14 counties in the Upper Cumberland area, as well as officials of Tennessee Technological University at Cookeville and representatives of various State and Federal departments and agencies.

The county judges who attended included: Judge Lehman Mitchell of Cannon County, Judge Frank Halsell of Clay County, Judge J. T. Horn of Cumberland County, Judge Billy J. LaFever of De Kalb County, Judge P. G. Crooks of Fentress County, Judge Elmo Swallows of Overton County, Judge Luke Medley of Putnam County, Judge T. E. (Ed) Hackett of Smith County, Judge A. P. Baker of Van Buren County and Judge David H. Snodgrass of White County.

State and Federal officials attending the meeting included: Mr. James Vinson of the Appalachian Regional Commission; Mr. Charls Pate, Mr. Paul Kugler and Mr. Boyd Rose of the Economic Development Administration; Mr. Paul Koger, State Director of the Farmers Home Administration; Mr. J. C. Loring, Regional Director of the Small Business Administration; and Mr. Walter Lambert and Mr. Tilden Curry of the Tennessee Office of Urban and Federal Affairs.

Congressman EVINS delivered an outstanding address and I am placing his address in the RECORD herewith:

REPORT ON 91ST CONGRESS

(By Representative JOE L. EVINS)

Certainly I am pleased and delighted to have this opportunity of meeting with the leadership of the Upper Cumberland Economic Development District in Cookeville here tonight.

This is an important occasion. This is a significant occasion. This is a landmark occasion, as this is the first annual meeting of the Upper Cumberland Economic Devel-

opment District since it was created on January 1, 1969—a year ago.

Dr. Donald Wakefield, Executive Director of the Upper Cumberland Economic Development District, has suggested that I provide your organization with a report on the work of the 91st Congress.

First let me commend and congratulate Dr. Wakefield; County Judge Luke Medley of Cookeville and Putnam County, President of the District; Mayor Bob Davis of Cookeville; County Judge T. E. (Ed) Hackett of Carthage and Smith County, Vice President; County Judge Frank Halsell of Celina and Clay County, Secretary and Treasurer; President Everett Derryberry of Tennessee Technological University in Cookeville and the entire leadership of the Upper Cumberland area represented here tonight.

This is truly a remarkable representation and a remarkable organization.

I am advised that the Board of Directors consists of 57 members—57 leaders from 14 counties—Cannon, Clay, Cumberland, DeKalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Warren, White and Van Buren. And 43 of the Board Members are either Mayors or County Judges.

Some 14 other members have been appointed by County Judges to concentrate on industrial development.

I want to commend and congratulate the Board Members and all who work for industrial development and progress in our area. I commend the unity which you are demonstrating by your membership in this Development District.

I want to commend your example of regional cooperation. Here we share common heritage—as we represent an area rich in history and tradition. We share common goals and objectives for growth and progress.

I want to commend Dr. Derryberry and Tennessee Technological University for their role in the growth and progress of our area. The University is providing technical know-how, resources and expert advice and counsel to this fine Development District. It is evident that the University and community leadership are moving forward together—and this is another example of teamwork and regional cooperation.

Let me commend also our State Legislators who are present and participating in this landmark meeting.

I am sure we will all work together for progress and development of the Upper Cumberland. In unity there is strength and with all of your leadership united and our forces marshaled I can foresee greater progress in 1970 and in the years ahead.

UPPER CUMBERLAND'S VAST POTENTIAL

The Upper Cumberland area has a vast potential—a potential that really exceeds our ability to predict at this time.

In addition to this area having an abundance of great resources—ours is indeed an area rich in tradition and history.

Great things are happening in the Upper Cumberland—great progress is being made—great achievements are being accomplished.

We can see progress on all sides as we travel from community to community—new buildings, new industry, new roads—and a spirit of confidence and optimism.

The Upper Cumberland area has a vast potential for industrial development—a vast potential for employment of our people. We have a vast potential for tourism and I can foresee the day when the Upper Cumberland will become the tourist mecca of the Nation.

We have beautiful lakes and with construction of the Cordell Hull Lock and Dam—a magnificent structure which I visited recently—we will be adding another water reservoir and wonderland to Dale Hollow and Center Hill Reservoirs in our midst.

We have magnificent mountains and scenery, and with enterprising businessmen beginning to develop many recreation enterprises in our area, our potential is boundless.

REPORT ON 91ST CONGRESS

As the New Year begins, it is fitting and appropriate that we reflect on the events of the past year and prospects for the future. We have just concluded one of the longest sessions of Congress in history. There was a time when Members of Congress could plan on spending extensive time in their Districts between sessions. That time has gone forever. Now Congress is a year-round business. Sessions are longer and recesses shorter.

The First Session of the 91st Congress was a very deliberative Congress. A new administration took office in January and adjustments between the new Executive Branch and the Congress have taken time. It takes time for a new administration to develop policy and recommendations on appropriations, and it has taken time for Congress to study and evaluate the Administration's recommendations. The President has not yet addressed a Joint Session of the Congress. He sent a number of piecemeal messages from time to time, but it was not until October 14th that a full-scale legislative message or package was sent to the Congress by the President.

Meanwhile, Congress moved ahead with its own legislative programs. Someone has said that Congress is like a locomotive—it is slow to get started, but once in motion, even more difficult to get stopped or bring to a halt. After a slow start—this year has seen a remarkable record of achievement. The press has generally acclaimed the Congress as one which passed some historic and landmark legislative measures such as the massive tax reform and tax revision measure, the Social Security increase measure, and the passage of the anti-ballistic missile bill. These measures alone are sufficiently important so as to make the work of the First Session of the 91st Congress historic and one long to be remembered. Speaker McCormack called the work of the Congress "Productive and Constructive." Senate Majority Leader Mansfield declared the record as "Responsible and Respectable." Some partisans may not agree, but I can assure you much constructive legislation, in the public interest, was passed.

The 91st Congress has been called a "Reform Congress." Among the reform measures passed or under consideration are: reform of our income tax system, reform of the Selective Service System, reform of the Electoral College—our method of selecting Presidents, reforms in health and mine safety standards, reform of the antipoverty program, reform of the Food Stamp program, reform of the welfare system, reform of the postal system, reform of the Foreign Aid program. Reforms and amendments to existing laws rather than much new legislation has been the Hallmark of the work of this Congress.

TAX REFORM

Perhaps the tax reform bill is considered by most Americans to be the most important measure passed by this Congress. In passing this historic measure, Congress cut taxes for many of our citizens and closed the loopholes through which a privileged few avoided taxes. I introduced a tax reform bill, early in the Session, which called for increases in personal exemptions—and closing of tax loopholes. My bill also proposed curbs on tax-exempt foundations which have avoided taxes while engaging in many varied business enterprises. We proposed a limitation on the use of "hobby farming" to write off losses while making profits in other fields. I also proposed a provision to assist small business in expanding—an exemption on investment credit. As passed by the House, the tax bill provided for increases in revenue, by plugging loopholes, reducing oil depletion allowances and taxing foundations, to the tune of about \$6 billion. At the same time the House bill contained provisions reducing taxes on middle and lower income groups to the tune of ap-

proximately \$6 billion. The amounts were just about balanced off with reduced rates to certain groups and individuals. The Senate made a number of changes.

The final bill as worked out in Conference was a meaningful Tax Reform Bill—long overdue—in the public interest—increasing the tax bite on foundations and corporations and lowering taxes for other groups. The press called the Senate version a Christmas tree package of goodies. The bill as finally passed caused the President to consider vetoing it. But on second thought he signed and approved the measure—the first meaningful tax reform bill in more than two decades.

REFORM OF SELECTIVE SERVICE SYSTEM

Another important legislative reform passed was the reform of the Selective Service System. The purpose of this legislation was to establish a fairer system of selecting young men for the armed forces. We all wish it were not necessary to draft any of our young men—but since we are faced with the communist challenge in Vietnam and elsewhere, and the necessity of keeping our guard up and our military posture strong, many officials feel that the draft is still necessary.

The bill as passed called for random selection of draftees. I am sure many of you saw on television the drawing of birthdates in a ceremony at the White House. Under this new system just passed young men, beginning the first of the year, will be drafted according to the drawing of their birthdays—the 19 year olds first. Another important feature of this bill is that the time of vulnerability to the draftee will be narrowed to one year. Long years of uncertainty will be discontinued. The measure as passed seems to be a fairer system than the previous procedure.

REFORM OF ELECTORAL COLLEGE

The House approved a Resolution proposing a Constitutional amendment which provided for reform of our system of electing presidents. As you know, in the last Presidential election there was concern in some quarters that the election might be thrown in the House of Representatives because of the possibility that no candidate would receive a majority of electoral votes. As it developed, this situation did not occur—but it gave rise to a Constitutional amendment adopted by the House, election of a President would be by direct or popular vote—with 40 percent or a minority sufficient to elect.

I supported a substitute amendment which would continue some of the checks and balances established in the Constitution by our Forefathers to assure an adequate voice by the smaller states in Presidential elections. Under the plan as passed by the House, the influence of the smaller, less populous states will be greatly diminished. This I feel does damage to one of the great principles of the Constitution which provides for some balance between the smaller and larger states.

Under the plan I supported—called the District plan—the vote from each Congressional district would be counted as a unit—and the candidate carrying a majority of the Congressional districts of the Nation would be the winner. This system would assure a balance of power of the smaller, less populous states as against the large metropolitan areas and a few states dominating and controlling the elections. The amendment, as passed by the House, must be approved by the Senate and subsequently approved by three-fourths of the State legislatures to become effective—and many doubt that this will happen.

COAL MINE HEALTH AND SAFETY STANDARDS

Another measure passed by the Congress was reform of the laws and regulations relating to coal mine health and safety stand-

ards. This bill provided for the closing of unsafe mines and restricted the levels of coal dust in mines to reduce the danger of explosions. This bill also provided for additional compensation to miners afflicted with the fatal "black lung" disease and requires the use of non-sparking mine equipment. State-Federal inspection plans were approved and the force of mine inspectors was expanded and increased.

WATER QUALITY IMPROVEMENT

Congress approved the Water Quality Improvement Act of 1969 which requires oil drillers and operators to pay the costs of oil spills and imposes other anti-pollution restrictions. This legislation was the result of the tremendous damage to natural life caused by the spillage from oil wells off the California coast early last year. Substantial funds were voted to greatly expand the program of waste treatment facilities to assist in the war on pollution in the Nation's streams and waterways. We all are concerned with the quality of our environment and against air and water pollution—pollution of our rivers, lakes and streams. One of the major battles of the year occurred in the Appropriations Committee for funds for anti-pollution grants.

President Nixon in his budget submission to Congress recommended \$214 million for next year for this purpose. The Congress greatly increased the appropriation—the House voted \$600 million, more than doubling the budget request, and the Senate increased the amount to \$1 billion. In Conference the conferees agreed on \$800 million for next year as the Secretary of Interior had testified that only \$600 million could be used next year. The increased sums voted will stimulate and step up action on anti-pollution work and improve the quality of our environment. Congress in its appropriation action is reflecting the increasing concern of the public with the problems of pollution in more than doubling the President's request. President Nixon, just a few days ago, announced that next year he will launch an all-out drive against pollution of air, water and the total environment. This will be a burning issue next year. The press, this morning, in editorials and columnists' writings have said that the Seventies will need more than just "rhetoric" in this battle—to cope with this problem of growing national concern.

OTHER IMPORTANT LEGISLATIVE MEASURES

The House has approved legislation designed to reform the system of financing of airport construction and safety improvements throughout the Nation. Today our airports are overcrowded. Many have outgrown their capacity to handle air traffic and new air traffic continues to increase. The House bill would provide for user taxes paid by passengers of airlines to provide the financing for a vast program of airport expansion and improvement.

The Administration has proposed reforms in the welfare system and in the postal system—and these are under study.

Legislation was passed to increase Social Security payments. The President recommended a 7 percent increase in Social Security—later increased to 10 percent—and a Democratic Congress has provided for a 15 percent increase in Social Security payments to our needy and elderly citizens. Congress doubled the President's original recommendation. A recent department report has estimated that Social Security receipts in Tennessee alone will increase by \$63 million annually beginning April 1st of this year.

Much time was given to the question of military spending. Waste in the military establishment has increased enormously in recent years—overruns in costs in weapons and military hardware are estimated to exceed \$20 billion. Much effort was exerted to eliminate waste and cut costs in Defense

Contract Procurement. Congress cut the military budget by \$5.6 billion. Savings effected in this area will help in providing funds for domestic needs. Notably, education, health, welfare and human needs.

We considered a full agenda of legislative proposals concerning our national problems—including the problems of inflation, war, population explosion, education, research, conservation, pollution of our rivers, streams, air—problems of riots and crime detention and suppression—national defense—and others. These are a few of the reforms enacted or under consideration.

APPROPRIATIONS

Concerning appropriations, the Congress considered budget requests this year totaling \$200 billion. Our State Legislatures consider one appropriation bill which is submitted biannually covering all requirements of the state government including roads, schools and institutions. In Congress, however, there are 12 major annual appropriations bills which this year will total approximately \$192.8 billion. The budget is larger than the metropolitan telephone directory of many of our largest cities. We were unable to act, finally, on budget and appropriation requests until after April 15th when the revised Nixon budget was submitted to the Congress.

As a member of the Committee on Appropriations and Chairman of one of its important subcommittees—the Subcommittee on Independent Offices and Housing Appropriations—and as the senior member of the Subcommittee on Public Works and Atomic Energy Commission Appropriations, my own duties and responsibilities are very heavy. It is my responsibility to conduct the hearings and investigations into the appropriations requests and needs of the cabinet-level Department of Housing and Urban Development and some 20 independent agencies of the Government. The scope and impact on this \$16 billion bill is so broad it touches the lives of virtually all our citizens.

The Housing and Urban Development budget alone totals almost \$2 billion in direct appropriations for housing programs. There are some 57 separate programs of assistance for our cities both large and small. I am sure most of you are familiar with these programs—programs in housing, urban renewal, metropolitan planning, water and sewer grants, open space land grants, model cities, transportation, neighborhood facilities, mortgage financing, public housing and housing rehabilitation, among others. Many of these programs are at work in your communities.

In our Appropriations Conference Report recently passed by the House and Senate—and signed by the President—the following sums for many major HUD programs were provided: \$1 billion for urban renewal, \$575 million for the Model Cities program, \$90 million in annual contract authority for the home ownership housing program, \$85 million in payments for the rental housing assistance program, \$50 million for the rent supplement program, \$473 million 500 thousand for payments to the public housing program, \$40 million for neighborhood facilities grants, \$75 million for open space land grants for parks and recreation areas and \$135 million for grants for water and sewer facilities, among others. It is my feeling that while appropriations will help, appropriations alone will not solve the problems of our cities—more is needed in community and civic enterprise and local initiative.

Our Committee's responsibilities reach from the earth to the moon. Our Subcommittee also recommends appropriations for the important programs of space exploration of the National Aeronautics and Space Administration. This program at one point reached a level of appropriations of \$7 billion annually. However, appropriations have now achieved a level of about \$4 billion. It is my

feeling that a steady, consistent funding on a year-to-year basis assures a sound, orderly program rather than peaks and valleys. We have now surpassed the Soviet Union in space exploration—American ingenuity and know-how have triumphed with the successful Apollo flights to the moon and safe return. Indeed our achievements in space exploration have been fantastic and phenomenal. The "spinoff" in jobs and employment, science and medicine, health, new knowledge, weather modification and weather reporting—as well as agriculture and industry are almost incalculable.

Our Committee also funds the General Services Administration—the construction and service agency of the Federal Government. GSA manages the Nation's stockpile of critical materials.

The Committee also funds the vast programs of veterans benefits administered by the Veterans Administration. We have the greatest program of veterans benefits in the world—and justifiably so. These programs include hospital and medical care, compensation and pensions, readjustment benefits and education and training, insurance and housing, among other benefits. As veterans of the Vietnam conflict have become eligible for assistance more than 4,000,000 new veterans have been added to the rolls eligible for benefits in the past few years—new veterans are coming on the rolls at the rate of 840,000 a year or 70,000 per month currently.

Other agencies funded by our Committee include Civil Services Commission, the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, National Science Foundation, the Renegotiation Board, the Securities and Exchange Commission and the Selective Service System, among others.

PUBLIC WORKS APPROPRIATIONS

In addition to my regular duties as Chairman of the Independent Offices and HUD Appropriations Subcommittee, this year I served as Acting Chairman of the Public Works and Atomic Energy Commission Appropriations Subcommittee. As Floor Manager for the Public Works—AEC Appropriations Bill—we secured passage of an appropriation for public works for this Nation in excess of \$4½ billion.

And so this year your Representative handled two of the 12 appropriations bills—Independent Offices at \$16 billion and Public Works at \$4 billion for a total of some \$20 billion. The Public Works Bill—funds programs of the Corps of Engineers, the Tennessee Valley Authority, the Bureau of Reclamation, the Atomic Energy Commission, the St. Lawrence Seaway, the Panama Canal and other public works agencies.

Included in this appropriations bill are many projects important to Tennessee and our area. In our Upper Cumberland area, for example, the bill appropriated \$7,500,000 for continued construction of the Cordell Hull Lock and Dam. The bill also included \$365,000 for work on the new park development on Center Hill Lake in our area. This is a joint project with the State of Tennessee and the U.S. Corps of Engineers participating. This new park development will be a tremendous asset and boost to our area. This bill also included \$50,600,000 for the Tennessee Valley Authority—an increase over last year. Among TVA projects funded in the bill are: Tellico Dam in East Tennessee—\$5,992,000, Tims Ford Dam in Middle Tennessee—the first TVA dam in Middle Tennessee—\$8,275,000, the Oliver Springs Redevelopment Project—\$1,415,000, and land acquisition for Columbia and Normandy Dams on the Duck River in Middle Tennessee—\$1.3 million.

The bill also provided \$2 billion 438 million for the Atomic Energy Commission. The Senate cut and reduced the AEC appropriation by \$44 million. The House-Senate Conference restored \$22 million for this Commission. In

addition \$3 million was added to the molten salt reactor program—from \$5 to \$8 million. This is an important program that holds great promise for more economic production of electric power for our area and the Nation.

PROGRESS IS KEYNOTE OF 91ST CONGRESS

Progress has been the keynote of the 91st Congress. We have also been concerned with the war and the building of a strong national defense. President Nixon recommended more than \$75 billion for all programs of National defense—for the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard—all phases of our great defense establishment. The Congress made some substantial cuts and reductions in the President's military budget as there is much waste in our vast military establishment. While recognizing the extravagance in the Department of Defense, it is my strong feeling that if we are to err, we should err on the side of safety and strength and security for our country rather than weakness.

This, then, my friends, is the record—the record of the First Session of the 91st Congress. The work is never finished. The next session will be concerned with many public issues—both of the Vietnam War and domestic matters and priority of appropriations.

Concerning the Vietnam conflict, as Congress adjourned I can report that there was an atmosphere of subdued optimism in Washington. The Vietnam War, of course, overshadows everything else in Washington, as it does throughout the country. The primary concern of the Congress and the primary objective of the President is to end this war and achieve peace with justice—an honorable peace—as soon as possible. We all want our fighting men to return home—we want an honorable peace.

Recently I was among more than 350 members of both parties—Democrats and Republicans in a non-partisan effort—who sponsored and passed a Resolution backing President Nixon in his efforts to achieve an honorable peace in Vietnam. The President as Commander-in-Chief deserves our support as long as he is conscientiously acting in the national interest. In my view President Nixon is exhausting every possible avenue and recourse in an effort to end this unfortunate conflict. He has announced a periodic withdrawal of American troops—and with this I agree. He has stepped up training of the South Vietnamese Army so that it can assume an increasing role in the war—and with this I agree. He has announced that he wants to end the war at the earliest time possible—and with this everyone agrees.

And so, as we enter the New Year there is an atmosphere of optimism and hope that the fighting will cease and the war will end. With the ending of the war our Country should have resources to move forward with many programs of progress in Tennessee and throughout the Nation in the new demanding decade of the Seventies.

CONGRATULATIONS JAYCEES

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. BETTS. Mr. Speaker, today I would like to salute the Jaycees of the United States in this, their 50th anniversary. In particular, I congratulate the Jaycees of the Eighth District of Ohio who are rendering exemplary service to their home communities. Volunteer participation in civic action groups is a tradition in this country and the Jay-

cees are a model of the American spirit.

Congratulations on the past record but more so good stead in your next half century. I know it will be just as productive and beneficial to our cities and towns and Nation as a whole. This worldwide organization deserves only the best of success in the years ahead.

CONSTITUTIONALITY OF PRE-TRIAL DETENTION

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. POFF. Mr. Speaker, more than a year has passed since President Nixon called upon Congress to amend the Bail Reform Act of 1966 to authorize the limited pretrial detention of dangerous defendants. More than 6 months have passed since my bill, H.R. 12806, was introduced to implement the President's request.

The pretrial detention provided in this bill raises several interesting questions of constitutional importance. Some critics have argued that pretrial detention is absolutely barred by the eighth amendment. Others have suggested that it cannot be achieved in accord with due process. After studying these contentions in light of the precedents, I am persuaded that Congress enjoys the authority, within reasonable limits, to define the classes of offenses in which bail is a right. I am further persuaded that Congress is fully capable of devising procedures to achieve pretrial detention that will satisfy the requirements of due process.

The November issue of the Virginia Law Review carries an article authored by Attorney General John N. Mitchell. It is a piece of precise legal craftsmanship reflecting unique insight and sensitivity. I quote that article in full:

BAIL REFORM AND THE CONSTITUTIONALITY OF PRETRIAL DETENTION

(By the Honorable John N. Mitchell*)

On January 31, 1969, President Nixon, in his first public statement on crime control, called for legislation to permit "temporary pretrial detention" of criminal defendants whose "pretrial release presents a clear danger to the community."¹ Pursuant to the President's directive, the Department of Justice sent to the Congress, on July 11, 1969, a proposal² amending the Bail Reform Act of 1966³ which would, *inter alia*, permit the federal courts to detain up to 60 days prior to trial those criminal defendants who are charged with certain crimes of violence; whose release, even with conditions imposed, would constitute a danger to the community; and who have been afforded a hearing with appropriate procedural safeguards. For criminal defendants not detained prior to trial, the proposal would authorize courts to consider the defendant's potential dangerousness to the community in determining and setting conditions of pretrial release.⁴ Furthermore, new sanctions are provided for violations of conditions of release, for bail jumping and for crimes committed while on release.⁵

The question of pretrial detention raises issues of constitutional dimension; such de-

tection has been challenged on the grounds that it violates the eighth amendment,⁶ the presumption of innocence⁷ and the due process clause of the fifth amendment.⁸ This Article will analyze these issues and set forth a constitutional basis for the proposal.

EIGHTH AMENDMENT

The only provision of the Constitution which specifically mentions bail is the eighth amendment.⁹ Its language, which does not expressly grant or deny the right to bail, is susceptible of two interpretations. First, because the amendment does not provide for denial of bail, it can be construed to require the setting of bail in all cases with the proviso that it never be excessive. Second, because the amendment does not specifically grant the right to bail, it can be construed to mean only that bail shall not be excessive in those cases in which it is proper and that the setting of no bail in certain cases is not excessive. While the first of these two interpretations would prohibit pretrial detention of criminal defendants, the second would not.

To resolve the ambiguity of the abbreviated language of the eighth amendment, it is necessary to examine the historical context in which it was adopted in 1791 on the assumption that those concerned with drafting and ratifying the amendment generally intended to conform the law to contemporary practices. The only Supreme Court opinion which discusses the history of the eighth amendment and its application to the right to bail clearly adopts the interpretation which permits denial of bail prior to trial in some situations. In *Carlson v. Landon*,¹⁰ the Court stated:

"The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus in criminal cases, bail is not compulsory where the punishment may be death. Indeed, the very language of the Amendment falls to say all arrests must be bailable."¹¹

The conclusion that a constitutional prohibition of excessive bail does not, in itself, establish a right to bail has been followed by other courts.¹²

The Supreme Court's brief historical analysis of the eighth amendment in *Carlson v. Landon* and its statement that "[t]he Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country"¹³ are supported by a more detailed examination of the federal and state bail and penal statutes existing at the end of the 18th century. This examination establishes beyond question that persons charged with serious felonies—those which posed a substantial danger of injury or death to others—were not entitled to bail when the eighth amendment was adopted, nor for a substantial period of time thereafter. Moreover, it is reasonable to conclude that anticipated danger to other persons or the community was a substantial motivating factor in legislative decisions to make bail unavailable to certain classes of dangerous offenders. Indeed, in a case involving the attempted assassination of President Andrew Jackson by an allegedly insane man in 1835, an offense punishable at that time only as a misdemeanor, the court observed that "the discretion of the magistrate in taking bail in a criminal case, is to be guided [in part] by . . . the atrocity of the offense."¹⁴

Footnotes at end of article.

The prevalent bail practice when the amendment was proposed by the First Congress without floor debate in 1789,¹⁵ and ratified by the states in 1791, was denial of bail in death cases. The federal bail statute of 1789,¹⁶ which authorized discretionary denial of bail in all capital cases, was similar to and frequently more liberal in this respect than state bail enactments. Eleven of the thirteen original states enacted bail statutes between 1780 and 1801,¹⁷ the statutes in six of these states—Delaware, Maryland, New Jersey, North Carolina, Pennsylvania and South Carolina—denied bail automatically in capital cases.¹⁸ During the same period, only Connecticut, Massachusetts, New York and Virginia granted a right to bail in capital cases, within certain safeguards—for example, in Massachusetts bail was permitted in all cases but only when authorized by a Judge of the Supreme Judicial Court.¹⁹ It is noteworthy that North Carolina, which had allowed bail for all offenses in 1792, made all capital offenses nonbailable in 1801.²⁰ Authority to deny bail in capital cases remains the general pattern throughout the United States today.²¹

This pervasive practice of denial of bail in capital cases when the eighth amendment was ratified in 1791 is particularly significant because at that time the great majority of criminal offenses involving a threat of serious physical injury or death to the victim were punishable by death under state laws. The same pattern prevailed in federal law to the limited extent that federal criminal statutes were deemed necessary at that time. In addition to murder, capital punishment was imposed for rape, arson, burglary and robbery in Connecticut, Delaware, Massachusetts, New Hampshire, New York and Rhode Island.²² In Maryland, the death penalty was imposed for rape and arson, while South Carolina defined rape, arson and burglary as capital offenses.²³ Furthermore, such offenses as sodomy, mayhem and manslaughter were punishable by death in several states.²⁴ Georgia, New Jersey and North Carolina, which had not enacted penal codes, entrusted the formulation of criminal laws and penalties to the courts in accordance with the common law which imposed capital punishment for most felonies.²⁵

Although the death penalty typically applies to only a limited range of serious offenses today, and has been abolished entirely in eight states,²⁶ the widespread impact of the movement to abolish capital punishment has been relatively recent.²⁷ By the end of 1958, more than a century and a half after ratification of the eighth amendment, capital punishment was still authorized for murder in forty-four states,²⁸ rape in twenty-one states, arson in four states, burglary in three states and robbery in eleven states.²⁹ Federal law prescribes the discretionary use of the death penalty for murder, kidnapping, treason, espionage and rape.³⁰

The considerations which have led to the gradual repeal of the death penalty—primarily rehabilitative efforts in corrections, doubts concerning the deterrent effect of capital punishment and a felt disproportion between the punishment and the crime—are largely irrelevant to the question whether a defendant should be detained pending trial. Whatever the merits of these considerations with respect to the death penalty, they have little bearing on human propensities for dangerous conduct during the period between arrest and trial. As a class, persons held to answer for such dangerous offenses as robbery, rape or burglary if released pending trial pose as great a danger to the community today as they did in 1791. Accordingly, since the eighth amendment when adopted clearly permitted pretrial detention for capital crimes because of danger to the community,

it should not today prohibit pretrial detention for such dangerous crimes merely because they are no longer capital for reasons completely unrelated to their dangerousness.

Case precedent and history, therefore, belie the contention that the eighth amendment grants a right to pretrial release in all criminal cases, or even in all noncapital cases. When the language of the amendment is analyzed in the historical context in which it was adopted, its ambiguity must be resolved, as in *Carlson v. Landon*,³¹ in favor of the interpretation that although bail may never be excessive, there is no absolute right to bail.

Denial of pretrial release for serious crimes, moreover, is consistent with the practice in other countries—for example, Sweden, Norway, Denmark and West Germany deny pretrial release as a matter of course, because of the danger to society and the risk of flight.³² More importantly, in England, the source and foundation of the development of our system of law, the English Bill of Rights did not grant "a right to bail in all cases."³³ Prior to 1789, bail was either not authorized or within the discretion of English courts in serious felony cases.³⁴ Even after the adoption of the eighth amendment in the United States, England has continued to grant discretion to its judges and magistrates to deny pretrial release to offenders charged with felonies or, in some circumstances, with misdemeanors.³⁵ Indeed, in 1955 the Criminal Court of Appeals stated that persons with a past record of convictions were not to be released prior to trial "unless the magistrates think that there is a real doubt as to . . . guilt."³⁶

THE PRESUMPTION OF INNOCENCE

The presumption of innocence is not a presumption in the strict sense of the term. It is simply a rule of evidence which allows the defendant to stand mute at trial and places the burden upon the government to prove the charges against him beyond a reasonable doubt. Apart from the Supreme Court's dictum in *Stack v. Boyle*,³⁷ there is no basis for thinking that the presumption of innocence has any application to proceedings prior to trial.³⁸ If it did, the long established practice of pretrial detention of those charged with capital crimes and those found likely to flee, to whom the presumption of innocence applies with equal force at trial, would be unwarranted. Indeed, we have long recognized in the law the propriety of certain forms of temporary pretrial detention such as that necessary to effect arrest and presentment. It has never been thought that these forms of temporary pretrial custody violated the presumption of innocence.

THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

The fifth amendment's due process clause³⁹ is not an absolute bar to official restraint of persons prior to trial and final judgment. As the Supreme Court has said in a related context:

[T]he fact that a liberty cannot be inhibited without due process of law does not mean that it can under no circumstances be inhibited.

The requirements of due process are a function not only of the extent of the governmental restriction imposed, but also of the extent of the necessity for the restriction.⁴⁰

The test is one of reasonableness, which inevitably involves a weighing of the individual's interest in freedom against society's just demands for varying degrees of restraint under particular circumstances.⁴¹

In a wide variety of situations, official restraint prior to final judgment of conviction for an offense is consistent with due process of law. As discussed above,⁴² and equally pertinent here, discretionary denial of bail in capital cases has been authorized

by federal law since 1789. No allegation that this authority violates due process requirements has ever received judicial support. Moreover, bail pending appeal following conviction may be denied in the federal court's discretion if it appears that the defendant's release may "pose a danger to any other person or the community."⁴³

Detention prior to or during trial has been sanctioned where the defendant's release threatens to interfere with the trial. Thus, threats against witnesses or jurors, disruptive conduct during the trial or similar misconduct may justify revocation of bail. As Mr. Justice Harlan has stated:

"District courts have authority, as an incident of their inherent powers to manage the conduct of proceedings before them, to revoke bail during the course of a criminal trial, when such action is appropriate to the orderly progress of the trial and the fair administration of justice."⁴⁴

Deprivations of freedom for substantial periods of time on grounds of anticipated criminal conduct prior to any adjudication of guilt or innocence are authorized under other necessary and reasonable circumstances. For example, federal law authorizes indefinite commitment of persons charged with federal offenses who are determined to be incompetent to stand trial and whose release pending trial would "probably endanger the safety of the officers, the property, or other interests of the United States . . ."⁴⁵ This procedure was sustained by a unanimous Supreme Court in *Greenwood v. United States*.⁴⁶ In the District of Columbia, a statute⁴⁷ which authorizes pretrial commitment to a hospital for a mental examination for a reasonable period, usually sixty days, of persons charged with crime, based only on the court's observations of the accused or prima facie evidence submitted, has never been considered to contravene due process.

Statutes authorizing indeterminate civil commitment for sexual psychopaths, narcotics addicts, chronic alcoholics, the mentally ill and others considered dangerous are not uncommon and, in their essential features, have generally been held constitutional.⁴⁸ In *Minnesota ex rel. Pearson v. Probate Court*,⁴⁹ the Supreme Court rejected contentions that due process and equal protection were violated by a state sexual psychopath statute authorizing commitment of persons "likely to attack or otherwise inflict injury, loss, pain or other evil on the objects of their uncontrolled and uncontrollable desire."⁵⁰ That statute, like many similar statutes, did not require prior conviction of an offense as a prerequisite for commitment.⁵¹

Moreover, detention has been authorized in noncriminal areas prior to any judicial determination. Thus, in *Carlson v. Landon* the Supreme Court upheld the denial of bail to alien Communists pending deportation proceedings on due process⁵² as well as eighth amendment grounds. In 1964, Congress enacted the District of Columbia Hospitalization of the Mentally Ill Act,⁵³ a bill sponsored by Senator Ervin as Chairman of the Senate Subcommittee on Constitutional Rights as a model act in this area.⁵⁴ This Act provides for the detention in a hospital of persons believed to be mentally ill and dangerous prior to any court finding of either mental illness or resulting dangerousness and, unlike the provisions here under discussion, does not even require a triggering act of any kind.⁵⁵ Although preadjudication detention is authorized on the basis of status or condition alone, these provisions, in light of the cases discussed above, do not run afoul of the due process clause.

In short, the due process clause of the Constitution does not prohibit pretrial detention in criminal cases. Its requirements are those of reasonableness—the restraints imposed on the liberty of an accused must be reasonable when balanced against society's

Footnotes at end of article.

acknowledged interest in preventing commission of further crimes while the defendant is awaiting trial.

Analysis of the pretrial detention proposal in light of due process requirements

In analyzing a pretrial detention proposal to determine whether it comports with the due process requirements of reasonableness, three major considerations emerge. First, value judgments must be made concerning the degree of harm to be anticipated from particular categories of defendants. Second, appropriate procedural safeguards must be devised to assure that only those individuals who actually pose a danger to the community are detained. Third, the statute must seek to minimize, as far as practicable, the burdens of pretrial detention. The Administration's pretrial detention proposal clearly satisfies these due process requirements. Indeed, a close examination of its provisions reveals that they incorporate standards far above the minimum necessary to avoid any possible conflict with the due process clause.

Categories of Detainable Offenses

The Administration's proposal limits the categories of defendants who may be detained to those charged with highly dangerous offenses (1) which involve the threat of serious bodily injury or death, and (2) which are either of the kind which common sense, experience, and available statistics indicate are not "one-shot affairs" but involve repeat offenders, or involve narcotics addicts or persons who have recently been convicted of or charged with other violent crimes. In addition, the statute codifies existing law by authorizing detention in any case in which the defendant threatens a prospective witness or juror.⁵⁸

Though the Administration's proposal scrupulously limits the categories of defendants who may be detained to those whose recidivistic tendencies to commit dangerous offenses are clearly established, it should be noted that based on history and present day practice, neither the eighth amendment nor the due process clauses requires proof of recidivistic tendencies. Since 1790, bail has almost universally been denied defendants charged with premeditated murder, a capital crime, on a mere finding of probable cause. Similarly the Bail Reform Act of 1966 specifically provided for pretrial detention on grounds of dangerousness of defendants charged with capital crimes.⁵⁷ The almost universal experience of law enforcement officials, however, has been that most persons who are charged with this offense murder family members or paramours and therefore are the least likely of all offenders to be recidivists. Nevertheless, they have been and still are routinely detained pending trial.

Of the detainable offenses in the Administration's proposal, the category of "dangerous federal crimes"—robbery, burglarly, arson, rape, sex crimes and unlawful drug sales—does not require specific proof of a former charge or conviction as does the second category of "crimes of violence." But the "dangerous federal crimes" category is limited to crimes usually resulting from a continuing motivation of pecuniary profit or sexual gratification, which involve planning, deliberation and the purposeful selection of a victim who is always a stranger. Moreover, apart from sex offenses, these dangerous crimes frequently involve cooperation with other criminals on a continuing basis. The nature of these offenses, the fact that the arrest rate for such crimes is typically under 15 percent⁵⁹ and the long experience of law enforcement officers with such offenders, compels the conclusion that a person charged with commission of one of these crimes is rarely apprehended on his first criminal venture.

Meaningful empirical data showing recid-

ivism and predicting criminal behavior is limited; few records have been kept. Moreover, over 50 percent of criminal activity goes unreported and fewer than 25 percent of the reported crimes result in arrests.⁵⁹ In the District of Columbia, however, one study shows that of 557 persons indicted for robbery in 1968, 70.1 percent of the persons released prior to trial were rearrested while on bail.⁶⁰ In a sample of 65 cases involving those who were rearrested, 28 cases were terminated during the survey period; and 82.1 percent of the defendants in these completed cases were convicted of the crime committed while on pretrial release.⁶¹ This persuasive proof of the recidivistic tendencies of this class of criminals is all the more remarkable in light of the following two facts: first, arrests are made in less than 15 percent of all crimes committed, indicating that criminals in this class probably committed many other crimes before rearrest; and, second, the 70.1 percent age for rearrest is limited to those released prior to trial. In view of the *sub rosa* practice of judicial officers of denying pretrial release to dangerous offenders by setting high monetary bail, the 212 persons not released prior to trial—38.1 percent of the entire group—undoubtedly contained the highest percentage of dangerous persons.

The second category of detainable offenses, "crimes of violence," includes many more offenses than the category of "dangerous federal crimes." Detention for those charged with these crimes of violence, however, is authorized for only two classes of offenders, both inherently recidivistic. One class is narcotics addicts, recidivists for the obvious reason of their continuing need to supply their drug habits. The second class consists of persons whose proclivity for dangerous crime is evidenced by the commission of a crime of violence while they are on bail, probation or parole for a prior crime of violence or who have been convicted of a crime of violence within the ten-year period preceding the commission of the alleged offense.

Since these categories carefully circumscribe the imposition of pretrial detention, the potential aggregate impact of the Administration's proposal, in terms of the persons detained, is quite narrow. In a recent survey of all persons charged with offenses by the United States Attorney in the District of Columbia during a two-week period, a pretrial detention order could have been sought under the Administration's proposal in approximately 10 percent of the cases.⁶² Because of the procedural safeguards provided by the bill, preventive detention would actually have been imposed in far less than 10 percent of these cases.

Procedural Safeguards

The Administration's proposal expressly provides the necessary due process procedural safeguards. No detention order may be entered prior to a judicial hearing in which the defendant is represented by counsel, has an opportunity to present witnesses in his behalf and has an opportunity to cross-examine adverse witnesses. The burden of proof of dangerousness would, of course, rest upon the Government. Furthermore, the order of detention must be accompanied by written findings of fact to justify its entry. The judicial hearing officer is required to make three independent findings as a precondition to detention, all of which are designed to insure, with the greatest degree of accuracy possible, that only those defendants are detained whose release would expose the community to an unreasonable risk of serious danger.

First, the defendant must be within one of the categories of detainable offenses, which, as described above, are limited to offenses committed by recidivists—precisely those persons who, if released, are most likely to commit dangerous crimes, intimidate witnesses and destroy or secrete in-

criminating evidence. Thus, persons charged with other offenses—approximately 90 percent of all persons charged with crime⁶³—cannot be detained.

Second, the hearing officer must find that no condition or combination of conditions of release will reasonably assure the safety of the community. This determination must be based on all available relevant information bearing on the anticipated dangerousness of the defendant, including the nature and circumstances of the offense charged, his family ties, employment, financial resources, character, mental condition, past conduct and record of convictions. If these factors, taken together, indicate that the defendant, even though he falls within one of the detainable categories, could safely be released, for example, on his own recognizance or in the custody of a third person, he must be released.

Third, except where intimidation of a prospective witness or juror is involved, the judicial officer must find on the basis of information presented that there is a substantial probability that the defendant committed the offense with which he is charged. This test is perhaps best compared to the civil test for the issuance of a preliminary injunction, frequently characterized as a "likelihood of eventual success on the merits."⁶⁴ The defendant, of course, is allowed, through counsel, to introduce whatever evidence he deems appropriate to challenge this finding.

A finding of probable guilt of the offense charged is critical for two reasons. It means that in the vast majority of cases where detention is ordered, the defendant will be convicted of the charge or some lesser included offense. Thus, the chance that an innocent defendant who is not dangerous will be detained is reduced to a minimum. Detained defendants will receive credit towards service of their sentences for time served in detention, thereby mitigating the possibility of unfairness to them. More fundamentally, a finding of probable guilt of a violent crime is the best possible evidence of future dangerousness. Although community ties, employment, character and similar factors concerning a defendant may indeed indicate a proclivity for antisocial conduct, nothing more clearly forebodes future criminal activity than the commission of a crime in the immediate past. Similar reasoning underlies the widely adopted statutes providing for indefinite commitment of dangerous offenders who are acquitted of criminal charges by reason of insanity.⁶⁵

Provisions Mitigating the Burden of Confinement

Deprivation of freedom is, of course, an inevitable consequence of pretrial detention. Some burdens that might otherwise be incident to detention, however, may be substantially reduced, and the Administration's proposal incorporates such provisions so far as they are feasible. In recognizing that the fifth and sixth amendments' "guarantee to persons accused of crime the right privately to consult with counsel both before and during trial,"⁶⁶ the bill provides for such private consultation. In addition, for good cause shown, the proposal allows the defendant to be released in the custody of a reliable person in order to prepare his defense—for example, to search for witnesses. The bill also provides that detained persons are to be confined, to the extent practicable, in facilities separate from convicted persons. They may not be detained more than sixty days solely on grounds that their release will expose the community to an unreasonable risk of danger, and even within the sixty-day maximum, trials are to be expedited to the extent practicable.

Significance of the Absence of Precise Statistic-Based Guidelines for Predicting Dangerousness

Critics of pretrial detention proposals argue that the need for such detention has

not been demonstrated. While acknowledging that accused persons frequently do commit additional crimes if released on bail, they contend that the magnitude of the problem is not precisely documented, that less stringent remedies have not yet been tried and found wanting, and that additional studies should be undertaken to develop more precise criteria upon which to predict dangerousness.¹⁷ In response to these critics, it should be noted at the outset that no serious constitutional question has been raised, due process or otherwise, to what is in effect pretrial detention of defendants charged with capital crimes or defendants considered unlikely to appear for trial. The Bail Reform Act of 1966 specifically permits pretrial detention of defendants who are charged with capital crimes and are considered likely to flee or to pose a danger to the community¹⁸ and by implication authorizes pretrial detention of all defendants considered likely to flee by permitting judicial officers to impose execution of a bail bond with a solvent surety as a condition of release, even if the defendant cannot satisfy this condition and will therefore remain in custody until trial. Such detention, moreover, is more often than not for periods of time in excess of sixty days and frequently as long as a year.

The criteria for determining the dangerousness of capital crime defendants or the risk of flight of other defendants set forth in the Bail Reform Act are no more refined in a statistical sense than are the proposed criteria for determining the dangerousness of defendants under the Administration's bill. Accordingly, objections to pretrial detention of dangerous defendants on the ground that it is improper to confine those not yet convicted or on the ground that judicial and law enforcement officers lack sufficiently accurate information upon which to detect dangerousness, apply with equal force to existing pretrial detention practices—detention because of risk of flight or of dangerous capital offense defendants. Yet these grounds of objection have never been considered to preclude such detention because society has an acknowledged right, consistent with procedural due process, to impose reasonable conditions, including detention, to assure that defendants will appear for trial or that capital crime defendants will not pose a danger to the community. Similarly, society has an equally important right to impose reasonable conditions, including detention, to assure that those charged with noncapital but dangerous crime

will not expose the community to unreasonable risks of danger prior to trial.

There are other statutes which authorize confinement, even indeterminate confinement, on grounds of dangerousness without any refined mathematical bases for predicting dangerousness.¹⁹ One such statute, the District of Columbia Hospitalization of the Mentally Ill Act,²⁰ merits specific attention because, as the Senate Committee report shows, this bill originated and passed as an Act "Protecting the Constitutional Rights of the Mentally Ill."²¹ Although specifically drafted to protect constitutional rights whenever possible, the Act permits commitment of mentally ill persons found likely to injure themselves or others if allowed to remain at liberty without providing any criteria for this finding.²² Thus, the conclusion is inevitable that statistical evidence which permits predictability with precise mathematical accuracy is not constitutionally necessary to warrant confinement on grounds of dangerousness. Instead, it is sufficient to place reliance, as is the practice in the law, on the insight and experience of trial judges applying appropriate qualitative standards.

Available statistics on crimes committed by persons released pending trial are necessarily fragmentary. This is attributable to the unavailability or incompleteness of court records and to the absence of information on how many undetected crimes are committed by persons released on bail. It has been estimated that approximately 75 percent of reported serious crimes are never solved²³—a statistic which strongly suggests that most crimes committed by persons released on bail are not solved. Moreover, a substantial number of serious crimes committed, over 50 percent, are not even reported.²⁴ As long as a majority of serious crimes are not reported and the great majority of those which are reported remain unsolved, the precise extent of recidivism on pretrial release can never be fully documented. Because the problem is, by any standard, a serious one, information of a precise mathematical quality, while helpful, is not necessary to justify congressional action.

There are, to be sure, alternative methods for attempting to deal with the problem. While these alternatives, including speedier trials, additional penalties for crimes committed during pretrial release and expanded use of bail agencies to supervise releases, have been tried, they have not been extensively or effectively used. The Admin-

istration's proposals dealing with criminal problems include implementation of all these approaches.²⁵ Even assuming maximum feasible implementation of these approaches, however, available data and reason strongly indicate that certain defendants will commit additional serious crimes if released pending trial. There is no real alternative to detention of such persons, if the community is to receive the protection it deserves. Reliance must be placed on a carefully drawn statute which incorporates procedural safeguards, reasonable standards and the experience and insight of trial judges. Here, as in other contexts, due process of law requires fundamental fairness, not perfect accuracy.

FOOTNOTES

*Attorney General of the United States, LL.B., 1938, Fordham University. The Attorney General gratefully acknowledges the assistance of Associate Deputy Attorney General Donald E. Santarelli and Earl J. Silbert and James L. Kelley of the Department of Justice in the preparation of this Article.

¹ 27 Cong. Q. WEEKLY REP. 238 (Feb 7, 1969).

² S. 2600, 91st Cong., 1st Sess. (1969). For the text of the bill and an explanation of the various provisions, see Cong. Rec. vol. 115, pt. 14, pp. 19259-19264. See also 27 Cong. Q. WEEKLY REP. 1270 (July 18, 1969).

³ 18 U.S.C. §§ 3146-52 (Supp. IV, 1968).

⁴ See S. 2600, 91st Cong., 1st Sess. § 1(c) (1969).

⁵ *Id.* §§ 5, 6.

⁶ See text at notes 9-36 *infra*.

⁷ See text at notes 37-38 *infra*.

⁸ See text at notes 39-75 *infra*.

⁹ Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

¹⁰ 342 U.S. 524 (1952).

¹¹ *Id.* at 545-46.

¹² *E.g.*, *Mastrian v. Hedman*, 326 F.2d 708 (8th Cir.), cert. denied, 376 U.S. 965 (1964); *People ex rel. Shapiro v. Keeper of City Prison*, 290 N.Y. 393, 49 N.E.2d 498 (1943); see *Vanderford v. Brand*, 126 Ga. 67, 54 S.E. 822 (1906) (dictum).

¹³ 342 U.S. at 545.

¹⁴ *United States v. Lawrence*, 26 F. Cas. 887, 888 (No. 15,557) (C.O.D.C. 1835).

¹⁵ See Foote, *The Coming Constitutional Crisis in Bail*, 113 U. Pa. L. Rev. 959, 971-72 (1965).

¹⁶ Act of Sept. 24, 1789, ch. 20, § 33, 1 Stat. 91. See note 17 *infra*.

See the following table:

BAIL STATUTES: 1780-1801

Jurisdiction	Bail possible in all cases except—	Other limitations—
Connecticut (1786).....	No exceptions.....	Bail allowed in high treason cases only by court having jurisdiction.
Delaware (1797).....	"Felonies of death".....	None.
Georgia (1801).....	Horse theft (felony punished by death).....	Do.
Maryland (1692-1839).....	Felony or treason.....	Do.
Massachusetts (1780-1807).....	No exceptions.....	Bail allowed only by Justices of Supreme Judicial Court.
New Jersey (1800).....	Treason or "felony of death".....	None.
New York (1792).....	No exceptions.....	Justices must investigate whether party committed the felony before release on bail.
North Carolina (1792).....	There are some nonbailable offenses; 1 statute refers to only by 2 judges in open session after investigating capital offenses in 1801.	English law for these. Murder and felonies are bailable whether defendant committed the crime. No bail for
Pennsylvania (1781-90).....	Treason or felony.....	Bail allowed for robbery, burglary, sodomy, and buggery only by Supreme Court judge.
South Carolina (1790).....	Treason or felon (unless defendant is not indicated within 1 term of the Court).	None.
Virginia (1792-95).....	No exceptions.....	Do.
Federal (1789).....	Capital cases except by Supreme Court or Circuit Court.	Do.

Source: Prepared by the Department of Justice.

¹⁷ See note 17 *supra*.
¹⁸ LAWS OF MASS. vol. 1, at 238, § 2 (1807). See note 17 *supra*.
¹⁹ See note 17 *supra*.
²⁰ See, e.g., CAL. PENAL CODE § 1270 (West

1956); ILL. CONST. art. 2, § 7; MASS. GEN. LAWS ANN. ch. 276, § 20D (1959); MICH. COMP. LAWS § 765.5 (1968); N.Y. CODE CRIM. PROC. § 552 (McKinney Supp. 1969); OHIO CONST. art. 1, § 9; OKLA. STAT. ANN. tit. 22,

§§ 1101-02 (1951); PA. CONST. art. 1, § 14; R.I. GEN. LAWS ANN. § 12-13-5 (1957); VA. CODE ANNO. § 19.1-66 (1960); FED. R. CRIM. P. 46(a) (1).

²² See the following table:

TABLE OF CAPITAL OFFENSES

Jurisdiction	Rape ¹	Arson	Burglary	Robbery
Connecticut (1785)	Death	(Of dwelling house) death	Death	Death
Connecticut (1796)	do	Prison	Prison	Prison
Delaware (1797)	Treated as felony	(Of home) death	Death	Treated as felony
Maryland (1809)	Death (1744)	Death	Prison	Prison
Massachusetts (1785)	Death	(Of home at night) death	(At night) death	Death (1805)
New Hampshire (1792)	do	(At night) death	Death	Death
New York (1785-88)	do	(Of dwelling house) death	do	Do
Pennsylvania (1790-94) ²	Prison	Prison	Prison or forfeiture of property ³	Prison or forfeiture of property ³
Rhode Island (1798)	Death	Death	Death	Death
South Carolina (1790)	do	(Of wood frames for house construction) death	do	(Of bond, warrant, will, or note) punishment same as for theft of goods themselves.
Virginia (1792-95) ⁴	do	(Of house) death	Prison and restoration of goods (1796-1802)	Prison and restoration of goods (1796-1802)

¹ May include statutory rape.
² One convicted of burglary or robbery in Pennsylvania could be admitted to bail only at the discretion of a Supreme Court judge.
³ In 1794 death penalty authorized only for murder.
⁴ In 1796 death penalty eliminated except for 1st degree murder.
 Prepared by the Department of Justice.

²³ See note 22 *supra*.

²⁴ See the following table:

CRIMES AND PUNISHMENTS

Jurisdiction	Bestiality	Buggery	Sodomy	Mayhem	Kidnapping	Manslaughter
Connecticut (1787)	Death		Death except where 1 party was under 15 or colored.	Death	(Of Negroes) fine (1788)	Forfeiture of goods, whipping, and branding with M.
Delaware (1797)	Treated as felony—death	Treated as felony—death	Treated as felony—death	Treated as felony—death	(Of Negroes) whipping and ears cut off.	Treated as felony—death
Georgia (1801)				Fine of pillory, 2d offense—death.		
Maryland (1809)			Maximum, 10-year prison term.	Maximum 10-year prison term.	(Of Negroes) maximum 10-year prison term.	Maximum 10-year prison term.
Massachusetts (1785)			Death	Maximum 10-year prison term (1805).		Maximum 1-year prison term, stand on gal-lows 1-year, brand with M.
New Hampshire (1792)	Death		Death	Fine or 7-year maximum prison term.		Gallows, fine and/or prison.
New York (1792)	Death	Death		Death		
North Carolina (1792)		Punished as in Eng-land—death.		Fine and prison (1801)		Death.
Pennsylvania (1790)		Prison and forfeiture of lands.	Prison and forfeiture of lands.	Maximum 10 year prison term.	(Of Negroes) fine	Prison.
South Carolina		Death or forfeiture		Treated as felony—death.	(Of slaves) death	Treated as felony—death.
Virginia		Death		Treated as felony—death.	(Of slaves) death	

Source: Prepared by the Department of Justice.

²⁵ W. BLACKSTONE, COMMENTARIES *98, 216, 222; PERKINS, CRIMINAL LAW 10-11 (2d ed. 1969).

²⁶ 2 ALASKA STAT. § 11.15.010 (1962); IOWA CODE ANN. § 690.2 (Supp. 1969); 9 ME. REV. STAT. ANN. tit. 17, § 2651 (1964); MICH. STAT. ANN. § 750.316 (1968); MINN. STAT. ANN. § 609.185 (1964); 1 ORE. REV. STAT. § 163.010 (1967); W. VA. CODE ANN. § 61-2-2 (1966); WIS. STAT. ANN. § 940.01 (1958).

In North Dakota the death penalty has been abolished except for murder committed while under a previous sentence for murder. 2 N.D. CENT. CODE § 12-27-13 (1960). Vermont allows capital punishment only on a second unrelated murder or the killing of a peace officer or prison official. 5 VT. STAT. ANN. tit. 13, § 2303 (Supp. 1969). New York permits the imposition of the death penalty only for the second conviction of murder or the murder of a peace officer. N.Y. PENAL LAW § 125.30 (McKinney 1967). California and Georgia do not impose the death penalty for murders committed by minors. 10 GA. CODE ANN. § 26-1005 (Supp. 1968) (under 17 years); CAL. PENAL CODE § 190.1 (West Supp. 1968) (under 18 years).

For a discussion of the state statutes, see Witherspoon v. Illinois, 391 U.S. 510, 525-28 nn. 2-8 (1968) (concurring opinion).

²⁷ See PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: THE COURTS 27-28 (1967); T. SELLIN, CAPITAL PUNISHMENT (1967); T. SELLIN, THE DEATH PENALTY (1959); ROYAL COMMISSION ON CAPITAL PUNISHMENT 1949-1953, REPORT (1953).

CXVI—187—Part 3

²⁸ T. SELLIN, THE DEATH PENALTY 1 (1959).

²⁹ *Id.* at 4.

³⁰ 18 U.S.C. § 1114 (Supp. III, 1968); *id.* § 1111 (1964) (murder of a federal official); *id.* § 1201 (kidnapping); *id.* § 794 (espionage); *id.* § 2381 (treason); *id.* § 2031 (rape).

A recent act makes an attempted assassination or kidnapping of the President or Vice President of the United States a capital crime. *Id.* § 1751 (Supp. III, 1968).

³¹ 342 U.S. 524 (1952). See text at notes 9-13 *supra*.

³² Foote, *supra* note 15, at 963. There is no statutory authorization for such release in Sweden, Norway, Denmark and West Germany have statutory authorization but the practice has fallen into disuse for the reasons stated in the text. *Id.*

³³ Carlson v. Landon, 342 U.S. 524, 545 (1952).

³⁴ Statute of Westminster the First, 3 Edw. 1, c. 12 (1275); 4 W. BLACKSTONE, COMMENTARIES *296-300; 2 M. HALE, PLEAS OF THE CROWN 126-34 (Emlyn ed. 1800); I. J. STEPHEN, A HISTORY OF THE CRIMINAL LAW OF ENGLAND 233-38 (1883); State v. Konigsberg, 33 N.J. 367, 370, 164 A.2d 740, 742 (1960) (authorities cited therein).

³⁵ See, e.g., 7 GEO. 4, c. 64, § 1 (1826); 11 & 12 Vict. c. 42, § 23 (1848); Criminal Justice Act 1967, c. 80, § 18.

³⁶ Regina v. Gentry, 39 Crim. App. 195, 196 (Crim. App. 1955).

³⁷ 342 U.S. 1 (1951). "Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning." *Id.* at 4.

³⁸ See 2 C. WRIGHT, FEDERAL PRACTICE AND PROCEDURE: CRIMINAL § 404, at 76 (1969); Note, Preventive Detention Before Trial, 79 HARV. L. REV. 1489, 1501 (1966).

³⁹ U.S. CONST. amend. V. ("No person shall . . . be deprived of life, liberty, or property, without due process of law . . .").

⁴⁰ Zemel v. Rusk, 381 U.S. 1, 14 (1965) (reasonable governmental restrictions on right to travel abroad do not violate due process).

⁴¹ Cf. Terry v. Ohio, 392 U.S. 1, 20-27 (1968) (reasonableness is test for restraints on liberty caused by stop and frisk procedures).

⁴² See text at notes 11-12 *supra*.

⁴³ 18 U.S.C. § 3148 (Supp. III, 1968). See, e.g., Carbo v. United States 82 S. Ct. 662 (Douglas, Circuit Justice, 1962); United States v. Wilson, 257 F.2d 796 (2d Cir. 1958); United States *ex ret.* Estabrook v. Ottis, 18 F.2d 689 (8th Cir. 1927).

Federal Rule of Criminal Procedure 46(a) (2) provides that "[b]all may be allowed pending appeal or certiorari unless it appears that the appeal is frivolous or taken for delay." FED. R. CRIM. P. 46(a) (2) (emphasis added). The effect of this rule upon the denial of bail prior to a trial on the merits is questionable since Rule 46(a) (1) provides that "[a] person arrested for an offense not punishable by death shall be admitted to bail." *Id.* 46(a) (1) (emphasis added). Justice Douglas in Carbo v. United States, *supra*, considered this difference in language significant, emphasizing that the court has discretion under Rule 46(a) (2) to deny bail. 82 S. Ct. at 666. The House Report on the Bail Reform Act of 1966 also draws a distinction

between noncapital cases before and after trial:

This section [3148] treats those accused of capital offenses and convicted persons differently from persons accused of noncapital offenses. . . . Since there is no absolute right to bail in capital cases nor in the cases of convicted persons, the courts are empowered to elect to detain defendants in such cases.

H.R. REP. No. 1541, 89th Cong., 2d Sess. 15 (1966).

⁴⁴ Fernandez, v. United States, 81 S. Ct. 642, 644 (Harlan, Circuit Justice, 1961); see Bitter v. United States, 389 U.S. 15, 16 (1967); cf. Carbo v. United States, 82 S. Ct. 662, 668 (Douglas, Circuit Justice, 1962).

⁴⁵ 18 U.S.C. § 4247 (1964).

⁴⁶ 350 U.S. 366 (1956).

⁴⁷ 24 D.C. CODE ANN. § 301(a) (1967).

⁴⁸ See generally Note, *Civil Commitment of Narcotic Addicts*, 76 YALE L.J. 1160 (1967).

⁴⁹ 309 U.S. 270 (1940).

⁵⁰ 309 U.S. at 273, quoting *State ex rel. Pearson v. Probate Court*, 205 Minn. 545, 555, 287 N.W. 297, 302 (1939).

⁵¹ E.g., ILL. ANN. STAT. ch. 91-1/2, §§ 6-1 to 6-5 (Smith-Hurd Supp. 1969); MICH. COMP. LAWS ANN. § 330.19 (Supp. 1968).

⁵² The refusal of bail in these cases is not arbitrary or capricious or an abuse of power. There is no denial of the due process of the Fifth Amendment under circumstances where there is reasonable apprehension of hurt from aliens charged with a philosophy of violence against this Government. 342 U.S. at 542.

⁵³ 21 D.C. CODE ANN. §§ 501-91 (1967).

⁵⁴ SEN. COMM. ON THE JUDICIARY, CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL, S. REP. No. 925, 88th Cong., 2d Sess. 10 (1964).

⁵⁵ 21 D.C. CODE ANN. §§ 521, 528 (1967).

⁵⁶ See Fernandez v. United States, 81 S. Ct. 642 (Harlan, Circuit Justice, 1961).

⁵⁷ 18 U.S.C. § 3148 (Supp. IV, 1969).

⁵⁸ Less than 50% of these serious crimes are reported to the police and the arrest rate for those crimes which are reported is only about 25%. Thus, the actual arrest rate for committed, as contrasted with reported crime, is about 12.5%. See notes 73-74 *infra* and accompanying text.

⁵⁹ See text at notes 73-74 *infra*.

⁶⁰ Of the 345 persons released, 242 were re-arrested while on bail. Report of the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia 20-21 (May 1969).

⁶¹ *Id.*

⁶² Only 44 of the 459 persons charged would have met the requirements of the Administration's pretrial detention program. The above figures were derived from an informal study conducted by the Department of Justice in the courts of the District of Columbia.

⁶³ See note 62 *supra* and accompanying text.

⁶⁴ W. E. Bassett Co. v. Revlon, Inc., 354 F.2d 868, 872 (2d Cir. 1966).

⁶⁵ E.g., MO. ANN. STAT. § 552.040 (Supp. 1968-69); 20 OHIO REV. CODE ANN. § 2945.39 (Page Supp. 1968); 42 WIS. STAT. ANN. § 957.11(3) (1958); MODEL PENAL CODE § 4.08 (Proposed Official Draft 1962).

⁶⁶ Coplon v. United States, 191 F.2d 749, 759 (D.C. Cir. 1951), *cert. denied*, 342 U.S. 926 (1952).

⁶⁷ See, e.g., testimony of Judge Harold H. Greene and Professor Alan Dershowitz, *Hearings on Amendments to the Bail Reform Act of 1966 Before the Subcomm. on Constitutional Rights of the Sen. Comm. on the Judiciary*, 91st Cong., 1st Sess., 29, 172 (1969).

⁶⁸ 18 U.S.C. § 3146(a) (4) (Supp. IV, 1969). See Allen v. United States, 386 F.2d 634 (D.C. Cir. 1967) (dictum).

⁶⁹ See text at notes 45-48 *supra*.

⁷⁰ 21 D.C. CODE ANN. §§ 501-91 (1967). See text at notes 53-55 *supra*.

⁷¹ S. REP. No. 925, *supra* note 54, at 1.

⁷² 21 D.C. CODE ANN. § 545(b) (1967).

⁷³ In the District of Columbia 34,765 serious crimes were reported in 1966; 9159 or 26.3% were solved. PRESIDENT'S COMMISSION ON CRIME IN THE DISTRICT OF COLUMBIA, REPORT 596 (1966).

⁷⁴ PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORTS CRIME AND ITS IMPACT—AN ASSESSMENT 17-19 (1967).

⁷⁵ See 27 CONG. Q. WEEKLY REP. 238 (Feb. 7, 1969).

DEVELOPING TRANSPORTATION FOR THE SEVENTIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include this excellent speech given at the National Transportation Institute by Mr. Richard Stoner, vice chairman of the board, Cummins Engine Co., Columbus, Ind. Mr. Stoner's remarks reflect the kind of approach, by both the private and public sectors, to the problems of the environment which is necessary if we are going to succeed in the fight against pollution.

His talk follows:

DEVELOPING TRANSPORTATION FOR THE SEVENTIES

(By Richard B. Stoner, vice chairman of the board, Cummins Engine Co., Inc., Columbus, Ind.)

I wonder how many of you saw a full-page advertisement that appeared in the "News in Review" section of the New York Times on January 18? It was headed "April 22: Earth Day." It said "A disease has infected our country. It has brought fog to Yosemite, dumped garbage in the Hudson, sprayed DDT in our food, and left our cities in decay. Its carrier is man."

Sponsor of that ad is an organization called "the environmental teach-in," which says April 22 "is a day to challenge the corporate and governmental leaders who promise change but who shortchange the necessary programs."

A few days earlier, on January 13, the Times carried a report issued by Mayor Lindsay's task force on noise control. Let me summarize one portion.

One of the first moves will be against truck and construction equipment noise. As for trucks, attempts will be made to lower the 88-decibel limit the State of New York now prescribes.

The report says anything above 85 decibels is where injury begins; and California, the leader in sociability standards, has already set standards for 1973 at 86 decibels.

Do you know whom both the ad and the report are talking about?

They are talking about us!

And we had better listen!

And . . . we had better take action!

Our industry is either going to fulfill its moral obligation to lead the way in minimizing the threat of air, water, waste, and noise pollution in this decade or the people, led by our youth, will force the government to enact legislation which requires us to do the job we will not do ourselves.

All of industry is about to be caught again with an inadequate response to those problems that affect the human environment—health, hunger, security, to name three.

For most of us who have operated effectively with the clear economic goal of pro-

ducing a competitive product at the lowest possible cost, a new phrase—sociability—is about to become the planning "goal" of the 1970's. Never before has this country entered a new decade with such a clear-cut technological challenge. We must clean up our environment.

So, remember that word, "sociability." It means making our products, our industry, our company, or plant operate in such a manner that it is acceptable to the public—that it is not too noisy; that it is not unhealthy; that it does not emit offensive odors; and that it does not sting the eyes.

Sociability has real meaning to us today as we recognize that stopping pollution is the number one technological challenge to the transportation industry in this decade.

This is the thesis of my remarks today because transportation vehicles are the number one contributor to air, noise, and esthetic decay. Emissions from vehicles make up over half of the contamination in the air over the United States. To a great extent, our success in cleaning up our products will determine the improvement in environmental quality throughout the country. The 100 million automobiles, trucks, and buses on America's highways spew more than 66 million tons of carbon monoxide, one million tons of sulfur oxides, six million tons of oxides of nitrogen, 12 million tons of hydrocarbons, and one million tons of particulates annually into the air we breathe.

In addition, the smoke, dirty water, and industrial wastes from our production facilities, our foundries, and even our office complexes are tainting the air we breathe, the water we drink, and the sources of food we eat.

Admittedly, pollution has been with us as long as time itself. The American Indian had little need to be concerned about the polluting effects of his smoke signals. But, as population has increased, as we have become technologically more sophisticated, as consumers have demanded more convenience products in nonreturnable containers, and more powerful engines, and as we have moved together into huge urban areas, man has emerged as a threat to his own environment.

The transportation industry has responded to pollution about as well, but no better, than all of industry. Until just a few years ago, we were not greatly concerned with engine exhaust emissions. The problem was concentrated primarily in a few highly populated industrialized areas.

Then, California's smog problems became so great the State government was forced to issue the first automobile exhaust emission standards. If you will recall, the industry and general public reaction was less than enthusiastic. We protested costs would be too high, the time requirements were too short, and the standards were impossible to achieve. Yet, today, we are rushing ahead, successfully I might add, to meet the latest Federal standards which until recently we also had criticized as too costly, too restrictive in time to achieve, and, yes, even impossible to achieve.

The latest Federal or State of California standard became our next target. And, this is why the transportation industry has not solved its pollution problem. Our goal must become the reduction of engine emissions and noise to the lowest possible level which technology will permit.

Our technical staff at Cummins is confident the technology can be developed and applied within this decade which will eliminate the problems of internal combustion engine emissions and noise in environmental quality. We can achieve this goal if our industry is prepared to commit itself to solving the problem. Dramatic improvements must and will be made in the next two to three years.

The emission control effort will be massively expensive. The many millions already committed to the program by the automotive industry will seem almost insignificant when the total cost is added up.

And, all of us will pay. Increased costs will not stop with the manufacturer. Equipment purchasers and finally the ultimate consumer will feel the cost of the emission control effort. This is not because manufacturing costs will be passed along in their entirety. It is primarily because high horsepower-to-weight ratios and high engine performance and low emissions are not necessarily compatible according to our present understanding of the state of the art.

Where we have historically emphasized high horsepower engines to pull heavier loads and lighter, smaller engines to permit more freight to be hauled, we now may be talking about bigger engines with lower horsepower. This could require more trucks to haul the same amount of produce; consequently, higher freight charges to keep trucking profitable and, thus, more costs to the consumer. I choose this illustration to point up the inescapable fact that all of us—producers and consumers alike—will share in the added cost of emission controls.

WHAT MUST BE DONE?

Somehow out of today's rhetoric must come not just governmental pledges, nor industry programs, but a national commitment to improve environmental quality. Most of us as consumers will have to change our life style. Protection of our environment must become a personal cause of highest magnitude in the everyday lives of tens of millions of Americans. President Nixon in his State of the Union address said, "each individual must enlist if this fight is to be won . . . it is time for those who make massive demands on society to make some minimal demands on themselves."

In this growing effort government can provide guidelines and help define priorities, but it is those of us in industry who must take on the leadership role and commit, now today, both our human and financial resources to guarantee, as the President has requested, that: "Clean air, clean water, open spaces—these should once again be the birthright of every American." Surely, if we have the brainpower and resources to put a man on the moon in the short span of ten years, we can bring our environmental violations into tolerable limits within a similar time span.

INDUSTRY'S ROLE

There is a jarring truth to *Newsweek's* statement that "until a few years ago, fighting pollution ranked somewhere below giving to charity on the list of corporate priorities." We have this black eye because we have not led in the control of pollution. And, we have not given sufficient attention to the harm our manufacturing plants and products are having on the quality of our environment.

There is, however, a growing movement among responsible industrialists; and, if the effort can be expanded and maintained, I am confident we can have clean air, pure water, and decent living conditions for all people.

As a first step in industry's commitment, all of us must take whatever action is necessary to stop noise, air, water, and waste pollution resulting from our manufacturing processes. The technology is available and it must be put to work. The cost will be enormous and it is likely that some industries will need governmental assistance and incentives. Unfortunately, some enterprises will not survive, but that is a necessary cost.

Second, sociability must become a priority design criterion in planning all new products, plants, and services.

Third, those of us who produce products that pollute must modify present product lines so they are as emission-free as society

requires. Products which cannot be modified, must be abandoned and replaced by new ones with a high sociability factor. Cost considerations must be secondary to health and safety.

Fourth, industry-wide cooperation in reducing pollution must override competitive considerations. I am pleased to be able to tell you that comparative studies to develop meaningful test procedures to measure the emissions from diesel engines are underway through the Engine Manufacturers' Association and in conjunction with the State of California. I will be gratified if the association can go to Washington with a recommendation that stricter standards be applied. This will be the kind of positive leadership our industry should provide.

Fifth, industry must fund more basic research to develop new technologies which go beyond those presently known. We have great faith in the adaptability of the internal combustion engine. It has served man well over the years; and, if we are as creative in making social improvements as we have been in improving its efficiency, we can extend its useful life for years to come.

However, and this is very important, if the technology cannot be found, we must be prepared in fact to bury our old friend (as University of Minnesota students did recently at a campus demonstration when they buried a gasoline automobile engine) and replaced it with a new, less offensive power plant.

Presidential Science Advisor Dr. Lee A. DuBridge cautions that "such a power plant, however, has not yet been invented, or at least has not yet proven to be reliable, economical, or capable of the high performance required."

GOVERNMENT'S ROLE

Government's primary role is to make pollution a priority public issue of our decade and to provide incentives and, where necessary, requirements for industry to meet its responsibilities to eliminate pollution as a threat to the Nation's survival.

This role should be implemented as follows. First, economic incentives should be devised that encourage all industries, large and small, to accelerate their anti-pollution efforts—the idea being to make normal economic factors provide the Nation with the direction so urgently needed in the conservation task ahead of us.

Second, we would also favor the establishment of a Federal program of penalties for those who pollute, whether it be the producer or the end user, if he is at fault. Income from a pollution tax could be used to fund research, pollution control devices, and purification systems for the good of the entire community. Senator Proxmire has introduced a bill that would levy a federal "efficiency fee" of 10 cents per pound for industrial wastes emitted into the nation's rivers. A similar fee system could be developed for engines with emissions measured at the time of annual licensing and a punitive fee schedule used for emissions of various kinds. When the consumer realizes it costs him more to own a product that pollutes or he will be fined if he deactivates the emission control device on his engine, he will demand and maintain a clean product.

Third, we recommend the Government re-allocate present funds earmarked for development of low-emission engines into more productive channels. Industry has the proper economic incentives to develop sociable products and industry will get this job done.

More appropriately, government should be funding studies to determine what levels of pollution we can tolerate and maintain a good environment, thereby determining the standards required. Also, we are not well enough informed on the interactions of various emissions, especially their tolerability as they affect health and living conditions and the rate at which the atmosphere cleanses itself. These studies should lead to specific emission parameters. Industry does not have

the facilities for such ecological determinations. These are governmental responsibilities of the highest order.

Government's efforts must be coordinated and not diffused through establishment of inefficient and ineffective offices in a number of federal bureaus. The effort must be singularly directed and receive the top-level attention the problem demands.

Fourth, while industry should set the pace, Government must make it possible for industry-wide cooperation to be carried out without fear of antitrust violation. In other words, we must be able to "swap information" in the public interest. Cooperation between government and industry is imperative in setting targets and meeting new standards.

CUMMINS' COMMITMENT

Cummins Engine Company's commitment is to eliminate, to the extent technically feasible, the pollutants, noise, and wastes resulting from each of our plant operations and all of our products. We will do this job as quickly as possible. We will take this action, not waiting for an adjustment in federal requirements or incentives, but in an attempt to fulfill our responsibility to improve the quality of our environment.

Diesel improvement starts with an engine that already has emission characteristics superior to most vehicular engines in use today. The diesel is inherently low in unburned hydrocarbons, a principal contributor to chemical smog, and carbon monoxide, a known poison. Both are major concerns in gasoline engines, although the automobile manufacturers are well along the road to solving these problems.

We are funding an accelerated program for the development of clean and quiet engines, including new power forms. Cummins has adopted emission control standards more severe than any current governmental standards as design criteria for all new products. Our ultimate goal is to produce engines that are completely socially acceptable. By this we mean that engine emissions and noise will no longer cause problems of environmental quality. An immediate target is to reduce smoke substantially below the present federal smoke standards, thus removing diesel smoke as a nuisance. We will apply this new target across the broad spectrum of our power applications—off-highway uses in construction, industrial, and marine equipment as well as on-highway truck engines. To achieve this further improvement of our engines will require changes ranging from minor modifications and substantial increases in the number of turbocharged engine models to the possible elimination of some engine models and development of new engines to replace them.

Our technical center staff is currently studying promising techniques of emission and noise control and is hard at work exploring new techniques.

These clean engine commitments have been made with the full realization that the risks involved may include:

- Reductions in profitability;
- Increased capital investments;
- Increased initial investment for the customer; and

A massive educational job to sell the new concepts and their importance to customers and operators.

Beyond product research and development, Cummins has placed in the 1970 capital budget substantially increased funding for an accelerated program to begin the clean-up of all of our plant operations. We will cooperate fully with each of our plant communities in the solution of the solid waste disposal problem.

Frankly, we are not in a position to brag about these decisions. We should have made them years ago. But it is important to understand that Cummins has made the basic commitment to go as far as we can in elim-

inating contamination of our environment, not just meeting federally imposed standards.

We hope others will join us in this commitment because we concur with Philosopher Lewis Mumford's observation that: "Any square mile of inhabited earth has more significance for man's future than all of the planets in the solar system."

AN EXTRAORDINARY CITIZEN

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. BURTON of Utah. Mr. Speaker, the American Academy of Achievement has selected one of Utah's leading businessmen as one of the 50 national leaders whom they will honor this year. His name is Maurice Warshaw, who has been active in civic affairs in my State for many years. Mr. Warshaw will travel to Dallas this June to accept the award from the academy.

He has also won the Brotherhood Award of the National Conference of Christians and Jews for the Rocky Mountain region. A former Utahian, Secretary George Romney, of the Department of Housing and Urban Development, will go to Utah to make that award Wednesday evening.

Mr. Speaker, I thought my colleagues would appreciate reading about this extraordinary individual. We could use such citizens as Mr. Warshaw in every community across the Nation. A biographical sketch follows:

MAURICE WARSHAW, OF SALT LAKE CITY

At age 71, Maurice Warshaw could relax and look back on a colorful, productive life. Typically he is too busy enjoying life and planning for tomorrow.

No one person knows all of the accomplishments and good deeds of this man. He understands the younger generation and they "dig" him. Known as a fierce business competitor, he is equally known for his sincerity in helping people and appreciated for his wit. Even his business competitors back his humanitarian efforts.

As President of Grant Central, Inc., he is "big business." His company grossed 75 million dollars last year, yet he is unusually approachable. He has been a consultant on supermarkets to the Shah of Iran and several South American governments, but may be seen frequently at one of his markets helping a housewife select fruits or vegetables. Although his international philanthropic efforts are well known, he devotes equal attention to local problems.

Warshaw is a self-made multimillionaire who has known poverty and affluence both in this country and in Russia. When he was a young boy the Czar was assassinated. To avoid the Pogroms (killing of Jews), Warshaw's father, a wealthy food broker, smuggled the family to the United States via the underground. They settled in Philadelphia where they were desperately poor. Warshaw quit school in the sixth grade to help with family finances.

The family migrated to Utah but soon returned to Philadelphia. Maurice and a younger sister stayed in Salt Lake City. Determined to work for himself, he started peddling fruit from a cart to support himself and his sister. From this humble merchandising beginning, he ultimately became a supermarket pioneer, initiating customer self-service and other "firsts."

For the past three decades he has also devoted his talents, energy and concern to volunteer efforts for which he has received numerous awards, including the first United States Committee Award for Volunteers from the International Society for the Rehabilitation of the Disabled. Assignments, particularly in the health and rehabilitation fields, have taken him to many foreign countries including those behind the Iron Curtain.

He does not consider himself a "joiner" but has been a member of the Chamber of Commerce and Exchange Club for 35 years serving on various committees and projects. Inez Williams Warshaw, his wife of over 50 years, has planned and decorated their elegant home. Unlike most wives, she doesn't get upset when her husband fails to tell her they have company coming even though the company may be 100 guests.

They have a son Keith, two daughters, Marge Mackey and Pat Panos and 13 grandchildren. Warshaw is close to his family, enjoying their company and admiring their accomplishments. They in turn feel the same way about him.

What are his plans for the future? He is looking forward to a fact finding of Africa for UNICEF and CARE. Also on his immediate agenda are further expansion of the Grand Central Chain, more snowmobiling with his family and, of course, several projects. He anticipates sometime in the future "when business settles down" time to finish writing his book.

VOLUNTEER SERVICES

President's Committee on Employment of the Handicapped, Member.

National Society for Crippled Children and Adults, Board Member.

National Rehabilitation Association, Past Director and Executive Committee Member.

United States Committee for the International Society for Rehabilitation of the Disabled, Executive Board and Treasurer.

National Committee for UNICEF, Member. U.S. Public Health Service, Mental Health Advisory Council, Member.

Center for The Study of the Causes of War and Conditions for Peace, Board of Governors.

American Cancer Society, Member. Peoples-to-Peoples Organization, Member. CARE, Western Regional Representative.

Utah Governor's Committee on Employment of the Handicapped, Chairman.

Utah Society for Crippled Children and Adults, President Emeritus.

Utah Speech and Hearing Foundation, Board Member.

National Polio Foundation, Former State Chairman.

Utah March of Dimes, Chairman past 10 years.

United Nations Association of Utah, Past President.

Utah Office of Rehabilitation Advisory Committee, Chairman.

Utah Statewide Planning Project for Vocational Rehabilitation, Vice-Chairman.

Citizens Advisory Committee for Salt Lake County Hospital, Board Member.

Salt Lake County Family Services (Welfare), Board Chairman.

Holladay Children's Center for Mentally Handicapped, Member Advisory Council.

Junior League of Salt Lake City—1968 and 1969 Flea Market Fund Raising Project, Advisor. Associated with: American Fork Training School, Foster Parents, Easter Seal Society, and Utah Heart Association.

BENEFITS AND CONTRIBUTIONS

"Flower Drum Song" benefit for TV sets at the University Medical Center, netted \$18,000.

Jack Benny benefit concert for the Rehabilitation Wing at the David O. McKay Hospital, netted \$75,000.

Abigail Van Buren fashion show for the March of Dimes.

Donation of \$50,000 for Rehabilitation Wing at the University of Utah Medical Center.

AWARDS

United States Department of Health, Utah Crippled Children Citation for outstanding services at Children's Health Center—1955. March of Dimes—1959-1961.

March of Dimes, State Chairman Certificate of Appreciation—1961 and 1968.

American Cancer Society, Certificate of Appreciation for Crusade for Cancer—1959-1969.

Utah United Nations Distinguished Service Plaque—1963.

Utah State Medical Association Award of Merit Plaque for outstanding contribution in the field of medical care—1963.

Certificate of Appreciation for notable public service—1964.

International Society for Rehabilitation of the Disabled, First United States Committee Award for Volunteers Plaque for International Service in Rehabilitation of the Disabled—1965.

Utah Society for Crippled Children and Adults, Honorary President Plaque for lifelong devotion to assisting the handicapped—1965.

American Heart Association, Certificate of Appreciation—1966.

Salt Lake Newspapers, Trophy for largest user of newspaper color, retail store and drug advertising in U.S.—1966.

American Institute of Management, President's Council Citation for contribution to the field of management—1967.

Utah District Sertoma International Service to Mankind Citation—1967.

American Legion (Salt Lake Post No. 2) Plaque for Outstanding Services and Devotion for the Handicapped—1968.

Department of Health, Education and Welfare (Region VIII), Citation for exemplifying the highest traditions of citizen concern and for two decades of sustained individual achievement in building public programs to meet the rehabilitation needs of handicapped children and adults—1968.

United States Marine Corp Reserves Citation for Utah's Operation Friendship Vietnam—1968.

United Nations of Utah Citation for Compassionate Service—1968.

U.S. Public Health Service, Advisory Mental Health Council Certificate of Appreciation—1968.

President's Committee on Employment of the Handicapped Citation for Meritorious Service for exceptional contributions in furthering the employment of the handicapped—1969.

National Foundation March of Dimes Plaque for outstanding service in the fight against birth defects—1969.

American Business Women's Association, Wasatch Chapter Boss of the Year Plaque—1969.

Days of 47 Parade, First Place Big Business Trophy "Romper Room"—1969.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 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 1,400 American prisoners of war and their families.

How long?

THE STATE OF THE REVOLUTION

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. BROCK. Mr. Speaker, an interesting and constructive approach to the problems of Revolution has recently been described by Mr. Ed Butler who is widely known as host of the weekly TV series "The Square World of Ed Butler." His remarks were made on February 3 at the opening of the George Washington University Center in Washington, D.C. In them Mr. Butler states that for better or worse, revolutions of several categories will be with us for a long time to come. To cope with these problems he proposes a new major in conflict management to be set up at the university level.

Because of my concern with campus unrest and the currency of this problem, I insert Mr. Butler's remarks and other material in the RECORD:

THE STATE OF THE REVOLUTION

(Remarks by Ed Butler at opening of the George Washington University Center, Washington, D.C., February 3, 1970)

President Nixon has presented the State of the Union Message, because politics is his business. I am about to discuss the State of the Revolution, because "Revolution Is My Profession."

In President Nixon's discourse, he surveyed our nation's national and international problems from his position at the pinnacle of power. In our conversation tonight, we will also consider the same problems from a much less lofty point of view.

And so there will be some similarities of topic, but few of tactic . . . some identity of purpose but none of procedure. President Nixon spoke, then left the press, the people, and their representatives to ponder the impact of his words upon their lives, as is traditional. I speak from a much humbler vantage point, and so I shall expect and invite questions at the conclusion of my talk. In my profession, there are few traditions but many challenges, and the *people always* have the last word.

Please note any questions you have on the cards now being given out. We probably won't be able to answer all tonight, so put down your name and address.

While the cards are being distributed, let me say that it is good to be back in Washington. I lived nearby in Alexandria for two years.

I last spoke here on Veterans Day in mid-November, to a throng of 15,000 Americans at the Washington Monument. I was surprised to receive thunderous applause from the so-called "Silent Majority" for some very revolutionary statements about securing peace in Vietnam, through revolution. What surprised me even more was the rebuff a few days later from the so-called revolutionary leaders of the Moratorium Mobilization, who refused to permit me to speak to their followers . . . the stated reason was lack of space on the agenda, but I sensed the real reason was that, while I wholeheartedly supported their demand for peace, I categorically rejected "immediate and total withdrawal" as a euphemism for surrender, which always leads to worse wars later. Postponing problems doesn't solve them.

Thus, paradoxically, we had the spectacle of the "Silent Majority" shouting approval of revolution as the solution in Vietnam, while the leadership of the "revolutionary minority" censored my speech because it did not

conform to their doctrinaire view that "peace" and "surrender" are synonymous.

What was perhaps the most astonishing paradox of all was the startling willingness among nearly all the citizens I spoke to in Washington that hectic week, to listen with cordial attention to some new, creative alternatives, even when presented by so freaky a figure as a self-proclaimed professional revolutionary.

To complicate matters more, I am not only a revolutionary, but an admitted SQUARE, who believes that underlying ethical standards of right and wrong are essential, precisely because human beings deviate from them so often and drastically. Nor do I exempt myself. I am disgustingly human.

Because we are all now thrust into a no-man's land between peace and war—called revolution—we need standards more than ever. And yet, because much of the territory is unexplored, the old charts won't work, and we must draw up new ones as we go.

This creates a certain amount of indecision, confusion and inner conflict, to which none of us is immune. For example, as a revolutionary I am the "natural enemy" of the Establishment, from President Nixon on down. But, as a square, I sympathize with every President's belief in the American heritage—from Truman, Eisenhower, Kennedy, Johnson and Nixon, on up.

As a revolutionary, I can share with the Left an urgent need for the new. As a square, I can see the logic of the Right's reverence for the old.

I treasure these inner conflicts, because, in the process of resolving them (a dialectical/idealistic process incidentally), new ideas are born. My baby is called Conflict Management, and you may have heard the term for the first time on our show ("The Square World of Ed Butler" with John Wayne, WTTG, Channel 5, Sunday, 10:30 p.m.) a week ago last Sunday (Jan. 25).

Here's a definition:

"Conflict Management is the study and practice of Revolution as a profession. Basically, it is the use of words and symbols by the few to influence the many in favor of freedom."

Which leads to the need to define the term "revolution"—the briefest way to say it is:

"Revolution is the radical change in the existing order through propaganda and agitation."

This bald statement could be misleading unless we realize . . .

First, military and diplomatic methods—the procedures proper to states of war and peace—are often haphazardly blended with revolution, which leads to its reputation for violence and turmoil.

Second, in any case, revolution is among the most drastic operations that can be conducted upon the body politic, and should never be undertaken by amateurs without professional advice and counsel.

Third, if, however, revolution is professionally managed with an adequate ethic, it is far preferable to war and can be a practical step to peace.

So let me be clear. I believe . . .

We are in a world revolution.

We started it nearly 200 years ago, with the shot fired at Lexington and Concord that was heard round the world.

The revolution cannot, and should not, be stopped.

It must be won or lost, for freedom. Every day.

Am I calling for a persistent revolutionary condition, with minimum violence and maximum progress? Yes. Isn't this just another way to say "evolution?" No. Evolution is a cruel, violent process which involves the annihilation of whole species, the survival of the fittest, and proceeds in jumps and

starts. It is a bestial way to progress. Revolution is a more human way.

Ironically, although the American Revolution set in train awesome events in France, Latin America, Asia, Africa and, ultimately, the whole world, we got out of the business for a hundred years. Then, the Civil War reminded us of our revolutionary heritage, but not enough to prevent us from resorting to mainly military means on both sides. As soon as possible, we got back to business as usual and the reconstruction began.

Now, the third revolutionary climax has begun to occur in America. It is urgent that we recognize this revolutionary reality, and identify immediately our own role in the struggle. For the revolution is globally pervasive—every human being has a part to play—if only passive, as a victim.

The two basic, active categories of participation in Conflict Management are as "Patron" or "Practitioner."

The *Patron* is a part-time participant, but he is as essential as patient to physician, or client to lawyer. He both supports and controls the profession.

The *Practitioner* is a full-time professional revolutionary, responsible to his Patrons. They can be organized as citizens groups, foundations, churches, governments, businesses, conflict corporations . . . you name it.

But the essential factor is that there are many Patrons and Practitioners, at once competitive and cooperative.

Only within the framework of a *profession* can competition and cooperation be so combined that they produce progress.

For example, every physician is, in a sense, competing with every other physician for patients, and, at the same time, they share medical knowledge through publication and consultation, and the facilities of hospitals.

Similarly, lawyers are adversaries of the strongest kind in court, yet cooperate to share legal knowledge.

Because Doctors, Lawyers and Clergymen have so much life and death power—potentially—the professional method of organization was developed to check and balance them, so that humanity could use their services without undue fear of consequences.

This does not mean that abuses do not develop despite the professional organization . . . as we shall see, abuse is inevitable because of the Tendency Toward Tyranny that is in us all.

But one only need imagine what would happen if all Doctors decided to strike for a day . . . or a month. Or worse, if they agreed to inject all the slow-paying patients with encephalitis . . . to imagine the vast powers physicians possess, but never think of using.

Which brings us at last to the *Enemy* . . . that *Tendency Toward Tyranny* which is part of human nature and thus is in us all. "TTT" leads to *war*, for war is never fun or popular with a people, but often is with leaders greedy for power. Similarly, the "TTT" leads to *poverty*, because material gain at the expense of others is always ultimately unprofitable, leading to customers who won't buy and consumers who can't consume, but again it is the greed for power—property is only one path—which causes the abuse.

I call those afflicted with an inordinate TTT "Tyrannists." It is not a monopoly of the "Right" or "Left."

Tyrannists of every stripe are continually inventing ideological justification for seizing power . . . from The Divine Right of Kings, to Communism and Nazism, to Objectivism.

Therefore, "Conflict Managers"—professional revolutionaries—are needed now, by the thousands, to cope with this inherent inclination in humanity, before we incinerate ourselves from the face of the earth.

We can help reinstitute revolution as an honorable profession in America. Tonight I

am calling upon you, upon the educational leaders, elected leaders and American public to do so.

I have called upon the leadership of the American Political Science Association to bring up at their next meeting the establishment of a framework in which to train professional revolutionaries—Conflict Managers—at the university level.

This would be a new "major" within the Schools of Government or Political Science Department of our universities. Now, I'm an activist not an academician, and I call upon educators in the field of political science only because I personally believe that Conflict Management might be most logically placed in this scope of study. I only suggest Conflict Management as a needed profession. The rest is up to our educators.

I am sure many people in our society will say, "Well, we've survived before. Why must we take the risk of putting such great power in the hands of a few?"

But ask yourself: Could we have avoided or minimized human losses in World War II, Korea, Vietnam and other conflicts if our schools were graduating Conflict Managers? Did we pay the price of war by neglecting the profession of revolution?

Could we have alleviated racial injustice, poverty, pollution and other socio-economic problems before they reached the crisis stage if Conflict Management had been included in the curriculum of our schools?

Although national and international affairs are actually intimately entwined, let's look at what might happen if Conflict Management were properly employed at home and abroad.

NATIONAL AFFAIRS

Campus revolution.—The best young people in America have been involved in the campus revolution . . . either in bringing it about, or turning it toward freedom. But we must face the fact that many are deeply disenchanted with government, disappointed that the injustices they've identified have not been solved, and eager to continue to apply the revolutionary talent for propaganda and agitation they have learned. After a three-hour interview about the problem, an editor of a college magazine wrote an editorial warning businessmen that, unless The Revolutionaries of Today become the Conflict Managers of Tomorrow, things would be bad for America. I completely concur.

Servicemen's revolution.—It is fashionable to deny that soldier morale has dropped, marijuana use has skyrocketed, and that a general malaise grips our troops.

This is understandable. It is difficult enough for an officer to give unpopular orders to a group of armed men, when he believes their discipline and morale are high. When he knows it is not, such a stance may seem suicidal. Also, we know that demoralization can be vastly increased—and spread—by simply admitting it exists.

By the same token, blindly denying the truth does not stop disintegration. An alternative—creative and meaningful—to military war must be developed, and deferments perhaps awarded to those who pursue it. Conflict Management could be that profession, and put tens of thousands of disillusioned GI's to work, productively and patriotically, upon separation.

Russia and Germany are but two examples of what happens when a disillusioned, demobilized army drifts into a nation without hope or ideals. Both Communism and Nazism were nurtured by such despair. Conflict Management can help America avoid a dreary re-run of that all-too-recent history.

Urban revolution.—This includes the myriad problems of pollution and corruption, traffic congestion and housing. Pressure groups are continually forming in the independent sector, but their success in large measure depends on the professionalism of their staff. Without it they cannot hope to

cope with entrenched political machines and big business. On the other hand, a private pressure group inspires the natural sympathy of a "David versus Goliath." Thus, unless its operations are ethically managed, this sympathy can be perverted by Tyrannists to a tool for personal power, displacing one evil with a greater one. Conflict Managers can guarantee both efficiency and ethics on both sides of the coin.

Political revolution.—"Decentralization" and "Power to the People" are the cries of the hour, and government will hear them at every level only so long as they are responsibly, and effectively articulated. Amateurs typically vacillate from whispers to hysteria and are consequently either ignored or abhorred. No government is self-critical or self-effacing enough to dismantle itself with top efficiency. After all, government is only an organization of human beings who provide administrative, military and diplomatic services. And, fortunately, through a benign cooperation with communications, government today can produce an unconscious tyranny, perpetuate its power, and enforce illusions among the populace. Then, when a Tyrannist like Oswald comes along and smashes the highest symbol of national authority, the entire nation slips into cultural shock—and as illusions fall, violence rises. The present conflict between the government championed by Vice President Agnew, and the media, represented by the networks, is healthy only so long as the competition/cooperation continues. Conflict Managers—employed by both sides—can see that these checks and balances expand.

INTERNATIONAL AFFAIRS

I'd like to preface this portion of my talk by saying I believe the day of the expeditionary force is over. What needs doing abroad *must be done by natives of the nations concerned*, primarily. Americans can teach, and America can serve as a secure base area for revolutionary forces fighting for their freedom. But we must never undertake to export the American system of the 1970's to any other country. Each must find the appropriate level of freedom for itself.

But I am convinced as deeply as I can be, that every nation deserves liberty and every people are "ready" for some degree of liberty immediately. I am equally certain that no one's freedom is safe as long as one human being is enslaved.

Here are just a few areas where revolution could shift the balance toward freedom.

Latin America: Miami was the secure base area for the Cuban revolution and Cuba has been the secure base area for the current American revolution. Base areas are as essential to revolutions as service stations are to automobiles. When you see one, you know the other cannot be too far. To re-claim the revolution which Castro betrayed, Americans should make contact with Cubans, now, for joint Conflict Management training. Likewise, in many areas of Latin America today, militaristic juntas have forestalled the democratic process. The left wing does not have any monopoly on tyrannist tactics and popular forces are continually threatening reactionary regimes.

The government should maintain a strict hands-off policy toward any such popular initiatives for freedom, neither supporting nor thwarting them. Revolution is the business of the people, just as diplomacy and military defense are the province of government. If officials persist in intervening in this area, it is up to Conflict Managers to outwit them, test and help change the laws which perpetuate injustice. A basic premise: no government has the right to make agreements with another government which endorses or extends tyranny. Conflict Manager's very presence can help prevent this common abuse.

Eastern Europe: The shameful silence

among some . . . especially student leaders who claim to be revolutionaries . . . while Czech students were slaughtered, was one of the most sickening cop-outs in history. The fact that these massacres were managed by the same kind of regime some would like to install in America also says a lot. Revolutionary potential is always present in Eastern Europe, waiting for the sparks to ignite it. We should be ready, privately, next time the opportunity occurs, and this means Conflict Managers from every nation of Eastern Europe must be trained for the great task of liberation.

Southeast Asia: Vietnamization can work on a military and diplomatic level only to the extent that the revolution is diverted toward freedom. The people of Vietnam, in the North as well as the South, deserve at long last the chance to determine their own destiny. Now that Ho Chi Minh is dead, the Communist regime is more vulnerable in the North, and the military regime in the South can be steadily democratized. This work must proceed in all areas proportionately under the leadership of Vietnamese Conflict Managers, who can, and should, be trained here, at first. The alternative to liberation is unending military/diplomatic/revolutionary conflict, and misery for millions.

Africa and Asia are ripe for revolution. China is insecure as a national entity, and Mao's demise could accelerate fragmentation and revolution there. In Russia, the Jewish populace is suffering renewed oppression, and, for the first time in memory, individual revolutionary acts are being carried out in Soviet Russia.

Trained Conflict Managers, citizens of each of the nations involved, could bring about radical changes in favor of freedom, swiftly. Of course, there are those whom the word "radical" frightens as much as the word "revolutionary." However, radical means root, and we must aim at the underlying causes if we are ever going to achieve both peace and freedom on this planet.

Are there Conflict Managers available? Yes, but not nearly enough, nor are those who exist necessarily conscious of the term. I'd consider Ralph Nader a Conflict Manager, and John Banzaf of ASH, who put anti-cigarette smoking commercials on the air, is certainly a Conflict Manager, whether he is aware of the term or not. So, I suspect, is Saul Alinsky, although we argued about it for hours one evening in Chicago after a memorable TV debate. In my opinion, Richard Cornuelle, who discovered and named the elusive Independent Sector in his excellent book, *Reclaiming the American Dream*, is a Conflict Manager. So are Richard Warren and Larry Kihnel of INCA down in New Orleans, who put together the very successful "National Student Conferences on Revolution" in 1968 and 1969. Certainly Lee Edwards, who introduced me tonight, fits the bill, with his relentless efforts on behalf of the enslaved peoples. He has been called the "Voice of the Silent Majority" by the *New York Times*. The attractive young lady who quietly arranged this conference, Lo Anne Wagner, certainly qualifies as a Conflict Manager in my mind.

As you can imagine, old-fashioned divisions of partisan politics—right and left, Liberal and Conservative, Reactionary and Radical—don't describe Conflict Managers very well.

What is urgently needed are some different labels which can be invested with more accurate meanings. That's why I sign myself "square." People come to sneer and put me down, but often stay to cheer for a square deal for minorities and a square meal for the disadvantaged, and a square shake for enslaved peoples everywhere.

Even more than simplistic slogans and labels, we need in-depth academic exploration, study and specialization in the whole vast arena of "Conflict Management." Some

of this has already begun according to an article by *Newsweek's* Thomas Gordon Plate. At the University of Michigan, a "Center for Research on Conflict Resolution," publishes the *Journal of Conflict Resolution*; and The American Arbitration Association handles 17,000 cases each year. But these are exclusively oriented toward the resolution of Conflict which is but one part of Conflict Management—the Conflict Manager must also know how, when and where to initiate and not to initiate conflict; how to limit, control and channel it constructively; how to sustain it when necessary and end it when possible. For Conflict is essential to human nature. By setting aside a group of professionals to deal with it on a day-to-day basis, just as we have assigned lawyers to deal with injustice and doctors to deal with disease, our nation and our world can begin to adjust to revolutionary reality and grow within its exciting atmosphere.

Remember, the word "Revolution" was coined to describe the orbiting of heavenly bodies, and was appropriated by the politicians. As mankind enters the Age of Aquarius and sets its sights on the planets, it might be well to remember that original meaning of revolution.

America has had its New Deal, Fair Deal, New Frontier and Great Society. I call upon the Citizens of the Country, not just the President, to face revolutionary reality now . . . we can create for all humanity. . . . A square deal!

ED BUTLER: BIOGRAPHICAL SKETCH

Ed Butler is host of the weekly TV series "The Square World of Ed Butler." The half hour informational format is a combination of music and discussion of today's vital subjects, geared to the youth of America.

A political maverick who defies labeling and insists terms like "right" and "left," "liberal" and "conservative" are outmoded and obsolete, he also is editor/publisher of the *Westwood Village Square* magazine, which reached a circulation of 150,000 in 1969, and author of the provocative book, *Revolution Is My Profession* (excerpts on Conflict Management attached).

An internationalist who conceived, and helped to organize, the Information Council of the Americas (INCA), a private, non-profit educational organization with links in 16 nations of the hemisphere, he was named New Orleans' "Outstanding Young Man for 1968" when he received the Jaycee's *Distinguished Service Award* in January, 1969. He is also the recipient of the Americanism Award of the Young Men's Business Club of New Orleans (1963) and Award of Merit from the Cuban Journalists in Exile (1967).

ADDENDUM

[As professionals, Conflict Managers will serve all segments of society on domestic problems—in business, education, labor, communities, cities, state and federal governments—on a non-partisan basis. Tyranny has many faces—economic tyranny, or greed, causes men to wield power over their fellow man; political tyranny, fear of reprisals, causes men to wield power over their fellow man; prejudice is a form of tyranny if it results in one man thwarting the liberty of another; pollution—although not fore-planned as a form of tyranny—is now sapping the liberty of all society.

The list is endless. Revolution can perfect the institutions of our society—governmental as well as private—by releasing them, via the Conflict Manager, from responsibilities they have not and cannot meet.]

PROFESSION NOT ORGANIZATION

(Excerpts from "Revolution Is My Profession," by Ed Butler, Twin Circle, 1968)

Conflict Management must operate as a profession, not only because the work is

complex and vitally necessary, but also because Conflict Managers could become as dangerous tomorrow as Communists are today, and Nazis were yesterday, unless care is taken to prevent it. How do you delegate life and death power, but retain it?

It is just this kind of dilemma that mankind has solved in the past by creating professions. Mere organizations won't do.

Let's illustrate with some examples:

There are many professions, but theology, law and medicine are recognized as the three learned professions at present. Each was presumably devised to answer a basic human need, and provide professionals to serve it.

Each day thousands confide their innermost secrets to *clergymen*—secrets which could ruin them. They do it without a qualm.

Hourly, businessmen, housewives, young and old, on every matter from murder to divorce, whisper personal facts which could compromise them to *attorneys*, without hesitation.

At this moment people are baring their bodies to *surgeons' scalpels* and *physicians' searching eyes*, as a matter of course.

In evolving these professions, man was required to delegate potentially dangerous powers to their practitioners, who after all, were men like himself and could betray the trust. Yet mankind found a way to do it routinely, without much worry.

The reason is that within a profession, and only within this framework, are there sufficient psychological and organizational safeguards to allow man to delegate the great powers of life and death. But at the same time, to be relatively secure against their abuse.

There are four major means by which every profession checks and balances the practitioners:

1. The Professional Ethic
2. The Decentralized Organization
3. The Internal Self-Interest
4. The Restricted Method

The Professional Ethic—Instills in both the practitioner and his patron positive motivations for the proper exercise of power. And it also implants negative inhibitions against its abuse. The practitioner adopts a stylized professional conscience, which acts as a personal check upon his ambition. By contrast, the diversity of business and the representative nature of government makes it extremely difficult to establish a uniform set of standards for businessmen or statesmen. The Conflict Manager, however, operating in an area which is filled with temptation and opportunity to accumulate power, needs rigid standards.

The Decentralized Organization—Makes each practitioner responsible for his bread and butter on a daily basis—not to some distant boss—but directly to those whom he serves.

For example, the physician who betrays his oath finds his practice departing and his living standard diminishing.

Likewise, the Conflict Manager who attempts to seize control of the state for his personal purposes, or otherwise abuse his powers, can be made to feel the disfavor of his Patrons. Fast and firmly.

Every profession provides watchdog powers so that those who are most immediately affected by the practitioner's actions can control them, day-to-day. By contrast, stockholders may normally exercise such powers only once each year (if, indeed, at all). Voters can register complaints only once every two, four, or six years upon elected officials, and nearly never appointed ones. Business and government can get by without continued close scrutiny, because life and death decisions are not a daily duty. But Conflict Management operations must be continually checked out by the Patrons who pay for them.

Internal Self-Interest—Puts the profes-

sionals into dynamic internal competition with each other, thus balancing powers practically. For example, when a lawyer is disbarred, other lawyers do the disbarring.

So, too, must the Conflict Manager be constantly subject to the censure of his peers, should he merit it.

The latent power of the majority to cast out an individual or minority whose actions could injure the profession as a whole, are a strong deterrent and effective insurance against anyone getting out of hand.

Such internal self-interest in professional purity does not apply in business. Anti-trust statutes have been enacted from outside to prevent collusion against the public interest. Nor does it apply in politics, where numerous devices, from impeachment and recall proceedings, to elections themselves, are provided for outside governance.

There is nothing evil about business or politics. It is simply that the virtues of diversity, competition, and compromise outweigh any social advantages to be gained by the stylized uniformity, and purity of purpose, which is essential to a profession.

The Restricted Method—Prevents practitioners from gradually expanding their powers into a total tyranny, by limiting them publicly at the outset. Before theology could become a profession, sorcerers and false prophets had to be expelled, and the duties of the ministry carefully limited.

Before Conflict Management can achieve professional status, the quacks and charlatans must be discredited, and the beginning and end of its power must be clearly defined.

In government and business the imperatives clearly point to the opposite direction. The less limitation on opportunity the better. The less restrictions on personnel the fairer.

It is significant that in the time of greatest political danger for democratic nations, the conduct of war is the province of *professionals*. Of military men. The President joins the professionals to lead the armed services and the nation as Commander-in-Chief.

Similarly in business, whenever life and death decisions become part and parcel of the daily routine, professions have been evolved to minimize the risk. Thus in the building trades, architects and engineers who take the responsibility for designing bridges and buildings which must bear the burden of hundreds of lives, have come to be classed as professionals.

Certified Public Accountants, who check and control funds, which in America's corporate oriented economy can mean the sustenance of millions, have been gradually achieving professional status over the past several years.

Because they are needed, but potentially dangerous, Conflict Managers must be *professionals*, not organization men.

The problems that called it forth are but the natural product of innate and unchanging human weakness. The problems will change, but the weaknesses won't. Therefore, the Conflict Manager must stand guard permanently, precisely *because* the problems themselves will change, while human nature remains the same.

Viruses mutate and make old remedies obsolete, requiring physicians to remain on hand, both to hold, and to extend, the ground that has been gained. So, too, will a group of professional Monitors be always required, even after all tyrannies have been liberated, both to *keep* them liberated, and combat the ingenious new methods that neo-Tyrants devise.

And here is where the concept of Conflict Management beckons to those who would promote world peace. For Conflict Management, by professionally controlling the essential human drives of those who seek and abuse power to launch war, or perpetuate poverty to satisfy their lust for power—Conflict Management can become the international peace enforcement mechanism

mankind has sought since the first war was waged.

Unlike the League of Nations, the U.N. and other formal "peacekeeping" structures which can at most treat symptoms, Conflict Management strikes at the core of the problem. It professionally treats that tendency in the mind of man which causes conflict, rather than merely assuaging the violent effects once they already exist.

STRONG SUPPORT FOR INVESTIGATION OF THE NCAA

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. GIAIMO. Mr. Speaker, less than 2 weeks ago, my colleague, the gentleman from Illinois (Mr. MICHEL) and I introduced a resolution which would create a select House committee to investigate the National Collegiate Athletic Association. Last week, 24 of our colleagues joined with us to reintroduce this measure, and we expect to obtain further support in the days to come.

The time has come for us to act, Mr. Speaker. The NCAA has already expanded its football schedule, apparently disregarding the recent case of a star quarterback who failed all his academic courses because of pressure from football. Many NCAA tournaments in other sports will be held this year; the basketball championship will take place at nearby College Park, Md., next month. Finally, of course, the Olympic games, the zenith of amateur athletics, are now only 2 years away.

In recent weeks, the gentleman from Illinois (Mr. MICHEL) and I have detailed the obviously unfair action taken by the NCAA against Yale University. We have pointed out that this action was not unique; on the contrary, the NCAA has shown for some time that it is willing to arbitrarily punish those who dare to defy it in any way. Yet, Mr. Speaker, there is another reason why an investigation of the NCAA is vital at this time.

We must put a stop to the ridiculous and tragic dispute between the NCAA and the Amateur Athletic Union, a dispute in which the only consequence has been injury to individual athletes, colleges and universities, and the entire system of amateur athletics in the United States.

The late Senator Robert Kennedy, the late Gen. Douglas MacArthur, three U.S. Presidents, a Senate committee, and thousands of interested persons both in and out of sports have tried and failed to bring these parties together. They have failed because both the NCAA and AAU have proven themselves to be stubborn, arrogant hierarchies more concerned with their own power than with the future of amateur athletics or the athletes and schools they are supposed to represent.

Neither the athletes nor their schools want to see this tragic feud continue, Mr. Speaker. They know the consequences of this dispute for they have all been hurt by it. Rather than trying to

bring the NCAA and AAU together now, I submit that we must try to make each more democratic, more responsible to those they are supposed to represent, and more concerned with amateur athletics than with their own quests for power.

My colleagues and I want to begin this effort with the NCAA. If we can make the NCAA more democratic and more responsible, we can insure that its power will be properly and fairly used, both in its dealings with member schools and individual athletes and in its relationship with the AAU. Once this is done, we will be well on our way toward ending this dispute and creating a successful and beneficial amateur athletic program in America which will last for years to come.

Therefore, Mr. Speaker, I urge our colleagues who care about the future of amateur athletics in this country to join us in supporting this resolution. I am confident that the Committee on Rules will consider it favorably at the earliest possible date.

Subsequent to the introduction of this resolution by the gentleman from Illinois (Mr. MICHEL) and me, we have received a tremendous amount of mail from all over the country supporting our position. As an example, I wish to include at this point in the RECORD the text of a letter from Mr. Bill Currie, sports director of television and radio station WSOC in Charlotte, N.C.:

WSOC TELEVISION/RADIO,

Charlotte, N.C., January 29, 1970.

HON. ROBERT GIAIMO,
House of Representatives,
Washington, D.C.

DEAR MR. GIAIMO: May I urge you to press for a congressional investigation of the National Collegiate Athletic Association. Certainly there has never been any regulatory body which is more hypocritical and which dispenses more unjust discipline than the NCAA.

Not only is their childish squabble with the AAU detrimental to sports in general, but it is specifically unfair to many young athletes caught in the struggle between these two power-hungry organizations. The NCAA in dispensing its punishment never allows the accused school or individual know who has brought the charges. There is no opportunity for the accused to meet his accuser or to cross-examine him. The accused is always presumed to be guilty, and the burden of proof is on the accused to prove he isn't guilty.

NCAA discipline has been used, to my certain knowledge, in the carrying out of personal vendettas against individuals, and I suggest that you ask Frank McGuire, basketball coach at the University of South Carolina, what was done to him and a ball player of his, Mike Grosso, and how ridiculous and unfounded all the charges were.

Only winners are ever punished. Teams, coaches, and institutions which have losing records can and do violate the rules. Only the winners are subject to NCAA persecution.

These people should be exposed, their powers limited by law, and their unfair treatment of various colleges, universities, and individuals prohibited. Thousands of people in and out of sports will appreciate your efforts, and I congratulate you on your concern in this matter.

Yours very truly,

BILL CURRIE,
Sports Director.

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. FISHER. Mr. Speaker, Theodore H. White is well known and respected as a reporter and author. He followed closely the campaigns of the last four Presidents. He recently wrote "The Making of the President, 1968."

In the January 30 issue of Life magazine there appears an editorial written by this distinguished authority. He attacks and exposes the built-in weakness and danger inherent in the proposal to elect Presidents and Vice Presidents by direct vote. His reasoning is excellent, and I think it should be read by everyone.

The editorial follows:

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

(By Theodore H. White)

Last September, in a triumph of noble purpose over common sense, the House passed and has sent to the Senate a proposal to abolish the Federal System.

It is not called that, of course. Put forth as an amendment to the Constitution, the new scheme offers a supposedly better way of electing Presidents. Advanced with the delusive rhetoric of *vox populi, vox Dei*, it not only wipes out the obsolete Electoral College but abolishes the sovereign states as voting units. In the name of The People, it proposes that a giant plebiscite pour all 70,000,000 American votes into a single pool whose winner—whether by 5,000 or 5,000,000—is hailed as National Chief.

American elections are a naked transaction in power—a cruel, brawling year-long adventure swept by profound passion and prejudice. Quite naturally, therefore, Constitution and tradition have tried to limit the sweep of passions, packaging the raw votes within each state, weighing each state's electoral vote proportionately to population, letting each make its own rules and police its own polls.

The new theory holds that an instantaneous direct cascade of votes offers citizens a more responsible choice of leadership—and it is only when one tests highminded theory against reality that it becomes nightmare.

Since the essence of the proposal is a change in the way votes are counted, the first test must be a hard look at vote-counting as it actually operates. Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.

Still, anyone who trusts the precise count in Gary, Ind.; Cook County, Ill.; Duval County, Texas; Suffolk County, Mass.; or in half a dozen border and Southern states is out of touch with political reality. Under the present electoral system, however, crooks in such areas are limited to toying with the electoral vote of one state only; and then only when margins are exceptionally tight. Even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election-night poker with the results, their art is balanced by crooks of the other party playing the same game.

John F. Kennedy won in 1960 by the tenuous margin of 118,550—less than one fifth of one percent of the national total—in an election stained with outright fraud in at

least three states. No one challenged his victory, however, because the big national decision had been made by electoral votes of honest-count states, sealed off from contamination by fraud elsewhere—and because scandal could as well be charged to Republicans as to Democrats. But if, henceforth, all the raw votes from Hawaii to Maine are funneled into one vast pool, and popular results are as close as 1960 and 1968, the pressure to cheat or call recounts must penetrate everywhere—for any vote stolen anywhere in the Union pressures politicians thousands of miles away to balance or protest it. Twice in the past decade, the new proposal would have brought America to chaos.

To enforce honest vote-counting in all the nation's 170,000 precincts, national policing becomes necessary. So, too, do uniform federal laws on voter qualifications. New laws, for example, will have to forbid any state from increasing its share of the total by enfranchising youngsters of 18 (as Kentucky and Georgia do now) while most others limit voting to those over 21. Residence requirements, too, must be made uniform in all states. The centralization required breaches all American tradition.

Reality forces candidates today to plan campaigns on many levels, choosing groups and regions to which they must appeal, importantly educating themselves on local issues in states they seek to carry.

But if states are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of states and becomes a media effort to capture the largest share of the national "vote market." Instead of courting regional party leaders by compromise, candidates will rely on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most "creative" TV talent.

The most ominous domestic reality today is race confrontation. Black votes count today because blacks vote chiefly in big-city states where they make the margin of difference. No candidate seeking New York's 43 electoral votes, Pennsylvania's 29, Illinois' 26 can avoid courting the black vote that may swing those states. If states are abolished as voting units, the chief political leverage of Negroes is also abolished. Whenever a race issue has been settled by plebiscite—from California's Proposition 14 (on Open Housing) in 1964 to New York's Police Review Board in 1966—the plebiscite vote has put the blacks down. Yet a paradox of the new rhetoric is that Southern conservatives, who have most to gain by the new proposal, oppose it, while Northern liberals, who have most to lose, support it because it is hallowed in the name of The People.

What is wrong in the old system is not state-by-state voting. What is wrong is the anachronistic Electoral College and the mischief anonymous "electors" can perpetrate in the wake of a close election. Even more dangerous is the provision that lets the House, if no candidate has an electoral majority, choose the President by the undemocratic unit rule—one state, one vote. These dangers can be eliminated simply by an amendment which abolishes the Electoral College but retains the electoral vote by each state and which, next, provides that that in an election where there is no electoral majority, senators and congressmen, individually voting in joint session and hearing the voices of the people in their districts, will elect a President.

What is right about the old system is the sense of identity it gives Americans. As they march to the polls, Bay Staters should feel Massachusetts is speaking; Hoosiers should feel Indiana is speaking; blacks and other minorities should feel their votes count; so,

too, should Southerners from Tidewater to the Gulf. The Federal System has worked superbly for almost two centuries. It can and should be speedily improved. But to reduce Americans to faceless digits on an enormous tote board, in a plebiscite swept by demagoguery, manipulated by TV, at the mercy of crooked counters—this is an absurdity for which goodwill and noble theory are no justification.

THE CARSWELL APPOINTMENT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. RYAN. Mr. Speaker, I have made clear to the Senate Judiciary Committee and to the two Senators from New York my opposition to Judge G. Harrold Carswell. There appears nothing meritorious to warrant his elevation to the U.S. Supreme Court. To the contrary, there is good reason for the Senate to refuse to confirm his nomination.

As I said in my letter to the Senators from New York:

Judge Carswell's most serious disjunction with the needs of our time lies in his views on civil rights. The passage of time cannot temper his statement, made in 1948, that "the segregation of the races is proper and the only practical and correct way of life in our states." Some have suggested that political expediency fattered this statement. Even if that were so—and nothing in Judge Carswell's subsequent professional life adequately supports this conclusion—expediency can be no substitute for principle.

Moreover, Judge Carswell's professional qualifications do not justify his being placed on the highest court on the land. Testimony has been offered to the Senate Judiciary Committee and denied by Judge Carswell, charging him with hostility toward civil rights attorneys in his role as a judicial officer. His decisions, it has been suggested, show little sensitivity to civil rights problems. And, as Michael Harrington, in his column which appeared in the February 5 edition of the Washington Evening Star, observed:

Carswell's record is replete with cases in which he has been overruled; but it does not contain any evidence of judicial scholarship or thought.

I commend this column, which follows, to my colleagues, as a thoughtful and well-reasoned argument against confirmation of the nomination of Judge Carswell to the U.S. Supreme Court:

[From the Washington Evening Star, Feb. 5, 1970]

COURT NO PLACE FOR HACK POLITICS

(By Michael Harrington)

Richard Nixon claims to be a judicial conservative, a man who believes that judges should construe the Constitution "strictly" and keep their own private and political opinions out of their decisions. Richard Nixon acts toward the Supreme Court like a radical activist who wants to politicize that body much more than Franklin Roosevelt, the man who was supposed to have invented "court packing." And in the nomination of G. Harrold Carswell he has managed to unite

the worst elements in his contradictory theory and practice.

It is clear for all to see that the Carswell appointment is part of Nixon's Southern strategy and may even be a direct payment for promises made to Strom Thurmond and others at the 1968 Republican Convention. Far from exhibiting a reverential awe for the judiciary, President Nixon plans to reconstruct the nation's highest court on the basis of his own politics. And since he is likely to have a large number of nominations he may be able to inflict his own prejudices on American society long after he has left office by means of a "Nixon court."

But then something like this has always happened, which goes to show how shallow—or worse, deceitful—the conservative theory of the judicial process is. The U.S. Constitution, and the other founding documents of the nation, were written by brilliant, sophisticated men. And yet, no matter how much respect one pays them, they lived at a time when there were no corporations, trade unions or television sets. To think that one can take the problem of an urbanized and unprecedented America and, "laying it alongside" some citation from the Constitution, come up with a contemporary answer is nonsense. The founding fathers did not bequeath us a ouija board; they wrote a document which was of its time and place.

And so the nation's fundamental principles have been constantly reinterpreted as they have been applied to a tumultuous, unpredictable history. The Constitution was once used to deny workers the right to organize because that would violate the freedom of contract, and then to affirm that very same right because it was protected under the First Amendment. Which of these interpretations was "strict"?

But that does not mean that the Nixon (and conservative) theory is simply an ignorant error. The functioning meaning of "strict construction" is that some previous interpretation of the Constitution is to be made eternal in order to resist change. In Nixon's case, that means that he wants to undo the Warren court's reading of our national heritage in the areas of civil rights and civil liberties. He is not, I am suggesting, so much in pious awe of Thomas Jefferson and James Madison as he is concerned with the political future of Richard Nixon.

And yet, if the court does, in Mr. Dooley's immortal aphorism, follow the election returns, doesn't that justify Nixon in appointing Carswell?

I think not. The President does have the right to take political considerations into account when he makes his nominations to the court. I believe that the American people made a mistake when they voted Nixon in and this is part of the price we have to pay for it. However, that right is not absolute and it can be abused.

If Nixon had sent the name of a distinguished conservative jurist to the Senate I would be unhappy but I would have to regard that as a moment in the traditional American political process. But even supposing one were to regard Carswell's outrageous remarks on white supremacy as a youthful indiscretion (which, given his civil rights record, I would not, since it seems to me that he has modified and modernized his segregationism but not abandoned it), he still should be rejected.

The Senate should bow to Nixon's right to shape the court politically but it has a right to insist upon a minimum of judicial accomplishment in his nominees. Carswell's record is replete with cases in which he has been overruled; but it does not contain any evidence of judicial scholarship or thought.

The Supreme Court, contrary to Nixon's theory, is politically responsive but, contrary to his practice, it is not the place for hack politics.

CBW, HEALTH AND THE
ENVIRONMENT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. DELLENBACK. Mr. Speaker, in 1961, the United States began, on a limited scale, the use of defoliant in Vietnam. Since that time, military sources estimate that American planes have sprayed more than 5 million acres of South Vietnamese territory, or about 12 percent of the countryside. By way of comparison, this defoliated region represents an area the size of the State of Massachusetts.

At the same time that American reliance on defoliants such as 2,4,5-T is growing, biologists are discovering evidence linking such chemicals to birth defects and the destruction of Vietnam's ecological balance. In October 1969, President Nixon, through the office of his science adviser, Dr. Lee A. DuBridge, announced restrictions on the use of 2,4,5-T in Vietnam. The herbicide, the President said, could only be used in remote regions of the country.

During the past week, animal birth deformities and vaginal bleeding in local women were associated with the testing of 2,4,5-T in Globe, Ariz. At the time this accident was making headlines, the New Yorker magazine published, on February 7, an excellent article on the development of problems associated with the use of defoliants in Vietnam. The author, Thomas Whiteside, describes in detail the ecological damages these herbicides are inflicting upon that country. He also discusses the results of laboratory research on rats and mice exposed to varying doses of the chemicals now being used. Whiteside points out that because defoliants are sprayed from the air, they are very difficult to control. The slightest breeze may push a cloud as far as 15 miles from the intended target, contaminating crops and drinking water along the way. Similar conclusions on the impracticality of chemical and biological weapons can be found in the study "CBW and National Security" which I and 15 cosponsors presented to this Congress on November 3, 1969.

In the United States, with its relatively well-fed population and sophisticated methods of water purification, the lingering effects of chemical herbicides such as 2,4,5-T are harmful. In Vietnam, poverty, malnutrition, and few precautions with regard to drinking water make the people particularly susceptible to the ill effects of herbicides.

The author implies that the use of defoliants is a method of biological warfare in effect because it is a means of "plant-growth regulation." Definitively, the problem is similar to the controversy surrounding toxins, and Whiteside makes a strong case for the inclusion of defoliants in President Nixon's November ban on biological weapons. I commend this article to my colleagues as a thorough overview of the grave hazards involved with the use of defoliants not only in Vietnam but also in the United States:

A REPORTER AT LARGE: DEFOLIATION
(By Thomas Whiteside)

Late in 1961, the United States Military Advisory Group in Vietnam began, as a minor test operation, the defoliation, by aerial spraying, of trees along the sides of roads and canals east of Saigon. The purpose of the operation was to increase visibility and thus safeguard against ambushes of allied troops and make more vulnerable any Vietcong who might be concealed under cover of the dense foliage. The number of acres sprayed does not appear to have been publicly recorded, but the test was adjudged a success militarily. In January, 1962, following a formal announcement by South Vietnamese and American officials that a program of such spraying was to be put into effect, and that it was intended "to improve the country's economy by permitting freer communication as well as to facilitate the Vietnamese Army's task of keeping these avenues free of Vietcong harassments," military defoliation operations really got under way. According to an article that month in the *New York Times*, "a high South Vietnamese official" announced that a seventy-mile stretch of road between Saigon and the coast was sprayed "to remove foliage hiding Communist guerrillas." The South Vietnamese spokesman also announced that defoliant chemicals would be sprayed on Vietcong plantations of manioc and sweet potatoes in the Highlands. The program was gathering momentum. It was doing so in spite of certain private misgivings among American officials, particularly in the State Department, who feared, first, that the operations might open the United States to charges of engaging in chemical and biological warfare, and, second, that they were not all that militarily effective. Roger Hilsman, now a professor of government at Columbia University, and then Director of Intelligence and Research for the State Department, reported, after a trip to Vietnam, that defoliation operations "had political disadvantages" and, furthermore, that they were of questionable military value, particularly in accomplishing their supposed purpose of reducing cover for ambushes. Hilsman later recalled in his book, "To Move a Nation," his visit to Vietnam, in March, 1962: "I had flown down a stretch of road that had been used for a test and found that the results were not very impressive. . . . Later, the senior Australian military representative in Saigon, Colonel Serong, also pointed out that defoliation actually aided the ambushers—if the vegetation was close to the road those who were ambushed could take cover quickly; when it was removed the guerrillas had a better field of fire." According to Hilsman, "The National Security Council spent tense sessions debating the matter."

Nonetheless, the Joint Chiefs of Staff and their Chairman, General Maxwell Taylor, agreed that chemical defoliation was a useful military weapon. In 1962, the American military "treated" 4,940 acres of the Vietnamese countryside with herbicides. In 1963, the area sprayed increased fivefold, to a total of 24,700 acres. In 1964, the defoliated area was more than tripled. In 1965, the 1964 figure was doubled, increasing to 155,610 acres. In 1966, the sprayed area was again increased fivefold, to 741,247 acres, and in 1967 it was doubled once again over the previous year, to 1,486,446 acres. Thus, the areas defoliated in Vietnam had increased approximately three hundredfold in five years, but now adverse opinion among scientists and other people who were concerned about the effects of defoliation on the Vietnamese ecology at last began to have a braking effect on the program. In 1968, 1,267,110 acres were sprayed, and in 1969 perhaps a million acres. Since 1962, the defoliation operations have covered almost five million acres, an area equivalent to about twelve per cent of the entire

territory of South Vietnam, and about the size of the state of Massachusetts. Between 1962 and 1967, the deliberate destruction of plots of rice, manioc, beans, and other foodstuffs through herbicidal spraying—the word "deliberate" is used here to exclude the many reported instances of accidental spraying of Vietnamese plots—increased three hundredfold, from an estimated 741 acres to 221,312 acres, and by the end of 1969 the Vietnamese crop growing area that since 1962 had been sprayed with herbicides totalled at least half a million acres. By then, in many areas the original purpose of the defoliation had been all but forgotten. The military had discovered that a more effective way of keeping roadsides clear was to bulldoze them. But by the time of that discovery defoliation had settled in as a general policy and taken on a life of its own—mainly justified on the ground that it made enemy infiltration from the North much more difficult by removing vegetation that concealed jungle roads and trails.

During all the time since the program began in 1961, no American military or civilian official has ever publicly characterized it as an operation of either chemical or biological warfare, although there can be no doubt that it is an operation of chemical warfare in that it involves the aerial spraying of chemical substances with the aim of gaining a military advantage, and that it is an operation of biological warfare in that it is aimed at a deliberate disruption of the biological conditions prevailing in a given area. Such distinctions simply do not appear in official United States statements or documents; they were long ago shrouded under heavy verbal cover. Thus, a State Department report, made public in March, 1966, saying that about twenty thousand acres of crops in South Vietnam had been destroyed by defoliation to deny food to guerrillas, described the areas involved as "remote and thinly populated," and gave a firm assurance that the materials sprayed on the crops were of a mild and transient potency: "The herbicides used are nontoxic and not dangerous to man or animal life. The land is not affected for future use."

However comforting the statements issued by our government during seven years of herbicidal operations in Vietnam, the fact is that the major development of defoliant chemicals (whose existence had been known in the thirties) and other herbicidal agents came about in military programs for biological warfare. The direction of this work was set during the Second World War, when Professor E. J. Kraus, who then headed the Botany Department of the University Chicago, brought certain scientific possibilities to the attention of a committee that had been set up by Henry L. Stimson, the Secretary of War, under the National Research Council, to provide the military with advice on various aspects of biological warfare. Kraus, referring to the existence of hormone-like substances that experimentation had shown would kill certain plants or disrupt their growth, suggested to the committee in 1941 that it might be interested in "the toxic properties of growth-regulating substances for the destruction of crops or the limitation of crop production." Military research on herbicides thereupon got under way, principally at Camp (later Fort) Detrick, Maryland, the Army center for biological-warfare research. According to George Merck, a chemist, who headed Stimson's biological-warfare advisory committee, "Only the rapid ending of the war prevented field trials in an active theatre of synthetic agents that would, without injury to human or animal life, affect the growing crops and make them useless."

After the war, many of the herbicidal materials that had been developed and tested for biological-warfare use were marketed for civilian purposes and used by farmers and

homeowners for killing weeds and controlling brush. The most powerful of the herbicides were the two chemicals 2,4-dichlorophenoxyacetic acid, generally known as 2,4-D, and 2,4,5-trichlorophenoxyacetic acid, known as 2,4,5-T. The direct toxicity levels of these chemicals as they affected experimental animals, and, by scientific estimates, men, appeared then to be low (although these estimates have later been challenged), and the United States Department of Agriculture, the Food and Drug Administration, and the Fish and Wildlife Service all sanctioned the widespread sale and use of both. The chemicals were also reported to be shortlived in soil after their application. 2,4-D was the bigger seller of the two, partly because it was cheaper, and suburbanites commonly used mixtures containing 2,4-D on their lawns to control dandelions and other weeds. Commercially, 2,4-D and 2,4,5-T were used to clear railroad rights-of-way and power-line routes, and, in cattle country, to get rid of woody brush, 2,4,5-T being favored for the last, because it was considered to have a more effective herbicidal action on woody plants. Very often, however, the two chemicals were used in combination. Between 1945 and 1963, the production of herbicides jumped from nine hundred and seventeen thousand pounds to about a hundred and fifty million pounds in this country; since 1963, their use has risen two hundred and seventy-one per cent—more than double the rate of increase in the use of pesticides, though pesticides are still far more extensively used. By 1960, an area equivalent to more than three per cent of the entire United States was being sprayed each year with herbicides.

Considering the rapidly growing civilian use of these products, it is perhaps not surprising that the defoliation operations in Vietnam escaped any significant comment in the press, and that the American public remained unaware of the extent to which these uses had their origin in planning for chemical and biological warfare. Nevertheless, between 1941 and the present, testing and experimentation in the use of 2,4-D, 2,4,5-T, and other herbicides as military weapons were going forward very actively at Fort Dietrick. While homeowners were using herbicidal mixtures to keep their lawns free of weeds, the military were screening some twelve hundred compounds for their usefulness in biological-warfare operations.

The most promising of these compounds were test-sprayed on tropical vegetation in Puerto Rico and Thailand, and by the time full-scale defoliation operations got under way in Vietnam the U.S. military had settled on the use of four herbicidal spray materials there. These went under the names Agent Orange, Agent Purple, Agent White, and Agent Blue—designations derived from color-coded stripes girdling the shipping drums of each type of material. Of these materials, Agent Orange, the most widely used as a general defoliant, consists of a fifty-fifty mixture of *n* butyl esters of 2,4-D and 2,4,5-T. Agent Purple, which is interchangeable with Agent Orange, consists of the same substances with slight molecular variations. Agent White, which is used mostly for forest defoliation, is a combination of 2,4-D and Picloram, produced by the Dow Chemical Company. Unlike 2,4-D or 2,4,5-T, which, after application, is said to be decomposable by micro-organisms in soil over a period of weeks or months (one field test of 2,4,5-T in this country showed that significant quantities persisted in soil for ninety-three days after application), Picloram—whose use the Department of Agriculture has not authorized in the cultivation of any American crop—is one of the most persistent herbicides known. Dr. Arthur W. Galston, professor of biology at Yale, has described Picloram as "a herbicidal analog of DDT," and an article in a Dow Chemical Company publication called "Down to Earth" reported that in field trials

of Picloram in various California soils between eighty and ninety-six and a half per cent of the substance remained in the soils four hundred and sixty-seven days after application. (The rate at which Picloram decomposes in tropical soils may, however, be higher.) Agent Blue consists of a solution of cacodylic acid, a substance that contains fifty-four per cent arsenic, and it is used in Vietnam to destroy rice crops. According to the authoritative "Merck Index," a source book on chemicals, this material is "poisonous." It can be used on agricultural crops in this country only under certain restrictions imposed by the Department of Agriculture. It is being used herbicidally on Vietnamese rice fields at seven and a half times the concentration permitted for weed-killing purposes in this country, and so far in Vietnam something like five thousand tons is estimated to have been sprayed on paddies and vegetable fields.

Defoliation operations in Vietnam are carried out by a special flight of the 12th Air Commando Squadron of the United States Air Force, from a base at Bien Hoa, just outside Saigon, with specially equipped C-123 cargo planes. Each of these aircraft has been fitted out with tanks capable of holding a thousand gallons. On defoliation missions, the herbicide carried in these tanks is sprayed from an altitude of around a hundred and fifty feet, under pressure, from thirty-six nozzles on the wings and tail of the plane, and usually several spray planes work in formation, laying down broad blankets of spray. The normal crew of a military herbicidal-spray plane consists of a pilot, a co-pilot, and a technician, who sits in the tail area and operates a console regulating the spray. The equipment is calibrated to spray a thousand gallons of herbicidal mixture at a rate that works out, when all goes well, to about three gallons per acre. Spraying a thousand-gallon tankload takes five minutes. In an emergency, the tank can be emptied in thirty seconds—a fact that has particular significance because of what has recently been learned about the nature of at least one of the herbicidal substances.

The official code name for the program is Operation Hades, but a more friendly code name, Operation Ranch Hand, is commonly used. In similar fashion, military public-relations men refer to the herbicidal spraying of crops supposedly grown for Vietcong use in Vietnam, when they refer to it at all, as a "food-denial program." By contrast, an American biologist who is less than enthusiastic about the effort has called it, in its current phase, escalation to a program of starvation of the population in the affected area." Dr. Jean Mayer, the Harvard professor who now is President Nixon's special adviser on nutrition, contended in an article in *Science and Citizen* in 1967 that the ultimate target of herbicidal operations against rice and other crops in Vietnam was "the weakest element of the civilian population"—that is, women, children, and the elderly—because in the sprayed areas "Vietcong soldiers may . . . be expected to get the fighter's share of whatever food there is." He pointed out that malnutrition is endemic in many parts of Southeast Asia but that in wartime South Vietnam, where diseases associated with malnutrition, such as beriberi, anemia, kwashiorkor (the disease that has decimated the Biafran population), and tuberculosis, are particularly widespread, "there can be no doubt that if the [crop-destruction] program is continued, [the] problems will grow."

Whether a particular mission involves defoliation or crop destruction, American military spokesmen insist that a mission never takes place without careful consideration of all the factors involved, including the welfare of friendly inhabitants and the safety of American personnel. (There can be little doubt that defoliation missions are extremely hazardous to the members of the planes'

crews, for the planes are required to fly very low and only slightly above stalling speed, and they are often targets of automatic-weapons fire from the ground.) The process of setting up targets and approving specific herbicidal operations is theoretically subject to elaborate review through two parallel chains of command: one chain consisting of South Vietnamese district and province chiefs—who can themselves initiate such missions—and South Vietnamese Army commanders at various levels; the other a United States chain, consisting of a district adviser, a sector adviser, a divisional senior adviser, a corps senior adviser, the United States Military Assistance Command in South Vietnam, and the American Embassy in Saigon, ending up with the American ambassador himself. Positive justification of the military advantage likely to be gained from each operation is theoretically required, and applications without such positive justification are theoretically disapproved. However, according to one of a series of articles by Elizabeth Pond that appeared toward the end of 1967 in the *Christian Science Monitor*:

"In practice, [American] corps advisers find it very difficult to turn down defoliation requests from province level because they simply do not have sufficient specific knowledge to call a proposed operation into question. And with the momentum of six years' use of defoliants, the practice, in the words of one source, has long since been "set in cement."

"The real burden of proof has long since shifted from the positive one of justifying an operation by its [military] gains to the negative one of denying an operation because of [specific] drawbacks. There is thus a great deal of pressure, especially above a province level, to approve recommendations sent up from below as a matter of course."

Miss Pond reported that American military sources in Saigon were "enthusiastic" about the defoliation program, and that American commanders and spotter-plane pilots were "clamoring for more of the same." She was given firm assurances as to the mild nature of the chemicals used in the spray operations:

"The defoliants used, according to the military spokesman contacted, are the same herbicides . . . as those used commercially over some four million acres in the United States. In the strengths used in Vietnam they are not at all harmful to humans or animals, the spokesman pointed out, and in illustration of this he dabbed onto his tongue a bit of liquid from one of . . . three bottles sitting on his desk."

As the apparently inexorable advance of defoliation operations in South Vietnam continued, a number of scientists in the United States began to protest the military use of herbicides, contending that Vietnam was being used, in effect, as a proving ground for chemical and biological warfare. Early in 1966, a group of twenty-nine scientists, under the leadership of Dr. John Edsall, a professor of biochemistry at Harvard, appealed to President Johnson to prohibit the use of defoliants and crop-destroying herbicides, and called the use of these substances in Vietnam "barbarous because they are indiscriminate." In the late summer of 1966, this protest was followed by a letter of petition to President Johnson from twenty-two scientists, including seven Nobel laureates. The petition pointed out that the "large-scale use of anticrop and 'non-lethal' antipersonnel chemical weapons in Vietnam" constituted "a dangerous precedent" in chemical and biological warfare, and it asked the President to order it stopped. Before the end of that year, Dr. Edsall and Dr. Matthew S. Meselson, a Harvard professor of biology, obtained the signature of five thousand scientists to co-sponsor the petition. Despite these protests, the area covered by defoliation operations in Vietnam in 1967 was

double that covered in 1966, and the acreage of crops destroyed was nearly doubled.

These figures relate only to areas that were sprayed intentionally. There is no known way of spraying an area with herbicides from the air in a really accurate manner, because the material used is so highly volatile, especially under tropical conditions, that even light wind drift can cause extensive damage to foliage and crops outside the deliberately sprayed area. Crops are so sensitive to the herbicidal spray that it can cause damage to fields and gardens as much as fifteen miles away from the target zone. Particularly severe accidental damage is reported, from time to time, to so-called "friendly" crops in the III Corps area, which all but surrounds Saigon and extends in a rough square from the coastline to the Cambodian border. Most of the spraying in III Corps is now done in War Zones C and D, which are classified as free fire zones, where, as one American official has put it, "everything that moves in Zones C and D is considered Charlie." A press dispatch from Saigon in 1967 quoted another American official as saying that every Vietnamese farmer in that corps area knew of the defoliation program and disapproved of it. Dr. Galston, the Yale biologist, who is one of the most persistent critics of American policy concerning herbicidal operations in Vietnam, recently said in an interview, "We know that most of the truck crops grown along roads, canals, and trails and formerly brought into Saigon have been essentially abandoned because of the deliberate or inadvertent falling of these defoliant sprays; many crops in the Saigon area are simply not being harvested."

He also cited reports that in some instances in which the inhabitants of Vietnamese villages have been suspected of being Vietcong sympathizers the destruction of food crops has brought about complete abandonment of the villages. In 1966, herbicidal operations caused extensive inadvertent damage, through wind drift, to a very large rubber plantation northwest of Saigon owned by the Michelin rubber interests. As the result of claims made for this damage, the South Vietnamese authorities paid the corporate owners, through the American military, nearly a million dollars. The extent of the known inadvertent damage to crops in Vietnam can be inferred from the South Vietnamese budget—in reality, the American military budget—for settling such claims. In 1967, the budget for this compensation was three million six hundred thousand dollars. This sum, however, probably reflects only the barest emergency claims of the people affected.

According to Representative Richard D. McCarthy, a Democrat from upstate New York who has been a strong critic of the program, the policy of allowing applications for defoliation operations to flow, usually without question, from the level of the South Vietnamese provincial or district chiefs has meant that these local functionaries would order repeated sprayings of areas that they had not visited in months, or even years. The thought that a Vietnamese district chief can initiate such wholesale spraying, in effect without much likelihood of serious hindrance by American military advisers, is a disquieting one to a number of biologists. Something that disquiets many of them even more is what they believe the long-range effects of nine years of defoliation operations will be on the ecology of South Vietnam. Dr. Galston, testifying recently before a congressional subcommittee on chemical and biological warfare, made these observations:

"It has already been well documented that some kinds of plant associations subject to spray, especially by Agent Orange, containing 2,4-D and 2,4,5-T, have been irreversibly damaged. I refer specifically to the mangrove associations that line the estuaries, especially around the Saigon River. Up to a

hundred thousand acres of these mangroves have been sprayed. . . . Some [mangrove areas] had been sprayed as early as 1961 and have shown no substantial signs of recovery. . . . Ecologists have known for a long time that the mangroves lining estuaries furnish one of the most important ecological niches for the completion of the life cycle of certain shellfish and migratory fish. If these plant communities are not in a healthy state, secondary effects on the whole interlocked web of organisms are bound to occur. . . . In the years ahead the Vietnamese, who do not have overabundant sources of proteins anyhow, are probably going to suffer dietarily because of the deprivation of food in the form of fish and shellfish.

"Damage to the soil is another possible consequence of extensive defoliation. . . . We know that the soil is not a dead, inert mass but, rather, that it is a vibrant, living community. . . . If you knock the leaves off of trees once, twice, or three times . . . you change the quality of the soil. . . . Certain tropical soils—and it has been estimated that in Vietnam up to fifty per cent of all the soils fall into this category—are laterizable; that is, they may be irreversibly converted to rock as a result of the deprivation of organic matter. . . . If . . . you deprive trees of leaves and photosynthesis stops, organic matter in the soil declines and laterization, the making of brick, may occur on a very extensive scale. I would emphasize that this brick is irreversibly hardened; it can't be made back into soil. . . .

"Another ecological consequence is the invasion of an area by undesirable plants. One of the main plants that invade an area that has been defoliated is bamboo. Bamboo is one of the most difficult of all plants to destroy once it becomes established where you don't want it. It is not amendable to killing by herbicides. Frequently it has to be burned over, and this causes tremendous dislocations to agriculture."

Dr. Fred H. Tschirley, assistant chief of the Corps Protection Research Branch of the Department of Agriculture, who made a month's visit to Vietnam in the spring of 1968 in behalf of the State Department to report on the ecological effects of herbicidal operations there, does not agree with Dr. Galston's view that laterization of the soil is a serious probability. However, he reported to the State Department that in the Rung Sat area, southeast of Saigon, where about a hundred thousand acres of mangrove trees had been sprayed with defoliant, each single application of Agent Orange had killed ninety to a hundred per cent of the mangroves touched by the spray, and he estimated that the regeneration of the mangroves in this area would take another twenty years, at least. Dr. Tschirley agrees with Dr. Galston that a biological danger attending the defoliation of mangroves is an invasion of virtually ineradicable bamboo.

A fairly well-documented example not only of the ecological consequences of defoliation operations but also of their disruptive effects on human life was provided last year by a rubber-plantation area in Kompong Cham Province, Cambodia, which lies just across the border from Vietnam's Tay Ninh Province. On June 2, 1969, the Cambodian government, in an angry diplomatic note to the United States government, charged the United States with major defoliation damage to rubber plantations, and also to farm and garden crops in the province, through herbicidal operations deliberately conducted on Cambodian soil. It demanded compensation of eight and a half million dollars for destruction or serious damage to twenty-four thousand acres of trees and crops. After some delay, the State Department conceded that the alleged damage might be connected with "accidental drift" of spray over the border from herbicidal operations in Tay Ninh Province. The Defense Department flatly denied

that the Cambodian areas had been deliberately sprayed. Late in June, the State Department sent a team of four American scientists to Cambodia, and they confirmed the extent of the area of damage that the Cambodians had claimed. They found that although some evidence of spray drift across the Vietnamese border existed, the extent and severity of damage in the area worst affected were such that "it is highly unlikely that this quantity could have drifted over the border from the Tay Ninh defoliation operations."

Their report added, "The evidence we have seen, though circumstantial, suggests strongly that damage was caused by direct overflight." A second report on herbicidal damage to the area was made after an unofficial party of American biologists, including Professor E. W. Pfeiffer, of the University of Montana, and Professor Arthur H. Westing, of Windham College, Vermont, visited Cambodia last December at the invitation of the Cambodian government. They found that about a third of all the rubber trees currently in production in Cambodia has been damaged, and this had happened in an area that normally had the highest latex yield per acre of any in the world. A high proportion of two varieties of rubber trees in the area had died as a result of the damage, and Dr. Westing estimated that the damage to the latex-producing capacity of some varieties might persist for twenty years. Between May and November of last year, latex production in the affected plantations fell off by an average of between thirty-five and forty per cent. According to a report by the two scientists, "A large variety of garden crops were devastated in the seemingly endless number of small villages scattered throughout the affected area. Virtually all of the . . . local inhabitants . . . depend for their well-being upon their own local produce. These people saw their crops . . . literally wither before their eyes." The Cambodian claim is still pending.

Until the end of last year, the criticism by biologists of the dangers involved in the use of herbicides centered on their use in what were increasingly construed as biological-warfare operations, and on the disruptive effects of these chemicals upon civilian populations and upon the ecology of the regions in which they were used. Last year, however, certain biologists began to raise serious questions on another score—possible direct hazards to life from 2,4,5-T. On October 29th, as a result of these questions, a statement was publicly issued by Dr. Lee DuBridg, President Nixon's science adviser. In summary, the statement said that because a laboratory study of mice and rates that had been given relatively high oral doses of 2,4,5-T in early stages of pregnancy "showed a higher than expected number of deformities" in the offspring, the government would, as a precautionary measure, undertake a series of coordinated actions to restrict the use of 2,4,5-T in both domestic civilian applications and military herbicidal operations. The DuBridg statement identified the laboratory study as having been made by an organization called the Bionetics Research Laboratories, in Bethesda, Maryland, but gave no details of either the findings or the data on which they were based.

This absence of specific information turned out to be characteristic of what has been made available to the public concerning this particular research project. From the beginning, it seems, there was an extraordinary reluctance to discuss details of the purported ill effects of 2,4,5-T on animals. Six weeks after the publication of the DuBridg statement, a journalist who was attempting to obtain a copy of the full report made by Bionetics and to discuss its details with some of the government officials concerned encountered hard going. At the Bionetics Laboratories, an official said that

he couldn't talk about the study, because "we're under wraps to the National Institutes of Health"—the government agency that commissioned the study. Then, having been asked what the specific doses of 2,4,5-T were that were said to have increased birth defects in the fetuses of experimental animals, the Bionetics official cut off discussion by saying, "You're asking sophisticated questions that as a layman you don't have the equipment to understand the answers to." At the National Institutes of Health, an official who was asked for details of or a copy of the study on 2,4,5-T replied, "The position I'm in is that I have been requested not to distribute this information." He did say, however, that a continuing evaluation of the study was under way at the National Institute of Environmental Health Sciences, at Research Triangle Park, North Carolina. A telephone call to an officer of this organization brought a response whose tone varied from wariness to downright hostility and made it clear that the official had no intention of discussing details or results of the study with the press.

The Bionetics study on 2,4,5-T was part of a series carried out under contract to the National Cancer Institute, which is an arm of the National Institutes of Health, to investigate more than two hundred compounds, most of them pesticides, in order to determine whether they induced cancer-causing changes, fetus-deforming changes, or mutation-causing changes in experimental animals. The contract was a large one, involving more than two and a half million dollars' worth of research, and its primary purpose was to screen out suspicious-looking substances for further study. The first visible fruits of the Bionetics research were presented in March of last year before a convention of the American Association for the Advancement of Science, in the form of a study of possible carcinogenic properties of the fifty-three compounds; the findings on 2,4,5-T were that it did not appear to cause carcinogenic changes in the animals studied.

By the time the report on the carcinogenic properties of the substances was presented, the results of another part of the Bionetics studies, concerning the teratogenic, or fetus-deforming, properties of the substances, were being compiled, but these results were not immediately made available to biologists outside the government. The data remained—somewhat frustratingly, in the view of some scientists who had been most curious about the effects of herbicides—out of sight, and a number of attempts by biologists who had heard about the teratological study of 2,4,5-T to get at its findings appear to have been thwarted by the authorities involved. Upon being asked to account for the apparent delay in making this information available to biologists, an official of the National Institute of Environmental Health Sciences (another branch of the National Institutes of Health) has declared, with some heat, that the results of the study itself and of a statistical summary of the findings prepared by the Institute were in fact passed on as they were completed to the Commission on Pesticides and Their Relationship to Environmental Health, a scientific group appointed by Secretary of Health, Education, and Welfare Robert Finch and known—after its chairman, Dr. E. M. Mrak, of the University of California—as the Mrak Commission. Dr. Samuel S. Epstein, chief of the Laboratories of Environmental Toxicology and Carcinogenesis at the Children's Cancer Research Foundation in Boston, who was co-chairman of the Mrak Commission panel considering the teratogenic potential of pesticides, tells a different story on the availability of the Bionetics study. He says that he first heard about it in February. At a meeting of his panel in August, he asked for a copy of the report. Ten days later, the panel was told

that the National Institute of Environmental Health Sciences would be willing to provide a statistical summary but that the group could not have access to the full report on which the summary was based. Dr. Epstein says that the panel eventually got the full report on September 24th "by pulling teeth."

Actually, as far back as February, officials at the National Cancer Institute had known, on the basis of a preliminary written outline from Bionetics, the findings of the Bionetics scientists on the fetus-deforming role of 2,4,5-T. Dr. Richard Bates, the officer of the National Institutes of Health who was in charge of coordinating the Bionetics project, has said that during the same month this information was put into the hands of officials of the Food and Drug Administration, the Department of Agriculture, and the Department of Defense. "We had a meeting with a couple of scientists from Fort Detrick, and we informed them of what we had learned," Dr. Bates said recently. "I don't know whether they were the right people for us to see. We didn't hear from them again until after the DuBridge announcement at the White House. Then they called up and asked for a copy of the Bionetics report."

At the Department of Agriculture, which Dr. Bates said had been informed in February of the preliminary Bionetics findings, Dr. Tschirley, one of the officials most intimately concerned with the permissible uses of herbicidal compounds, says that he first heard about the report on 2,4,5-T through the DuBridge announcement. At the Food and Drug Administration, where appropriate officials had been informed in February of the teratogenic potential of 2,4,5-T, no new action was taken to safeguard the public against 2,4,5-T in foodstuffs. In fact, it appears that no action at all was taken by the Food and Drug Administration on the matter during the whole of last year. The explanation that F.D.A. officials have offered for this inaction is that they were under instructions to leave the whole question alone at least until December, because the matter was under definitive study by the Mrak Commission—the very group whose members, as it turns out, had such extraordinary difficulty in obtaining the Bionetics data. The Food Toxicology Branch of the F.D.A. did not have access to the full Bionetics report on 2,4,5-T until after Dr. DuBridge issued his statement, at the end of October.

Thus, after the first word went to various agencies about the fetus-deforming potential of 2,4,5-T, and warning lights could have flashed on in every branch of the government and in the headquarters of every company manufacturing or handling it, literally almost nothing was done by the officials charged with protecting the public from exposure to dangerous or potentially dangerous materials—by the officials in the F.D.A., in the Department of Agriculture, and in the Department of Defense. It is conceivable that the Bionetics findings might still be hidden from the public if they had not been pried loose in midsummer through the activities of a group of young law students. The students were members of a team put together by the consumer-protection activist Ralph Nader—and often referred to as Nader's Raiders—to explore the labyrinthine workings of the Food and Drug Administration. In the course of their investigations, one of the law students, a young woman named Anita Johnson, happened to see a copy of the preliminary report on the Bionetics findings that had been passed on to the F.D.A. in February, and its observations seemed quite disturbing to her.

Miss Johnson wrote a report to Nader, and in September she showed a copy of the report to a friend who was a biology student at Harvard. In early October, Miss Johnson's friend, in a conversation with Professor

Matthew Meselson, mentioned Miss Johnson's report on the preliminary Bionetics findings. This was the first that Dr. Meselson had heard of the existence of the Bionetics study. A few days previously, he had received a call from a scientist friend of his asking whether Dr. Meselson had heard of certain stories, originating with South Vietnamese journalists and other South Vietnamese, of an unusual incidence of birth defects in South Vietnam, which were alleged to be connected with defoliation operations there.

A few days later, after his friend sent him further information, Dr. Meselson decided to obtain a copy of the Bionetics report, and he called up an acquaintance in a government agency and asked for it. He was told that the report was "confidential and classified," and inaccessible to outsiders. Actually, in addition to the preliminary report there were now in existence the full Bionetics report and a statistical summary prepared by the National Institute of Environmental Health Sciences, and, by nagging various Washington friends, Dr. Meselson obtained bootlegged copies of the two latest reports. What he read seemed to him to have such serious implications that he got in touch with acquaintances in the White House and also with someone in the Army to alert them to the problems of 2,4,5-T, in the hope that some new restrictions would be placed on its use. According to Dr. Meselson, the White House people apparently didn't know until that moment that the reports on the adverse effects of 2,4,5-T even existed. (Around that time, according to a member of Nader's Raiders, "a tremendous lid was put on this thing" within government agencies, and on the subject of the Bionetics work and 2,4,5-T "people in government whom we'd been talking to freely for years just shut up and wouldn't say a word.") While Dr. Meselson awaited word on the matter, a colleague of his informed the press about the findings of the Bionetics report. Very shortly thereafter, Dr. DuBridge made his public announcement of the proposed restrictions on the use of 2,4,5-T.

In certain respects, the DuBridge announcement is a curious document. In its approach to the facts about 2,4,5-T that were set forth in the Bionetics report, it reflects considerable sensitivity to the political and international issues that lie behind the widespread use of this powerful herbicide for civilian and military purposes, and the words in which it describes the reasons for restricting its use appear to have been very carefully chosen:

"The actions to control the use of the chemical were taken as a result of findings from a laboratory study conducted by Bionetics Research Laboratories which indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities.

"Although it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought."

These actions, according to the statement, included decisions that the Department of Agriculture would cancel manufacturers' registrations of 2,4,5-T for use on food crops, effective at the beginning of 1970, "unless by that time the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods," and that the Departments of Agriculture and the Interior, in their own programs, would stop the use of 2,4,5-T in populated areas and in all other areas where residues of the substance could reach man. As for military uses of 2,4,5-T, the statement said, "The chemical is effective in defoliating trees and shrubs

and its use in South Vietnam has resulted in reducing greatly the number of ambushes, thus saving lives." However, the statement continued, "the Department of Defense will [henceforth] restrict the use of 2,4,5-T to areas remote from the population."

All this sounds eminently fair and sensible, but whether it represents a candid exposition of the facts about 2,4,5-T and the Bionetics report is debatable. The White House statement that the Bionetics findings "indicated that offspring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities" is, in the words of one eminent biologist who has studied the Bionetics data, "an understatement." He went on to say that "if the effects on experimental animals are applicable to people it's a very sad and serious situation." The actual Bionetics report described 2,4,5-T as producing "sufficiently prominent effects of seriously hazardous nature" in controlled experiments with pregnant mice to lead the authors "to categorize [it] as *probably dangerous*." The report also found 2,4-D "potentially dangerous but needing further study." As for 2,4,5-T, the report noted that, with the exception of very small subcutaneous dosages, "all dosages, routes, and strains resulted in increased incidence of abnormal fetuses" after its administration. The abnormalities in the fetuses included lack of eyes, faulty eyes, cystic kidneys, cleft palates, and enlarged livers. The Bionetics report went on to report on further experimental applications of 2,4,5-T to another species:

"Because of the potential importance of the findings in mice, an additional study was carried out in rats of the Sprague-Dawley strain. Using dosages of 21.5 and 46.4 mg/kg [that is, dosages scaled to represent 21.5 and 46.4 milligrams of 2,4,5-T per kilogram of the experimental animal's body weight] suspended in 50 per cent honey and given by the oral route on the 6th through 15th days of gestation, we observed excessive fetal mortality (almost 80 per cent) and a high incidence of abnormalities in the survivors. When the beginning of administration was delayed until the 10th day, fetal mortality was somewhat less but still quite high even when dosage was reduced to 4.6 mg/kg. The incidence of abnormal fetuses was threefold that in controls even with the smallest dosage and shortest period used . . .

"It seems inescapable that 2,4,5-T is teratogenic in this strain of rats when given orally at the dosage schedules used here."

Considering the fetus-deforming effects of the *lowest* oral dosage of 2,4,5-T used in the Bionetics work on rats—to say nothing of the excessive fetal mortality—the White House statement that "relatively large oral doses of the herbicide . . . showed a higher than expected number of deformities" is hardly an accurate description of the results of the study. In fact, the statistical tables presented as part of the Bionetics report showed that at the lowest oral dosage of 2,4,5-T given to pregnant rats between the tenth and fifteenth days of gestation thirty-nine per cent of the fetuses produced were abnormal, or three times the figure for control animals. At what could without much question be described as "relatively large oral doses" of the herbicide—dosages of 21.5 and 46.4 milligrams per kilogram of body weight of rats, for example—the percentage of abnormal fetuses was ninety and a hundred per cent, respectively, or a good bit higher than one would be likely to deduce from the phrase "a higher than expected number of deformities." The assertion that "it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T" also appears to be worth examining, for this is precisely what many biologists are most worried about in relation to 2,4,5-T and allied substances.

It seems fair, before going further, to quote a cautionary note in the DuBridge statement: "The study involved relatively small numbers of laboratory rats and mice. More extensive studies are needed and will be undertaken. At best it is difficult to extrapolate results obtained with laboratory animals to man—sensitivity to a given compound may be different in man than in animal species. . . ." It would be difficult to get a biologist to disagree with these seemingly sound generalities. However, the first part of the statement does imply, at least to a layman, that the number of experimental animals used in the Bionetics study had been considerably smaller than the numbers used to test commercial compounds other than 2,4,5-T before they are approved by agencies such as the Food and Drug Administration and the Department of Agriculture. In this connection, the curious layman could reasonably begin with the recommendations, in 1963, of the President's Science Advisory Committee on the use of pesticides, which proposed that companies putting out pesticides should be required from then on to demonstrate the safety of their products by means of toxicity studies on two generations of at least two warm-blooded mammalian species. Subsequently, the F.D.A. set up new testing requirements, based on these recommendations, for companies producing pesticides. However, according to Dr. Joseph McLaughlin, of the Food Toxicology Branch of the F.D.A., the organization actually requires applicants for permission to sell pesticides to present the results of tests on only *one* species (usually, in practice, the rat). According to Dr. McLaughlin, the average number of experimental animals used in studies of pesticides is between eighty and a hundred and sixty, including animals used as controls but excluding litters produced. The Bionetics studies of 2,4,5-T used both mice and rats, and their total number was, in fact, greater, not less, than this average. Including controls but excluding litters, the total number of animals used in the 2,4,5-T studies was two hundred and twenty-five. Analysis of the results by the National Institute of Environmental Health Sciences found them statistically "significant," and this is the real purpose of such a study: it is meant to act as a coarse screen to shake out of the data the larger lumps of bad news. Such a study is usually incapable of shaking out anything smaller; another kind of study is needed to do that.

Thus, the DuBridge statement seems to give rise to this question: If the Bionetics study, based on the effects of 2,4,5-T on two hundred and twenty-five experimental animals of two species, appears to be less than conclusive, on the ground that "the study involved relatively small numbers of laboratory rats and mice," what is one to think of the adequacy of the tests that the manufacturers of pesticides make? If, as the DuBridge statement says, "at best it is difficult to extrapolate results obtained with laboratory animals to man," what is one to say of the protection that the government affords the consumer when the results of tests of pesticidal substances on perhaps a hundred and twenty rats are officially extrapolated to justify the use of the substances by a population of two hundred million people—not to mention one to two million unborn babies being carried in their mothers' wombs?

The very coarseness of the screen used in all the tests—that is, the relatively small number of animals involved—means that the bad news that shows up in the data has to be taken with particular seriousness, because lesser effects tend not to be demonstrable at all. The inadequacy of the scale on which animal tests with, for instance, pesticides are currently being made in this country to gain F.D.A. approval is further indicated by the fact that a fetus-deforming effect that

might show up if a thousand test animals were used is almost never picked up, since the studies are not conducted on that scale; yet if the material being tested turned out to have the same effect, quantitatively, on human beings, this would mean that it would cause between three and four thousand malformed babies to be produced each year. The teratogenic effects of 2,4,5-T on experimental animals used by the Bionetics people, however, were not on the order of one in a thousand. Even in the case of the lowest oral dose given rats, they were on the order of one in three.

Again, it is fair to say that what is applicable to rats in such tests may not be applicable to human beings. But it is also fair to say that studies involving rats are conducted not for the welfare of the rat kingdom but for the ultimate protection of human beings. In the opinion of Dr. Epstein, the fact that the 2,4,5-T used in the Bionetics study produced teratogenic effects in both mice and rats underlines the seriousness of the study's implications.

In the opinion of Dr. McLaughlin, this is even further underlined by another circumstance—that the rat, as a test animal, tends to be relatively resistant to teratogenic effects of chemicals. For example, in the late nineteen-fifties, when thalidomide, that disastrously teratogenic compound, was being tested on rats in oral dosages ranging from low to very high, no discernible fetus-deforming effects were produced. And Dr. McLaughlin says that as far as thalidomide tests on rabbits were concerned, "You could give thalidomide to rabbits in oral doses at between fifty and two hundred times the comparable human level to show any comparable teratogenic effects." In babies born to women who took thalidomide, whether in small or large dosages and whether in single or multiple dosages, between the sixth and seventh weeks of pregnancy, the rate of deformation was estimated to be one in ten.

Because of the relatively coarse testing screen through which compounds like pesticides—and food additives as well—are sifted before they are approved for general or specialized use in this country, the Food and Drug Administration theoretically maintains a policy of stipulating, as a safety factor, that the maximum amount of such a substance allowable in the human diet range from one two-thousandth to one one-hundredth of the highest dosage level of the substance that produces no harmful effects in experimental animals. (In the case of pesticides, the World Health Organization takes a more conservative view, considering one two-thousandth of the "no-effect" level in animal studies to be a reasonable safety level for human exposure.) According to the standards of safety established by F.D.A. policy, then, no human being anywhere should ever have been exposed to 2,4,5-T, because in the Bionetics study of rates *every* dosage level produced deformed fetuses. A "no-effect" level was never achieved.

To make a reasonable guess about the general safety of 2,4,5-T for human beings, as the material has been used up to now, the most appropriate population area to observe is probably not the relatively healthy and well-fed United States, where human beings are perhaps better equipped to withstand the assault of toxic substances, but South Vietnam, where great numbers of civilians are half-starved, ravaged by disease, and racked by the innumerable horrors of war. In considering any potentially harmful effects of 2,4,5-T on human beings in Vietnam, some attempt has to be made to estimate the amount of 2,4,5-T to which people, and particularly pregnant women, may have been exposed as a result of the repeated defoliation operations. To do so, a comparison of known rates of application of 2,4,5-T in the United States and in Vietnam is in order. In this country, according to Dr. Tschirley, the average recommended application of 2,4,5-T

in aerial spraying for woody-plant control is between three-quarters of a pound and a pound per acre. There are about five manufacturers of 2,4,5-T in this country, of which the Dow Chemical Company is one of the biggest. One of Dow Chemical's best-sellers in the 2,4,5-T line is Esteron 245 Concentrate, and the cautionary notes that a drum of Esteron bears on its label are hardly reassuring to anyone lulled by prior allegations that 2,4,5-T is a substance of low toxicity:

"Caution—May cause skin irritation. Avoid contact with eyes, skin, and clothing. Keep out of the reach of children."

Under the word "Warning" are a number of instructions concerning safe use of the material, and these include, presumably for good reason, the following admonition:

"Do not contaminate irrigation ditches or water used for domestic purposes."

Then comes a "Notice":

Seller makes no warranty of any kind, express or implied, concerning the use of this product. Buyer assumes all risk of use or handling, whether in accordance with directions or not.

The concentration of Esteron recommended—subject to all these warnings, cautions, and disclaimers—for aerial spraying in the United States varies with the type of vegetation to be sprayed, but probably a fair average would be three-quarters to one pound acid equivalent of the raw 2,4,5-T per acre. In Vietnam, however, the concentration of 2,4,5-T for each acre sprayed has been far higher. In Agent Orange, the concentrations of 2,4,5-T have averaged *thirteen times* the recommended concentrations used in the United States.

The principal route through which quantities of 2,4,5-T might be expected to enter the human system in Vietnam is through drinking water, and in the areas sprayed most drinking water comes either from rainwater cisterns fed from house roofs or from very shallow wells. It has been calculated that, taking into account the average amount of 2,4,5-T in Agent Orange sprayed per acre in Vietnam by the military, and assuming a one-inch rainfall (which is quite common in South Vietnam) after a spraying, a forty-kilo (about eighty-eight-pound) Vietnamese woman drinking two litres (about 1.8 quarts) of contaminated water a day could very well be absorbing into her system a hundred and twenty milligrams, or about one two-hundred-and-fiftieth of an ounce, of 2,4,5-T a day; that is, a daily oral dosage of three milligrams of 2,4,5-T per kilo of body weight. Thus, if a Vietnamese woman who was exposed to Agent Orange was pregnant, she might very well be absorbing into her system a percentage of 2,4,5-T only slightly less than the percentage that deformed one out of every three fetuses of the pregnant experimental rats.

To pursue further the question of exposure of Vietnamese to 2,4,5-T concentrations in relation to concentrations officially considered safe for Americans, and advisory subcommittee to the Secretary of the Interior, in setting up guidelines for maximum safe contamination of surface water by pesticides and allied substances some time ago, recommended a concentration of one-tenth of a milligram of 2,4,5-T in one litre of drinking water as the maximum safe concentration. Thus, a pregnant Vietnamese woman who ingested a hundred and twenty milligrams of 2,4,5-T in two litres of water a day would be exposed to 2,4,5-T at six hundred times the concentration officially considered safe for Americans.

Moreover, the level of exposure of Vietnamese people in sprayed areas is not necessarily limited to the concentrations shown in Dr. Meselson's calculations. Sometimes the level may be far higher. Dr. Pfeiffer, the University of Montana biologist, says that when difficulties arise with the spray planes or the spray apparatus, or when other ac-

cidents occur, an entire thousand-gallon load of herbicidal agent containing 2,4,5-T may be dumped in one area by means of the thirty-second emergency-dumping procedure. Dr. Pfeiffer has recalled going along as an observer on a United States defoliation mission last March, over the Plain of Reeds area of Vietnam, near the Cambodian border, during which the technician at the spray controls was unable to get the apparatus to work, and thereupon dumped his whole load.

"This rained down a dose of 2,4,5-T that much have been fantastically concentrated," Dr. Pfeiffer has said. "It was released on a very watery spot that looked like headwaters draining into the Mekong River, which hundreds of thousands of people use." In another instance, he has recalled, a pilot going over the area of the supposedly "friendly" Catholic refugee village of Ho Nai, near Bien Hoa, had serious engine trouble and dumped his whole spray load of herbicide on or near the village. In such instances, the concentration of 2,4,5-T dumped upon an inhabited area in Vietnam probably averaged about a hundred and thirty times the concentration recommended by 2,4,5-T manufacturers as both effective and safe for use in the United States.

Theoretically, the dangers inherent in the use of 2,4,5-T should have been removed by means of the steps promised in the White House announcement last October. A quick reading of the statement by Dr. DuBridge (who is also the executive secretary of the President's Environmental Quality Council) certainly seemed to convey the impression that from that day onward there would be a change in Department of Defense policy on the use of 2,4,5-T in Vietnam, just as there would be a change in the policies of the Departments of Agriculture and Interior on the domestic use of 2,4,5-T. But did the White House mean what it certainly seemed to be saying about the future military use of 2,4,5-T in Vietnam? The White House statement was issued on October 29th. On October 30th, the Pentagon announced that no change would be made in the policy governing the military use of 2,4,5-T in South Vietnam, because—so the Washington Post reported on October 31st—"the Defense Department feels its present policy conforms to the new Presidential directive." The Post article went on:

"A Pentagon spokesman's explanation of the policy, read at a morning press briefing, differed markedly from the written version given reporters later.

"When the written statement was distributed, reporters were told not to use the spokesman's [previous] comment that the defoliant . . . is used against enemy 'training and regroupment centers.'

"The statement was expunged after a reporter asked how use against such centers conformed to the Defense Department's stated policy of prohibiting its use in 'populated areas.'"

But the statement wasn't so easily expunged. A short time later, it was made again, in essence, by Rear Admiral William E. Lemos, of the Policy Plans and National Security Council Affairs Office of the Department of Defense, in testimony before a subcommittee of the House Foreign Affairs Committee, the only difference being that the phrase "training and regroupment centers" became "enemy base camps." And in testifying that the military was mounting herbicidal operations on alleged enemy base camps Rear Admiral Lemos said:

"We know . . . that the enemy will move from areas that have been sprayed. Therefore, enemy base camps or unit headquarters are sprayed in order to make him move to avoid exposing himself to aerial observation."

If one adds to the words "enemy base camps" the expunged words "training and regroupment centers"—centers that are unlikely to operate without an accompanying

civilian population—what the Defense Department seems actually to be indicating is that the "areas remote from the population" against which the United States is conducting military herbicidal operations are "remote from the population" at least in part because of these operations.

As for the Bionetics findings on the teratogenic effects of 2,4,5-T on experimental animals, the Department of Defense indicated that it put little stock in the dangers suggested by the report. A reporter for the *Yale Daily News* who telephoned the Pentagon during the first week in December to inquire about the Defense Department's attitude toward its use of 2,4,5-T in the light of the Bionetics report was assured that "there is no cause for alarm about defoliants." A week or so later, he received a letter from the Directorate for Defense Information at the Pentagon which described the Bionetics results as based on "evidence that 2,4,5-T, when fed in large amounts to highly inbred and susceptible mice and rats, gave a higher incidence of birth defects than was normal for these animals." After reading this letter, the *Yale Daily News* reporter again telephoned the Pentagon, and asked, "Does [the Department of Defense] think defoliants could be affecting embryo growth in any way in Vietnam?" The Pentagon spokesman said, "No." And that was that. The experimental animals were highly susceptible; the civilian Vietnamese population, which even under "normal" circumstances is the victim of a statistically incalculable but clearly very high abortion and infant-mortality rate, was not.

Nearly a month after Dr. DuBridge's statement, another was issued, this one by the President himself, on United States policy on chemical and biological warfare. The President, noting that "biological weapons have massive, unpredictable, and potentially uncontrollable consequences" that might "impair the health of future generations," announced it as his decision that thenceforward "the United States shall renounce the use of lethal biological agents and weapons, and all other methods of biological warfare." Later, a White House spokesman, in answer to questions by reporters whether this included the use of herbicidal, defoliant, or crop-killing chemicals in Vietnam, made it clear that the new policy did not encompass herbicides.

Since the President's statement did specifically renounce "all other methods of biological warfare," the reasonable assumption is that the United States government does not consider herbicidal, defoliant, and crop-killing operations against military and civilian populations to be part of biological warfare. The question therefore remains: What does the United States government consider biological warfare to consist of? The best place to look for an authoritative definition is a work known as the Joint Chiefs of Staff Dictionary, an official publication that governs proper word usage within the military establishment. In the current edition of the Joint Chiefs of Staff Dictionary, "biological warfare" is defined as the "employment of living organisms, toxic biological products, and plant-growth regulators to produce death or casualties in man, animals, or plants or defense against such action." But the term "plant-growth regulators" is nowhere defined in the Joint Chiefs of Staff Dictionary, and since a certain technical distinction might be made (by weed-control scientists, for example) between plant-growth regulators and defoliants, the question of whether the Joint Chiefs consider military defoliation operations part of biological warfare is left unclear. As for "defoliant agents," the Dictionary defines such an agent only as "a chemical which causes trees, shrubs, and other plants to shed their leaves prematurely." All this is hardly a surprise to anyone familiar with the fast

semantic legerdemain involved in all official statements on biological warfare, in which defoliation has the bafflingly evanescent half-existence of a pea under a shell.

To find that pea in the official literature is not easy. But it is reasonable to assume that if the Department of Defense were to concede officially that "defoliant agents" were in the same category as "plant-growth regulators" that "produce death . . . in plants," it would thereby also be conceding that it is in fact engaging in the biological warfare that President Nixon has renounced. And such a concession seems to have been run to earth in the current edition of a Department of the Army publication entitled "Manual on Use of Herbicides for Military Purposes," in which "antiplant agents" are defined as "chemical agents which possess a high offensive potential for destroying or seriously limiting the production of food and defoliating vegetation," and goes on, "These compounds include herbicides that kill or inhibit the growth of plants plant-growth regulators that either regulate or inhibit plant growth, sometimes causing plant death . . ." The admission that the Department of Defense is indeed engaging, through its defoliation and herbicidal operations in Vietnam, in biological warfare, as this is defined by the Joint Chiefs and as it has been formally renounced by the President, seems inescapable.

Since the DuBridge statement, allegations, apparently originating in part with the Dow Chemical Company, have been made to the effect that the 2,4,5-T used in the Bionetics study was unrepresentative of the 2,4,5-T generally produced in this country, in that it contained comparatively large amounts of a certain contaminant, which, according to the Dow people, is ordinarily present in 2,4,5-T only in trace quantities. Accordingly, it has been suggested that the real cause of the teratogenic effects of the 2,4,5-T used in the Bionetics study may not have been the 2,4,5-T itself but, rather, the contaminant in the sample used. The chemical name of the contaminant thus suspected by the Dow people is 2,3,6,7-tetrachlorodibenzo-p-dioxin, often referred to simply as dioxin. The 2,4,5-T used by Bionetics was obtained in 1965 from the Diamond Alkali Company, now known as the Diamond-Shamrock Company and no longer in the business of manufacturing 2,4,5-T. It appears that the presence of a dioxin contaminant in the process of manufacturing 2,4,5-T is a constant problem among all manufacturers.

Three years ago, Dow was obliged to close down its 2,4,5-T plant in Midland, Michigan, for several months and partly rebuild it because of what Dow people variously described as "a problem" and "an accident." The problem—or accident—was that workers exposed to the dioxin contaminant during the process of manufacture came down with an acute skin irritation known as chlor-acne. The Dow people, who speak with considerable pride of their toxicological work ("We established our toxicology lab the year Ralph Nader was born," a Dow public-relations man said recently, showing, at any rate, that Dow is keenly aware of Nader and his career), say that the chlor-acne problem has long since been cleared up, and that the current level of the dioxin contaminant in Dow's 2,4,5-T is less than one part per million, as opposed to the dioxin level in the 2,4,5-T used in the Bionetics study, which is alleged to have been between fifteen and thirty parts per million. A scientist at the DuBridge office, which has become a coordinating agency for information having to do with the 2,4,5-T question, says that the 2,4,5-T used by Bionetics was "probably representative" of 2,4,5-T being used in this country—and presumably in Vietnam—at the time it was obtained but that considerably less of the contaminant is present in the 2,4,5-T now being produced. Evidently, the degree of dioxin

contamination present in 2,4,5-T varies from manufacturer to manufacturer. What degree of contamination, high or low, was present in the quantities of 2,4,5-T shipped to South Vietnam at various times this spokesman didn't seem to know.

The point about the dioxin contamination of 2,4,5-T is an extremely important one, because if the suspicions of the Dow people are correct and the cause of the fetus deformities cited in the Bionetics study is not the 2,4,5-T but the dioxin contaminant, then this contaminant may be among the most teratogenically powerful agents ever known. Dr. McLaughlin has calculated that if the dioxin present in the Bionetics 2,4,5-T was indeed responsible for the teratogenic effects on the experimental animals, it looks as though the contaminant would have to be at least ten thousand times more teratogenically active in rats than thalidomide was found to be in rabbits. Furthermore, it raises alarming questions about the prevalence of the dioxin material in our environment. It appears that under high heat the dioxin material can be produced in a whole class of chemical substances known as trichlorophenols and pentachlorophenols. These substances include components of certain fatty acids in detergents and in animal feed.

As a consequence of studies that have been made of the deaths of millions of young chicks in this country after the chicks had eaten certain kinds of chicken feed, government scientists are now seriously speculating on the possibility that the deaths were at the end of a chain that began with the spraying of corn crops with 2,4,5-T. The hypothesis is that residues of dioxin present in the 2,4,5-T remained in the harvested corn and were concentrated into certain by-products that were then sold to manufacturers of chicken feed, and that the dioxin became absorbed into the systems of the young chicks. One particularly disquieting sign of the potential of the dioxin material is the fact that bio-assays made on chick embryos in another study revealed that all the embryos were killed by one twenty-millionth of a gram of dioxin per egg.

Perhaps an even more disquieting speculation about the dioxin is that 2,4,5-T may not be the only material in which it appears. Among the compounds that several experienced diologists and toxicologist suspect might contain or produce dioxin are the trichlorophenols and pentachlorophenols, which are rather widely present in the environment in various forms. For example, a number of the trichlorophenols and pentachlorophenols are used as slime-killing agents in paper-pulp manufacture, and are present in a wide range of consumer products, including adhesives, water-based and oil-based paints, varnishes and lacquers, and paper and paper coatings. They are used to prevent slime in pasteurizers and fungus on vats in breweries and are also used in hair shampoo. Along with the 2,4,5-T used in the Bionetics study, one trichlorophenol and one pentachlorophenol were tested without teratogenic results. But Dr. McLaughlin points out that since there are many such compounds put out by various companies, these particular samples might turn out to be—by the reasoning of the allegation that the 2,4,5-T used by Bionetics was unusually dirty—unusually clean.

Dr. McLaughlin tends to consider significant, in view of the now known extreme toxicity and possible extreme teratogenicity of dioxin, the existence of even very small amounts of the trichlorophenols and pentachlorophenols in food wrappings and other consumer products. Since the production of dioxin appears to be associated with high-temperature conditions, a question arises whether these thermal conditions are met at any stage of production or subsequent use or disposal of such materials, even in minute amounts. One of the problems here seems to be, as Dr. Epstein has put it, "The

moment you introduce something into the environment it's likely to be burned sooner or later—that's the way we get rid of nearly everything." And most of these consumer products may wind up in municipal incinerators, and when they are burned, the thermal and other conditions for creating dioxin materials may quite possibly be met. If so, this could mean a release of dioxin material into the entire environment through the atmosphere.

Yet so far the dioxin material now suspected of causing the fetus-deforming effects in experimental animals has never been put through any formal teratological tests by any company or any government agency. If the speculation over the connection between dioxin in 2,4,5-T and the deaths of millions of baby chicks is borne out, it might mean that, quite contrary to the assumptions made up to now that 2,4,5-T is rapidly decomposable in soil, the dioxin material may be extremely persistent as well as extremely deadly.

So far, nobody knows—and it is probable that nobody will know for some time—whether the fetus deformities in the Bionetics study were caused by the 2,4,5-T itself, by the dioxin contaminant, or by some other substance or substances present in the 2,4,5-T, or whether human fetuses react to 2,4,5-T in the same way as the fetuses of the experimental animals in the Bionetics study. However, the experience so far with the employment of 2,4,5-T and substances chemically allied to it ought to be instructive. The history of 2,4,5-T is related to preparations for biological warfare, although nobody in the United States government seems to want to admit this, and it has wound up being used for purposes of biological warfare, although nobody in the United States government seems to want to admit this, either. Since 2,4,5-T was developed, the United States government has allowed it to be used on a very large scale on our own fields and countryside without adequate tests of its effects. In South Vietnam—a nation we are attempting to save—for seven full years the American military has sprayed or dumped this biological-warfare material on the countryside, on villages, and on South Vietnamese men and women in staggering amounts.

In that time, the military has sprayed or dumped on Vietnam fifty thousand tons of herbicide, of which twenty thousand tons have apparently been straight 2,4,5-T. In addition, the American military has apparently made incursions into a neutral country, Cambodia, and rained down on an area inhabited by thirty thousand civilians a vast quantity of 2,4,5-T. Yet in the quarter of a century since the Department of Defense first developed the biological-warfare uses of this material it has not completed a single series of formal teratological tests on pregnant animals to determine whether it has an effect on their unborn offspring.

Similarly, officials of the Dow Chemical Company, one of the largest producers of 2,4,5-T, although they refuse to divulge how much 2,4,5-T they are and have been producing, admit that in all the years that they had produced the chemical before the DuBridge statement they had never made formal teratological tests on their 2,4,5-T, which they are now doing. The Monsanto Chemical Company, another big producer, had, as far as is known, never made such tests, either, nor, according to an official in the White House, had any other manufacturer. The Department of Agriculture has never required any such tests from manufacturers. The Food and Drug Administration has never required any such tests from manufacturers.

The first tests to determine the teratogenic effects of 2,4,5-T were not made until the National Institutes of Health contracted for them with Bionetics Laboratories. And even then, when the adverse results of the tests became apparent, it was, as Dr. Epstein said,

like "pulling teeth" to get the data out of the institutions involved. And when the data were obtained and the White House was obliged, partly by outside pressure and publicity, to act, the President's science adviser publicly presented the facts in a less than candid manner, while the Department of Defense, for all practical purposes, ignored the whole business and announced its intention of going on doing what it had been doing all along.

There have been a number of reports from Vietnam both of animal abortions and of malformed human babies that are thought to have resulted from spraying operations in which 2,4,5-T was used. But such scattered reports, however well founded, cannot really shed much more light on the situation. The fact is that even in this country, the best-fed, richest, and certainly most statistics-minded of all countries on earth, the standards for testing materials that are put into the environment, into drugs, and into the human diet are grossly inadequate. The screening system is so coarse that, as a teratology panel of the MRAK Commission warned recently, in connection with thalidomide, "the teratogenicity of thalidomide might have been missed had it not produced malformations rarely encountered."

In other words, had it not been for the fact that very unusual and particularly terrible malformations appeared in an obvious pattern—for example, similarly malformed babies in the same hospital at about the same time—pregnant women might still be using thalidomide, and lesser deformations would, so to speak, disappear into the general statistical background. As for more subtle effects, such as brain damage and damage to the central-nervous system, they would probably never show up as such at all. If such risks existed under orderly, normal medical conditions in a highly developed country, how is one ever to measure the harm that might be done to unborn children in rural Vietnam, in the midst of the malnutrition, the disease, the trauma, the poverty, and the general shambles of war?

ANOTHER OIL SPILL

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. KEITH. Mr. Speaker, yesterday I was alerted by a number of constituents to the fact that a huge mass of oil had come ashore on the south side of Martha's Vineyard Island. For a time yesterday afternoon, my home seemed like a communications center, as I put into contact the various agencies and individuals concerned with this latest disaster.

It was, to say the least, a frustrating experience. No one knows where the oil had come from. The Coast Guard made an aerial search, and promised to do so again today. But the oil might as easily have come from a tanker sunk during World War II as from a passing ship. At any rate, it was there, and befouling the waters and killing the wildlife over acres of ocean.

This is becoming an all too familiar story. In 1966 the Coast Guard counted 371 major oil spills in U.S. waters; last year they counted 714. And the figure is liable to rise again, as the use of tankers to transport oil continues to rise.

It will rise, that is, unless we do something more about it. At this moment a conference committee is trying to reach agreement between the House and Senate versions of legislation that would vastly increase the costs of such spills to the offending spiller.

But while we deliberate, oil continues to despoil our environment. Four miles of Buzzards Bay shoreline in my district are now largely lifeless because of an oil spill—and may remain that way for several years. Now it is Martha's Vineyard that is feeling the devastating effects of spilled oil.

So I wish my colleagues on the conference committee all good luck in their efforts to reach a speedy agreement. Every day of delay means another part of our offshore environment is likely to be ruined, and we have lost too much already.

FORWARD TOGETHER

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. MORSE. Mr. Speaker, the Junior Chamber of Commerce of Billerica, Mass., is to be highly commended for its interest in and commitment to national and international issues of importance to this country. Under the leadership of its chairman, Ashton E. Welch, and co-chairmen John Maletta, Jr., Robert W. Sanchez and Oswald G. Hayes, the Billerica Jaycees recently passed a resolution expressing their support for President Nixon's efforts to seek a just and honorable peace in South Vietnam, and for those soldiers who have served their country in Vietnam.

The resolution will go to the President with the names of the many members of the Billerica Jaycees who have signed it. In addition, it has the wholehearted support of the Billerica posts of the American Legion, the Veterans of Foreign Wars and Disabled American Veterans.

Mr. Speaker, I want to take this opportunity to congratulate the Billerica Jaycees and to include the text of their resolution at this point in the RECORD:

FORWARD TOGETHER

Whereas the Billerica Jaycees are young men concerned not only with the welfare of the community, but also the welfare of the state and the nation, we hereby resolve;

To strongly support the President of the United States in his efforts to bring a just and lasting peace in South Vietnam;

To support those men who are now serving in South Vietnam, and to express our heartfelt gratitude for those who have served;

To support the efforts of our negotiators to assure that the South Vietnamese people may determine their own destiny through free elections.

ASHTON E. WELCH,
Chairman.

JOHN MALETT, JR.,
ROBERT W. SANCHEZ,
OSWALD G. HAYES,
Co-Chairman.

DISTRICT OF COLUMBIA ELECTIONS
AVERAGE 3-PERCENT VOTER
TURNOUT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. RARICK. Mr. Speaker, I call to the attention of the House a deliberate campaign of dishonesty, inaugurated by the irresponsible left, to deceive the American people into a fundamental change in our Constitution.

With editorial ballyhoo from the Washington Post, the League of Women Voters proposes a nationwide campaign to procure 1,500,000 signatures calling on the Congress to amend the Constitution to provide suffrage to the residents of Washington. The reference to the District of Columbia as a colony is appropriate—a colony of programmed votes available for the pollution of this Congress.

Not too long ago the voters of Washington were able to vote—for the election of a school board. As this is a thoroughly mixed city—the very model of school desegregation—it would seem that the parents would be interested in electing a board dedicated to quality education for their children. Parents throughout the rest of the Nation certainly are, and Washington can probably stand some improvement, with more crime than education taking place in the public schools.

But about 3 percent of the eligible voters took the trouble to cast ballots.

After the sobbing editorial of February 7, these voters again had the opportunity to elect—of all things—one of the highly touted citizens boards where the police are immobilized by the community. Again, they responded with about 3 percent of the underprivileged electorate taking the trouble to vote. Of some 70,000 eligible voters, about 2,300 participated.

And this was an election to slice a \$1.4 million pie given by the Office of Economic Opportunity—out of the pockets of the taxpayers of the Nation.

Amend the Constitution the way these dedicated ladies suggest and 1,151 of these voters can seat two Members in the Senate and several Members here.

While the idea seems to do a little violence to the "one-man, one-vote" slogan of the liberals, it would obviously lead to a packed House.

Perhaps someone should suggest to the League of Women Voters that their leadership is misleading them. Instead of getting their members all excited about the poor people of the District of Columbia, to pressure us into acting on their misinformation rather than on our information, they should devote their attention to the 97 percent of the registered voters in the city who do not care enough to go to the polls.

Or perhaps the Senate should amend the Voting Rights Act now before it to include Washington—since its limitation to the South is on the phony theory

that where less than 50-percent participation in an election occurs—especially when the result does not suit the leftists—there has been a suppression of voting rights.

Or perhaps the Washington promoters just know that it would be unsafe for their ladies to canvas Washington—even in the daytime.

I include the editorial in my remarks:

D.C.—LAST COLONY

The American people are going to get a lesson in civics this spring from the League of Women Voters. The lesson, that Washingtonians may vote for President but cannot elect any members of the House or Senate, and that they may vote for the local school board but not for the city council or mayor, will be broadcast throughout the land this April by the National League through its 1,300 local leagues in virtually every congressional district in every state.

The educational effort which is needed because few Americans realize that the Capital enjoys only the most limited kind of suffrage, is part of the petition drive the League is launching during its 50th anniversary year, labeled the Year of the Voter. The objective is to enroll 1.5 million signatures (10 for each League member) to convince Congress that the American people, once informed, will want to amend the Constitution to give Washington voting representation in both houses of Congress—an entitlement of two senators and two House members. A two-thirds vote of each house of Congress is required as well as ratification by three-fourths of the state legislatures.

For the League, which did yeoman service in providing state legislative ratification of the 23d Amendment giving the city a vote for President, that requirement is the easy part. The hard part is to convince Congress to move. A combination of lethargy and covert opposition has kept such measures off the floor of the two houses in the past. But not being among those who underestimate the power of the League of Women Voters we can confidently predict that the petition drive will get the congressional wheels turning, to which we would add the hope that sufficient momentum will be established to get the amendment resolution on its way to the states.

Along the way, and this gets back to the importance of the League's lesson in civics, there is a good chance that new life may be breathed into companion measures to provide home rule and, on an interim basis pending final ratification of the constitutional amendment for national representation, the half-loaf proposal for a nonvoting delegate in Congress. These measures which have been endorsed by the administration require only a simple act of Congress.

The League is distributing bumper stickers which simply state in bold letters, "D.C.—Last Colony." That will continue to be an appropriate description of the state of the District until its citizens are given the full voting rights, local as well as national, that are their birthright as Americans.

ALTOONA, PA., HONORS ALL-AMERICAN MIKE REID ON "MIKE REID DAY"

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. WHALLEY. Mr. Speaker, on Tuesday, February 3, 1970, Penn State All-American Mike Reid was honored in his

hometown of Altoona, Pa., with a testimonial banquet attended by over 1,200 of his friends, neighbors, and admirers. The citizens of Altoona designated February 3 "Mike Reid Day."

This outstanding young man was named to virtually every All-American team, including the Associated Press, United Press International, NEA, New York Daily News, Detroit Football News, Sporting News, Look Magazine, Time Magazine, Kodak, and Walter Camp.

Among his other awards were the Maxwell Trophy; the Outland Trophy; the Washington, D.C., Touchdown Club Lineman of the Year Award; the Washington, D.C., Pigskin Club Lineman of the Year Award; Eastern Collegiate Athletic Conference Player of the Year; Most Valuable Lineman in the 1970 Orange Bowl Game; and first-round draft choice of the American Professional Football League's Cincinnati Bengals.

Mike Reid is an outstanding individual whose talents go beyond the football field. Mike is also an accomplished concert pianist who has been acclaimed for his virtuosity in the field of music. He is also an academic student of the highest standards whose future would be bright even without football.

Mr. Speaker, I would like to go on record applauding Mike Reid for these outstanding achievements. I am proud to be his Congressman.

NATIONAL POLKA MONTH A BIG SUCCESS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. PUCINSKI. Mr. Speaker, Mr. Edwin T. Maciak, a polka music critic and Chicago editor for the Post Eagle newspaper published in New Jersey, has written a very interesting report on polka activities around the country and the designation of January as "National Polka Music Month" by the International Polka Association. He places the origin of the dance into historical perspective and discusses the reasons why it has again become so popular nationally.

Polka fans will find Mr. Maciak's report both timely and interesting, and I should like to place it in the RECORD today.

Mr. Maciak's report follows:

NATIONAL POLKA MONTH A BIG SUCCESS

Once again the entire month of January had been designated as "National Polka Music Month" by the International Polka Association, located in Chicago, Illinois; the Wisconsin Orchestra Leaders Association, located in Algoma, Wisconsin; and the United States Polka Association, located in Uncasville, Connecticut.

It was a tremendous success.

A nation wide promotional campaign had been launched to create a greater public awareness and appreciation of polka music in the United States as well as in other parts of the world. Radio announcers participated in this campaign by informing their audiences of this special month of celebration. Band leaders and various business establishments associated with polka music assisted

by displaying appropriate posters, signs, lapel pins and bumper stickers.

This year's slogan was "January is National Polka Month—Do Your Thing, Go Polka Dancing." Various dances, motorcades, festivals and other special programs were planned to attract that segment of the public that is not familiar with the happy and lively tempo of polka music. The general polka public was urged to demonstrate their support of polka music by their patronage and participation in polka events—not only during the month of January but the year round.

Perhaps "polka-mania" is a good name for the "new" dance craze that is sweeping the Nation today. However, it isn't new! This may surprise most of my colleagues to find that many variations that the good polka dancers use today actually found their beginning over 100 years ago.

The polka is a 19th century dance in 2/4 time. The origin is claimed by Poland and Czechoslovakia; but the Polish "polka" was more likely the foundation of 17th century Scandinavian dances of that name.

A country dance popular in Czech villages in 1830 was in polka rhythm and utilized steps that are fundamental to the later dance. This seems to be the source of the dance which first caught popular attention in Prague in 1835, and later to Paris in 1840. By 1843-44 it was the popular dance craze of all Europe and America, called "polka-mania!"

The polka was a sprightly dance for couples proceeding around the room—facing each other, the man's right arm around the partner's waist, the left hand taking her right. The main feature was a hopping step and "heel and toe." In one figure, the man leading his partner danced backwards around the room, repeated with the lady dancing backwards. Composers of classical music such as Smetana and Weinberger included polkas in "The Bartered Bride" and "Schwande, The Bagpiper." Of course, one cannot overlook Johann Strauss.

There are various notes from "World History of the Dance" by Curt Sachs and from "Dictionary of the Dance" by W. G. Raffe. Here is an interesting quotation by Perrot and Robert in 1845 that I thought you might enjoy: "To dance the polka, men and women must have hearts that beat high and strong; tell me how you do the polka and I will tell you how you love."

My own opinion of this dance is that it certainly isn't anything new. Strange how a dance older than 100 years would suddenly be so popular again.

Other original dances of the time (1800's) are also related to the polka. Among these are the "gallop" and "rutscher" (sliding dance) which are quick polkas wherein the couples gallop through the hall to a rapid 2/4 time with the step pattern of the polka. In contrast, the Bavarian polka supposedly is a slow polka in 2/4 time.

There are, to my knowledge, five polka styles, which are described as follows:

German "Oompah" style is slow, sometimes called a "suped up" waltz, uses six- to 10-piece band with tuba, bass, and accordion or concertina.

East Coast style is fastest polka beat and played by a big band, featuring trumpets and clarinets.

Slovenian style, often referred to as the Cleveland style, and best known to Milwaukee polka fans, has a slow tempo as with the German polka.

Chicago Polish style, a slow but snappy beat, uses a five- to seven-piece band with trumpet, clarinet, and bass.

Bohemian style is similar to German . . . only with a faster tempo.

By far, the year of 1969 will be considered as the most exciting one from the standpoint of advancement, organization, leader-

ship and administrative capability of polka music leaders throughout the Nation and elsewhere. I am including at the conclusion of my remarks a chronological monthly list of the salient activities of diversified polka music organizations so that we can all have a better understanding of how efficiently polka music serves the cultural music world in a cosmopolitan fashion and on an international level.

Polka music deserves high praise, mainly because it is a happy music and played by decent-thinking, clean-cut citizens—but above all polka music is a great morale booster to the average every-day working American, who has the desire and drive to keep this country strong spiritually, economically and musically.

The chronological monthly list of the salient activities for 1969, polka musicwise, follows:

ACTIVITIES IN 1969 WHICH ADDED TO THE SUCCESS OF POLKA MONTH IN AMERICA

January: First Annual Polka Music Hall of Fame Inaugural Dance held at Polonia Ballroom in Chicago, Illinois, sponsored by International Polka Association & Wisconsin Orchestra Leaders Assoc., four international bands performed; Edwin Maciak, polka music critic on staff of "Post Eagle" newspaper attends Chicago Press Club President's Dinner and presents "Chicagooan of the Year," Mr. Joseph B. Meegan with a "Chicago Polka" recording at Pick-Congress Hotel in Chicago.

February: Massachusetts bandleader "Happy Louie" Dusseault and his vocalist wife "Julcia" present Senator Edward Kennedy with their latest album which contains a song dedicated to the late Senator Robert Kennedy; Mr. Dick Pillar, President of U.S. Polka Association, from Connecticut and Edwin T. Maciak, polka music critic with the "Post Eagle" paper in Chicago, travelled to Nashville, Tennessee for conferences with the "Country Music Association" and Grand Ole Opry leaders.

March: "Li'l Richard" Towalski, of Chicago, was promoted to "Polka General" in Milwaukee, Wisconsin . . . This was a patriotic program which took place on the eve of General Dwight "Ike" Eisenhower's funeral—Soldier Boy "Li'l Richard" is a band leader, vocalist, Dee Jay and recording artist.

April: Mr. Myron Floren, nationally known TV star, accordionist and assistant conductor of the famous Lawrence Welk Show, became a member of the U.S. Polka Association . . . through the efforts of USPA Secretary, Mrs. Marian Wroble-Cox.

Congressman Roman C. Pucinski was presented with plaque designating him as "Honorary Member" of "Li'l Richard Polka Fan Club" . . . award was made for the Congressman's interest in polka music and dancing.

May: "Li'l Polka" Richie Drongoski (age 11), Clifton, New Jersey's contribution to the polka music field, donated his earnings to Congressman Henry Helstoski (candidate for governor) at testimonial held for the Congressman . . . "Li'l Richie" entertained the guests with his accordion and singing both American and Polish numbers—this boy is also studying drums and concertina.

June: The House of Representatives of the Seventy-Sixth General Assembly of the State of Illinois commend the International Polka Association, for its promotion of public interest in polka music, by issuing House Resolution No. 149—offered by local legislators; 1969 Pulaski Polka Festival took place at Memorial Park in Pukaski, Wisconsin . . . More than 30 bands made appearances during the four-day events—sponsored by Wisconsin Orchestra Leaders Association & the Sideman's Association of the Wola . . . 30,000 persons enjoyed parade, fireworks, carnival, Kids Day, Queen Contest & Music.

July: Eddie Blazonczyk presented annual "Bel-Aire Polka Days" at Polonia Grove in Chicago, Illinois, featuring eight polka or-

chestras—two-day affairs; U.S. Polka Association Convention combined with the Dick Pillar Enterprises Festival held at Ocean Beach Park in New London, Connecticut. Thirty bands performed in eight days of dancing.

Janek Lewandowski Productions presented a stage show starring Helen "Zosia" Dudek and "Wesoly Stas" Lyskawa from Chicago, as well as the Jadcak Dancers from Flint, Michigan—featuring the Harmonizers Orchestra from Pittsburgh Pennsylvania; Chester Grabowski, Editor-in-Chief of "Post-Eagle" paper was presented with the General Casimer Pulaski trophy in recognition of outstanding journalistic services to the polka music world in U.S.A. . . . Polka news media made this presentation headed by Edwin Maciak, polka music critic from Chicago. Other publications that participated are as follows: "Polka News" in Connecticut, Editor Stans Saleski; "Polish-American World", editor Eddie "D" Dmuchowski, of New York "Polka Digest" in Connecticut, editor John Demerski; "Music & Dance News" of Wisconsin, represented by G. Lucky Ladewski. Other prominent polka writers are Janek Lewandowski, Veronica Kearns & Edward Wilczynski.

August: International Polka Association Convention in Chicago, held at Polonia Grove, with 13 polka bands appearing during a three-day weekend; prexy of the "IPA" is Leon Kozicki of Chicago. Polka music hall of fame banquet-installation and polka music awards presentations took place at Personality Lodge; Li'l Lally Jagiello and Frank Yankovic were enshrined (inaugural) into the polka music hall of fame; while Marion Lush of Chicago won the "best male vocalist" award; and Teresa Zapolska of New York won the "best female vocalist" award; the "best polka album" award went to Happy Louie of Massachusetts; the "best single record" award went to Marion Lush of Chicago; and taking the honors for the "best instrumental group" were the "Ampol-Aire" orchestra of Chicago; "Li'l Polka" Richie Drongoski, an 11-year old polka artist from the eastern seaboard, captivated the hearts of polka fans with his musicianship all over the city; Bill Shibilski's polka spectacular in Long Island, New York drew 8 polka bands for 3 days.

September: By far, the biggest festival was one held at Columbus, Nebraska, featuring 43 polka bands for three days; "Big Joe" Siedlik was the promoter of this third annual "Polka Days"; "Li'l Richard" Polka Fan Club in Chicago bestows honorary membership upon Miss Christine Grabowski, secretary at the "Post Eagle" newspaper office in Clifton, N.J.; part two of the "Penn-Ohio" polka festival was a one-day affair, featuring 4 polka bands at Idora Park in Youngstown, Ohio.

October: Thirty-third annual Pulaski Day parade on New York's Fifth Avenue was fronted by many polka music bands from the East; Carol & Stan Pelc of Brooklyn, New York (a sister-brother team) danced their way to the "1969 polka championship" at the Harvest Moon Ball held at Madison Square Garden in N.Y.C., before a crowd of 19,269 (largest ever) . . . the great Ted Mak-symowicz polka band performed.

November: Mayor Richard J. Daley of Chicago issued official proclamation designating Sunday, November 9, 1969, as Richard Towalski Day . . . festivities on this "Li'l Richard" day took place at Polonia Ballroom in Chicago, with five big polka bands performing, Li'l Richard also received the "Silver Eagle" award from the "Post Eagle"—the Nation's No. 1 polka newspaper . . . as well as many other honors; Michiana (Michigan-Indiana) polka power club establishes a "scholarship fund"—polka partners, George and Lucky Ladewski are originators of this idea in the polka music field; a new publication from Columbus, Nebraska, being circu-

lated nationally—name of this newspaper is "Polka World," edited by "Big Joe" Siedlik; new radio program in Chicago, called the "Polka Bunny Show," commenced broadcasting over station WEAW-FM, hostess Vi Johantgen.

December: Mr. Zenon Kwiatkowski has inaugurated a new television show in Chicago, which is called "Polka Party," emanating from WCUI-TV (channel 26) . . . this one-hour show features a different polka band every week as well as other features—alternating MC's are radio announcers Chet Gulinski and "Uncle Henry" Cukierka; Congressman Roman Pucinski was a special guest during the inaugural program in company of his assistant, Miss Pat Kuta, a polka dancing enthusiast.

New Year's Eve: Frankie Gee (Grybosh) polka music bandleader from Ludlow, Massachusetts, was killed during a hit-and-run accident while driving home from a New Year's Eve engagement . . . therefore, in his memory, a "Frankie Gee memorial fund" was established, which indicates the close fraternal bond of polka music people.

Good news for Polka music fans was received that Mr. Wozniak bought radio station WJSW in Minnesota and has changed their format to a full time Polka Radio Station, making this a first in the Polka Industry.

The biggest asset in the Polka music field is in the legion of loyal followers, fans, boosters and supporters. Many of these fans become leaders within a Polka community as is evidenced by the existence of such clubs as the "Western Pennsylvania Polka Power Club," headed by George Balocik; the "New York-New Jersey Polka Power Club," led by Connie Verostek; the "Detroit Polka Boosters Club of America," with "Polka Joe" Marcisuk as president; the "Michiana (Michigan-Indiana) Polka Power Club," whose leaders are a husband-wife team, George and Lucky Ladewski; then there is the "Li'l Richard Polka Fan Club," in Chicago, which supports one particular orchestra morally and organizationally. . . . Its leaders are also a husband-wife combination, Ted and Laurie Frys. Membership in most of these clubs runs into the several hundreds.

What greater "peace power" can there be than "Polka power." Polka music people are a happy people, and a happy people make for a healthy and strong country spiritually!

THE PRISONER OF WAR ISSUE

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mrs. MAY. Mr. Speaker, the conduct of the North Vietnamese in refusing to apply the principles of humane treatment to American prisoners of war is outrageous. Despite long and extensive efforts by the U.S. Government, the North Vietnamese and the NLF have remained adamant in their refusal to treat the prisoners of war held by them in accordance with the Geneva Convention.

Last December 15 the U.S. House of Representatives adopted by unanimous vote of 405 yeas House Concurrent Resolution 454, calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front.

According to our Secretary of Defense, Melvin R. Laird, there is clear evidence that North Vietnam has violated even

the most fundamental standards of human decency. Some of our men have been in Communist prison camps for more than 5 years. Over 200 have been there longer than 3½ years. We are deeply concerned that the passage of so many months of captivity could have long-term adverse effects on the well-being of these men.

Our Government has repeatedly appealed to North Vietnam and the NLF to respect the requirements of the Geneva Convention, which, in fact, North Vietnam has signed. But these appeals have been brutally rebuffed by the North Vietnamese.

Last week, the United States, through a statement delivered by Ambassador Philip C. Habib at the Paris meetings on Vietnam, again appealed for humanitarian treatment of our prisoners of war.

World opinion must be marshaled now against such inhumanity. I therefore include Ambassador Habib's opening statement of February 5 and his supplementary remarks at this point in the RECORD:

TEXT OF OPENING STATEMENT BY AMBASSADOR PHILIP C. HABIB AT THE 53D PLENARY SESSION OF THE NEW PARIS MEETINGS ON VIETNAM, FEBRUARY 5, 1970

Ladies and gentlemen, your consistent refusal to abide by the 1949 Geneva Convention on the treatment of prisoners of war is viewed by American and world public opinion with dismay. There is a long tradition among civilized nations of treating captured personnel humanely in wartime. This principle has been codified in the Geneva Convention of 1949 to which there are over 120 signatories, including North Viet-Nam, South Viet-Nam and the United States.

Furthermore, the prisoners of war question is urgent because of the deep humanitarian concern which is aroused by your unconscionable failure to insure that prisoners of war—and the families of men who are held prisoner or who are missing in action—are treated fairly and humanely.

The 1949 Geneva Convention sets forth clearly the requirements of humanitarian treatment. First, all prisoners of war must be immediately identified so that their families and their governments will know who is alive and who is not. Second, prisoners of war must be permitted to correspond freely with their families. Third, impartial observers must be allowed to visit prisoners of war regularly to verify whether their treatment is fair. Fourth, seriously sick and wounded prisoners must be repatriated as quickly as possible. These are minimum standards that are recognized and applied by all civilized nations.

On our side prisoners of war are treated in accordance with the provisions of the 1949 Geneva Convention. The International Committee of the Red Cross has access to prisoners of war captured by our side and to the prisoner of war camps in which they are held. Every one of these prisoner of war camps is publicly identified. The Government of the Republic of Viet-Nam transmits lists of prisoners of war it holds to the International Committee of the Red Cross. It permits a free flow of mail to and from prisoners of war. It has, over and over again, sought your side's cooperation in the repatriation of seriously sick and wounded prisoners of war.

Your side still refuses to identify most of the prisoners of war you hold in North Viet-Nam. You have identified none of the prisoners you hold in South Viet-Nam. Several weeks ago we handed you a list of over 1400 missing or captured Americans. The families of these men are waiting to know

whether you will provide information about their status in an official and regular manner. The piecemeal and indirect provision of information through unofficial channels does not fulfill your obligations under the Geneva Convention.

Only about 170 families have ever received a letter from a man who is missing or captured in Viet-Nam. Many of these families have only recently received their first letter. In some cases, those men have been held since 1965—that is, over four years with no word to their families.

There have been recent unofficial reports that American prisoners held in North Viet-Nam could send and receive letters and could receive packages on a regular schedule. Families are acting upon that information and will be waiting to see whether such packages and letters are actually received.

At the same time, American prisoners of war held in South Viet-Nam are also entitled to regular mail privileges. These prisoners have never been permitted to write letters to their families. The families of these men also should be able to send packages and letters to them and to hear from their men.

It is essential and urgent that impartial observers be permitted to visit prisoners of war held by your side both in North and South Viet-Nam in order to verify whether those prisoners are being treated humanely as you claim. We have new, shocking evidence that prisoners of war whom you hold are subject to inhumane treatment. Only recently it was discovered that your forces in South Viet-Nam had executed two American prisoners captured in 1966 after having put them on public display in several villages. This is a grave breach of the 1949 Geneva Convention and is unacceptable when measured against any standard of civilized behavior.

The representative of the Government of the Republic of Viet-Nam has recalled his government's efforts to obtain your side's agreement to the release of sick and wounded prisoners of war who wish to go to North Viet-Nam. We believe discussions with your side should begin, without delay, on arrangements for the immediate release of all seriously sick and wounded prisoners of war as well as for the early release of all other prisoners of war held on both sides.

Ladies and gentlemen, the question of prisoners of war is not only a burning humanitarian question, but also a question of your solemn legal obligation. Its solution must not await an overall settlement of the political and military issues involved here. World opinion demands no less.

We desire to engage in meaningful discussions of all prisoners of war questions with your side now. We await your serious response.

AMBASSADOR HABIB'S SUPPLEMENTARY REMARKS

I

We have sought from the beginning of these meetings to discuss in meaningful ways all the basic issues involved. The prisoner of war question is a basic issue in these Paris meetings. It is not a propaganda matter. It is a serious humanitarian question as well as a question of your legal obligations. It is not a question to be avoided as you have sought to avoid it today by wild charges and evasions of the basic considerations and obligations involved.

There are essentially three aspects in the prisoner of war question. First, the treatment of prisoners of war while they are detained; second, the release of sick and wounded prisoners of war; third, the release of all other prisoners of war. None of these questions needs await a resolution of the conflict.

Your side claims to treat prisoners of war humanely. Now what does "humane treat-

ment" mean? Both in the 1949 Geneva Convention, and apart from it, the world community has demanded that humane treatment of prisoners of war include the following:

1. Identification of and accounting for all prisoners;
2. That all prisoners be permitted to communicate with their families on a regular basis;
3. That seriously sick and wounded prisoners be promptly repatriated; and
4. That impartial observers be permitted to verify that prisoners of war are being treated humanely.

Your side has not lived up to these standards of humane treatment. Your side has not even been willing to discuss the application of these standards of humane treatment. Let us take just one of these standards of humane treatment. Let us take just one of these standards at this time. That is the identification of all prisoners of war.

We have made available lists of all prisoners of war in our hands. Your side refuses to give the names of the prisoners of war you hold. The question is: are you prepared to do as we have done and provide the names of all prisoners of war that you held, without delay?

II

You claim that you treat American prisoners of war humanely. What we have been trying to do is to clarify what you mean by humane treatment and to relate it to normal international standards.

At this time you appear unwilling to discuss in any meaningful way your responsibility to supply the names of prisoners and thus fulfill your obligation in this regard. I will return to that question again. Meanwhile, let me take another standard for humane treatment of prisoners of war, namely their right to communicate regularly with their families.

The Geneva Convention provides that each prisoner shall be permitted to send at least two letters and four cards per month as a standard of humane treatment. Yet, in over five years you have allowed only 170 out of all the prisoners you hold to write even one letter to their families. Even this limited number of prisoners has only been permitted to send an average of two letters a year—far less than the accepted standard. No American prisoner of war held by your side in South Viet-Nam has ever been permitted to write a letter. The question is the following: are you willing to do as we have been doing and let regular communications between the prisoners and their families take place?

III

To make progress at these meetings, the relevant issues need to be raised and discussed. To avoid issues is to block progress. Now, as at this time you appear unwilling to discuss the question of regular communications between prisoners and their families, I will return to that another time. Meanwhile, let me take up another standard of humane treatment.

Seriously sick and wounded prisoners should be promptly repatriated. Are you willing to do what we are willing and have offered to do? That is, arrange immediate repatriation of sick and wounded prisoners?

While you consider that issue, let me take up another standard of humane treatment. Impartial observers should be permitted to have access to prisoners of war and prisoner of war camps in order to verify whether prisoners are being treated humanely. The question is, are you willing as we are doing to allow imported observation of your prisoners of war camps?

IV

Serious indignation arises when issues are avoided rather than discussed. Serious indignation arises when prisoners of war and their families are not accorded the treat-

ment called for by all accepted international standards. The question of prisoners of war is an issue at these meetings. We have every right to seek for our prisoners of war the treatment which is theirs by right, by reason, and by international practice. Today you have avoided meaningful discussion of the issue of prisoners of war, an issue on which there is no logical or reasonable reason for us not to make some progress. We will return to this issue, because it is not an issue which can be left alone.

TIME MAGAZINE REPORTS ON THE AMERICAN INDIAN

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. KASTENMEIER. Mr. Speaker, the February 9 issue of Time magazine contains a lengthy and perceptive report on the American Indian, who, after more than a century of patience and passivity, is seeking a means of redressing his grievances.

As one who favors a policy of self-determination for our Indian citizens, I strongly recommend to my colleagues the following Time analysis:

THE ANGRY AMERICAN INDIAN: STARTING DOWN

Most Americans know the first Americans only by cliché. There is the 19th century image, caught in bronze and in lithography, of the defeated warrior, head dropping forward so that his feathers nearly mingle with his pony's mane. The bow of his shoulders and the slump of his body evoke his loss of pride, of green and fertile lands, of earth's most favored continent. Then there is the recent image, often seen through air-conditioned automobile windows. Grinning shyly, the fat squaw hawks her woven baskets along the reservation highway, the dusty landscape littered with rusting cars, crumbling wickiups and bony cattle. In the bleak villages, the only signs of cheer are romping, round-faced children and the invariably dirty, crowded bar, noisy with the shouts and laughter of drunkenness.

Like most stereotypes, these caricatures possess a certain core of validity. They also help white America contain and numb the reality of past guilt and present injustice. Most important of all, they are less and less significant. After more than a century of patience and passivity, the nation's most neglected and isolated minority is a stir, seeking the means and the muscle for protest and redress. Sometimes highly educated, sometimes speaking with an articulateness forged of desperation, always angry, the new American Indian is fed up with the destitution and publicly sanctioned abuse of his long-divided people. He is raising his voice and he intends to be heard. Listen:

"The next time whites try to illegally clear our land, perhaps we should get out and shoot the people in the bulldozers," contends Michael Benson, a 19-year-old Navajo and a freshman at Wesleyan University.

"It's time that Indians got off their god-dam asses and stopped letting white people lead them around by their noses," says Lehman Brightman, a South Dakota Sioux now working on a Ph.D. at Berkeley. "Even the name Indian is not ours. It was given to us by some dumb honky who got lost and thought he'd landed in India."

"We weren't meant to be tourist attractions for the master race," scoffs Gerald Wilkinson, 30, a Cherokee who holds multiple degrees after attending four universities. "We

don't use the language of the New Left, but that doesn't mean we're not militant."

"Some day you're going to feel like Custer, baby," shouted one unidentified Indian at Donald Dwyer, a former Minneapolis police chief recently invited to discuss city problems with a group of Minneapolis Indians.

SYMBOLIC PROTEST

That kind of rhetoric is surprising, coming from people long accustomed to equating silence with dignity. But in acts as well as speech, the newly aroused Indian is no longer content to play the obsequious Tonto to the white man's Lone Ranger. A belligerent band of 100 Indians still occupies the abandoned federal prison at Alcatraz, which the Indians propose to use as a cultural center and are willing to buy—for "\$24 in glass beads and red cloth." Says one of the invaders: "Alcatraz is still better than most reservations." Angered at the whites who litter their beaches with beer cans and broken bottles, Indians in the state of Washington set up road blocks and closed 50 miles of seashore. A group of 50 Passamaquoddy Indians in Maine charged motorists fees to pass through their land on a busy highway last July. Four Indians at Dartmouth College, which was founded partly "for civilizing and christianizing Children of Pagans," protested the Indian dress of the college mascot, and officials banished it from football games.

Going beyond such symbolic acts, Indians in Washington have deliberately violated fishing regulations that they consider a breach of their rights, and have gone to jail as a result. One of their leaders, Janet McCloud, a fiery Tulalip, contends that restrictions on catching salmon have reduced the Indian to "savages with no more rights than a bear." More softly, she concedes: "I don't like being a clown or a militant, but sometimes you have to break this conspiracy of silence." Another angry woman, Kahn Tineta Horn, effectively uses a trim figure in a tight buckskin dress to gain television attention for protest demonstrations. But sex is not her only weapon; she has been arrested for carrying a knife and for interfering with police.

Harassment by police is the target of a sophisticated Indian uprising in Minneapolis, which has one of the few Indian ghettos in any city. There Clyde Bellecourt, 33, a tough Chippewa who has spent 14 years behind bars, has organized an "Indian Patrol." Dressed in red jackets, its members use short-wave radios to follow police activity, then show up to observe the cops silently whenever an Indian gets into trouble. After the patrol was formed, there were no arrests of Indians for 22 straight weekends. Ironically, it was during a prison term for burglary that Bellecourt decided he could help other Indians. "I read a lot of books," he says, "and I started finding out that I wasn't a savage, that I wasn't dirty—and that I was smart." For his work, he is paid a salary by the Urban Coalition.

The new Indian activism is gradually beating its way into the nation's consciousness—and into its conscience. In ways both salutary and shabby, Indians are becoming fashionable. As *The New Yorker's* Calvin Trillin recently observed: "It is almost possible to hear the drums in the East Sixties."

The Indian is spicing his protest with a grim kind of humor. His slogans proclaim: Kemo Sabe Means Honky, Red Power!, and Custer Had It Coming. More stinging, Indian Folk Singer Buffy Sainte-Marie, a Cree with a degree in education and Oriental philosophy, confronts white audiences with pointed lyrics:

When a war between nations is lost
The loser, we know, pays the cost;
But even when Germany fell to your hands
You left them their pride and you left them
their land.

The national abuse of the Indian reached Broadway last year as the subject of serious drama. Arthur Kopit's *Indians* played only twelve weeks; some critics considered it noisy, disorganized theater; some audiences seemed to find the penitential message discomfiting. A pro-Indian movie, *Little Big Man*, starring Dustin Hoffman, has been filmed on Montana's Crow reservation. It portrays George Custer as a villain leading troops bent on genocide. Three books personalizing Indian alienation have won critical acclaim. A novel, *House Made of Dawn*, by N. Scott Momaday, a Kiowa who teaches English at Berkeley, won a Pulitzer prize last year. *Custer Died for Your Sins*, by Vine Deloria, a Standing Rock Sioux, wryly details the Indians' own infighting and their frustrations in dealing with white society. *Our Brother's Keeper: The Indian in White America* angrily indicts whites for keeping the Indian a stranger in his homeland—"America's prisoner of war."

On the fad level, a budding renaissance of Indian cultural accouterments has inspired pot-smoking teen-agers and high-fashion socialites to don beaded necklaces, fringed jackets, Indian belts, bikinis and feathers. Most Indians scoff at the affectation and claim that much of the clothing is foreign made.

THE HANDICAP OF DIGNITY

Why has it taken the Indian so long to rouse himself to turn his ire toward action? Many a white bureaucrat, ruling a reservation like a colonial army officer, has assumed that Indian acquiescence stemmed from either respect or servility. Rarely has it been either. The Indian nation was physically shattered and spiritually demoralized by the U.S. Cavalry, which systematically destroyed its leaders and the best of its manhood in the late 19th century campaigns that whites euphemistically call the pacification of the West. Long before the white man's arrival, Indian tribes had, of course, waged limited war upon one another over hunting rights, and raids for revenge were common.

Yet on a personal level, Indian culture shuns confrontation. Even the meeting of eyes and the firm handshake were long avoided. Discussions of personal problems are painful. Indians have been known to sit in Government offices for hours before deciding to air a grievance, however just. "My mother won't even get rid of a salesman," says the Navajos' Michael Benson.

For too long, Indian dissent also has been stifled by their forced dependency upon whites for land and livelihood. This has made many of them regard white authority as an almost magical thing. One veteran scholar of Arizona's Hopis, E. D. Newcomer, notes that today's young Hopis even "feel that the day of the whites must be better than their own gods, because the whites have new clothes and shiny cars."

Handicapped by their special definition of dignity and fractionalized by their allegiances to about 300 tribes, the 652,000 Indians in the U.S. have never developed a unity that would sustain massive protest.¹ "Remember, I'm not Indian, I'm Osage," declares Charles Lohah, an Oklahoma judge who finds political intrigue both within and among tribes fascinatingly complex. "Often we have to strap our shields to our backs," he says. But Indians have also watched the nation respond to the marches, sit-ins and street tactics of restive blacks. Indians feel little affinity with blacks, and there is friction between the races in

¹ At the time of Columbus, the native population of what is now the U.S. was probably between 1,000,000 and 3,000,000. By 1860 that had dropped to about 340,000, and by 1910 to an all-time low of 220,000. No longer vanishing, the Indians are now the nation's fastest-growing minority.

some federal antipoverty programs; still, the Indians are beginning to demand their share of the action.

That demand is not only just but long overdue. Ford Foundation President McGeorge Bundy insists flatly that "the American Indians are by any measure save cultural heritage the country's most disadvantaged minority." After studying U.S. ill-treatment of the Indian 26 years ago, Swedish Sociologist Gunnar Myrdal described it as "a morality play of profound importance" to American history. He said that it "challenges the most precious assumptions about what this country stands for—cultural pluralism, freedom of conscience and action, and the pursuit of happiness." The morality play is still a bad show today.

The indicators of Indian suffering are appalling. Their life expectancy is 44 years, compared with 71 for white Americans. The average income for each Indian family living on a reservation—and more than half do—is only \$1,500. The average years of schooling is 5.5, well behind that of both the black and the Mexican American. Some officials rate 90% of reservation housing as substandard. Unemployment ranges from a low of 20% on the more affluent reservations to 80% on the poorest. The birth rate of Indians is 2½ times that of whites—and a majority of Indians are under 20 years old. The average family has to carry water for its daily needs of least a mile. It is usually done afoot.

Indians, of course, are not statistics, and TIME Correspondent James Willwerth discovered that individual reality for Indians often consists of human deprivation in a setting of uplifting natural beauty. Visiting Arizona's White Mountain Apache reservation, he reported: "The land is like a painting—hills covered with ponderosa pine, snow-capped mountains in the distance, sprawling valleys filled with thick forests and rushing streams. In the midst of all this, there's a one-room shack with a corrugated metal roof that shows daylight from every angle. This is Judy's house. Judy is in her mid-20s, stocky but not fat, and rather pretty. But she drinks a lot, gets into fights when she does, and often ends up in jail.

"Her lovers are legion. The result of one liaison toddles toward me through broken glass and excrement. He's less than two years old. He lived with Judy's sister until recently, but Judy took him back to get some welfare money. Now they are living in this one-room place. 'It's got no windows,' she says. 'But that's nothing. I've never lived in a house with windows.'"

The grim individual vignettes are multiplied among entire tribes. In northern Arizona, twelve small villages of the deeply religious Hopis fight their uncertain struggle to avoid extinction. Reversing years of decline, the Hopis now number 6,000. Isolated for centuries, even their own villages still have no political links with one another. They live on three massive sandstone mesas in the Painted Desert, where pasture land is scarce and only their skillful dry-farming of corn provides a meager diet.

The sole tribal commerce of the Hopis is a trailer court and a few arts-and-crafts shops. Yet the hope of the Hopis lies in their determination to improve their condition. They teach their children to value schooling so highly that the average daily attendance in their elementary schools is a surprising 90%—a rarity among Indians. A score of older youngsters take a bus each day and make a 96-mile round trip to attend high school. Each day 50 adult Hopis get up at 5 a.m. to board a yellow bus and ride 65 miles to their jobs at a BVD underwear plant. Things may get better. Coal has been found on Hopi land, and a strip mine is scheduled to open this year. Ironically, the Hopi devo-

tion to education is diluting what they value most: their own special kind of polytheistic belief that each living thing possesses a human spirit. Now, when elders hold their annual dance with rattlesnakes, many Hopi children laugh.

AGONY AND ANOMIE

To live in squalor while surrounded by beauty, to desire a better material life while clinging to tradition is, for American Indians, to know agony and anomie. Their alienation is aggravated by the fact that Indian culture is vastly different from that of whites in terms of technology, productivity and intellectual interests. From the viewpoint of what makes a modern civilization work, Indian culture appears hopelessly irrelevant. To some extent, the collision of Western and Indian cultures warped the conquerors' attitudes. When the Senecas sought assurances from President Thomas Jefferson in 1802 that their rights would be protected, no attempt was made to bridge the cultural gap. They received a patronizing note from a secretary that said: "Brothers, your father, the President, will at all times be your friend and he will protect you and all his red children from bad people." Only last fall Ted Rushton of New Mexico's Gallup *Independent* wrote haughtily of "the inevitable clash of a superior culture with a vastly inferior culture."

The Indian child who attends school with whites must brace himself for taunts: when it rains, he is told, "You must have done your dance." If he has a girl friend, he is asked: "How's your squaw?" Or it may be "Hey, Tonto, where's your horse?" and "What number is your teepee?" "Indian kids are shy, and can't take this," explains Gary Fife, 19, an Oklahoma Cherokee-Creek student at Northeastern State College.

Prejudice is as painful a fact to Indians as it is to blacks. Indians suffer just as harshly from biased history books. One text observes that "it is probably true that all the American Indian tribes in the course of their wandering lived for some generations on the frozen wastes of Alaska. This experience deadened their minds and killed their imagination and initiative." A white teacher in a Chippewa reservation school recently asked Indian children to write essays on "Why we are all happy the Pilgrims landed." Western movies and television, of course, still portray the Indian as the savage marauder. "How are you going to expect the Indian to feel a part of America when every television program shows him to be a brute or a stupid animal?" asks Ray Fadden, owner of a Mohawk museum in northern New York. On an Apache reservation, even an Indian girl was caught up in the TV drama. As an Indian actor crept up on an unsuspecting cowboy, the girl involuntarily shouted at the cowboy: "Get him! Get him!"

Indians smolder when the white operators of trading posts sell their Indian-crafted goods to tourists at 400% markups. They resent the white sportsmen who gun down caribou from airplanes, while their own hunting for lifesaving games is restricted by white laws. They become furious at the white shopkeepers' use of Indian religious symbols and bad portraits of Indian chiefs. Don Wilkerson, the Cherokee-Creek director of the Phoenix Indian Center, claims that a bar in Scottsdale, Ariz., has a huge picture of a great Indian chief on its roof as an advertising gimmick. "The Jewish people would not permit such treatment of one of their revered leaders," he says. "Nor would society allow Martin Luther King to be so humiliated."

ALCOHOLISM AND SUICIDE

Dispirited by poverty, rejected by a white culture in which they are often unable and unwilling to compete, many Indians choose

death or drink. The suicide rate among Indian teen-agers is three times the national average; on some reservations it is ten times as high. Shattered by her parents' broken marriage, an 18-year-old Blackfoot girl not long ago killed herself on her Montana reservation with an overdose of tranquilizers, though she was an honor student. Accused of drinking during school hours, a 16-year-old youth on Idaho's Fort Hall Reservation hanged himself in the county jail. Just two days before, he had talked about conditions on the reservation with Senator Robert F. Kennedy.

Alcohol has long been a means of escape from boredom and pressures for Indians. On one Midwest reservation containing 4,600 adults, 44% of all the men and 21% of the women were arrested at least once for drunkenness in a span of three years. Many reservations have opened bars and liquor stores to keep Indians from killing themselves in auto accidents en route home from binges in the city. A much-repeated explanation quotes Bill Pensoneau, president of the National Indian Youth Council, as telling a new commissioner of Indian Affairs: "We drown ourselves in wine and smother ourselves in glue—because the only time we are free is when we're drunk."

THE PATERNALISTIC BIA

Sober or drunk, most Indians cite the Bureau of Indian Affairs when they lament their troubles. A unit of the Interior Department, it is supposed to help all native Americans under federal jurisdiction to achieve a better life, mainly by offering education and medical care and protecting their land, water and other treaty rights. More often, it suffocates Indians with its all-encompassing paternalistic authority. An Indian must have BIA permission to sell his land; he is taught by BIA teachers, and if he cannot support his children they may be taken from his home by the BIA and placed in boarding schools or with white foster parents. Most BIA employees are white.

The first Indian head of the BIA in this century was Robert Bennett, appointed by President Johnson in 1966 and admired by most moderate Indian leaders. An Oneida from Wisconsin and a career BIA man, Bennett resigned in dismay last July, charging that "the new Administration has completely ignored the Indians." His successor is Louis Bruce, part Mohawk and part Oglala Sioux, who seems just as frustrated as his people in dealing with the Great White Father. "I keep hearing terrible and sad things that are happening that I didn't know about." One trouble with the bureau, claims one of its most effective field men, is that it is overstaffed at top levels (there is one BIA employee for every 18 reservation Indians), and it takes three years to get new funds to pave a road. "We have created a monster," he says.

Indians have seen countless treaties broken, their lands diminished from 138 million acres in 1887 to 55 million acres today, their water diverted. They are convinced that the Government is determined eventually to dismiss the whole problem by terminating all reservations. Long a favorite white liberal policy, based on the assumption that all minorities will thrive by being assimilated into the mystical American melting pot, termination of the reservations is now heatedly rejected by nearly all Indian leaders. These Indians now want first to conserve all that is best of their own heritage, summed up in the slogan Integrity, Not Integration. They are thus moving in tandem with black groups that have rejected integration in favor of black power. Theoretically, at least, Indians have several advantages over the blacks in moving toward their goals. They have available a whole federal bureaucracy that professes to want the same end. While

they lack national unity, their tribal traditions give them a sense of self-identity. And above all, they have their own lands.²

TO KEEP THE LAND

The fight to preserve those lands and the water required to make their acreage livable is a constant one for U.S. Indians. The Senecas are still bitter about the 10,000 acres taken in 1964 by the Army Corps of Engineers for the Kinzua Dam. The Senecas were paid \$3,000,000, but to them land is no mere matter of money—it is a spiritual as well as a sustaining resource. The Tuscaroras of New York lost 553 acres to a reservoir in the late 1950s. They were paid \$850,000, only to learn that nearby Niagara University got \$5,000,000 for just 200 acres.

Currently, Indians in New Mexico, Montana and California are locked in battles with various Government agencies for control of land and water. The Paiutes of western Nevada have watched their emerald-green Pyramid Lake, ancient source of their cutthroat trout, shrink to one-third its former size by various water-diversion projects. The lake's ecological balance has been destroyed, and most of the fish have died.

The most dramatic controversy over native lands is one now raging over the ownership of 90% of the acreage of Alaska. Aided by some of the nation's best lawyers, including former Supreme Court Justice Arthur Goldberg and former Attorney General Ramsey Clark, 55,000 Indians, Eskimos and Aleuts contend that they hold title to the Alaskan land because the U.S. did not purchase it from Russia in 1867; it bought only the right to tax and govern the territory. When Alaska became a state in 1959, the state began to assert claim to the area. It has seized 450,000 acres for itself. The natives are willing to give up all except 40 million acres—10% of the state—at a price of \$500 million and a 2% royalty on revenues from the surrendered lands. If they do not get satisfaction this time, the native groups calculate that they have sufficient legal options to tie up the land in court contests for years.

Today activist Indians throughout the U.S. are determined to push all such holding operations to the limit of their resources, since they have seen the devastating impact of closed-down reservations. The Menominees of Wisconsin had good schools and community services, plus a sawmill owned by the tribe, when they were "terminated" in 1961. Since then, many Menominees have had to sell their lands to pay taxes in their new ownership status. The Indian hospital shut down and sawmill profits dwindled. As a result, the state paid out more than six times as much money in welfare to the Menominees as before—and the Menominees lost their identity. "The Menominee tribe is dead," reports Professor Gary Orfield in a study for the University of Chicago, "but for no good reason." Also terminated in 1961, Oregon's Klamath tribe suffered soaring rates in suicides, crime and drunkenness.

There are, however, encouraging signs of progress on some reservations. The Lummi tribe of Washington State, a sea-oriented people along Puget Sound, are using federal funds and considerable hard labor to develop the most advanced aquafarm in the U.S. They control the spawning and cultivating of oysters, the breeding of hybrid steelhead-rainbow trout and the harvesting of algae, used in making toothpaste, ice cream and pudding. It may net \$1,000 an acre for the Indians, compared with at most \$40 an acre in land farming.

² The first reservation opened in 1853, and the system still includes some 284 BIA-supervised enclaves. Indians are free to leave reservations whenever they wish, but those who do not live on them do not benefit from most Indian-aid programs. All Indians were granted full citizenship status in 1924.

Elsewhere some 150 commercial and industrial enterprises, among them General Dynamics and Fairchild Camera, have moved onto Indian reservations, enticed by the freedom from real estate taxes accorded reservation enterprises—and by cheap labor. They provide jobs and profits for individual Indians as well as their tribes. Simpson Cox, a white Phoenix lawyer, has spent 22 years with the Gila River Pima-Maricopa Indians, successfully pressing the Government to compensate the tribe fairly for confiscating their lands. He has helped them build industrial parks, a tourist center, a trade school, farms, community centers and an airstrip.

Antipoverty funds are also beginning to benefit Indians, since by any definition no group in the U.S. is more impoverished than Indians. One group utilizing such funds is Oklahoma for Indian Opportunity, founded by LaDonna Harris, the attractive, mixed-blood Comanche wife of Senator Fred Harris, chairman of the Democratic National Committee. Her group fights federal red tape to help reservation Indians, gathers evidence when whites discriminate against them, forms buying clubs to combat high grocery prices, trains young Indians for jobs and leadership. There are sharp contrasts in the efforts to help reservation Indians. Navajos at their tribal headquarters in Window Rock, Ariz., have eagerly taken to instruction in the use of a computer to handle industrial-development projects. In northern Minnesota, Indians had strayed so far from their traditions that white sportsmen had to be employed to teach them the rudiments of canoeing, water safety and fishing.

LIFE IN THE CITY

Indians also now have a few influential voices in the U.S. Congress. One of them belongs to Senator Edward Kennedy, whose subcommittee on Indian education recently charged that "our nation's policies and programs for educating American Indians are a national tragedy." Another friend is Minnesota Senator Walter Mondale. An honorary Chippewa chief, Mondale criticizes Indian schools as containing the elements of disaster. "The first thing an Indian learns is that he is a loser."

The Indians who move off the land and into big cities are indeed apt to become losers. More than 200,000 Indians have done so. They do not congregate as closely as blacks, partly because they meet less resistance in moving into low-income white neighborhoods. There are nearly 60,000 in Los Angeles, perhaps 20,000 in the San Francisco Bay area, about 12,000 in Phoenix, 15,000 on Chicago's North Side. Some 12,000 inhabit the Minneapolis-St. Paul area, almost half in shabby apartment houses and creaky Victorian houses near Minneapolis' Franklin Avenue, which cops and Indians alike call "the reservation."

TIME Correspondent Richard Saltonstall talked to many Indians who had tried the urban life. "Nobody mistreated me in Dallas," he was told by Donna Flood, a mixed-blood Ponca. "But I was unhappy there. It was too fast. There was noise, fumes, confusion—the white man's problems. In the city you lose your contact and feeling for the land. You become isolated." Hiner Doublehead, a Cherokee with two children, took his family to Chicago. "God, it was a jungle when we got there," he recalled. "The people lived like foreigners—unfriendly, clannish. It was the closeness and the crammed-in living that got to me. The bars were the only places to get acquainted and to unwind. But the friendships never went far. Nobody would invite you up to his house. I didn't feel like I was human up there."

Even the Indians who manage to make it often get restless and long to return to their reservation families for spiritual renewal. Many do so, abruptly abandoning jobs. It is

the lure of the land, most often, that proves irresistible. "They used to tell me the land is like your mother," explains Tom Cook, a 21-year-old Mohawk. "The trees are like your brothers, as are the birds in the air and the fish in the water. They give you life; they give you food; they give you everything. It was so pretty the way my grandmother used to tell it." Cook attends college in New York City and is a full-time steelworker in Manhattan.

SOMETHING OF VALUE

Indian grievances are specific, but the goals of redress so far remain diffuse. There are no Indian leaders who, with any confidence of national support from their people, can speak on precisely what should be done. Traditionalists merely tend to look at the mountains that have sheltered their tribes for centuries and at the writings of their ancestral prophets, and they say patiently: "We'll outlast you whites." There are others who seek accommodation of white and Indian cultures. Says Ronnie Lupe, tribal chairman of the White Mountain Apaches: "We know what the white man offers us. There are certain comforts in your culture—good homes, good cars, good jobs—but there is a certain way to get these and yet retain our identity, and we have yet to find it."

But even that kind of reasonableness is dismissed by the new Indian militants as the talk of "Uncle Tom-Toms" or "Uncle Tomahawks" and "Stand-Around-the-Fort Indians." What these leaders seem to want most is for the Federal Government, which now spends only \$500 million a year on aid to Indians, to increase its spending for Indian schools, roads, housing and medical care—and to stop smothering Indians with restrictive regulations and unwanted advice on how to run their affairs. They want their water and land rights protected and expanded, not contracted through treaty violations. They want help in attracting job-providing industries to their reservations, but they want to determine what kinds and how they will be operated. They want federal benevolence, in short, as compensation for the loss of more than half a continent, but they want to be free to go their own way—even though they are not yet certain of their direction.

The Indians' longing to live harmoniously with nature touches recesses of nostalgia in the minds of many Americans. Indeed, at a time when the drive to protect and restore the nation's physical environment is the most popular cause of the day, whites' guilt over their spoliation of air, land and water engenders a new admiration for those who have fought for so long to protect their own plains, lakes and hunting grounds. It would be wrong to romanticize Indian culture, but there is something to be valued, or at least envied, in a society that respects the wisdom of elders, enjoys the closeness of kinship, prefers tranquility to competition, and sees little merit in 9-to-5 punctuality at a desk.

Although they now live in what one Indian calls "a schizoid world of fractured loyalties," all Indian leaders agree that the best of their ancient heritage is a priceless resource. To many white Americans, who are constantly told these days how much they have to feel guilty about, the demands of yet one more minority may seem almost more than the conscience can bear. Yet Indians can hardly be expected to keep their peace just because they have only lately joined the queue of those vociferously demanding social justice. If they continue to be rejected, many young Indians will continue to despair and will embrace the sentiments of Phil George, a young Nez Perce, who wrote:

This summer I shall
Return to our Longhouse
Hide beneath a feathered hat
And become an Old Man.

The new militants reject such resignation, and are determined that Indians be heard

along with all of America's second-class citizens. Their aim is nothing less than to reverse the perspectives of the races. Explains one:

You will forgive me if I tell you that my people were Americans for thousands of years before your people were. The question is not how you can Americanize us but how we can Americanize you. The first thing we want to teach you is that, in the American way of life, each man has respect of his brothers' vision. Because each of us respected his brother's dream, we enjoyed freedom here while your people were busy killing and enslaving one another across the water. We have a hard trail ahead of us, but we are not afraid of hard trails.

THE VIETNAM VETERAN—AMERICA'S MOST UNDERRATED HERO

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include an address by Mr. James E. Merna, aide to the national commandant, Marine Corps League, before the Eastern Branch Kiwanis Club, Washington, D.C., on January 31, 1970.

Mr. Merna was introduced by Mr. George T. Stafford, administrator of the Cafritz Memorial Hospital, Washington, D.C., immediate past president of the Kiwanis Club, eastern branch, Washington, D.C.

Mr. Merna is himself an extraordinary young man. Orphaned at an early age he spent 10 years of his youth in two Catholic orphanages in Rockland County in my congressional district in New York. He served as a marine in active combat during the Korean war, and I believe that his remarks will be of great interest to every American.

The material follows:

INTRODUCTION OF GUEST SPEAKER, JAMES E. MERNA

This past Veterans Day, November 11th, President Nixon announced the inauguration of a program of visits by outstanding Americans to Veterans Administration Hospitals throughout the United States. He called the program the VIP Program—the initials VIP standing for "Very Important Patients."

The program is to involve nearly 500 outstanding Americans volunteering their time to visit hospitalized veterans. The volunteers will include famous names from the fields of entertainment, professional football, baseball, basketball, etc.

Well, I don't know if President Nixon is aware of it or not, but such a type program has been functioning practically within a shadow's length of the White House for the past 3½ years—right here in the Washington area—at Bethesda Naval Hospital, to be exact. The name of this program is Operation Appreciation.

Our guest speaker tonight is the originator and Chairman of Operation Appreciation. Operation Appreciation has been fantastically successful and is believed to be the Nation's first substantial and continuing aid program for returning Vietnam casualties. The program has received much national attention, has been cited by the Freedoms Foundation at Valley Forge, has been praised on the floors of Congress on many occasions, and most importantly, has served as a

model and the impetus for adoption by numerous other organizations at hundreds of military and veterans hospitals across the country.

We have asked our speaker to tell us about Operation Appreciation. He will conclude his remarks with some personal observations about the Vietnam Veteran.

Before we begin the program, let me give you a little background about our guest speaker.

A native of New York, he spent 10 years of his youth in two Catholic orphanages in Rockland County, New York. He's a combat veteran of the Korean War, having served three years in the Marine Corps from 1950-1953. He's a 1957 graduate of the University of Maryland. He's a co-founder and Past Commandant of the Prince Georges County Detachment, Marine Corps League. Last year he served as State Commandant of the Marine Corps League in Maryland. Having progressed from local and state level, he is now serving as Aide to the National Commandant of the Marine Corps League.

In 1968, in nationwide competition he was named the *Marine of the Year* at the National Convention of the Marine Corps League in Bridgeport, Connecticut. Last year he was named one of the *Outstanding Young Men of America* for 1969 by the National Jaycees and the Outstanding Americans Foundation.

In professional life, he is a Government Public Affairs Officer with the Naval Supply Systems Command in Washington.

Married to his college sweetheart and the father of four children, he makes his home in New Carrollton, Maryland.

It gives me great pleasure to officially welcome and present our guest speaker—a recognized outstanding veteran spokesman, Mr. Jim Merna.

THE VIETNAM VETERAN—AMERICA'S MOST UNDERRATED WAR HERO (By James E. Merna)

Operation Appreciation is the name of a volunteer "home-front support program" which we originated in the Washington area some 3½ years ago, in May, 1966. As the name implies, we had but one purpose in mind—we simply wanted to show our appreciation to the American fighting man—to let him know that he had not been forgotten—that his great personal sacrifices in defense of freedom were appreciated by many of his fellow Americans.

We began the program at Bethesda Naval Hospital shortly after the return back to the States of some of the first American casualties from the Vietnam War. We intentionally selected Bethesda Naval Hospital as the place to start this program because this was where the wounded Marines in this area were being sent for recuperation, rest, and treatment. Being former Marines, a few of us from the Prince Georges County (Maryland) Detachment, Marine Corps League felt that this was a situation where we might be able to be of some immediate assistance to our fellow Marines.

Well, what is Operation Appreciation? What kind of a job has it done and what form of assistance has it rendered?

In a nutshell, Operation Appreciation has provided a diversity of enjoyment and entertainment for the wounded Marine Corps and Navy Vietnam veterans at Bethesda. We believe it to be the Nation's first substantial and continuing aid program for returning Vietnam casualties.

Operation Appreciation has treated the Vietnam veterans at Bethesda Naval Hospital to more than 70 outings and entertainment and recreational events since its inception. These have ranged from taking the patients to all of the major sports events, both professional and collegiate, such as baseball, basketball, football, boxing, soccer, wrestling,

stock car races and tennis matches, to such diverse social events, for example, as stage plays at the Washington National Theatre, concerts at Constitution Hall, pizza parties, firehouse parties, American Legion smokers, society lawn parties, Congressional receptions on Capitol Hill, embassy parties, and sports banquets.

Some of you may have noticed an article this week in the sports section of the Washington Post about the upcoming heavyweight championship fight next month at Madison Square Garden in New York between Joe Frazier and Jimmy Ellis. A New York Congressman, Representative Martin B. McKneally is trying to organize one of the most unusual boxing promotions in years—having the world's heavyweight title contenders, Frazier and Ellis, put on an exhibition match in the House of Representatives gymnasium before their championship bout. Congressman Jim Wright of Texas is even hopeful at this time of being allowed to spar a short round with either contender, should the proposed match in Washington come off.

I spoke to Congressman McKneally about this on Wednesday over the phone, I told him I hoped the exhibition would take place and that if it did, I would like to bring a group of wounded Marines from the hospital as his guests to watch the match. Congressman McKneally informed me he is confident that the proposed match may take place shortly and that he would be delighted to have the "Gyrenes," as he affectionately called them, as his guests.

When we take the patients on an outing, and we've had up to as many as 150 at one time, we usually try to make arrangements to take them behind the scenes, into the locker room after a baseball game, for example, to meet with Brooks Robinson of the Baltimore Orioles, or back stage after a performance at Washington's National Theatre for a visit with actress Myrna Loy or singer Miss Pearl Bailey.

Operation Appreciation is also concerned about the long and sometimes lonely hours at Bethesda and, to help brighten at least some of them, it arranges for variety shows and "cheer-up" visits by friends, the serviceman's Congressman, pretty girls, local talent, and prominent personalities.

On one occasion, thanks to a referral that I had received from sportswriter Bob Addie of the Washington Post, it was Joe Garagiola of baseball and radio and television fame that I contacted at his home in Scarsdale, New York with a request to come to Bethesda for a visit with the patients. Joe promptly adjusted his schedule and paid a generous visit. He was an instant success with his highly amusing banter of sports stories and film clips from national television shows on which he had appeared.

The Washington Redskins football team is one of the most popular groups we've ever brought to the hospital. Sonny Jurgensen, Sam Huff, and Bobby Mitchell received the biggest ovation of all the players. I will always remember this encounter of both groups, the young wounded Marines and the pro football players, each idolizing each other and each representative of teamwork at its finest. In my opinion, it was a meeting of "champions among champions."

Singer Judy Garland was another celebrity that I was fortunate to persuade to come to Bethesda. Accompanied by a piano on wheels, Miss Garland went from ward to ward bringing chants of music and cheer to the combat-weary Marines.

Another distinguished visitor whom we escorted to Bethesda was Mrs. William Henry Sullivan, Jr., the National President-General of the Daughters of the American Revolution. Seeing first-hand the results of Operation Appreciation, Mrs. Sullivan saw to it that the doors to Constitution Hall were opened wide for free admittance to concerts

by hospitalized servicemen. She also saw to it that our program was adopted nationally by the hundreds of D.A.R. Chapters across the country.

We have also conducted gift drives for the patients on occasion and the response has always been most heart-warming, resulting in a deluge of gifts and small necessities, thanks to the generosity of many local and national business firms.

Operation Appreciation has many supporters. Our most active and interested booster by far is Mrs. Marjorie Merriweather Post, well known Washington socialite and philanthropist. Words are inadequate to express the high esteem which the Marine Corps, the Marine Corps League, the patients and staff at Bethesda Naval Hospital hold in their hearts for this gracious and compassionate lady. In her own unheralded way, Mrs. Post has provided financial support making possible many of the activities of Operation Appreciation. She constantly inquires about the welfare and progress of "her boys" at Bethesda and has entertained hundreds of Vietnam Veterans at gala parties at Hillwood, her Washington estate, on a number of occasions.

This then, in quick fashion, is what Operation Appreciation is all about. It's simply a people-to-people way of saying "thank you" to some truly deserving and outstanding young Americans.

I have had the opportunity and the privilege to appear before community, civic, and other fine service-oriented groups such as Kiwanis here tonight to explain Operation Appreciation and to urge adoption of similar programs at the many military and veterans hospitals throughout this great land of ours. I believe we've attained many fine results. The program has been editorially endorsed by leading newspapers and has been adopted by other organizations. It has been cited at length in the Congressional Record a number of times which has helped immensely to spread the word nationally.

It is imperative that programs of this type be continued throughout the Nation because the war in Vietnam is far from over and many casualties continue to return home daily for recuperation and rehabilitation. To date, more than 265,000 Americans have been wounded in action in Vietnam. Many of these servicemen will be hospitalized for a long time to come.

For anyone who gets involved in a program of this type, he or she will find that the hours oftentimes are long but the rewards in terms of personal satisfaction and gratification are many.

With your indulgence, I would like to be permitted to say a few words about this remarkable young man of our times—the Vietnam Veteran. After coming into contact with, working with, and literally counseling hundreds and hundreds of these fine young Americans, I believe I have formed some personal opinions and observations about these men from a unique and close personal vantage point. I would like to share some of these thoughts with you.

And while I'm referring primarily to the young Marine of today, the same thoughts can be equally expressed for our gallant soldiers, sailors, airmen, and Coast Guardsmen who are performing just as valiantly and courageously in the struggle against Communist aggression.

In my opinion, the Vietnam Veteran is the most under-rated American war hero of all times—he's truly our unheralded young patriot. Never before in our almost 200 years of existence have we sent our brave defenders to battle lacking the home-front support that they do today.

This young fighting man goes to war quietly and efficiently. In Vietnam, he faces countless hardships and death. But, in the tradition so well established by his forefathers, he does his duty. And when he comes

home, he can be sure there will be no national outburst of emotion or flag-waving in his behalf. To the contrary, he comes home as quietly as he left. Many of these modern American heroes return home often as strangers in their own land. They are not greeted as the heroes that they are—but as someone to be forgotten rather than revered—as someone who has been guilty of some wrongdoing.

Compare this attitude and treatment and lack of respect to our returning veterans of World War II! And even Korea! Then it was clearly a case of appreciation and pride—both for the serviceman and his uniform and all that he represented.

Today, in the words of the President of the United States himself, it's "Open Season on the Armed Forces." We see all about us a growing disenchantment with the military establishment and anything even remotely connected with defense preparedness.

What effect does all of this have, particularly the wave of anti-war moratorium demonstrations on our fighting men, the young men of today who bear arms in United States uniform and whom I have heard described by General Lew Walt, the Assistant Commandant of the Marine Corps as "the smartest, toughest, best led, and most highly motivated youngster who ever shouldered a rifle in the defense of this country."

Frankly, he doesn't pay too much attention to it. He doesn't have time. As the Navy's top Chaplain Rear Admiral James W. Kelly recently remarked upon his return from his annual Christmas visit to Vietnam, "the U.S. serviceman in Vietnam is less concerned about public opinion than the job at hand." He went on to say that dissent at home has been met with the attitude of "disgust" among U.S. fighting men. The effect on our troops morale has been insignificant, he added, but he feels the recent moratorium demonstrations may have inspired the enemy.

The Commandant of the Marine Corps, General Leonard F. Chapman, Jr. recently expressed some concern about this same problem and drew an appropriate analogy of the situation. He recalled attending the State Dinner last August for the Moon Astronauts—one of many tributes to the bravery and skill of these incredible men. As he watched and listened throughout the festive occasion, he couldn't help thinking about the bravery and skill of the young Marines in Vietnam. He noticed a serious and highly disturbing difference. Our astronauts were cheered on by all of the American people and were greeted enthusiastically when they returned. It's obvious, he thought to himself, that we can't say the same of the young veterans of Vietnam. Many Americans do not support him—to many outright reject him when he returns.

That same individual Marine, I have found, doesn't like being referred to as a tool of imperialistic aggression, especially when the accusation is made in an American accent. But he doesn't pay too much attention to it. He's too busy manning the outposts of freedom—or searching for mines set by North Vietnamese soldiers—mines that have killed and injured more Vietnamese civilians than they have American troops.

He's a remarkable young fellow doing a man-sized job in Vietnam—our man in uniform. And young indeed he is—the average age of the 80,000 Marines that General Walt commanded when he was Commanding General of the Third Marine Amphibious Force in Vietnam was 19. But he's got a pride in his heritage and maturity beyond his youthfulness. He's one of the finest American Ambassadors the world has ever seen.

I have mentioned the high dedication and sense of purpose of the modern Marine. He believes in what he is fighting for—he is convinced that our commitment is just. And he proves his commitment by his actions.

Since the first Marines became eligible for rotation home from Vietnam in 1966, a total of nearly 40,000 Marines have voluntarily extended their tours for 6 months or more in that country. This is the equivalent of two full Marine Divisions. Of all Marines eligible to vote, 75% cast their ballots in the last national election—far greater than the 60% nationwide participation by eligible voters as recorded by the Gallup poll. This is what the young Marine—the young American—thinks of the American effort in Vietnam—this is how he sees his duty—this is a good example of how highly the individual Marine values his citizenship.

According to official Veterans Administration statistics, there are now approximately 3 million, 400 thousand Vietnam era veterans back in civilian life. Seven hundred thousand enrolled this past Fall in education and training under the Vietnam G.I. Bill—approximately 380,000 are attending the nation's colleges and universities.

And I'm sure that most of them are typical of the determination of two of Prince Georges County's finest young citizens, Charles E. "Butch" Joekel, Jr. of Colmar Manor (Maryland) and John Clements of Cheverly (Maryland). Both of these young men were seriously wounded in combat while serving with the Marine Corps in Vietnam. Butch lost both of his legs from an enemy land-mine while leading a patrol; John Clements was awarded three Purple Hearts for his heroic efforts out there. He'll probably need the continued use of his cane to help him walk, for the rest of his life. Both were retired on disability from the Corps due to their injuries—both are currently full-time students under the G.I. Bill. You ought to see them together strolling the campus of Prince Georges Community College, each helping the other on their way to classes. Witnessing their determination gives you a great feeling of pride.

"Butch" and John, I feel, are typical of the nearly half a million inspired young men who are returning home from Vietnam each year. They are the "mature Americans" of tomorrow. They're not going to shed the mantle of leadership—the qualities of character—the firm determination they have acquired—when they return. As General Walt has said, "They've been shot at for real, and they are not going to let anything keep them from taking a stand on issues involving the security of this country. They have the responsibility for America's position in the world on their shoulders now. And they'll all have the responsibilities of citizenship to fulfill in the years to come. And they'll do a good job."

Finally, let us never forget the valiant 40,300 American servicemen who have paid the supreme sacrifice in Vietnam. We must make sure that their sacrifices have not been in vain. More than 100 of those who lost their lives are from our own Prince Georges County—heroes like 20 year old Warrant Officer Tom King of New Carrollton, an Army helicopter pilot whose plane was shot down by enemy fire; Lance Corporal Stephen E. Belcher, an 18 year old Marine from Avondale who was killed by mortar fire while on a search-and-destroy mission and who was voted the outstanding athlete of the Hyattsville-Brentwood Boys Club; and Marine Captain James A. Graham of Forestville who won the Nation's highest award, the Medal of Honor for personal heroism above and beyond the call of duty.

Captain Graham, in the thick of battle and while personally accounting for 15 enemy killed, had been ordered by his battalion commander to withdraw to friendly lines. The Captain reacted by sending all of his men back except one man who could not move due to the seriousness of his wounds. He apologized to his Battalion Commander for not completely carrying out the order to withdraw, but said, "I just can't leave this young Marine, keep the fire coming though,

Colonel, we are hurting them." About 20 minutes later, Captain Graham radioed: "This is my last transmission. I am being assaulted by at least 25 of them. It's been a pleasure soldiering with you." Those were his last words.

I was privileged to be in attendance on October 29, 1968 when the Medal of Honor was posthumously presented to the Captain's widow. I talked to Mrs. Graham after the ceremony and extended an offer of assistance from the Marine Corps League. With a sense of great pride and much confidence in the future, Mrs. Graham, a mother of two young children replied, "I don't have half as many problems as I have offers of assistance." She impressed me as a woman who is every bit as brave as her husband was.

Well, we're not going to let the memory of these courageous heroes to be soon forgotten. The Marine Corps League is pushing ahead with plans to build a Vietnam Memorial in their honor as a fitting tribute to all servicemen who gave their lives in Vietnam. The Memorial is to be built in Largo, Maryland, near the site of the new Prince Georges Community College on land already promised to be donated by the County Government. The Memorial has already been designed, free of charge, by a professional architect, Mr. Thomas Kerley of Cheverly. All that remains to be done is to raise the necessary funds to build it.

This is a task that cannot be accomplished by any one group alone. We are hopeful that by means of public subscription and contributions and through the assistance of interested business and civic and service organizations throughout the area, the Memorial may soon be a reality.

In conclusion, I think it is clear that we have seen vivid examples of our servicemen in Vietnam to continue the course to its end. *We need determination like that here at home too.* As grateful Americans, we need to continue to show our faith in these men—we must honor them—and we must give them their due recognition and a true showing of our appreciation.

POINT REYES NATIONAL SEASHORE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. COHELAN. Mr. Speaker, tomorrow, February 10, Members of this House will have an opportunity to cast a crucial vote to save a very special natural treasure, Point Reyes National Seashore.

As Gladwin Hill put in the New York Times of August 5, 1969:

Point Reyes is a 100-square-mile peninsula encompassing an unusual array of fascinating and beautiful terrain, flora, and fauna.

Pastoral countryside dotted with dairy herds merges magically into a "Black Forest" of towering Douglas firs. The forest gives way to moors, dunes, estuaries, granite headlands and plunging canyons. California poppies and lupine, wild roses and lilac carpet the slopes. Between the tidelands and ridges are creatures ranging from oysters and elephant seals to mountain lions, cormorants and egrets.

Eight years ago, the Congress enacted and President Kennedy approved, a bill to authorize Point Reyes National Seashore. I cosponsored that bill together

with our late colleagues, Clem Miller and Clair Engle.

At Point Reyes, as elsewhere, however, our reach exceeded our grasp as land values shot up faster by far than the funds appropriated to buy the land. Moreover, the original authorizing legislation contemplated, and so provided, that roughly half the land within the seashore would continue to be undisturbed in conforming pastoral uses such as dairying and ranching. In a patchwork park, however, where the boundaries between public and private lands are hard to discern, taxes and other natural changes have made it impossible for many of the owners to continue to hold their land at Point Reyes.

At the same time, people have been coming to the seashore in ever-growing numbers. In 1969, over 992,000 visitors came from every State in the Union, and from foreign countries as well, to enjoy this "island in time," this unique "wild peninsula," only 30 miles from San Francisco.

H.R. 3786, the bill we take up tomorrow, will not affect those citizens who wish to continue to live or ranch at Point Reyes. It will, however, authorize funds needed to save those lands for the American people which would otherwise be lost to the bulldozer, the subdivider, the developer.

A grassroots citizen effort to "save our seashore" developed in Marin County, Calif., which includes Point Reyes; it spread to the San Francisco Bay area, and has now aroused nationwide interest. It has become a bellwether of the conservation cause. It has enlisted support from concerned citizens across the country, and that support and concern has naturally been expressed in the press.

After Gladwin Hill's article in the New York Times of August 5, 1969, William Steif of the Scripps-Howard newspapers, Robert Hornig in the Washington Star, Spencer Rich in the Washington Post, and the Wall Street Journal all drew attention to the conservation crisis, each with specific emphasis on Point Reyes.

In October 1969, Marquis Childs devoted a nationally syndicated column to this question of dwindling, yet priceless, natural assets versus dwindling conservation dollars. Mr. Childs used Point Reyes as a case in point.

The Los Angeles Times of October 27, 1969, evinced its interest and that of its subscribers in preserving Point Reyes National Seashore, hundreds of miles away, in an article by Philip Hager. Mr. Hager described both the problems and the advantages in saving the seashore.

In its commonsense way, the Deseret News of Salt Lake City, on November 10, 1969, posed the question we face next Tuesday this way:

Which is more important—a properly developed national seashore for all Americans, or 30,940 acres of subdivided real estate for a few Californians?

The Deseret News hit the nail on the head.

The Wall Street Journal of November 20, 1969, likewise reflected both the widespread citizen interest in environmental issues and its focus on Point Reyes as

the cutting edge, so to speak, of the conservation blade. James E. Bylius' article entitled, "Conservation Gains Political Weight."

Mr. Speaker, I am an old believer both as to Point Reyes and the conservation crisis which confronts us all. The articles and editorials I have included with these remarks show, I think, that the national press has expressed that concern on a national basis.

Point Reyes National Seashore has become a symbol of our hopes, a trail blazer. If we vote tomorrow to save it, many other precious areas in every part of our country may also be saved for present and future generations of Americans.

I hope and expect that Members of this House will join me tomorrow in voting to save our seashore at Point Reyes.

The articles and editorials follow:

[From the Washington Post, Oct. 22, 1969]
SUB-DIVIDERS ARE THREATENING LAST AREAS OF UNSPOILED LAND

(By Marquis Childs)

SAN FRANCISCO.—The lure of California is one of the most remarkable phenomena of our time. Like a great magnet it pulls people—young, old, a vanguard of hippies, escapees, opters out—from the rest of the country to this slope on the Pacific shore.

Even for the Chamber of Commerce boosters this is almost too much of a good thing. Like the frantic movements of the lemmings to the seashore, with an instinctual drive that sends them finally to their destruction, there will soon be standing room only if the present rate of growth continues.

Nothing could illustrate this better than the controversy over the Point Reyes national seashore. A beautiful, still relatively untouched peninsula about an hour from San Francisco, Point Reyes is one of the few spots on the coast that has not fallen to the developers and the sub-dividers. With the parks in the metropolitan bay area hideously overcrowded, Point Reyes is a natural outlet for city dwellers in search of quiet and unspoiled beauty.

But the sub-dividers are on the doorstep and pressing hard. Less than half the land for Point Reyes has been acquired by the federal government since the project was authorized in 1962. With each passing year land values have sharply increased. And now the White House is saying through the Bureau of the Budget that a freeze is imperative through 1973 to hold down spending and hold inflation.

Other parks and seashores staked out by Congress to save a part of vanishing America before it is all paved with concrete are also threatened by the double-squeeze of inflation and economy. Besides Point Reyes, Cape Cod in Massachusetts, Assateague Island in Maryland and Padre Island in Texas are in half-completed state, threatened by the land speculators who stand to gain from federal delay.

The Nixon administration has been generous with rhetoric. Secretary of Interior Walter Hickel, in a speech to the National Park and Recreation Association in Chicago, proposed a \$6.3 billion development program for urban parks.

Point Reyes precisely fits this description. But Hickel in the same speech included an escape hatch that negated much of the fine rhetoric. "Present fiscal restraints" would very likely make it impossible to ask Congress for any funds to make the grandiose dream a reality. The Hickel speech coincided with a letter from Budget Director Robert Mayo to House Interior Chairman Wayne

Aspinall warning that under "present constraints" land purchase for parks and recreation areas would not be completed until mid-1973.

The conservationists are going into battle over Point Reyes, and nowhere is the breed more aggressive and determined than in California. Aspinall is moving to get added funds out of Congress. So, that untouched shore may still be saved.

But the economizers have the final say. Congress can propose but the Bureau of the Budget disposes by freezing extra money that may be voted. As the people push accelerates, the standing-room-only sign covers more and more of a once-free land.

[From the Los Angeles (Calif.) Times, Oct. 27, 1969]

PRESSURE MOUNTING TO PRESERVE POINT REYES NATIONAL SEASHORE—LEGISLATORS AND CONSERVATIONISTS JOIN IN CAMPAIGN TO GET NIXON'S HELP IN SAVING SPECTACULAR SCENIC LANDMARK

(By Philip Hager)

POINT REYES.—Legislators and conservationists are applying increasing pressure on the Nixon Administration to help save the Point Reyes National Seashore, an historic and spectacularly scenic landmark 30 miles north of San Francisco.

"If we don't act soon, the park will never come into being," says Peter Behr, a 54-year-old San Francisco attorney who leads an aggressive citizens campaign. "There'll be nothing to stop the developers from putting in high-rise hotels and shopping centers."

Behr's organization, called Save Our Seashore, has joined with 26 California congressmen—including Sens. Alan Cranston and George Murphy—in behalf of a legislative appropriation to buy the remaining private land in the area to complete the park.

AREA REMAINS UNSPOILED

The House Interior Committee begins hearing on the proposal on Nov. 13.

Point Reyes today remains largely unspoiled, not too different perhaps from the way it was when Sir Francis Drake is said to have sailed the Golden Hind into its harbor in the summer of 1579. The 100-mile square peninsula is lined with vast sandy beaches. In the spring wild flowers flourish on its rolling hills. Extensive wild life—deer, mountain lions and rare bald eagles—roams a forest of tall Douglas firs.

Seven years ago, President John F. Kennedy signed a bill authorizing the Point Reyes National Seashore. Conservationists rejoiced—they thought the area was saved from exploitation and ruin.

But in the ensuing years, Congress appropriated barely \$20 million, sufficient only to acquire 22,543 of the 53,483 acres within the park's boundaries.

Land prices continued to rise—almost 10% a year—as speculators moved in; taxes climbed and placed a heavy burden on landowners waiting for the government to act. Meanwhile, the number of visitors to the area grew and put increasing pressure on its facilities: some 660,000 visitors are expected in 1970—compared to 520,000 in 1967.

Now the park is an irregular and confusing patchwork of private and public land—almost impossible to administer and bewildering to visitors.

Supporters of the pending legislation say the park can be saved if Congress appropriates about \$38 million—enough to buy the rest of the private lands.

CLAIM FUND IS SUFFICIENT

Presumably, the money could come from the Land and Water Conservation Fund, a \$200 million-a-year reserve established by Congress last year, exactly for such purposes. Conservationists say there is more than enough in the fund now to preserve Point

Reyes and several other park sites in similarly precarious positions.

But an economy-minded Bureau of the Budget hesitates to approve further park acquisitions, pointing to a backlog of obligations still not funded. In a letter to Rep. Wayne Aspinall (D-Colo.) chairman of the House Interior Committee, bureau director Robert P. Mayo said:

"While in the circumstances we would have no objection to . . . increasing the authorization ceiling at Point Reyes National Seashore . . . We must reiterate that funds likely to become available will not be sufficient to permit acquisition of such areas without extensive curtailment in already programmed land acquisition."

Aspinall was displeased. He replied: "The Administration is not keeping faith with Congress, which intended that this \$200 million a year be available despite any other budget restrictions."

Interior Secretary Walter J. Hickel last week, said he was "pushing" for a Point Reyes appropriation. But conservationists note with dissatisfaction that the department also has proposed that 9,200 acres of the land in the area be sold to developers for residential uses.

At this point, park supporters are not optimistic. But they believe their best bet is to stress that Point Reyes meets the Administration's stated desire to develop parks that serve urban areas. They note further that the longer the Administration waits the higher land prices will become.

Lloyd Tupling, the Sierra Club's Washington representative, observed: "Here is land that's going to be put to the bulldozer, split up by real estate developers. There's money in the Treasury, earmarked for this specific purpose. Why in the hell can't we get going?"

Others speculate that the increased political appeal of environmental causes may inspire the Administration to change its mind on Point Reyes. "Look at it this way," says a conservationist. "This park will serve five million people in this area—an area that neither President Nixon, Gov. Reagan or Sen. Murphy have done well in politically. We're hoping Murphy, who's up for reelection, can get something done."

STATE LEVEL VIEW

On the state level, Assemblyman Edwin Z'berg (D-Sacramento) and William T. Bagley (R-San Rafael) have proposed that the Legislature appropriate \$10 million to supplement federal funds to complete the parkland acquisition.

S.O.S., the citizens' group, has gone to work hoping to stir public interest in Point Reyes through a petition campaign (aiming for a million signatures), mass mailings pleading for letters and wires to President Nixon and educational programs at schools, service clubs and other public gathering places.

"This is the fastest growing area in California," says Peter Behr, a former Marin County supervisor. "We need to save this seashore for our children and grandchildren. God will provide more babies in the future but not more land."

TEMPTING OFFERS

Meanwhile, the owners of remaining private land at Point Reyes say they can't hold out much longer against the tempting offers from developers.

"It's obviously a red-ink situation to hold property that you pay more in taxes for than you receive in income," says Gordon Pusser, president of Land Investors Research, the firm that operates Pierce Ranch, a choice 2,500-acre property on the park site.

Pusser says the ranch earns about \$7,500 a year in income from dairy and beef cattle while costing more than \$20,000 a year in property taxes.

The situation is similar to another piece of land, the 2,500-acre Lake Ranch, where

owner William Sweet reports taxes of \$22,000 a year on income from leases of about \$2,400.

Another pressure on land owners stems from the patchwork pattern of the park. Visitors unknowingly wander onto private land and in some instances, an owner reports, serious—even fatal—accidents have occurred, after which visitors looking for assistance from park authorities have discovered they were on private lands. "People have come to the farmhouses thinking they'd find a forest ranger or park personnel to help them," says the landowner. "There's an awful lot of confusion."

[From the Salt Lake City (Utah) Deseret News, Nov. 10, 1969]

TO SAVE SEASHORE, NIXON SHOULD ACT

Which is more important—a properly developed national seashore for all Americans, or 30,940 acres of subdivided real estate for a few Californians?

That is a question now facing Americans at Pt. Reyes, 30 miles north of San Francisco. Whatever decision is made at Pt. Reyes will affect the opportunity of future generations to enjoy the sea, sand, scenery, wildlife, quiet forests and a feeling of tranquility there.

Pt. Reyes is also a test case. Whatever happens here indicates what Americans can expect elsewhere in "pavement vs. park" questions under the Nixon Administration.

Pt. Reyes was recommended for national park status more than 30 years ago by Conrad L. Wirth, then National Park Service director. Cited were the "miles of Douglas fir forests, bird-rich beaches, and miles of scenic paths." Wirth indicated the area was "worth more as a public park than under a subdivision shovel."

Pres. John F. Kennedy set Pt. Reyes aside in 1962 as a national seashore, "the western counterpart of Cape Cod."

Some land was purchased immediately for \$20 million. A \$14 million price tag was placed on the remainder, "to be purchased when funds became available."

No further action was taken. The delay was costly. The land now appraises at \$38 million.

One reason for the burgeoning cost, of course, is proximity to San Francisco. But it is also a reason why extensive use of the seashore can be expected.

Pt. Reyes federal holdings are presently "so fragmented and scattered that they cannot be administered," according to Under Secretary of Interior Russell Train. One property owner says people constantly wander over his land, "not knowing which is private and which is park."

Many landowners would like to sell. But as one says, "we aren't certain whether the government wants to buy." The owner, who paid \$22,000 taxes there last year, compared to \$2,400 profits, can't be blamed for selling to a private real estate developer in the near future.

Nor can the developers be expected to wait forever.

Any further delays by the Nixon Administration would be an invitation to private development—and a public loss.

And any more extended delays before ultimate acquisition could cost the American taxpayers several more million dollars. Let's act now.

[From the Wall Street Journal, Nov. 20, 1969]

CONSERVATION GAINS POLITICAL WEIGHT

(By James E. Bylin)

SAN FRANCISCO.—"Politicians of all parties and persuasions are speaking up in forceful terms in unprecedented ways. Solid achievements are still few and far between, but the willingness to embrace the idea is really significant."

Or, to paraphrase these comments by Michael McCloskey, executive director of the Sierra Club, conservation is becoming more

fashionable among politicians. "The mood has changed dramatically in the last year," adds Peter Behr, a slightly built lawyer who helped lead a successful fight for strengthened state legislation against filling parts of San Francisco Bay. "Conservation has become a synonym for survival. Formerly, it was considered a delightful hobby practiced above the 10,000-foot level by a few eccentrics."

As the ebullient quotations suggest, vibrations are presently good among Northern California conservationists—the most militant variety of that species. Their spirits hit a new high last week, when President Nixon announced the Administration will after all support spending an extra \$38 million to save Point Reyes National Seashore from impending development. The extra money had been blocked by the Administration's anti-inflation drive. Conservationists now look on the President's announcement of support as not only a victory for their cause, but an encouraging sign on attitudes toward conservation by the Nixon Administration and by politicians generally.

Point Reyes is a lake-dotted, 100-square-mile triangle of sweeping beaches, wooded ridges, rolling hills and grassy moors alive with wildlife. Little changed from the 16th century when Sir Francis Drake first landed there, it's only 30 miles north of San Francisco. Within a 100-mile radius, some five million people reside.

Conservationists once before felt the long battle for Point Reyes was won—in 1962 when President Kennedy signed legislation authorizing it as a national seashore. Seven years and \$19 million later, though, Point Reyes turned out to be a blueprint on how not to put together a national park.

In fact, it isn't even half a park. Rather, it's a confused checkerboard of Federally and privately owned lands coexisting in disharmony. Private lands block visitors from one public tract to another, park administration is a headache and ranchers complain about unintentional trespassers asking directions and seeking restrooms. Private owners were grumbling that they would have to subdivide their land unless Uncle Sam purchased the property—and soon.

A \$14 MILLION "SHOESTRING"

Federal officials, in essence, attempted to put together the 53,800-acre park on a shoestring, if \$14 million—the original appropriation for land acquisition—can be called a shoestring. The idea was called the "hole in the donut." Some 23,000 acres of ranch and dairy land in the north and central regions would remain in private hands as a so-called compatible "pastoral zone." Recreational development would largely be concentrated in the south, with the southern property as well as the land girdling the entire park being acquired with the \$14 million as well as land exchanges.

The donut quickly began to crumble. The pastoral zone was predicated on that property continuing in its long-standing agrarian use. But deaths in the families of some property owners forced their heirs to put the land on the block to pay off stiff inheritance taxes. Too, Point Reyes' mere designation as a national seashore sent property values soaring 10% to 20% a year. The result: Property taxes outpaced income and more land went up for sale. The Federal Government, with the right of first refusal, had to divert funds to buy land in the north to keep it out of the hands of anxious developers who were now swarming around Point Reyes. These diversions from the south, sharply increasing land prices and bureaucratic delays in closing deals exhausted the \$14 million as well as a fresh infusion of \$5.2 million in 1966.

Land exchanges also fell through. For example, the "jewel" of southern Point Reyes

is considered the 2,500-acre Lake Ranch, which is owned by an Oregon lumberman. National park officials arranged to swap the ranch for Bureau of Land Management timberland in Oregon, but Mark Hatfield, then Governor of Oregon, blocked the deal as a giveaway for his state.

The upshot of all this was the present patchwork park. The Federal Government owns 22,543 acres and private interests nearly 31,000 widely scattered acres. With rising taxes and expenses, many private owners were considering offering their land for private development, which would have effectively blocked its future acquisition as parkland and left a park speckled with apartments and houses. The owner of the Lake Ranch says he's paying \$22,000 a year in taxes on ranch income of only \$2,400. His property has already been surveyed into 40-acre plots.

The \$38 million needed to acquire the remaining private lands, though, had not been budgeted by Federal planners, though the California Congressional delegation was strongly pro-Point Reyes. Seven identical bills to grant the extra money were introduced in the House by 26 Californians. The legislation was also supported by both of California's politically diverse Senators, George Murphy and Alan Cranston.

Conservationists here also switched their sights to the Point Reyes battle. Fresh from the San Francisco Bay fight, Peter Behr's non-partisan, ad hoc "Save Our Bay" committee became "Save Our Seashore," or SOS. A variety of local groups, including both liberal and conservative political organizations, backed the ensuing petition drive, which sent some 250,000 signatures to President Nixon.

In this context, the President was cast as the villain who was going to permit the park to fall to the bulldozers. Along with the conservationists, the good guys were the Department of Interior, which wanted the park completed, and Congress, which appeared willing to appropriate the money. They were stopped by Nixon's men controlling the purse strings—the Bureau of the Budget—who said the money wouldn't be spent even if it were appropriated.

The money debate swirled around the Land and Water Conservation Fund, passed by Congress in 1965 and amended in 1968. The fund provided \$200 million a year for a continuing, stable park land acquisition program. Previously, the Interior Department had to request acquisition funds on a year-to-year basis in its own budget. The fund's money comes from the sale of surplus federal property, taxes on motorboat fuel and park entrances fees, and a portion of Federal offshore oil royalties.

While Congress appropriates from the fund, only the President can spend the money. As an anti-inflationary measure, President Nixon's Bureau of the Budget (following the lead of President Johnson, who had never spent the full amount) decided not to budget the full 200 million. The Bureau earmarked 124 million for spending in the current fiscal year. With Federal matching funds to the states and other commitments, only \$17 million would be left for all new Federal land acquisitions, effectively ruling out Point Reyes.

But observers, noticing some Congressmen were beginning to chafe under this policy, felt Congress would appropriate the money anyway. Rep. Wayne Aspinall of Colorado, the influential chairman of the House Interior and Insular Affairs Committee, said his parks subcommittee routinely approved the \$38 million appropriation Nov. 14, despite a letter from Budget Director Robert Mayo that the money wouldn't be spent.

This sentiment particularly heartened conservationists because it indicated Congress was setting aside pork barrel politics in its

deliberations. Otherwise, the chances for Point Reyes may have been slim—it's in the same Congressional District as the new \$92 million Redwood National Park, a district represented by a Republican, Donald Clausen, in a Democratic Congress.

PRESIDENTIAL SUPPORT

They were heartened even more by last week's announcement. President Nixon, flanked by Rep. Clausen and Sen. Murphy, announced his decision after a series of closed meetings: He would support the Point Reyes funds, \$7 million this year and \$31 million over the next two years. (Conservationists had supported a lump-sum \$38 million appropriation, but had themselves noted it would be spent over a three-year period.)

Conservationists also singled out Sen. Murphy for praise as the prime mover in the President's shift. The Senator, a man close to President Nixon, has never been closely identified with conservationist causes. Others more cynical noted that neither President Nixon nor Sen. Murphy have run particularly well in Northern California and Sen. Murphy is up for reelection next year.

In any case, Administration support insures that the money will be spent once it is appropriated by Congress, and conservationists here see little obstacle in passing the bill through that already receptive body. The completion of Point Reyes into a cohesive park now seems all but assured. High rise apartments and other developments won't be interspersed amid the park lands to be visited by nearly a million persons this year.

A plain lesson might be to avoid a repetition of the Point Reyes escapades. Says California Rep. Harold Johnson, a member of the House Interior committee, "Although our experience at Point Reyes has been unfortunate from the standpoint of early completion . . . it is one of the most instructive examples of the price escalation problem we have experienced. As a result of what we have learned at Point Reyes, we have already begun to improve the land acquisition policies and procedures of the whole National Park System."

A wider lesson, though, would seem to be that conservationist campaigns are growing increasingly likely to be effective. Even before the Point Reyes victory, conservationists said they were detecting increasing evidence that growing national concern over environmental problems isn't being lost on public officials.

Here in California, top Democrats vow conservation will be a major issue in their efforts to recoup power next year. Republican legislative leaders are pledging an "Environmental Bill of Rights" to guarantee unspoiled wilderness and clean air and water for every resident. Gov. Reagan, an anathema to many conservationists, last week sponsored a conservation conference for 1,000 conservationists, businessmen, government officials and others. His detractors were largely reduced to criticizing its composition as including people who are responsible for environmental pollution. Other conservationists, tired of talking to themselves, found that a fine idea.

A WASHINGTON WORRY

"California is leading the way, though people in New York and the Eastern seaboard are very strong," observes the Sierra Club's Mr. McCloskey. "Other areas are coming along, too." He still worries about Washington, D.C. "I spent a couple weeks on the Hill and I had a feeling the public officials there were completely out of touch with the mood of the country as a whole." However, Mr. McCloskey says he's now "greatly encouraged" that conservation could be finding a higher priority in the White House and in Congress.

Many conservationists rate the Point Reyes episode as particularly important because,

as one says, it's a "harbinger" of the Nixon Administration's attitudes. They regard it as tangible evidence, for example, that Interior Secretary Walter J. Hickel, whom they roundly criticized at the time of his appointment, was serious in a June 13 directive to his national parks director. "Time is of the essence" in acquiring recreation lands close to urban areas, he wrote. "Opportunities are being lost daily to acquire such lands."

Point Reyes is an opportunity that was not lost, and conservationists are developing a new attitude toward the man who speaks for this Administration on parks and conservation. Mr. Behr says, "I have hopes Secretary Hickel may develop into one of the most significant of all our Secretaries of the Interior. He's spent a lifetime in action. Instead of constantly worrying, wondering and collecting evidence, he seems to be a man who wants to get something done. He wants to preserve and enhance the environment. I would put my chips on it."

A NATIONAL WEATHER SERVICE

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. SCHADEBERG. Mr. Speaker, on February 9, 1970, 100 years will have elapsed from the day when President Ulysses S. Grant signed into law the bill initiating a national weather service. That bill was introduced in this House by Congressman H. E. Paine of Wisconsin, and I think it appropriate that this body take note of the accomplishments of this century of service.

But the end of one century is also the beginning of another. The legions of talented and dedicated men and women, civilians and military personnel, who produced the scientific and technological achievements of this century have much to be proud of. They have eased the threat of the hurricane and tornado, the lightning stroke and flood, the hailstorm and winter snows which has burdened human life from the beginning. They have improved the human condition. And they have readied us for the century just beginning.

Man has never been so well prepared scientifically to approach the problems of weather and environment. Nor has he ever been so well equipped—the antique art of weather forecasting has become the province of computers and satellites, research ships and exotic radars, model atmospheres and man-modified ones, and experiments of a size and scope not known to natural sciences until now.

We have never needed this superb equipment more, for we have finally learned scientifically, politically, and humanistically how inextricably linked our lives are with the physical environment. The second century of weather service must be a century of environmental service.

As populations grow and change, so do environmental problems. Weathermen today must describe and predict not only the natural state of the atmosphere, but also its polluted or modified condition.

Planners of new cities have become conscious that meteorology plays an essential part in locating and controlling industry—it can be the difference between an industry supporting or destroying a community.

The possibility of beneficially modifying atmospheric processes and of reducing the effects of our inadvertent modification of the atmosphere, brings grave responsibilities, and a host of difficult scientific, legal, and social problems.

The new century's challenge does not find the meteorologist isolated from his colleagues. The closely interacting spectrum of environmental forces and phenomena has become as apparent as the closely knit ecology which links man and microscopic creatures.

Looking at the next hundred years of meteorology, we see not a single discipline but a blend of many—weathermen and oceanographers, aeronomers and solid-earth scientists banded together to give man the broader view of his fine, blue planet that his survival will require.

I am sure my colleagues will join me in commending those who achieved the milestones of the century past, and in congratulating those who now seize the challenge of a new century.

The biographical sketches follow:

DICTIONARY OF AMERICAN BIOGRAPHY

Paine, Halbert Eleazer (Feb. 4, 1826-Apr. 14, 1905), lawyer, Union soldier, congressman, and commissioner of patents, was the son of Eleazer and Caroline (Hoyt) Paine. He was descended from a long line of Puritan ancestry running back to Stephen Paine who migrated to New England in 1638. He was born at Chardon, Geauga County, Ohio, was educated in the schools of that community, and completed his academic training at Western Reserve College * * * of the Interior. He declined for financial reasons, but later accepted the post of commissioner of patents. During his eighteen months in this office (November 1878-May 1880), he instituted important changes in the bureau. The most important of these were the substitution of scale drawings for models; the provision that errors of the patent office could be rectified without changing the date of the origin of the patentees' rights; the dating of claims for grants from the time of receipt of the application instead of at some time within three months thereafter; and the introduction of the use of typewriters.

After his resignation Paine resumed law practice, which he followed to the end of his life. In 1888 he published *A Treatise on the Law of Elections to Public Offices*, which remains the authoritative work upon the subject. It exhibits the rules and principles applicable to contests before judicial tribunals and parliamentary bodies, and is based upon American, English, Scotch, Irish, and Canadian authorities. It consists of 900 pages of heavily annotated text and a comprehensive list of cases (to 1888) which constitute the precedents from which the rules and principles are derived. Systematically presenting all the aspects of the law upon elections, it stands as a monument to the industry, comprehension, and thoroughness which were dominant attributes of the author's character.

[*Milwaukee Jour.*, and *Milwaukee Sentinel*, Apr. 17, 1905; S. B. Ladd, "Halbert Eleazer Paine," in *Jour. of the Patent Office Society*, Nov. 1920; *Who's Who in America*, 1903-05; *Paine Family Records*, Jan. 1882, *The Reminiscences of Carl Schurz*, vols. II (1907), III

(1908); F. B. Heitman, *Hist. Reg. and Dict. U.S. Army* (1903), vol. I; *War of the Rebellion, Official Records (Army)*; *Biog Dir. Am. Cong.* (1928).]

BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS, 1774-1961

Paine, Halbert Eleazer, a Representative from Wisconsin; born in Chardon, Geauga County, Ohio, February 4, 1826; attended the common schools; was graduated from the Western Reserve College, Hudson, Ohio, in 1845; taught school for a season in Mississippi; studied law; was admitted to the bar in 1848 and commenced practice in Cleveland Ohio; moved to Milwaukee, Wis., in 1857 and continued the practice of law; during the Civil War entered the Union Army in May 1861 as colonel of the Fourth Regiment, Wisconsin Volunteers; promoted to the rank of brigadier general on March 13, 1863, and in the following June lost a leg at Port Hudson; brevetted major general on March 13, 1865, and resigned on May 15, 1865; elected as a Republican to the Thirty-ninth, Fortieth, and Forty-first Congresses (March 4, 1865-March 3, 1871); was not a candidate for re-nomination in 1870; continued the practice of law in Washington, D.C.; through his efforts the taking of meteorological observations in the interior was inaugurated; appointed Commissioner of Patents by President Grant and served from November 1, 1878, to May 7, 1880; author of "Paine on Contested Elections," a work which is recognized as a legal authority on that phase of constitutional law, and one which was used in the Hayes-Tilden contest; died in Washington, D.C., April 14, 1905; interment in Arlington National Cemetery, Fort Myer, Va.

FIRST LOCAL SCHOOL ELECTIONS IN NEW YORK CITY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. SCHEUER. Mr. Speaker, under its new decentralization law New York City will hold its first local school elections this spring.

Since this will be an election of great importance to all of our children and parents, and to the city itself, most of our civic organizations, led by the Urban Coalition, are doing all they can to encourage maximum participation.

The following is the message that our civic organizations are trying to get across to our citizens:

Community School Board elections are on Thursday, March 19th. The polls will be open from 6:00 A.M. to 7:00 P.M. (this may be extended to 9:00 P.M.) at your regular polling place. Every registered voter plus parents who registered specially are eligible to vote.

Those elected on March 19th will run your neighborhood schools. If you want your views to be heard you must participate.

Voting will be on paper ballots and will list the candidates for the school board. You vote by putting a number one (1) next to your first choice, a number two (2) next to your second choice, and so on.

You can indicate as many or as few numerical choices as you wish. This system of voting is known as proportional representation, a system which should help to assure representation on the community school board for all groups within a community.

A SMALL BUSINESSMAN TAKES ON THE RAILROAD GIANTS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. OTTINGER. Mr. Speaker, Ed Wimmer, vice president of the National Federation of Independent Business, Inc., last week delivered a timely and thought-provoking radio broadcast on the railroad industry. I share Mr. Wimmer's deep concern over the alarming parallel between rail passenger service deterioration and the sudden growth of conglomerates in the transportation industry.

His remarks deserve the full and serious consideration of all of us and I present them herewith for inclusion in the RECORD:

This week, ladies and gentlemen, we approach our subject with feelings akin to what David must have experienced when he aimed his slingshot at Goliath, for in the next few minutes we hope to bring down a giant, not with a slingshot but with about 13 minutes of your listening time.

Our giant is the Penn Central Company, formerly the Pennsylvania and New York Central Railroads, plus their near 400 non-railroad subsidiaries which, before the recent rail merger approved by the United States Supreme Court, was the biggest corporate marriage in U.S. history.

We opposed that marriage on the grounds that it was not a railroad merger, that it flaunted the antitrust laws, that it would not result in the economies claimed—would probably never pay any federal income taxes, would continue to bulge with new non-railroad take-overs, would not improve passenger service, and would ultimately lead to nationalization.

This was in 1965, and since that time every argument brought against the wedding of these giants has been proven valid, and the same Mr. Stuart Saunders, former president of the Pennsylvania Railroad and now chairman of the Penn Central Company, has suggested before a Subcommittee on Transportation and Aeronautics, that "government ownership of the railroads on a lease back basis, might be a good thing."

Mr. Saunders told the Committee that the Penn Central "operates 40 per cent of the passenger trains in the United States, and 58 per cent in the East; therefore, we lost more money than anyone else." He bluntly told the Committee that if passenger service is to be maintained and improved, "the government will have to pick up the tab for any losses incurred," or, "let the Penn Central drop all its remaining passenger trains, numbering about 1300."

Consider, now, that we are talking about the same Mr. Saunders who told the I.C.C. and the Pennsylvania Public Utility Commission (the latter now claims promises were broken) that passenger service would be improved, that massive economies would be carried out, and that many mass transit problems would be solved.

Yet right after the merger was approved, Time Magazine reported a statement by Mr. Saunders, that "now we have another \$100 million with which to buy up non-railroad companies"; adding, "if it had not been for the help we received from people in The White House, the Justice Department might have stopped us."

A principal objection raised by our office at

the time, was the unknown identity of the biggest beneficiaries of the two giant rail systems, who, we pointed out, might even be the Mafia, Batista, or an unfriendly government. A year after the merger, the I.C.C. requested this knowledge, but to this day it hasn't been made public. What was so wrong about this merger, was the fact it was not a rail merger, but an amalgamation of railroads, shopping centers, restaurants, motel chains, beauty parlors, trucking companies, vast real estate developments, home building projects—a total of 334 corporations on which little if any federal income taxes are being paid because of rail losses. Indeed a monster conglomerate conceived in violation of the antitrust laws, and dedicated to the proposition that a monster could be created by a court decision, and be operated in the public interest, when all the evidence pointed to contrary conclusions.

Permit me to draw your attention to a few facts and figures that have a bearing on one of the greatest private enterprise tragedies of this century, and one that has become so serious it could cost the taxpayers billions of dollars to escape its total consequences.

All of us know from experience, or from general knowledge, that in looking at rail passenger service on the whole, no other enterprise in American history has failed so miserably to meet its challenges nor was there ever so much evidence of deliberately planned deterioration of both service and equipment as in the case of passenger trains.

In commenting on this particular phase of the issue, Richard L. Ottinger, M.C. (N.Y.), told a House Subcommittee on Transportation and Aeronautics, on November 13, 1969, that even the I.C.C. had noted a "purposeful downgrading of service possibly taking place." Mr. Ottinger was so critical of the performance of the I.C.C. in dealing with mass transit problems, rail mergers, and the conduct of the giants in hiring former I.C.C. personnel and attorneys, that he urged a "transfer of power over passenger service and safety to the Department of Transportation, until I.C.C. is reorganized in the public interest." He said:

"In eleven years, the number of passenger trains dropped from 1440 to 480;" that the Penn Central merger has developed into a "major conglomerate at a furious pace, having serious implications for rail passenger service," and has opened a "whole new area for Congressional investigation."

Of extreme significance at this point, I think, is a letter received by the Members of Congress, dated January 23, 1970, from the Conference of Transportation Trades, an affiliation of 27 AFL-CIO unions dedicated to better transportation for all America. Membership claimed is 4,500,000, and among the 23 listed on the letterhead is the International Brotherhood of Firemen and Oilers, Brotherhood of Maintenance of Way Employees, Brotherhood of Railroad, Airline and Steamship Clerks, Freight Handlers, Express and Station employees, and 19 others, all with a tremendous stake in all kinds of mass transportation. The letter reads:

"The emergence of conglomerates on the American scene poses potential problems with which the Congress may have to deal in the immediate future. Unless these corporate giants are held in check they could gain monopoly control of the American economic system.

"This would be dangerous under any circumstances; it would be particularly dangerous in the transportation industry, which accounts for one-fifth of America's Gross National Product.

"The General Board of the Conference of Transportation Trades recently adopted a resolution expressing deep concern over this subject, and authorized a continuing study

of the trends and implications of mergers in the transportation industry."

Surprised? Then you were surprised if you were tuned in about a year ago when I quoted Dr. Irving Beller, AFL-CIO economist, who predicted America would become "one big company store" if monopoly trends continued. Were you surprised over two years ago (if you were tuned to this station) when we pointed out that railroad unions had employed famed economist, author and presidential confidant, Leon Keyserling, to prepare a brief opposing the Pennsylvania, New York Central merger, but withdrew the opposition after the press reported an alleged secret conference between Mr. Sanders and union heads, at which time it was allegedly promised that no workers would be laid off because of the merger—which was one of the promised economies?

But—listen to this list of companies of the kind complained about by the Conference of Transportation Trades, that are only a small part of the network created by the Penn Central marriage: Pennsylvania Truck Lines, Merchants Trucking Company with nine carriers under its control, Cleveland Cartage Company, Eagle Transfer, Motor Freight Express, Toledo Cartage, Riverside Trucking, Western Express, American Contract and Truck, Black Diamond Transportation, et cetera, et cetera, et cetera.

Among other "et ceteras" is the Buckeye Pipeline Company and two oil companies recently purchased; Rancho California (an 85,000-acre development), and Maco Realty Company (owner of 75 per cent of the land available for development in Los Angeles County). Penns owned air space in New York City worth billions. It controls Madison Square Garden and recently bought apparel and shoe factories, and is looking around for still more acquisitions.

Yet with all this ability to accumulate and accumulate, and profit and profit on non-railroad business, this same giant couldn't keep one passenger train (outside of the Metro Liners) as a showcase, run as proof they were at least making an effort. As for the Metro Liners, operating between New York and Washington, no one can telephone for reservation availability and get an answer. Penn and Central stations haven't been painted in 25 years, or more, and as Johnny Carson put it when he saw a fare increase notice, it was like "sending back-bar bills to passengers of the Titanic".

Where the government has fallen down, and especially Congress, is the absence of any attempt to really enforce the antitrust laws by separating railroad officials from their myriad of directorships and operation of hundreds of other companies unrelated to railroading; and also getting to a penetrating study of the rail official and labor featherbedding so vast and so cobwebbed from top to bottom that it amounts to a crime against society itself.

In its promise to look into the effects of the merger trend, the Conference of Transportation Trades should determine what part labor has played in the deterioration of passenger service, mail and express: what the airlines have done with their subsidies against the gift of over 300,000,000 acres of land grants the railroads have received, and the hundreds of millions in depreciation and other tax bonanzas, and how they were spent. Mr. Saunders blamed highway subsidies and airline subsidies for passenger woes, but rail passenger service and equipment were going down the deterioration drain long before those highways were built, and back when air travel was confined largely to DC-3's, rail passenger service was going to pot on most lines.

Kentucky has just lost its last passenger train, the Royal Palm, cut to pieces before its

final short run on which trip children took their first and maybe their last, train ride—at least in Kentucky. No sales pitch on convention trains to Florida, no radio or TV skits as the airlines use, and no romance, no attempt to tell the American people they are losing a part of America's backbone, and at a time when the Russians, Canadians, and Japanese are building the fastest and best mass transit systems in the world.

In this broadcast we are calling upon Congress to investigate the conglomerate aspects of the railroad industry, and turn a deaf ear to the threats that there will be "no passenger trains anywhere unless the government pays the deficits, and puts up the money for new equipment."

Mass transit is a city, state and federal problem, and the heart of the problem runs on steel rails. Steel rails that could have helped to keep the smaller towns and cities of rural America expanding instead of dying. Steel rails that might have been singing with growing commerce, hauling livestock and mails, merchandise and people, across our beautiful land—instead of abandonment—a seemingly favorite word of those who have guided one of the world's greatest enterprises to its present state.

Glenn L. Shinn, former attorney-adviser of I.C.C.: "On the record, it is reasonable to believe that another failure of public transportation to meet the needs of the nation's commerce with due regard for the real public interest, especially as now expressed in the equalities provisions of the Interstate Commerce Act, might result in nationalization of all public transportation, thus seriously threatening our private enterprise system which provides the chief shield for freedom throughout the world."

ALVIN E. O'KONSKI, M.C. (Wisc.)—1965: "It is but a short step from control of these vast assets to control by the state."

DECISION TO CANCEL HOUSE CONSIDERATION OF H.R. 12025 WAS WISE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. PELLY. Mr. Speaker, last week House consideration of the National Forest Timber Conservation and Management Act was called off.

It seems to me that the postponement or cancellation or whatever it was should be indefinite or at least until after the Public Land Law Review Commission report is made to Congress covering the rules and use of land. This study is due the President and the Congress by June 30.

I was going to vote to send the bill back to committee, although I believe in increased productivity, because it contains no protection of potential recreation, wilderness and park areas which are so badly needed for the future. The objectives of such legislation sound fine, but even when I submitted a proposed amendment seeking to eliminate such scenic and other areas from the optimum timber harvest program, my conservationist friends shook their heads.

So, I think the House leadership was wise to take H.R. 12025 off the schedule. Like myself, many Members, and I sus-

pect a majority of the House, were going to oppose this legislation if it had been brought up.

THE STATE OF THE REVOLUTION

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. McEWEN. Mr. Speaker, last Veterans Day, November 11, I attended a freedom rally at the Washington Monument. At that time, some 15,000 Americans demonstrated their support of our President's moves to bring the war in Vietnam to an end. I was proud to see this outpouring of patriotic feeling calling for victory with honor. Many of our colleagues from the Congress were participants in the rally, and I hasten to point out that members of both political parties shared the rostrum.

One of the participants in that program was a dynamic young man who describes his occupation as that of a "revolutionary." His name is Ed Butler.

Ed Butler is host of the weekly TV series "The Square World of Ed Butler." The half hour informational format is a combination of music and discussion of today's vital subjects, geared to the youth of America.

A political maverick who defies labeling and insists terms like "right" and "left," "liberal" and "conservative" are outmoded and obsolete, he also is editor-publisher of the Westwood Village Square magazine, which reached a circulation of 150,000 in 1969, and author of the provocative book "Revolution Is My Profession."

An internationalist who conceived, and helped to organize, the Information Council of the Americas—INCA—a private, nonprofit educational organization with links in 16 nations of the hemisphere, he was named New Orleans' Outstanding Young Man for 1968 when he received the Jaycee's Distinguished Service Award in January 1969. He is also the recipient of the Americanism Award of the Young Men's Business Club of New Orleans, 1963, and Award of Merit from the Cuban Journalists in Exile, 1967.

I have met personally with Ed Butler. I am impressed by his approach to today's problems.

On February 3, 1970, Ed Butler delivered a speech entitled "The State of the Revolution." It was made at the George Washington University Center here in Washington. It is worthy of our attention. I submit it to all Americans for their reading.

The text follows:

THE STATE OF THE REVOLUTION

(By Ed Butler)

President Nixon has presented the State of the Union Message, because politics is his business. I am about to discuss the State of the Revolution, because "Revolution Is My Profession."

In President Nixon's discourse, he surveyed our nation's national and international prob-

lems from his position at the pinnacle of power. In our conversation tonight, we will also consider the same problems from a much less lofty point of view.

And so there will be some similarities of topic, but few of tactic . . . some identity of purpose but none of procedure. President Nixon spoke, then left the press, the people, and their representatives to ponder the impact of his words upon their lives, as is traditional. I speak from a much humbler vantage point, and so I shall expect and invite questions at the conclusion of my talk. In my profession, there are few traditions but many challenges, and the people always have the last word.

Please note any questions you have on the cards now being given out. We probably won't be able to answer all tonight, so put down your name and address.

While the cards are being distributed, let me say that it is good to be back in Washington. I lived nearby in Alexandria for two years.

I last spoke here on Veterans Day in mid-November, to a throng of 15,000 Americans at the Washington Monument. I was surprised to receive thunderous applause from the so-called "Silent Majority" for some very revolutionary statements about securing peace in Vietnam, through revolution. What surprised me even more was the rebuff a few days later from the so-called revolutionary leaders of the Moratorium Mobilization, who refused to permit me to speak to their followers . . . the stated reason was lack of space on the agenda, but I sensed the real reason was that, while I wholeheartedly supported their demand for peace, I categorically rejected "immediate and total withdrawal" as a euphemism for surrender, which always leads to worse wars later. Postponing problems doesn't solve them.

Thus, paradoxically, we had the spectacle of the "Silent Majority" shouting approval of revolution as the solution in Vietnam, while the leadership of the "revolutionary minority" censored my speech because it did not conform to their doctrinaire view that "peace" and "surrender" are synonymous.

What was perhaps the most astonishing paradox of all was the startling willingness among nearly all the citizens I spoke to in Washington that hectic week, to listen with cordial attention to some new, creative alternatives, even when presented by so freaky a figure as a self-proclaimed professional revolutionary.

To complicate matters more, I am not only a revolutionary, but an admitted square, who believes that underlying ethical standards of right and wrong are essential, precisely because human beings deviate from them so often and drastically. Nor do I exempt myself. I am disgustingly human.

Because we are all now thrust into a no-man's land between peace and war—called revolution—we need standards more than ever. And yet, because much of the territory is unexplored, the old charts won't work, and we must draw up new ones as we go.

This creates a certain amount of indecision, confusion and inner conflict, to which none of us is immune. For example, as a revolutionary I am the "natural enemy" of the Establishment, from President Nixon on down. But, as a square, I sympathize with every President's belief in the American heritage—from Truman, Eisenhower, Kennedy, Johnson and Nixon, on up.

As a revolutionary, I can share with the Left an urgent need for the new. As a square, I can see the logic of the Right's reverence for the old.

I treasure these inner conflicts, because, in the process of resolving them (a dialectical/idealistic process incidentally), new ideas are born. My baby is called Conflict Management, and you may have heard the term for the first time on our show ("The

Square World of Ed Butler" with John Wayne, WTTG, Channel 5, Sunday, 10:30 p.m.) a week ago last Sunday (Jan. 25).

Here's a definition:

"Conflict Management is the study and practice of Revolution as a profession. Basically, it is the use of words and symbols by the few to influence the many in favor of freedom."

Which leads to the need to define the term "revolution"—the briefest way to say it is:

"Revolution is the radical change in the existing order through propaganda and agitation."

This bald statement could be misleading unless we realize. . . .

First, military and diplomatic methods—the procedures proper to states of war and peace—are often haphazardly blended with revolution, which leads to its reputation for violence and turmoil.

Second, in any case, revolution is among the most drastic operations that can be conducted upon the body politic, and should never be undertaken by amateurs without professional advice and counsel.

Third, if, however, revolution is professionally managed with an adequate ethic, it is far preferable to war and can be a practical step to peace.

So let me be clear, I believe. . . .

We are in a world revolution.

We started it nearly 200 years ago, with the shot fired at Lexington and Concord that was heard round the world.

The revolution cannot, and should not, be stopped.

It must be won or lost, for freedom. Every day.

Am I calling for a persistent revolutionary condition, with minimum violence and maximum progress? Yes. Isn't this just another way to say "evolution?" No. Evolution is a cruel, violent process which involves the annihilation of whole species, the survival of the fittest, and proceeds in jumps and starts. It is a bestial way to progress. Revolution is a more human way.

Ironically, although the American Revolution set in train awesome events in France, Latin America, Asia, Africa and, ultimately, the whole world, we got out of the business for a hundred years. Then, the Civil War reminded us of our revolutionary heritage, but not enough to prevent us from resorting to mainly military means on both sides. As soon as possible, we got back to business as usual and the reconstruction began.

Now, the third revolutionary climax has begun to occur in America. It is urgent that we recognize this revolutionary reality, and identify immediately our own role in the struggle. For the revolution is globally pervasive—every human being has a part to play—if only passive, as a victim.

The two basic, active categories of participation in Conflict Management are as "Patron" or "Practitioner."

The *Patron* is a part-time participant, but he is as essential as patient to physician, or client to lawyer. He both supports and controls the profession.

The *Practitioner* is a full-time professional revolutionary, responsible to his Patrons. They can be organized as citizens groups, foundations, churches, governments, businesses, conflict corporations . . . you name it.

But the essential factor is that there are many Patrons and Practitioners, at once competitive and cooperative.

Only within the framework of a profession can competition and cooperation be so combined that they produce progress.

For example, every physician is, in a sense, competing with every other physician for patients, and, at the same time, they share medical knowledge through publication and consultation, and the facilities of hospitals. Similarly, lawyers are adversaries of the

strongest kind in court, yet cooperate to share legal knowledge.

Because Doctors, Lawyers and Clergymen have so much life and death power—potentially—the professional method of organization was developed to check and balance them, so that humanity could use their services without undue fear of consequences.

This does not mean that abuses do not develop despite the professional organization . . . as we shall see, abuse is inevitable because of the Tendency Toward Tyranny that is in us all.

But one only need imagine what would happen if all Doctors decided to strike for a day . . . or a month. Or worse, if they agreed to inject all the slow-paying patients with encephalitis . . . to imagine the vast powers physicians possess, but never think of using,

Which brings us at last to the *Enemy* . . . that *Tendency Toward Tyranny* which is part of human nature and thus is in us all.

"TTT" leads to war, for war is never fun or popular with a people, but often is with leaders greedy for power. Similarly, the "TTT" leads to poverty, because material gain at the expense of others is always ultimately unprofitable, leading to customers who won't buy and consumers who can't consume, but again it is the greed for power—property is only one path—which causes the abuse.

I call those afflicted with an inordinate TTT "Tyrannists." It is not a monopoly of the "Right" or "Left."

Tyrannists of every stripe are continually inventing ideological justification for seizing power . . . from The Divine Right of Kings, to Communism and Nazism, to Objectivism.

Therefore, "Conflict Managers"—professional revolutionaries—ar needed now, by the thousands, to cope with this inherent inclination in humanity, before we incinerate ourselves from the face of the earth.

We can help reinstitute revolution as an honorable profession in America. Tonight I am calling upon you, upon the educational leaders, elected leaders and American public to do so.

I have called upon the leadership of the American Political Science Association to bring up at their next meeting the establishment of a framework in which to train professional revolutionaries—Conflict Managers—at the university level.

This would be a new "major" within the Schools of Government or Political Science Department of our universities. Now, I'm an activist not an academician, and I call upon educators in the field of political science only because I personally believe that Conflict Management might be most logically placed in this scope of study. I only suggest Conflict Management as a needed profession. The rest is up to our educators.

I am sure many people in our society will say, "Well, we've survived before. Why must we take the risk of putting such great power in the hands of a few?"

But ask yourself: Could we have avoided or minimized human losses in World War II, Korea, Vietnam and other conflicts if our schools were graduating Conflict Managers? Did we pay the price of war by neglecting the profession of revolution?

Could we have alleviated racial injustice, poverty, pollution and other socio-economic problems before they reached the crisis stage if Conflict Management had been included in the curriculum of our schools?

Although national and international affairs are actually intimately entwined, let's look at what might happen if Conflict Management were properly employed at home and abroad.

NATIONAL AFFAIRS

Campus Revolution: The best young people in America have been involved in the campus

revolution . . . either in bringing it about, or turning it toward freedom. But we must face the fact that many are deeply disenfranchised with government, disappointed that the injustices they've identified have not been solved, and eager to continue to apply the revolutionary talent for propaganda and agitation they have learned. After a three-hour interview about the problem, an editor of a college magazine wrote an editorial warning businessmen that, unless The Revolutionaries of Today become the Conflict Managers of Tomorrow, things would be bad for America. I completely concur.

Servicemen's Revolution: It is fashionable to deny that soldier morale has dropped, marijuana use has skyrocketed, and that a general malaise grips our troops.

This is understandable. It is difficult enough for an officer to give unpopular orders to a group of armed men, when he believes their discipline and morale are high. When he knows it is not, such a stance may seem suicidal. Also, we know that demoralization can be vastly increased—and spread—by simply admitting it exists.

By the same token, blindly denying the truth does not stop disintegration. An alternative—creative and meaningful—to military war must be developed, and deferments perhaps awarded to those who pursue it. Conflict Management could be that profession, and put tens of thousands of disillusioned GI's to work, productively and patriotically, upon separation.

Russia and Germany are but two examples of what happens when a disillusioned, demobilized army drifts into a nation without hope or ideals. Both Communism and Nazism were nurtured by such despair. Conflict Management can help America avoid a dreary rerun of that all-too-recent history.

Urban Revolution: This includes the myriad problems of pollution and corruption, traffic congestion and housing. Pressure groups are continually forming in the independent sector, but their success in large measure depends on the professionalism of their staff. Without it they cannot hope to cope with entrenched political machines and big business. On the other hand, a private pressure group inspires the natural sympathy of a "David versus Goliath." Thus, unless its operations are ethically managed, this sympathy can be perverted by Tyrannists to a tool for personal power, displacing one evil with a greater one. Conflict Managers can guarantee both efficiency and ethics on both sides of the coin.

Political Revolution: "Decentralization" and "Power to the People" are the cries of the hour, and government will hear them at every level only so long as they are responsibly, and effectively articulated. Amateurs typically vacillate from whispers to hysteria, and are consequently either ignored or abhorred. No government is self-critical or self-effacing enough to dismantle itself with top efficiency. After all, government is only an organization of human beings who provide administrative, military and diplomatic services. And, unfortunately, through a benign cooperation with communications, government today can produce an unconscious tyranny, perpetuate its power, and enforce illusions among the populace. Then, when a Tyrannist like Oswald comes along and smashes the highest symbol of national authority, the entire nation slips into cultural shock—and as illusions fall, violence rises. The present conflict between the government, championed by Vice President Agnew, and the media, represented by the networks, is healthy only so long as the competition/cooperation continues. Conflict Managers—employed by both sides—can see that these checks and balances expand.

INTERNATIONAL AFFAIRS

I'd like to preface this portion of my talk by saying I believe the day of the expeditionary force is over. What needs doing abroad *must be done by natives of the nations concerned*, primarily. Americans can teach, and America can serve as a secure base area for revolutionary forces fighting for their freedom. But we must never undertake to export the American system of the 1970's to any other country. Each must find the appropriate level of freedom for itself.

But I am convinced as deeply as I can be, that every nation deserves liberty and every people are "ready" for some degree of liberty immediately. I am equally certain that no one's freedom is safe as long as one human being is enslaved.

Here are just a few areas where revolution could shift the balance toward freedom.

Latin America: Miami was the secure base area for the Cuban revolution and Cuba has been the secure base area for the current American revolution. Base areas are as essential to revolutions as service stations are to automobiles. When you see one, you know the other cannot be far. To re-claim the revolution which Castro betrayed, Americans should make contact with Cubans, now, for joint Conflict Management training. Likewise, in many areas of Latin America today, militaristic juntas have forestalled the democratic process. The left wing does not have any monopoly on tyrannist tactics and popular forces are continually threatening reactionary regimes.

The government should maintain a strict hands-off policy toward any such popular initiatives for freedom, neither supporting nor thwarting them. Revolution is the business of the people, just as diplomacy and military defense are the province of government. If officials persist in intervening in this area, it is up to Conflict Managers to outwit them, test and help change the laws which perpetuate injustice. A basic premise: no government has the right to make agreements with another government which endorses or extends tyranny. Conflict Managers' very presence can help prevent this common abuse.

Eastern Europe: The shameful silence among some . . . especially student leaders who claim to be revolutionaries . . . while Czech students were slaughtered, was one of the most sickening cop-outs in history. The fact that these massacres were managed by the same kind of regime some would like to install in America also says a lot. Revolutionary potential is always present in Eastern Europe, waiting for the sparks to ignite it. We should be ready, privately, next time the opportunity occurs, and this means Conflict Managers from every nation of Eastern Europe must be trained for the great task of liberation.

Southeast Asia: Vietnamization can work on a military and diplomatic level only to the extent that the revolution is diverted toward freedom. The *people* of Vietnam, in the North as well as the South, deserve at long last the chance to determine their own destiny. Now that Ho Chi Minh is dead, the Communist regime is more vulnerable in the North, and the military regime in the South can be steadily democratized. This work must proceed in all areas proportionately under the leadership of Vietnamese Conflict Managers, who can, and should, be trained here, at first. The alternative to liberation is unending military/diplomatic/revolutionary conflict, and misery for millions.

Africa and Asia are ripe for revolution. China is insecure as a national entity, and Mao's demise could accelerate fragmentation and revolution there. In Russia, the Jewish populace is suffering renewed oppression, and, for the first time in memory, individual

revolutionary acts are being carried out in Soviet Russia.

Trained Conflict Managers, citizens of each of the nations involved, could bring about radical changes in favor of freedom, swiftly. Of course, there are those whom the word "radical" frightens as much as the word "revolutionary." However, radical means *root*, and we must aim at the underlying causes if we are ever going to achieve both peace and freedom on this planet.

Are there Conflict Managers available? Yes, but not nearly enough, nor are those who exist necessarily conscious of the term. I'd consider Ralph Nader a Conflict Manager, and John Banzaf of ASH, who put anti-cigarette smoking commercials on the air, is certainly a Conflict Manager, whether he is aware of the term or not. So, I suspect, is Saul Alinsky, although we argued about it for hours one evening in Chicago after a memorable TV debate. In my opinion, Richard Cornuelle, who discovered and named the elusive Independent Sector in his excellent book, *Reclaiming the American Dream*, is a Conflict Manager. So are Richard Warren and Larry Kihnel of INCA down in New Orleans, who put together the very successful "National Student Conferences on Revolution" in 1968 and 1969. Certainly Lee Edwards, who introduced me tonight, fits the bill, with his relentless efforts on behalf of the enslaved peoples. He has been called the "Voice of the Silent Majority" by the *New York Times*. The attractive young lady who quietly arranged this conference, Lo Anne Wagner, certainly qualifies as a Conflict Manager in my mind.

As you can imagine, old-fashioned divisions of partisan politics—right and left, Liberal and Conservative, Reactionary and Radical—don't describe Conflict Managers very well.

What is urgently needed are some different labels which can be invested with more accurate meanings. That's why I sign myself "Square." People come to sneer and put me down, but often stay to cheer for a Square deal for minorities and a square meal for the disadvantaged, and a square shake for enslaved peoples everywhere.

Even more than simplistic slogans and labels, we need in-depth academic exploration, study and specialization in the whole vast arena of "Conflict Management." Some of this has already begun according to an article by *Newsweek's* Thomas Gordon Plate. At the University of Michigan a "Center for Research and Conflict Resolution," publishes the *Journal of Conflict Resolution*; and The American Arbitration Association handles 17,000 cases each year. But these are exclusively oriented toward the *resolution* of Conflict which is but one part of Conflict Management—the Conflict Manager must also know how, when and where to initiate and *not* to initiate conflict; how to limit, control and channel it constructively; how to sustain it when necessary and end it when possible. For Conflict is essential to human nature. By setting aside a group of professionals to deal with it on a day-to-day basis, just as we have assigned lawyers to deal with injustice and doctors to deal with disease, our nation and our world can begin to adjust to revolutionary reality and grow within its exciting atmosphere.

Remember, the word "Revolution" was coined to describe the orbiting of heavenly bodies, and was appropriated by the politicians. As mankind enters the Age of Aquarius and sets its sights on the planets, it might be well to remember that original meaning of revolution.

America has had its New Deal, Fair Deal, New Frontier and Great Society. I call upon the Citizens of the Country, not just the President, to face revolutionary reality now . . . we can create for all humanity . . . A Square Deal!

CEDRIC FOSTER'S CHRISTMAS GREETING

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. KEITH. Mr. Speaker, every year all of us receive literally hundreds of Christmas cards. The most outstanding one my wife and I have ever received came this year from our longtime friends, the Cedric Fosters.

Those of my colleagues who know Cedric Foster will appreciate his Christmas greeting. Those Members who do not have the privilege of his acquaintance will perhaps gain an insight into a remarkable personality.

One of our best-known radio commentators, Cedric was with the Mutual Broadcasting System for 25 years and is an old friend to many of us here in the House. He was stationed in Washington for 10 years prior to his move to station KFML in Denver, Colo., in 1967. In his career, Foster has been around the world three times, broadcast from nearly every European capital, and crossed the Atlantic Ocean by air 50 times. He has been decorated by the Governments of Greece, the Netherlands, and Iran and was cited for his contributions to his profession by the National Association of Broadcasters in 1963.

Mr. Speaker, consistent with the other outstanding aspects of this man is the relationship that he and his wife, Marguerite, have had over the years. Their Christmas greeting, which follows, truly reflects the warmth and depth of this unusually happy couple:

1921—

In a tea-room on the corner of Bancroft and College in Berkeley, California, Marguerite Lane and Cedric Foster were introduced to each other on Saturday evening, December 10, 1921. On Monday evening, December 12, 1921, they were married. In this Christmas season they greet you from their home in Denver, Colorado, expressing the hope that you will ever enjoy the happiness that has been theirs together through the years. They believe that they are the only two people in United States who knew each other for forty-eight hours and then lived with each other for forty-eight years. Joining them in greetings are Shirley Foster Fields and her two children, Michael, and Dallas, in Washington, D.C., and Sarah Ann Foster Carpenter and husband, Peter, along with their children, Robert and Louisiana, in Auburndale, Massachusetts. May you have all the joys of Christmas and copious blessings in the New Year . . .

—1969

MARGUERITE AND CEDRIC FOSTER.

Mr. Speaker, many of us, as parents, are concerned that hasty marriages by our children—preceded by courtships of only a few months—are destined for disaster. We should be encouraged by the example of Cedric and Marguerite Foster. Divorce and marital discord would be unheard of if only all of us could count on 1 year of marriage for every hour of courtship we spent beforehand.

We should also be encouraged in that at least one couple of our generation—or older—have established a record of

some sort—a record that even the highly touted young lovers of today can hardly hope to match.

What is the old song—"the fundamental things don't change, as time goes by." Vive l'amor.

THE ANNIVERSARY OF THE
WEATHER SERVICE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mr. HOGAN. Mr. Speaker, I am privileged to have in my district some of the Nation's most important meteorological installations, and included among my constituents are a great many professional meteorologists, technicians, and support personnel.

Today I would like to pay tribute to them and all the men and women who serve in our Weather Service.

Today marks the 100th birthday of the Nation's weather services. These employees are among the oldest scientific servants of the public. For a century they have been at work to protect life and property.

On February 9, 1870, President Ulysses S. Grant signed a joint resolution of Congress into law, authorizing the Secretary of War to take meteorological observations at all military posts and give notice of impending storms to shipping interests on the Great Lakes and the Atlantic coasts.

The congressional initiative was spawned by the frightful losses suffered through shipwrecks in the Great Lakes and on the coasts as a result of weather. Our early colleagues of the 41st Congress did not waste much time in enacting a law that provided beneficial and essential services to the country. Congressman H. E. Paine of Wisconsin introduced the resolution on December 16, 1869. The scientific community of the day backed this initiative by supporting memoirs and the House passed it on February 2, 1870. Only 3 days later the Senate concurred, with leadership provided by Senators Henry Wilson and Arthur P. Gorman.

Congressman Paine had been persuaded to initiate this legislation by a constituent, Prof. Increase A. Lapham of Milwaukee. Lapham had for many years made weather observations there and his studies had convinced him that forecasts had come within reach of meteorological science.

This was also the judgment of other scientific luminaries of the time who had worked for decades in this elusive field. Among them was the illustrious Joseph Henry, first Secretary of the Smithsonian Institution and President of the National Academy of Sciences. He had made meteorology one of the research targets of Smithsonian Institution and more than a decade prior to the congressional action had experimented with telegraphic collection of weather messages from a group of cooperative observers. Indeed, it had been his hope that the Smithsonian

might institute the first national weather service. The Civil War interfered and later Henry yielded the honor to the Army because they had the best telegraphic network in the country. Henry's faith in the feasibility of weather forecasts had been unshaken since the 1840's. In this he was supported by one of the keenest scientific minds in the field, Prof. Elias Loomis, first of Western Reserve College, later at Yale. Loomis had studied storms for over three decades and contributed greatly to the synoptic method of weather analysis. Both he and Henry wrote in support of Congressman Paine's resolution. It was also backed by Col. Albert J. Myer, the head of the Signal Service, who was imbued by the new technology of the age. After passage of the legislation, Secretary of War William B. Belknap assigned the new responsibility to the Signal Service.

Among the earlier pioneers of weather work one deserves to be singled out, Cleveland Abbe of Cincinnati, who had started a forecast service there in 1869. He later joined the Federal Weather Bureau and for over four decades gave direction to the scientific work of this agency.

The weather service had a checkered history with a major change, when in 1890 the public functions were transferred from the War Department to a civilian bureau. But both in the Military Establishment and the civilian realm weather services grew enormously with the expansion of aviation, where weather played a decisive role. Advances in scientific meteorology also were impressive. In the last century one of the meteorological instructors in the Signal Service, William Ferrel, gained worldwide fame through his theories of atmospheric circulation. In the early part of this century William J. Humphrey, of the Weather Bureau, made fundamental contributions to physical meteorology.

And in recent decades Harry Waxler, as director of Weather Bureau research, with his visionary anticipation of the use of meteorological satellites and a plan for the World Weather Watch opened new avenues to study and anticipate atmospheric motions. In that hundred-year period perhaps nobody contributed as much to the development of U.S. Government weather services, first in the Navy and then as Chief of the Weather Bureau, than Francis W. Reichelderfer, whose career spanned over 40 years.

We now regard weather services as a commonplace activity. We expect warnings of tornadoes, hurricanes, and snowstorms as a routine. But we rarely think of the vast organization behind these services. It is not only nationwide but worldwide, coordinated by one of the specialized agencies of the United Nations, the World Meteorological Organization, in whose founding the United States played an important role. In this world-spanning endeavor a number of installations in Maryland play a vital role. First of all, ESSA's Weather Bureau, with headquarters in Silver Spring and under it the National Meteorological

Center in Suitland, in my congressional district. This is the nerve center of collection and dissemination of weather information, much of it automated by giant computer systems. Also located in Suitland is the National Environmental Satellite Center which feeds data from the new weather eyes in the sky into the international weather communications channels. Naval weather facilities are also collocated at Suitland and an Air Force Weather wing is at nearby Andrews Air Base in my district. Not far from there even more sophisticated weather satellites are being developed at NASA's Goddard Space Flight Center, in Greenbelt, Md. With these Maryland installations the core of the weather system, civilian and military weather offices and posts throughout the Nation keep a 24-hour alert to observe and forecast atmospheric conditions.

We have come a long way in weather science during this century of weather service. From vague prognostications of wind and weather in the 1870's we have advanced to ever-more-reliable forecasts of multitudinous weather elements, quickly disseminated by radio and television to millions of users. Although perfection has not yet been reached, we are confident that during the second century we will surely accomplish this goal. This service also promises to lead to a certain measure of control over the most damaging storms, a vista no more prophetic now than computer-produced forecasts were a hundred years ago. As the environment has become the major concern for the new decade, atmospheric science has become a new focal point for research and service. The weather services will play a vital role in this respect, too. We wish them well in their endeavors to protect life, property, and health of our citizens in the future.

MUCKRAKING JOURNALISM IN THE
FIELD OF ECOLOGY AND POLLUTION

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 9, 1970

Mrs. MAY. Mr. Speaker, on Tuesday of last week the NBC Network presented what reporter Sander Vanocur admitted was "muckraking journalism in the field of ecology and pollution." In spite of this admittance, the impression left with "First Tuesday" viewers that Hanford, Wash., is located in a hazardous earthquake area and because of atomic reactors and waste storage facilities there, the public is endangered.

Such conclusions are not supported by reputable geologists. NBS has full access to the factually supported information that Hanford does not lie in an active seismic zone, and that further, the facilities there are designed to well survive any earthquake considered credible for the area.

I have written to the president of the

National Broadcasting Co., Mr. Julian Goodman, to express the opinion that Hanford will survive NBC's incredible at-

tack. But I have asked him how the network can justify presenting this kind of hysteria-producing doomsday material it

knows is unsupportable as fact. I have asked the network executive, "Where is your public responsibility?"

SENATE—Tuesday, February 10, 1970

The Senate met at 9 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray, in remembrance of President Abraham Lincoln.

Almighty God, under whose sovereignty this Nation exists and by whom its leaders have ever been guided, as we stand in this place at this time to hallow the memory of Thy servant Abraham Lincoln, help us the living once more to be dedicated to the unfinished task he espoused, that we highly resolve that the battle dead of the generations "shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that the government of the people, by the people, for the people, shall not perish from the earth."

In this spirit help us to work this day. In this spirit may we speak while we are separated. In this spirit may we return to our tasks in the days to come.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 9, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may speak briefly before the distinguished Senator from Wyoming (Mr. HANSEN) is recognized, without taking away any of the time allotted to him.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be at least one live quorum call today and, very, very possibly, a vote on an amendment.

I make this statement at this time so that the Senate will be informed, and any Senators who have ideas about leaving early today because of the 3-day recess beginning at the conclusion of business this afternoon will do so on their own responsibility.

I reiterate that the Senate is not going to be run for the benefit of any in-

dividual Senator, or any individual groups of Senators.

I want that to go in the RECORD so that all will be aware of the situation for the remainder of this year.

That applies to the distinguished minority leader as well as to the majority leader now speaking.

We are here to look after the people's business. The people should get first priority over everything else.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I agree with what the distinguished majority leader says. What he says is that we are not fooling around, that we mean business, and that we mean for the business of the Senate to be conducted.

There may be a vote today. There is no way to protect any single Senator. We wish it were otherwise, but the moment exceptions begin to be made, the system breaks down, as all of us know all too well. Therefore, we do have to adhere to a rule once it is announced or, I fear, there would be no respect for the joint leadership if we did not take that position.

Thus, with all respect for the convenience of all Members, including the majority and minority leaders, that is the way it has got to be.

Mr. MANSFIELD. Mr. President, I thank the distinguished minority leader. I am delighted that we have been able to cooperate wholeheartedly, effectively, and freely since the beginning of this session.

I am sure that this feeling of cooperation and accommodation will continue.

TRIBUTE TO SENATOR HANSEN

Mr. MANSFIELD. Mr. President, last week, the distinguished Senator from Wyoming (Mr. HANSEN) engaged in colloquy with the distinguished Senator from Georgia (Mr. TALMADGE). The question had to do with textile imports and the condition in which the textile industry in the United States finds itself today.

During the course of that colloquy, I had some remarks to make about the distinguished Senator. They were not carried correctly in the RECORD—probably through my fault.

Accordingly, I want to make those remarks again today so that they will be carried in the RECORD as I stated them at the time, and as I still feel about what I said then.

I want to say, Mr. President, that I think the distinguished Senator from Wyoming (Mr. HANSEN) is one of the outstanding Members of this body.

He is especially proficient and expert in the field of wool, in the area of oil

imports, and on the question of beef imports.

I want the RECORD to show that.

Mr. President, I yield the floor.

Mr. HANSEN. Mr. President, first of all, let me say "Thank you most sincerely" to our distinguished majority leader. He has been most kind, indeed. I just hope that there may be some reason for his very complimentary remarks. I am certain that he has been overgenerous but, nevertheless, I do appreciate his very kind words.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wyoming is recognized for not to exceed 20 minutes.

OIL IMPORT POLICY

Mr. HANSEN. Mr. President, in view of the fact that the task force recommendation on oil import policy was reportedly delivered to the President Monday, I would like to express my hope that the President will defer any decision on the recommendations until the Congress has had an opportunity to review the report, or reports, as I understand a minority report has also been submitted.

At the risk of becoming repetitious, I feel compelled to remind my colleagues of the inherent dangers and risks involved in a plan that could and most certainly would leave this country at the tender mercies of those countries that now possess or control more than 80 percent of the known oil reserves of the world.

The eminent academicians and economists selected for the task force study of the oil import problem had one common denominator: none of them had any practical experience in or knowledge of the oil and gas industry.

The President, in appointing a Cabinet member whose department is not directly concerned with petroleum affairs or legislation said he wanted an unbiased report but, in examining the backgrounds of the theoreticians who were selected to make the study, I am concerned that these professors and doctors of philosophy may not have been entirely unbiased or unprejudiced or, at least, there is a serious question of their objectivity.

In earlier remarks I made here, I pointed out some of the past opinions and writings of these gentlemen which now seem to be reflected in their recommendations.

First, I would say, is their disregard for the legal foundations of the oil import program which was predicated on U.S. trade policy legislation—the national security clause of the Trade Agreements Act, the Trade Agreements Extension