

amended, and for other purposes; to the Committee on Government Operations.

H.R. 16046. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16047. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16048. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16049. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16050. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16051. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. MATHIAS (for himself, Mr. SCHADEBERG, Mr. DEVINE, Mr. HUNT, Mr. QUIE, Mr. COWGER, Mr. HARVEY, Mrs. DWYER, Mr. FRELINGHUYSEN, Mr. MAILLIARD, Mr. WOLD, Mr. HORTON, Mr. MICHEL, Mr. WEICKER, Mr. WINN, Mr. COUGHLIN, Mr. LANGEN, Mr. STANTON, Mr. WHALEN, Mr. RAILSBACK, Mr. LUKENS, and Mr. WILLIAMS):

H.R. 16052. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16053. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16054. A bill to amend the Clean Air Act so as to extend its duration, provide for

national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16055. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16056. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16057. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16058. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. RIEGLE (for himself, Mr. McCLOSKEY, Mr. VANDER JAGT, Mr. SEBELIUS, Mr. GOODLING, Mr. MILLER of Ohio, Mr. STEIGER of Wisconsin, Mr. DON H. CLAUSEN, and Mr. PIRNIE):

H.R. 16059. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT (for himself, Mr. STEIGER of Wisconsin, Mr. SEBELIUS, Mr. BUCHANAN, Mr. GOODLING, and Mr. PIRNIE):

H.R. 16060. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. HALL:

H.J. Res. 1084. Joint resolution authorizing the President to proclaim the period of July 13 through July 19, 1970, as "National Electronics Week"; to the Committee on the Judiciary.

By Mr. MIKVA:

H.J. Res. 1085. Joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters re-

lating to the war in Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. NICHOLS:

H.J. Res. 1086. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice for children attending elementary and secondary schools; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H. Con. Res. 510. Concurrent resolution expressing the sense of the Congress in opposition to the high-interest-rate policy; to the Committee on Banking and Currency.

By Mr. WOLFF (for himself, Mr. ADAMSON, Mr. BIAGGI, Mr. BINGHAM, Mr. BURKE of Florida, Mr. BUTTON, Mr. CAREY, Mr. DERWINSKI, Mr. FARBERSTEIN, Mr. FULTON of Pennsylvania, Mr. GROVER, Mr. HALPERN, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. LOWENSTEIN, Mr. MCKNEALLY, Mr. NIX, Mr. PEPPER, Mr. PIKE, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. WHITEHURST, Mr. WILLIAMS, and Mr. WYDLER):

H. Con. Res. 511. Concurrent resolution expressing the sense of Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H. Res. 841. Resolution to disapprove Reorganization Plan No. 1; to the Committee on Government Operations.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

396. By the SPEAKER: Petition of Daniel Edlord Leveque, Sheboygan, Wis., relative to redress of grievances; to the Committee on the Judiciary.

397. By Mr. BRINKLEY: Petition of Mrs. C. B. Short, Mrs. Lula Bailey, C. B. Short, of Americus, Ga.; Mrs. Harold J. Israel, Harold J. Israel, Mrs. Oliver Mills, Oliver Mills, Grigsby T. Chappell, Mrs. Grigsby T. Chappell, Ronnie Mills of Smithville, Ga., et al., to petition the President, Congress, and courts of the United States of America to heed the following with all deliberate speed: 1. Grant freedom-of-choice privileges as stated in the 1964 civil rights legislation. 2. Stop busing students for the sole purpose of achieving racial balance with no regard to education; to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

THE GSA ANNUAL REPORT

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, February 18, 1970

Mr. MATHIAS. Mr. President, the GSA annual report was recently submitted to the Congress. I am pleased to learn of the many constructive changes effected by General Services Administrator Robert L. Kunzig. Particularly worthy of note are the steps he has taken to eliminate discrimination at GSA. I ask unanimous consent to have printed in the RECORD an excerpt from the GSA annual report which deals with recent progress in this area.

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

EXCERPT FROM GSA ANNUAL REPORT

The festering sore of discrimination is sensitive.

Like a raw wound, it demands immediate and thorough care. No band-aid approach is acceptable. Lame rationalizations as to how long it has oozed pus or who inflicted it won't help.

Though the plight of the Negro is foremost in any discussion of discrimination, he does not pull the burden alone. In the harness with him are women and children, aged and handicapped, Mexican-Americans and, at various times, Jews, Catholics, and Irishmen.

The practice as well as the policy of the General Services Administration is for early diagnosis of the ills of discrimination, re-

gardless of origin, and painstaking treatment until a cure is effected.

No excuses are offered for past performance. Here are some examples of recent progress:

Acting on President Nixon's stated policy of providing equal employment opportunity to every employee without regard to race, creed, sex, age, or national origin, the Administrator has committed GSA to assuming a role of leadership in equal employment opportunity.

The Administrator vigorously emphasized this commitment through personal visits to each and every regional office across the country to be sure his views were clearly understood.

By direction of the Administrator, a study of the entire civil rights functions within GSA has been recently completed.

The position of Deputy Assistant Administrator for Administration was filled by a

highly qualified management expert who becomes the highest ranking Negro in GSA's 20-year history.

A full-time position of Executive Director of Equal Employment Opportunity was named to the Administrator's immediate staff and counterparts were placed on the staffs of each of the 10 Regional Administrators with responsibilities of promoting continued affirmative action.

In the field of minority business enterprises, GSA has established a tone of leadership, demanding action and charting results. In its role as "business manager for the Federal Government," GSA is seeking out minority businessmen and counseling them on how to bid for Government contracts. This program is guided by the philosophy that all people must be given the opportunity to succeed. A Region 3 pilot project in Baltimore has succeeded in identifying 75 minority businessmen who will be offered on-the-site advice and guidance.

MSGR. LEOPOLD A. ARCESE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. ADDABBO. Mr. Speaker, a truly great religious leader, Msgr. Leopold A. Arcese, pastor emeritus of Nativity Church in Ozone Park, N.Y., passed away on January 30. I suffered a deep personal loss with Monsignor Arcese's death because he was my former pastor and a personal friend to whom I could always turn for guidance.

I join with the residents of Ozone Park and with all who knew and loved Father Leo in extending our sympathies to his two surviving sisters.

I include an article appearing in the Tablet of February 5, 1970, at this point in the RECORD:

MONSIGNOR ARCESE, QUEENS PASTOR EMERITUS, DIES

Pontifical concelebrated Mass of the Resurrection for Msgr. Leopold A. Arcese, pastor emeritus of Nativity Church, Ozone Park, was offered Tuesday morning.

Msgr. Arcese, 82, died Jan. 30 at Mary Immaculate Hospital, Jamaica, following a heart attack.

Born in Arpino, Caserta, Italy, he was one of 12 children, five of whom entered the religious life. The other Arceses in religion were Msgrs. Vincent Alphonse and Gaetano and Sister Mary, of the Daughters of the Sacred Heart. All are deceased.

Msgr. Arcese studied at Holy Cross College, Worcester, Mass., St. Francis College and St. John's Seminary, both Brooklyn. He was ordained June 10, 1911.

As a curate he served at St. Patrick's, Glen Cove; St. Patrick's, Huntington, and St. Cecilia's, Brooklyn.

In 1918 he assumed his first pastorate, at St. Francis of Paola, Brooklyn. He later served as pastor at St. Rita's and St. Lucy's, both Brooklyn, before going to Ozone Park in 1931. He became pastor emeritus in 1966.

Msgr. Arcese was named a domestic prelate in 1940 and a synodal judge and member of the Board of Consultors in 1952. He also served as diocesan director of the Sanitation Department Holy Name Society.

In his homily at the Mass, Bishop John J. Boardman said:

"Msgr. Arcese is the last of what might well be called a magnificent priestly dynasty. He was born in the little town of Arpino to the

north of Rome in 1887. At that time, the Italian people were coming in numbers to New York from their homeland, and because of a lack of priests and a language barrier they became a cause for great concern to Archbishop Corrigan who then presided as Ordinary over the Diocese of New York. He confided his anxiety to his confessor the uncle of Father Leo, Father Julius Arcese a Franciscan priest stationed at St. Anthony's Church on Thompson St. "Now Father Julius found an immediate answer, at least in part, when to his suggestion the good Archbishop allowed him to send for his nephews, Father Vincent already ordained to the priesthood, and Alphonse Gaetano, and the youngest of the family Leopold who were yet of school age. They finished their education in America. In due time by God's Grace they were all ordained to the priesthood; Gaetano remained with Father Vincenzo in New York, and Alphonse and Leopold came to Brooklyn. "It was natural that their priestly zeal for souls should find its greatest expression among the people of their own native culture and nationality."

At Nativity, Bishop Boardman said, Msgr. Arcese "devoted himself untiringly to the physical development of its buildings as well as the spiritual well-being of his people. His work among the poor, the sick and suffering, and among those in trouble is yet recalled by the thousands to whom through the years, he gave priestly counsel, the consolation of the Sacraments, and the largesse of his own, as well as parish resources to ease their poverty."

From his ministry among them, the homilist said, Msgr. Arcese took inspiration to extend the orbit of his priestly influence through the founding of the Ferrini League for Social Service among the Italian people. It was so named in honor of Blessed Cantardo Ferrini whose existence would seem unknown to us but for the desire of Father Leo to follow his example to be of service to others."

Bishop Mugavero was the principal concelebrant. The others were Msgrs. Francis B. Donnelly and Gerald A. Ryan and Fathers Joseph A. Towers, Vincent J. Termini, Dominick J. Adessa and Franklin E. Fitzpatrick.

Survivors include two sisters, Mrs. Lawrence Rotundi of Garden City, L.I., and Mrs. Constantino Quadrini of Rome.

Burial was in St. John's Cemetery, Middle Village.

THE PATHFINDER FUND

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Wednesday, February 18, 1970

Mr. BROOKE. Mr. President, as our program of foreign aid has expanded, we have increasingly turned to the expertise and the initiative which can be offered by private foundations and organizations. One of these organizations which has done much to assist the developing nations in matters of population control is the Boston-based Pathfinder Fund.

This fund was established to further the work of an eminent New England physician, Dr. Clarence Gamble, in the field of family planning. Its participation has been marked by a consistently high quality, which has earned the fund more than \$4 million in AID contracts spanning 70 countries in Asia, Africa, and Latin America.

A very good article about this fund and the excellent work which it is do-

ing appeared in a recent Agency for International Development publication entitled "Population Program Assistance." I ask unanimous consent that the text of this article be printed in the Extensions of Remarks of the RECORD.

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

THE PATHFINDER FUND

The Pathfinder Fund—a pioneer in the field of family planning—is currently helping to support 218 projects around the world. Seventy-five of these are in Asia, 44 in Africa, and 68 in Latin America.

The Boston-based, private organization began its family planning activities in the United States in 1929, expanded its efforts in 1952 to concentrate on assistance to developing countries. The Fund has been supported for many years by the Gamble family and others and more recently has also received A.I.D. grants.

Pathfinder works in individual countries to encourage and assist local people, groups, and institutions to provide family planning services. Support is usually given for a limited period until a strong family planning association or local government assumes responsibility.

Specific Pathfinder objectives are to initiate family planning activities and form family planning associations in new locations; to provide these associations with educational materials; to encourage new contraceptive supplies and initial funds; to assist local studies of the acceptability and effectiveness of present contraceptive methods; to search for more efficient, simpler, and cheaper contraceptive techniques; and to help develop training programs.

As an outgrowth of its intracountry family planning activities—particularly its introduction and provision of IUDs beginning in 1963—Pathfinder has become an international clearinghouse for new developments in IUD technology. In late 1967 an International IUD Program was inaugurated, using the latest computer technology to provide scientific, timely evaluation of the various IUDs in existence and of new ones.

This IUD program is carried out through a cooperative network of 100 selected doctors in 40 countries. The doctors, whose data have proven to be of high statistical quality, send monthly reports to Pathfinder headquarters. The Pathfinder Fund supplies each doctor with appropriate IUDs and literature, plus expert analytical backstopping.

Two volumes of "IUD Performance Patterns"—a table from one appears on page 15—have been published. The swifter evolution of new and improved devices is greatly facilitated by this International IUD Program.

PELLEY FIRST TO SPONSOR PRESIDENT'S ENTIRE ENVIRONMENTAL PACKAGE

HON. THOMAS M. PELLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. PELLEY. Mr. Speaker, our supply of clean air is diminishing daily. I strongly support President Nixon's proposed Clean Air Act amendments, as well as the rest of his legislative package on the environment, as insurance for our future. And, Mr. Speaker, I am pleased to have been the first Member to so join in sponsorship of this legislation.

I speak particularly of the proposal for

national emission standards. The President's proposal would authorize the Department of Health, Education, and Welfare to set national emission standards for new sources of pollutants which would contribute substantially to the endangerment of public health or welfare. Such standards would insure that the best available air pollution control techniques would be installed on new pollution-producing facilities. To prevent a problem is the best method of control. National emission standards would accomplish this.

President Nixon's proposal also would authorize the Department of Health, Education, and Welfare to set national emission standards for all sources of pollutants which are extremely hazardous to health. This approach would greatly speed up the process of protecting the public against pollutants which pose special problems and therefore require special control action.

Already, Mr. Speaker, I am a cosponsor of H.R. 14761, to stimulate the development, production and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and I urge swift congressional action on this legislation.

Additionally, Mr. Speaker, I endorse the President's package in total because it is wide in scope. It further calls for more attention to our problems of parks and recreation. It is increasingly difficult for cities and municipalities to acquire park land due to inflated land cost, yet the population with its demands for outdoor recreational facilities grows by the day.

In his message to Congress, President Nixon supported legislation I introduced and presently is in the House Interior Committee on turning surplus Federal property over to cities and municipalities at a cost of 50 percent or less. I applaud the President's reference to this problem and support his solution.

Mr. Speaker, the President's proposals will go far toward insuring clean air for all our citizens; in providing adequate land for parks; and in assuring future generations of clean water.

This legislative package is historic, and I am proud to sponsor the President's entire legislative package as it is vital to our very survival.

ARTHRITIS AND THE HEW APPROPRIATIONS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mrs. GRIFFITHS. Mr. Speaker, the appropriation bill for the Department of Health, Education, and Welfare comes before Congress again, following Presidential veto of the original bill passed by Congress last month, with its increased \$1 billion funding made by Congress chiefly for education, health research, and hospital construction. At this time, I

would like to insert into the RECORD a copy of a letter to the President, which was written and sent to me by Mrs. Bernard R. Wetering of Grosse Pointe, Mich. The letter expresses the hopes and needs of the many thousands of Americans afflicted with arthritis, who are concerned with cutbacks in funds for chronic disease programs. Indeed, these people cannot be forgotten.

The letter follows:

Re: Michigan Arthritis Control Center Funds.
President RICHARD NIXON,
White House,
Washington, D.C.

DEAR PRESIDENT NIXON: Due to a threatened cut back of federal funds for on-going chronic disease programs, I am writing my first letter to my President.

I am one of the 750,000 people in Michigan alone who have arthritis. Seven of my forty-seven years have been spent fighting this chronic, crippling disease with no hope at the present time of having it cured. For three years I was on a Henry Ford Hospital Arthritis Clinic research project. I offered myself as a human guinea pig hoping that even if help was not found for me, it might be found for some of my fellow sufferers. I hope and pray this was not done in vain.

My mother, sister and two young nephews suffer from arthritis or related diseases. One young nephew of twenty-four is working under severe handicaps for his Doctorate in Education. What a loss to our country if he shouldn't make it due to his health. Among my friends there are six arthritics, one a young lady of nineteen and one a small girl of three.

I am begging you for the continuation of arthritis research funds mainly for the sake of the young people . . . our future generation!

Sincerely,

MRS. BERNARD R. WETERING.

HOLD DANGEROUS DEFENDANTS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. HOGAN. Mr. Speaker, it is obvious that the question of pretrial detention is one which must be solved if there is to be any effective reduction in crime. The St. Louis Globe-Democrat has seen fit to print an editorial on this important subject. The article makes a strong argument, with sufficient reason, for President Nixon's request for amending the Bail Reform Act of 1966. I advise my colleagues to read this intelligent editorial. I urge that we act on this important proposal.

The editorial follows:

[From the St. Louis Globe-Democrat,
Feb. 10, 1970]

HOLD DANGEROUS DEFENDANTS

Before anyone, even a speed reader, can complete this editorial, someone in the United States will have been the victim of a horrible crime.

Such is the frequency of crime and violence in the land that traveling to the moon is safer than walking the streets at night.

When Richard Nixon campaigned for President he promised to do something about the dreadful crime crisis, obviously one of the major concerns of voters.

One of the most reasonable and protective proposals put forth by the Nixon Administration, in its fight against crime, asks authority for pretrial detention of dangerous defendants.

As President Nixon observed, in asking Congress to amend the Bail Reform Act of 1966, "Increasing numbers of crimes are being committed by persons already indicted for earlier crimes, but free on pretrial release. Many are being arrested two, three, even seven times for new offenses while awaiting trials."

No one needs to draw St. Louisans a picture of a dangerous defendant.

Milton Brookins, who has been found guilty of an armed robbery attack on a young woman while out on bond on two rape charges, answers the description.

Under a system authorizing pretrial detention, Brookins could have been denied bail because of the substantial probability that his release posed a danger to the community.

At present a court must ignore a defendant's danger to the community and release him on bond if he is not considered likely to flee.

Precise statistics on the number of crimes committed by those out on bond while awaiting trial for other offenses are not available, because until recently no attempt was made to tabulate them.

Available figures, however, are shocking. In Washington, D.C., nearly 60 per cent of defendants indicted for robbery, and released prior to trial, were re-arrested and charged with subsequent offenses.

As requested by the Justice Department, pretrial detention would be authorized in all federal courts, but would have its greatest impact in the District of Columbia, where these courts have full jurisdiction.

Adoption by states would have a most beneficial effect in crime-infested cities everywhere.

Detention is no presumption that the accused is guilty of the offense charged, any more than a person charged with murder is presumed guilty because he need not be granted bail on a capital offense.

Rather than cripple anyone's constitutional rights, pretrial detention of dangerous defendants could make it practical to do away with the hypocrisy of setting high bonds in situations where the defendants are not considered a threat to the whole community.

The aim of pretrial detention is simple and clear. The welfare of the majority requires that the community be protected against the menace of known offenders running loose, piling crime upon crime to the ruin of us all.

REDUCTION IN POLITICAL TIME ADVERTISING RATES

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. NICHOLS. Mr. Speaker, there are many advocates here in the Congress of legislation to subsidize political campaigns due to the high cost of campaigning. So far, this legislation has not gained grassroots support across the country, and I seriously doubt that it will.

I was pleased to learn last week that a public-spirited broadcasting company which serves my congressional district has taken steps to do something about the high cost of campaigning. Cosmos Broadcasting Co., which owns three television stations including one in Mont-

gomery, Ala., announced that all political advertising would be reduced by 25 percent this year. This is very commendable, and I sincerely hope that more of our advertising mediums will follow the lead of Cosmos.

The following is a news release which announces the new policy:

NEWS RELEASE OF COSMOS BROADCASTING CORP.

A 25% reduction in political time advertising rates on Cosmos television stations for all qualified candidates in the 1970 Primary and General Elections was announced today by Cosmos Broadcasting Corporation President Charles A. Batson.

In making this announcement Mr. Batson stated that the reduction would go into effect immediately at WIS Television in Columbia, South Carolina; WSFA Television, Montgomery, Alabama; and WTOL Television in Toledo, Ohio.

Mr. Batson went on to say that the reduction was a result of the stations' recognition of rising campaign costs and a desire to insure the public of the widest possible exposure to candidates and their platforms.

Notification of the new policy by the Cosmos stations has been sent to state party headquarters in South Carolina, Alabama, and Ohio, as well as the national headquarters of both the Republican and Democratic Parties in Washington, D.C.

NIXON ON TOXINS: A WISE DECISION

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. DELLENBACK. Mr. Speaker, President Nixon's statement of February 14 extending his November 25 ban on biological weapons to include toxins will have many positive effects. It will reduce uncertainty about U.S. intentions of using disease as a weapon of war. It will remove the hazards of domestic production, and it brings American policy a step closer to the British draft convention on biological and chemical warfare proposed at the Geneva disarmament talks.

This is a step that I have long urged on strategic and tactical grounds as well as for the reasons just mentioned. By ending the definitional dispute over the classification of toxins, President Nixon has eliminated a point of senatorial debate and facilitated the ratification of the Geneva protocol.

Earlier this week I received a statement, "What Policy for Toxins?" from Prof. Matthew Meselson of the Harvard University Biological Laboratories. For the reasons why President Nixon's decision is wise, I commend to my colleagues Dr. Meselson's concise paper on the fundamental disadvantages of toxins:

WHAT POLICY FOR TOXINS?

(By Matthew Meselson)

CHARACTERISTICS OF TOXINS

Toxins are poisonous substances produced by living organisms including plants, animals and bacteria. Examples are ricin (from the castor bean), tetrodotoxin (from the globe fish), and botulinum toxin (from the bacterium *Clostridium botulinum*). Today, their production entails the growth or harvesting

of large quantities of plants, animals or bacteria from which the toxin may then be separated and purified. Looking several years ahead, it will be possible to synthesize a number of toxins directly, without the need for toxin-producing organisms. Eventually, direct chemical synthesis will provide a practical alternative to extraction from living organisms, although the latter method is likely to remain the least expensive for bacterial toxins.

In contrast to the organisms that produce them, toxins are not capable of reproduction. For this reason, illness caused by toxins is not transmissible from man to man. Toxins cannot themselves cause spreading epidemics. Nevertheless, toxins do cause disease. The principal pathological symptoms of many bacterial diseases are in fact caused by toxins produced within the human body by living bacteria. In this sense, bacteria makes toxins, toxins cause disease. Examples of diseases that can be produced either by bacterial infection or by direct administration of the corresponding toxin are anthrax, cholera, diphtheria and tetanus.

Some toxins are highly lethal to man (botulin) while others usually cause only temporary incapacitation (staphylococcus enterotoxin). Many toxins cause illness or death only after a considerable delay. This varies with the particular toxin and with the dosage and can range up to several days. For use as weapons, toxins may be dispersed as aerosol clouds over or up-wind from a target, to be inhaled by the target population. Because toxins are not absorbed effectively through the skin, a gas mask provides good protection, as do shelters with properly filtered air. Protection can also be afforded by prior immunization with specific toxoid. However, each toxoid is effective only against a particular kind of toxin and, for some toxins, the margin of protection is not enough to be of practical significance.

ARE TOXINS CHEMICALS OR BIOLOGICALS?

Some texts classify toxins as chemical agents because they do not multiply and cannot cause spreading epidemics. Other texts define toxins as biological agents because the technology of their production resembles that of biological agents rather than that of chemical agents and because the symptoms produced by bacterial toxins are like those produced by bacterial infections. The report of the U.N. Secretary General on chemical and bacteriological weapons defines toxins as chemicals whereas, until recently, U.S. military writings defined them as biological agents. The intermediate status of toxins is manifest in the United Kingdom draft BW convention. Although this treaty does not explicitly prohibit the possession of toxins it does prohibit the production and possession of bacteria for the manufacture of toxin weapons. Apparently in recognition of these points, the British Government has declared its willingness to consider amendments that would extend the convention's prohibitions to cover toxins explicitly. In any case, the United States should not attempt to derive its policy for toxins from purely technical arguments regarding their definition. Instead, our treatment of toxins should aim to achieve our major policy objectives.

POLICY CHOICES

The United States is already pledged not to initiate the use of lethal or incapacitating chemical weapons and to refrain from all use whatsoever of germ weapons. Thus, whatever policy is decided for toxins, there is no question of initiating their use in war. Rather, the principal questions for decision are:

(1) Should the United States reserve the right to use toxins in retaliation for CB attack against us?

(2) Should the United States pursue the development and production of toxin weapons?

Our answers to these questions should be

decided in terms of our major policy objectives. These are (1) meeting military requirements, (2) achieving arms control and non-proliferation, (3) maintaining the authority and credibility of the President. Each of these objectives is discussed below.

MILITARY REQUIREMENTS

Today, lethal toxins are militarily inferior in almost every important respect to our standardized lethal chemical agents, the nerve agents. Nerve agents act rapidly, many toxins do not. Nerve agents can attack through the skin, thus forcing an enemy into cumbersome protective suits. Toxins do not act through the skin, protection is afforded by a mask alone. Nerve agents can be chosen to contaminate territory for several days, denying it to unprotected troops. Toxins, once they are deposited on the ground, do not constitute an important hazard. We already have a substantial supply of nerve agent munitions and have spent much effort in learning their field characteristics. The research, development and testing necessary to produce satisfactory toxin weapons, assuming that can be done, would entail considerable cost.

With enough development effort, some of the military shortcomings of toxins relative to nerve agents could probably be overcome. The main possibility of technological change that requires closer analysis of the value of toxins to the U.S. would be the development of lethal toxins substantially more poisonous under military field conditions than are existing nerve agents. Such development is probably feasible. The weight of toxin munitions needed to cover a given area would then be lower than the corresponding requirement for nerve agent munitions. For example, substantial chemical operations in Europe would require some tens of tons of nerve agent munitions per day. If developed to anything like their full potential, a much smaller quantity of toxin munitions would suffice to cover the same area. However, this reduction of logistic requirements in a major war zone is not so great as to provide an overwhelming argument for having toxins instead of nerve agent. For comparison, we expend thousands of tons of munitions per day in Vietnam and would expect to use considerably more in a major conventional war in Europe.

U.S. policy proscribes the first use of lethal or incapacitating chemicals. Our ability to use chemicals in retaliation against a chemical attack on us would force enemy troops to don protective equipment. This provides such a high order of protection that our chemicals would not be very effective in causing casualties directly. Instead, the military effectiveness of using chemicals against an enemy prepared to protect himself resides mainly in the reduction of mobility and general fighting efficiency caused by the cumbersomeness of protective equipment and by the complexity of the precautions needed to survive in a chemical environment. The chief argument for our possession of chemicals is that it enables us to force the enemy into the same awkward protective posture as his chemicals would force on us, reducing his incentive to initiate chemical warfare and denying him a comparative advantage in case deterrence fails. Although this argument deserves critical examination, it is accepted here without challenge in order to assess the requirement for toxins as a replacement for nerve agent weapons.

There would be little military advantage in having agents much more toxic than nerve gas. Even a very large increase in toxicity would not overcome the high degree of protection afforded by sophisticated defensive gear. Indeed, in spite of their potential for extraordinary toxicity, toxins are likely to be less effective for tactical purposes than are nerve agents. Toxins do not penetrate the skin and therefore would not force enemy troops to wear protective equipment as

cumbersome as the suits required for defense against nerve agents. Their dissemination over large areas would cause high casualty levels among unprotected civilians while not greatly impeding the activities of enemy soldiers. Indeed, even if skin penetrating toxins could be developed, contrary to present expectation, their only advantage would be the rather modest reduction of logistic requirements discussed above.

The situation with incapacitating agents is somewhat different because no very satisfactory incapacitating agent now exists. It is conceivable that a satisfactory incapacitating toxin could be developed, whereas no conventional chemical may be found with the necessary properties. However, so long as we are committed to use incapacitating agents only in retaliation for chemical attack upon ourselves, we have no major need for an incapacitating chemical capability.

ARMS CONTROL AND NONPROLIFERATION

Today no nation appears to have operational toxin weapons or even to have generated any great momentum toward developing them. In the context of both tactical and strategic war, it is very much in our interest to preserve this situation. Our great wealth allows us to expend enormous quantities of conventional munitions in tactical combat. Very few countries even approach this capability. Toxin weapons have the potential of large area coverage at low cost. If effective toxin weapons are developed and if there are no strong restraints against their acquisition, countries and forces less wealthy than the U.S. will wish to acquire them, to our disadvantage.

At the strategic level, the hazard for us is much more serious. Toxins could open up a whole new dimension of strategic threat. For strategic purposes, their potential for large area coverage per pound of agent could make them more like germ weapons than like chemicals. Countries not possessing nuclear weapons and unwilling to accept the odium and uncertainties of reliance on strategic germ weapons might well be tempted to acquire a population-killing capability based on toxins.

Clearly, it is in our interest to discourage other nations from diverting resources to the development and procurement of toxin weapons. We do this by creating the expectation that such weapons will not be used, by not pioneering their technology, and by strengthening the psychological and legal barriers against them.

The arms control benefits of our newly decided policy of not using germ weapons for any purpose will be reduced if we maintain biological laboratories where secret work is done and if we keep military facilities capable of the large-scale production of germ weapons. An active U.S. toxin weapons program would prevent us from demilitarizing and declassifying our biological research laboratories at Fort Detrick and our germ weapons production facility at Pine Bluff Arsenal. Conversely, if we choose not to develop toxin weapons, Pine Bluff can be completely demilitarized and our defensive biological research program can be done at Fort Detrick or other locations with little or no secrecy. This would constitute a comprehensive and convincing renunciation of the use of disease as a weapon of war. It would deprive present and potential advocates of biological weapons in other countries of the time-honored argument that such weapons must be made because the other side is doing so. It would reinforce the psychological attitudes which incline political leaders not to divert resources to biological weapons and which incline technical personnel not to work in this area. Such a policy would allow us to focus maximum political pressure on other nations in order to discourage them from undertaking or prosecuting biological weapons programs of any kind.

MAINTAINING THE AUTHORITY AND CREDIBILITY OF THE PRESIDENT

The initiative of the President in renouncing the use of biological weapons under all circumstances was greeted with praise and admiration throughout the world and across a broad political spectrum. However, the toxin issue threatens to undermine the credibility and authority of the President's policy, even in the eyes of persons generally counted as supporters of Presidential policy. Many senior scientists have expressed the view that a toxin weapons program would be inconsistent with the President's initiative in attempting to forestall the use of disease as a weapon of war. A toxin weapons program would require us to divert many of the recent and forthcoming advances in biology and medicine toward new methods of killing and of controlling living processes for military purposes. Most persons hold this to be unnecessary and abhorrent. This attitude was stated editorially in the Washington Post of January 9. "The revulsion generally felt against biological warfare arises from the conviction that disease should not be used as a weapon of war. Surely the President did not mean that, while a disease induced by living bacteria is out of bounds, a disease induced by a toxin is acceptable. He can scarcely have renounced typhoid only to embrace botulism." This view is likely to be shared by a large segment of responsible opinion in the United States and abroad. To the extent that this is the case, a decision to maintain a toxin weapons program would rob the President of the initiative he has gained and would generate cynicism and disaffection amongst persons who would otherwise come strongly to the support of his policy.

CONCLUSIONS AND RECOMMENDATIONS

- (1) U.S. military requirements for toxin weapons are no more than marginal.
- (2) The proliferation of toxin weapons would be disadvantageous to us in tactical war and would pose a major new strategic threat. Our principal objective should be to discourage interest in developing toxin weapons. This can best be done by grouping toxins with biological weapons for policy purposes.
- (3) Doing this would allow the President to take an unequivocal and convincing stand against any use whatsoever of disease as a weapon of war.

PRIORITY PROCESSING FOR PATENTS ON AIR POLLUTION DEVICES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. MIKVA. Mr. Speaker, just as science and technology have added to the problems of air and water pollution, so technology and man's inventiveness may someday provide us with answers—or at least partial answers—to the problems of air, water, and solid waste pollution. Indeed, some of the very programs authorized and funded by this Congress are programs to promote research and development of techniques and devices to assist in controlling the scourge of environmental pollution.

One of the most critical areas of need for new technology is air pollution. And yet it is here I fear that governmental processes may be acting as a drag on the exploitation of inventions which already exist. The procedure for obtaining patent

protection for new air pollution control devices is sometimes a long and tortuous one. Inventors, understandably loath to market their product until they have secured full protection, may wait for months or years until their inventions are finally approved by the Patent Office for full patent protection. Today, I am introducing a bill which I hope will contribute to the solution of this bureaucratic problem.

The bill I am introducing today authorizes and directs the Commissioner of Patents to advance for examination and further processing the applications for patents on inventions of devices for the control of air pollution. Such patents could include items such as new automobile mufflers, new style precipitators, different ways of consuming the pollution-producing fuel which is burned by many factories and utilities, or even the invention of a nonpolluting vehicle.

The battle against air pollution is going to be a long and hard one. We need all the help we can get from the inventors of America and from their inventions. I hope that the bill I introduce today will make inventions which are potentially useful in the anti-air pollution battle more easily available at an earlier date than they would otherwise be.

CONGRATULATIONS TO JAYCEES ON 50TH ANNIVERSARY

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. CHAPPELL. Mr. Speaker, 1970 marks the 50th anniversary of a great service organization—the Jaycees. What a proud record they can look back on.

All through these years they have recognized that the basis of American civilization is in her grassroots and they have worked for the future of democracy and the building of a better nation by building better communities throughout the Nation.

This organization, in dedicating itself to the task of making democracy work, has not held meetings to discuss the meaning of the word "democracy," nor has it participated in debates as to which part is best able to maintain democracy, but realizing that local government is the foundation of our democratic form of government, they have been vitally interested in local government problems.

In carrying out their basic policy of making democracy work by encouraging individual citizen expression and unified action by groups within the community, the local Jaycee groups carry on get-out-the-vote campaigns on a nonpartisan basis in hundreds of communities.

In many cities these campaigns have resulted in record registrations and increases in the vote as high as 85 percent over previous elections. To make sure that these votes are properly counted the Jaycees have been responsible for having voting machines installed in many of these communities. Their slogan, "Vote as you please, but vote," has resulted in

the defeat of unsound legislation, both local and State.

Too many groups think of America as a great big grab bag instead of a treasure chest which holds the things they value most dearly, and these groups have become one of the greatest threats to our democracy.

Like many other groups in the United States, the Jaycees is a pressure group, but a pressure group for good government. Their entire program is concerned with the general welfare and their refusal to take part in partisan politics has greatly increased their effectiveness when a governmental issue does arrive.

What we need are more of the kind of men that belong to Jaycees—men who acknowledge and who are paying a debt of gratitude to this country which provides them with homes and the privileges of citizenship. Men whose hands are outstretched to give and not to grab, and who are willing to make any sacrifices necessary to preserving our democratic form of government.

We have faith and confidence in the future of America. Democracy has more active, vigilant defenders than at any time in recent history, and when starvation and want are things of the past and dictators of the present are unpleasant memories, young men of the U.S. Jaycees will be found working together in a friendly spirit, building, through their energy, enthusiasm, and ability, a greater America for this and coming generations.

I am deeply grateful for the years I spent as a Jaycee in my hometown of Ocala, and for the comforting knowledge that this great organization continues day after day, and year after year to work for preservation of democracy.

Mr. Speaker, I know that you and all the Members of Congress join me in congratulating the Jaycees on their 50th anniversary and wishing for them 50 more years of service to their communities, their States and to our Nation, for I believe, as they do, that "service to humanity is the best work of life."

AN ALBATROSS OR A DOVE?

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. MIKVA. Mr. Speaker, the coming of a new calendar decade offers an inevitable invitation to reflect and make promises. In the past few weeks all of us have been exposed to probably too much discussion and interpretation of the now-gone decade, and just as much of an excess of pledges and predictions.

However, it is simplistic to think that our future well-being and progress can now be automatically divorced from the misguided decisions of our past. Many of those decisions still haunt us, and threaten to impede any of our efforts toward a better, more peaceful existence for the Nation and the world.

I am introducing today a resolution

which would help cast off some of those out-of-date obstacles and enable us to take a new and more positive stand for our future.

This resolution first would repeal several pieces of stale but open-ended legislation, including the 1964 Gulf of Tonkin resolution, which have committed our Armed Forces, without definitive congressional authorization, to extensive service of dubious value around the world.

Second, this resolution calls for the establishment of a joint committee to study and make recommendations to end as soon and as simply as possible the "state of national emergency" under which we have allegedly been living since December 16, 1950. The quality of life in this country may well have reached the crisis stage for many citizens, but the emergency proclamation to which this resolution refers has not to do with life styles at all, but rather to the outbreak of the Korean war, 20 years ago.

We cannot go on seeking peace with these albatrosses dangling from our necks. If we are indeed to reappraise and reform our foreign policies for the coming decade, we must eradicate these insidious pieces of obsolete legislation.

Then we must consider positive alternatives to our current foreign commitments. The last three sections of the resolution I am introducing today, will do just that, specifically in reference to the Vietnamese situation. These sections, first, call for the creation of an international peacekeeping body to scrutinize the withdrawal of American fighting forces in Vietnam and its aftermath; second, urge the South Vietnamese leaders to get down to brass tacks in organizing an acceptable and adequate government; and third, call for the President to formulate with other nations a plan for the reconstruction of Southeast Asia.

Our past decisions—or abjurations of decisions—need not cripple our promise of peace. In that light, I urge my colleagues to consider the possibilities of this resolution.

HUMPHREY ATTACKS THE REPUBLICAN PARTY

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BLACKBURN. Mr. Speaker, efforts by members of the Democratic Party to discredit the Republican administration come in varied, often contradictory forms, which are, at least, uniformly ineffective.

One of the most recent attempts was by former Vice President Hubert Humphrey, who said, in a speech in North Carolina, that the Republican Party will be hurt by its so-called Southern strategy—that it may bring short-term popularity in the South, but the administration "won't sell nationwide."

What Mr. Humphrey fails to consider, however, is that this administration is

selling nationwide—as numerous polls, editorials, and other measures of public opinion show. Public support and confidence in the President's actions and programs is conspicuously higher than it was during the administration of which Mr. Humphrey was a part—both in the South and in the rest of the Nation. I commend a recent editorial on this subject to the attention of my colleagues.

The editorial follows:

[From the Birmingham News, Feb. 7, 1970]

HHH ON THE SOUTH

Hubert Humphrey told a Democratic Party fund-raising dinner in Charlotte, N.C., Wednesday that the Republican Party, while it might profit in the short run, will be hurt in the long run by its so-called "Southern strategy."

Humphrey accused President Nixon and Vice President Agnew of plagiarizing George Wallace speeches, and said that if the Nixon administration persists in that direction "there will be a one-term administration that won't sell nationwide." (George Wallace on TV the other weekend was promising that Nixon will be a one-term president if he doesn't follow the Wallace line.)

For Hubert Humphrey (or George Wallace) to be giving Richard Nixon advice on politics at this point is something like Napoleon telling the Duke of Wellington what the latter did wrong at the Battle of Waterloo.

The Republican Party and the Nixon administration have no "Southern strategy" based on preferential treatment for Dixie. What some Democrats, apparently including the former vice president, can't seem to get through their heads is that there can be a national administration which does not single out the South for the opposite kind of treatment.

The Nixon administration has set a general tone which is approved by most Southerners. But not only Southerners approve, which Mr. Humphrey and his fellow Democrats know full well but choose to overlook.

They can make jokes about the "silent majority," but they can read the polls and they can sense the support this administration has won so far throughout most of the nation—just about everywhere, in fact, except the Eastern seaboard, where most of the architects of the Democratic Party's political disaster reside, spiritually if not geographically.

That's what sticks in their craw.

MSGR. JOHN M. MULZ

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. ADDABBO. Mr. Speaker, Msgr. John M. Mulz, pastor emeritus of St. Thomas Apostolic Church, Woodhaven, N.Y., passed away on February 6 at St. John's Hospital in Elmhurst, 3 days prior to his 84th birthday.

Monsignor Mulz was pastor of the parish adjoining my parish in Ozone Park and was a respected friend. His loss will be felt by the entire community.

I include an article appearing in the Tablet of February 12 at this point in the RECORD:

FUNERAL FOR MONSIGNOR MULZ, A PRIEST FOR 57 YEARS

Pontifical concelebrated Mass of the Resurrection for Msgr. John M. Mulz, pastor emeritus

tus of St. Thomas Apostle Church, Woodhaven, and former first vice-president of The Tablet's board of directors, was offered Tuesday morning.

Msgr. Mulz, who would have been 84 the day before he was buried, died Feb. 6 at St. John's Hospital, Elmhurst.

A priest for 57 years he studied at St. John's College and Seminary, both in his native Brooklyn.

A curate the first 17 years of his priesthood, Msgr. Mulz served at St. Matthias and Our Lady of the Miraculous Medal, both Ridgewood, St. Boniface and St. Benedict's, both Brooklyn.

In 1929 he became administrator, then pastor of All Saints, Brooklyn. Seven years later he was named pastor of 14 Holy Martyrs, Brooklyn, and he remained there until 1949 when he was assigned as pastor of St. Thomas Apostle.

He won papal honors in 1954 when Pope Pius XII raised him to the rank of domestic prelate. Ten years later he was appointed dean of South Western Queens.

Msgr. Mulz's association with The Tablet began in 1949 when he was named secretary to the board of directors. In 1965 he was elected first vice-president, a post he held until 1968.

In a statement on Msgr. Mulz's death, Msgr. Joseph P. Wiest president of the board of directors, said: "The Tablet observes with regret the passing of one of its most loyal friends. Quiet and soft-spoken, he was nevertheless quite vocal when the welfare of the paper and its employees was concerned. His progressive thinking and active support contributed much to the reputation and influence of The Tablet throughout the Diocese."

In his homily at the Mass, Msgr. Raphael J. Testagrossa, pastor of Nativity, Ozone Park, called the late priest "an exemplar of loyalty, obedience and faithful service not only to our present esteemed Bishop but also to his three late predecessors."

Msgr. Mulz was "ever and always a priestly Christian gentleman," he said. "Throughout all those years of priestly living, his sacerdotal impact was made and lasted in the hearts and souls of countless people."

Bishop Mugavero was the principal celebrant of the Mass. The others included Msgr. Sylvester J. Ronaghan and James J. Griffin and Fathers Charles J. Jessberger, Edward Lodge Curran, Francis J. Seeger and Franklin E. Fitzpatrick.

Msgr. Mulz is survived by two brothers, Conrad of Woodhaven and Michael of Brooklyn.

POLLUTION WAR—NO PLACE FOR POLITICS

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mrs. REID of Illinois. Mr. Speaker, today I joined with a number of my colleagues in the House in sponsoring legislation to implement President Nixon's timely program for control of environmental pollution. We recognize, of course, that pollution is everyone's problem—and everyone must cooperate in its solution. On February 13, 1970, the Elgin, Ill., Daily Courier-News discussed citizen responsibility in this area in an excellent editorial; and under leave to extend my remarks in the RECORD, I wish to include this editorial so that all my colleagues may have an opportunity to read it also:

POLLUTION WAR: NO PLACE FOR POLITICS

There is a mounting awareness in the land of the menace posed to the land and its people by pollution: preventable contamination of earth, air and water. Words like "environment," "ecology" and "the ecosystem" are common currency in the press and in ordinary conversation. This is good.

There is danger that the issue of pollution, now suddenly competing with civil rights, Vietnam and inflation as a popular cause, will become mired in partisanship—of escalating praises.

This would be bad, for pollution is not a political football—it is a time bomb whose fuse is nearly run out, and the world is the fuse.

The battle for environmental quality is no man's exclusive property, no one person's crusade. It does not "belong" to President Nixon, although he is the first President since Theodore Roosevelt to give it high domestic priority, in his speech this week and in his State of the Union Address.

It is up to all Americans to clean up the mess to which we all have contributed by defiling the land and water with too little thought of tomorrow or the price of our folly.

There is a price to pay for the damage done, but paying it will require more than just federal largesse. The \$10 billion of which the President spoke, the programs being devised or already in effect, the new controls and more effective enforcement of existing regulations only, can begin the work of cleansing our surroundings. Further there is also a danger in increasing bureaucratic pollution of local affairs.

The greatest force in cleansing our environment must be the public that has the most to gain from a victory, the same public which thoughtlessly created the pollution. Government can do much, but the people can and must do more.

Individual citizens can perform the small and obvious, but indispensable, housekeeping chores: refrain from littering roadsides and parks and beaches, obey laws aimed at reducing air pollution by cars and trash fires. It will mean a change in attitude for many.

Citizens as stockholders of their communities should accept the thought that the price of eliminating fouling practices now is cheap in comparison to what it will be later.

The will and momentum for control of pollution are increasing. Leadership now is forthcoming.

Citizens as voters can discover if their own municipalities befool the environment in the disposal of municipal wastes, bring pressure to bear on responsible officials and if necessary appropriate funds for improvement of trash garbage and sewage treatment facilities.

And they must accept the fact that legislation that will affect their habits is a part of the price that they now have to pay.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 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?

JUDGE HOFFMAN—A MAN OF COURAGE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BURKE of Florida. Mr. Speaker, the contempt-of-court convictions in the protracted trial of the so-called Chicago seven were intended more than anything else to save our Anglo-Saxon system of law. We who are Members owe a debt of gratitude to Judge Julius Hoffman.

Had he not acted in such a vigorous, determined manner, our entire judicial system could well have been placed in jeopardy.

The defendants and their cohorts repeatedly threw the courtroom into chaos. Consider with a shudder future disruptions, had these enemies of our society been allowed to do as they pleased with impunity.

Let us acknowledge one admitted fact:

The so-called Chicago seven oppose our democratic society and our way of life. Their disruption of the Democratic National Convention was an overt attempt at intimidation of a major political party.

Mr. Speaker, they wanted revolution in the streets. They reviled and fought with police.

Although I do not ordinarily put much stock in hearsay evidence, I would like to quote a friend who was at the scene representing a distinguished American magazine stated:

If the police hadn't acted, half Chicago might have been burned to the ground.

The trial of the so-called seven—and is it not interesting how the Communists and their friends use numbers to identify groups of conspirators—was a farce from the beginning.

The "seven" and their attorneys were not interested in obtaining justice. They were interested only in using the trial for propaganda purposes and in doing their utmost to flout our legal system, to bend it, perhaps to crush it.

William Kunstler, their chief attorney, was found guilty of 24 separate acts of contempt.

The defendants themselves were convicted and sentenced on numerous counts.

Judge Hoffman's courage under fire reminds me most vividly of the courage of Judge Harold Medina some years ago in a trial of Communist conspirators in New York.

Judge Hoffman has presided with incredible patience. His every action has been designed to preserve the dignity of the courts.

His decision to find these people of contempt was the only decision he could have reached.

Our courts have been under attack from our enemies for years. The attack undoubtedly will continue.

The would-be martyrs it produces are a key element in the unrelenting assault to destroy our Nation and its institutions.

We in America can at least be grateful that Judge Hoffman exercised such courage and we can hope that he is emulated by other jurists who most likely will come under attack in future days.

CBW AND STARVATION

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. DELLENBACK. Mr. Speaker, by banning the production and stockpiling of toxins, President Nixon on February 14 took the positive step of eliminating disease as a possible American weapon of war. We should additionally take steps to eliminate starvation as a weapon of war. Specifically, there are two steps we can take. First, we can refrain from using chemical herbicides as anticrop devices. Second, we should take the initiative in proposing an international agreement to outlaw starvation as a weapon of war.

Anticrop chemicals do not, as their advocates contend, starve out enemy soldiers. Rather, like biological weapons, they are indiscriminate in their victims. Indeed, they are even less on target than biological weapons in that they generally affect first, most severely, and sometimes exclusively children, women, and the elderly.

Dr. Jean Mayer, professor of nutrition at Harvard and chairman of the recent White House Conference on Food, Nutrition, and Health, in a letter to the editor of the New York Times, February 15, uses historical evidence to demonstrate that starvation is not a militarily effective strategy.

Particularly because his examination presents the current crises of Biafra and Vietnam, I wish to append Dr. Mayer's reflections:

TO OUTLAW STARVATION

(By Jean Mayer)

TO THE EDITOR:

All men of goodwill recently applauded the action of our Government in signifying our intent to join other nations in outlawing chemical and bacteriological means of waging war. One strong argument leading to the President's action was that chemical and bacteriological warfare, the latter in particular, are indiscriminate in their effects and jeopardize civilian bystanders as much as they do armed enemies.

I would like to propose that starvation be similarly outlawed as a legitimate instrument of war, on the ground that it is worse than indiscriminate. It preferentially attacks small children, pregnant and nursing women and the elderly. Now, when the passions aroused by the Nigeria-Biafra conflict have abated and the job of salvaging and rehabilitating the survivors of the worst famine in the post-World War II period is going on, may be an opportune time to make this proposal.

Starvation has been repeatedly defended by general staffs, including our own, as an effective military weapon. History does not bear out this assertion.

The mortality due to malnutrition was high in Berlin and Vienna during the blockade of the Central Powers by the Allies dur-

ing World War I, but the German Armies never lacked abundant food. Children in Leningrad died by the tens of thousands during World War II, but the Red Army kept its food supply going and eventually the defenders broke out of the encirclement to link up with the advancing relief task force.

In Vietnam crop destruction and interdiction have not starved out the Vietcong: They have increased the refugee problem and, to use current jargon, have been counterproductive in efforts to win the hearts and minds of the villagers.

The Nigerians overwhelmed the Biafrans with the weight of their numbers and imported arms rather than through starvation. Hunger was used as a weapon of terror by one side, of propaganda by the other, at the expense of millions of children, mothers and the aging.

The facts are that young, adult men are physiologically the most resistant to starvation and that armed men never starve, particularly when they can justify their requisitions by the nobility of their cause.

An international agreement to outlaw starvation as a weapon of war should be supplemented by one empowering suitable international organizations, such as UNICEF, F.A.O., or W.H.O., to enter a famine area to feed the noncombatant victims of starvation without prior authorization of the belligerents. How many large scale disasters do we need before we learn that famine and pestilence are not purely "internal problems."

THE PRESIDENT'S MESSAGE ON POLLUTION

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. HARVEY. Mr. Speaker, as several people, including the late Senator Everett Dirksen have said, "nothing is so powerful as an idea whose time has come."

Today the time has come for the idea that America's air does not have to be smog filled, America's waters do not have to be cesspools and America's land does not have to be one big junkyard.

That idea is prevalent today all over America.

It is an idea that the President of the United States is determined to translate into action.

He has made that clear in his message to the Congress on the state of our environment and what we must do about it.

He has made it clear in the package of seven bills he has sent to the Congress which, if passed, will provide the ways and the money for cleaning up our waters, for cleaning up our air, and for cleaning up our land.

Mr. Speaker, there was an urgency to the President's message that is plain for every American to feel. All he has to do is look around him and he can see the reason for it.

The Congress, too, should feel that same sense of urgency. The President has proposed; it is up to us to dispose and dispose promptly so that we can turn the idea for a better, cleaner, more wholesome America into reality, not only for this generation, but for all generations.

NIXON'S BUDGET MESSAGE PRAISED

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BRAY. Mr. Speaker, President Nixon's budget has been praised for many reasons—perhaps most significant are the President's determination to cut inflation by presenting a balanced budget and his reordering of priorities, by placing domestic spending over spending for defense.

Editorials from all across the country have expressed support of the President's goals and proposals set forth in this budget and the "new directions" which their enactment promises for our Nation. Just scanning the titles of some of these editorials shows the confidence felt in the President and his decisions: "Nixon's Budget Reflects Long-Needed Hard Choices," "Nixon Budget Will Answer the Challenge of Inflation," "Mr. Nixon's Sensible Budget," and so forth. I commend to the attention of my colleagues a sampling of these editorials on the President's budget:

[From the Idaho Statesman, Feb. 4, 1970]

NIXON MADE RIGHT BUDGET CHOICES

President Nixon's budget moves in the right direction—less money for defense and space and more for domestic needs. It also represents a proper decision to hold down spending, even at the expense of some popular programs.

The priority shift should be popular with Congress and the public. Mr. Nixon says the budget would mean spending more on human resources than on defense—for the first time in 20 years.

Some of the cuts in programs like milk for school lunches and construction money for hospitals won't be so popular. Their impact will have to be considered carefully before they are accepted.

But the President is correct in making some difficult budget cutting decisions to avoid putting the budget in the red. The cuts in defense and space will make such decisions easier to accept.

The President proposes to hold spending for water pollution control at the \$800 million level Congress decided upon last year. That would mean \$4 billion over the next five years—which hopefully would be matched by \$6 billion in state and local money.

Even this may be too little but it would be much better than what the public sector has been spending for water quality.

The President proposes to move from a slowdown to a stepup in acquiring park land. Perhaps this decision will help stimulate action in the House on the Sawtooth Recreation Area legislation with the White Clouds area included. House Interior Chairman Wayne Aspinall had held up bills for new recreation areas on grounds that the government was behind in funding already authorized projects.

Mr. Nixon proposes \$500 million for a start on his minimum income plan with more money for other social programs. Congress should act this year on the welfare reform plan.

The tax measures which the President proposes are fairly modest. They are hard to fault in view of his feat in holding the total for his proposed budget to \$200.8 billion after \$197.9 billion in spending for this year.

NIXON'S BUDGET REFLECTS LONG-NEEDED HARD CHOICES

Absolute faith in the proposition the federal government can and must adopt responsible fiscal policies to get this country moving in the right direction and at the right place is the keystone of President Nixon's proposed budget for 1971.

And if that keystone is dislodged we can expect the whole structure to topple into the abyss that has plagued this nation for too many years.

There are many "firsts" in the new budget. Mainly, it is the first wholly designed by the new President. Like all incoming presidents, Mr. Nixon's first year saw him with a budget inherited from the Johnson regime. He was able to submit amendments, but it was more a matter of polishing than creating.

The 1971 budget, however, must be accepted as setting a tone for the Nixon administration's financial beliefs.

At the outset, Mr. Nixon can be credited with keeping a political pledge. He said he would submit a balanced budget. He has. And it includes a surplus. Although that surplus (\$1.3 billion) is only about one-half of one per cent of the whole, it nevertheless is a contrast to Mr. Nixon's predecessors.

There are other significant firsts in the Nixon money bill. For the first time in two decades, the chief executive proposes to spend more (41 per cent of the total) for human resource programs than he would for things military (37 per cent of the total).

For the first time, a president has pledged in his budget message to reduce or terminate programs that are ineffective and those where the original need has vanished. And for the first time, a president has said his proposed budget can be viewed as voicing the philosophy of future budgets. Mr. Nixon's message states flatly his subsequent budgets "will recognize long-run savings."

Thus, the 1971 budget message must be viewed more for its tone than for its substance.

There are many imponderables to determine the fate of this budget. The proposed surplus of \$1.3 billion is flimsy at best, considering the fact that Mr. Nixon's amendments to the 1970 budget envisioned a surplus of nearly \$6 billion, but will have shrunk to about \$1.5 billion by the end of the fiscal year.

We can expect Congress to make adjustments it traditionally establishes priorities different from the president's.

But we are heartened by Mr. Nixon's willingness to make the hard choices which for too many years have been postponed and avoided.

[From the Orlando Sentinel, Feb. 1, 1970]
NIXON BUDGET WILL ANSWER THE CHALLENGE OF INFLATION

President Nixon is proposing a \$200.8 billion budget for the next fiscal year.

The budget will be balanced and there will be a surplus of \$1.3 billion, provided Congress goes along with the President.

Despite its gigantic size, Nixon's budget represents reductions in almost all departments of government over the sums requested. The bureaucrats are not going to like that and the pressure to cut someone else's department, not mine, will be intense.

If we are to tackle finally the problem of inflation, however, spending reduction must be achieved across the board. There can be no sacred cows.

Inflation has been described as the greatest threat to the future of this nation. Short of being invaded and overthrown by an enemy, it is the greatest threat.

The primary desire of the American people is to have a stable dollar to enable them to plan for their future.

As the dollar has lost value due to rising prices, wages have had to be raised. This has

necessitated jacking up prices and so on. The cycle is a never-ending one.

The most punished victims of inflation are the aging on fixed incomes. Unlike wage earners they cannot ask for pensions high enough to offset higher prices.

Mr. Nixon says his purpose is to slow down the expansion of demand firmly and persistently, but not to choke off demand so abruptly as to injure the economy.

There is a risk, of course, in slowing down the economy as the President intends to. None of us wants a recession, but a short-term recession, should it occur because of reduced government spending, is preferable to the alternative of higher government and private spending and more inflation.

Halting inflation today is the key to attacking many of the nation's problems tomorrow.

With a balanced budget, some activities of government will have to be curtailed, some projects delayed. But by doing this we are almost building in a guarantee that we will have a better and sounder country tomorrow.

There have been only two budget surpluses (and one of them questionable) in the last 10 years. Deficits in government have run as high as \$25 billion annually.

As we begin the 1970's, the accent must be on economy if, as Richards Nixon says, we are to "attain the goal of plentiful jobs earning dollars of stable purchasing power."

[From the Chicago Today, Feb. 1, 1970]

MR. NIXON'S SENSIBLE BUDGET

President Nixon's contemplated budget of 200.8 billion dollars reflects spending cuts in many areas and is designed to slow down the economy to a point where inflation can be controlled, if not eliminated. It's bigger than last year's by about 3 billion dollars, but that is the smallest increase since the 1960's. And the new budget has the clear virtue of providing a surplus, a relatively small 1.3 billion.

As any householder knows, a surplus, however small, beats a deficit. The adjustments seem reasonable, particularly in military spending, down 58 billion to 73.6 billion. Other slashes have been made in the space program, agriculture, and in commerce and transportation programs. Health expenditures have gone up—despite some criticism of Mr. Nixon for not doing all he should in that area—and so have income-security programs including social security. These increases are necessary in our view; the sick and the aged are the most helpless victims of inflation.

If it works as the President hopes, the budget will represent a gain in the inflation fight. It is based on the gamble that after a slow first half-year, the economy will revive. But it's a modest gamble that doesn't touch the extremes of wage-price controls, deficit spending, or throttling of the economy. Whether it succeeds or fails, the result won't be spectacular—but success would at least bring inflation to a manageable point. As Nixon said, "Personal freedom will be increased when there is more economy in government and less government in the economy."

[From the Minneapolis Star, Feb. 2, 1970]

"FIRST-THINGS-FIRST" BUDGET

President Nixon's budget—the first that he can call his own—has a pragmatic, first-things-first tone in keeping with the philosophy of his administration. The "first thing"—or the No. 1 target—is inflation.

By presenting a budget that skimps on spending, and that projects a surplus, the President is giving notice that his administration will not be a party to encouraging expectations of further inflation. He has kept his pledge, made in the State of the Union message, of "rejecting spending programs which would benefit some of the people when

their net effect would result in price increases for all the people."

The \$200.8 billion budget, with its \$1.3 billion surplus of revenues over expenditures, is a gauge of the Nixon administration's thinking on priorities. It shows cuts in spending for defense, space, farm programs, transportation and health, and a major increase for "income security," which includes welfare payments and reflects the 15 percent increase voted in Social Security benefits. Spending for crucial urban problems, such as education, transit, antipoverty programs and housing is expected to be frozen at current ineffective levels.

More than anything else, the budget is a psychological document, rather than a rigid set of rules. Since it covers the fiscal period that does not begin until July 1 and runs until June 30, 1971, it cannot be precise in judging the mood of the nation and Congress and in forecasting domestic and international emergencies that might require sudden, large expenditures. Its value lies in setting the tone for the nation and the economy in the near future.

The President's tone indicates that some further belt-tightening is in order: Many domestic programs are going to be kept at subsistence levels, business will have to live with a slowdown, and unemployment will rise. This is the price that will have to be paid for licking inflation. It is a painful price, but not an unbearable one.

[From the Wisconsin State Journal, Feb. 3, 1970]

NIXON BUDGET VERSUS INFLATION

Inflation is the nation's No. 1 problem. President Nixon's enormous \$200.8 billion budget has been designed in the hope that it will help solve, not inflame, that problem.

The budget will require some new taxes to maintain budget balance. As distasteful as any tax hike will naturally be, Mr. Nixon's budget recognized the one overwhelming failure of the previous decade or so: spending more by government than revenue takes in is an essential ingredient of inflation.

The President has made no mistake about assessing the magnitude of concern about inflation, and we can only hope he has found the answer.

A wide survey of lawmakers in Washington by U.S. News and World Report has underscored the nation's mood:

"Pocketbook issues—rising prices, higher taxes, soaring interest rates, bigger government spending—are the main concerns of Americans today."

IT HURTS POOR

The fact that the war in Vietnam is not listed No. 1 is not that the issue is taken for granted—rather, it is a credit to the President that in his first year in office he has sought and has won public respect for dealing with that crisis.

Moreover, the pressing social problems of the nation are intimately tied to inflation, which takes from the poor even more viciously than the middle class.

And the President's budget has achieved what no other budget in two decades has managed: more money has been devoted to the "human resources" areas than defense spending.

The budget also calls for a substantial commitment to fighting pollution—\$800 million per year for the next five years. Pollution is fast becoming the issue of public concern that it deserves. Politicians will argue for a long time whether or not Mr. Nixon is doing enough, but the new budget is no small beginning.

FISCAL CONTROVERSY

Politicians are already arguing the validity of Mr. Nixon's budget regarding inflation.

Even before the budget was announced, the battle was under way. Sen. William

Proxmire (D-Wis.) said that the "small budget surplus (\$1.3 billion) is an invitation to further inflation."

On the other side, Paul McCracken, chairman of the Council of Economic Advisers, has argued that the Administration's anti-inflation program is on schedule.

The presidential veto a week ago of the increased spending proposals for health and education set a tone for Mr. Nixon's assault on inflation.

Not only was the veto sustained by a somewhat larger vote than even the Administration had planned, but the indications are that there was wide public support for the action.

Citizens are examining the relationship of inflation and government spending, perhaps much more closely than some congressmen had realized.

NEW POLICIES

The balanced budget has little room to spare. If Congress can cut further, more power to it. But any attempt to spend without also paying with increased revenue is dangerous business.

Only time will tell whether the overall approach of the Nixon Administration will curtail inflation. But there is no reason to believe that the spending policies of the past will do anything except make matters worse.

[From the Portland Press Herald, Feb. 4, 1970]

THE MODERATE APPROACH

Perhaps the most significant aspect of President Nixon's budget is, as he put it, the fact that "for the first time in two full decades, the federal government will spend more on human resources programs than on national defense."

The President would devote 37 per cent of his \$200.8 billion budget to defense spending. The \$73.5 billion is almost \$6 billion short of the defense spending planned this year. The portion proposed for such human resources as education, health, income security, manpower, veterans services, etc., is fixed at just under \$82 billion or 41 per cent of the total.

All this, of course, is subject to change in Congress and already there is ample evidence of efforts to do that—cutting more in some categories, adding in others. Special interests, such as education, already are on the firing line with the National Education Association's George D. Fischer getting off further crude comment with what he chooses to call the "administration's cynical attitude" toward children.

Every individual and organization in the country will react toward this budget as they react toward all others—they'll want more money for the things in which they're interested and less for projects to which others are devoted. When it comes to translating budget cuts into terms of jobs lost, the money saving becomes less palatable for all of us.

For quite some time much stress was put on the premise that the Vietnam war was the great drain on our resources—that if it were not for that demand the nation could do much more in domestic programs.

The Vietnam war is not over and its cost is conspicuously absent from the budget, but Mr. Nixon proposes to do more for the people anyhow. The budget seems to reflect the same moderation the President has demonstrated throughout his first year in the White House.

OVERDUE FISCAL REASON

President Nixon's determination to press for a balanced budget, even to the extent of seeking a surplus—precisely thin though it be—is a responsible position and an affirmation of his pledges.

The President's budget is of record size,

an inevitable consequence of record spending demands and needs as well as the constant rise in federal revenues. But it is realistic.

The most important point underscored by the proposed budget is that it stresses the obvious need to bring spending into line with income.

The pressing urgency for a balanced budget is compounded by the inflated economy which erodes the position of government, wage earner and pensioner alike. That President Nixon intends to have the administration step out front with a showing of fact-finding should have a salutary effect upon the appetites of labor, business and every individual American. Only in this way can inflation be overcome.

The administration has done a reasonable job in paring spending items, exposing itself to criticism from members of Congress and special interests who have been asked to share in the responsibility of evening out federal spending with income.

The burden of reasserting the principle of fiscal responsibility rests equally upon Congress and the White House. Even though some of the things government has been asked to do—and perhaps *should* do when it can do them within the limits of its income—may be delayed temporarily, the compelling need now is to return to reality.

Unless we win the battle of the budget soon, an honorable solution to our struggle in Vietnam, relief from the growing spectre of pollution and answers to every other matter of vital concern to us all will be hollow victories.

The President has taken a strong lead. Now it's up to Congress.

HARSH TIDES OF LIFE ERODE A TOUCH OF MAJESTY

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. KUYKENDALL. Mr. Speaker, several days ago Memphis lost one of its valued citizens, Mr. Tommie Taylor. He was not well known, and his death might have passed without notice, except for the outstanding perception of a Memphis newspaperman, Mr. Thomas BeVier.

Mr. BeVier's eulogy to Mr. Taylor is one of the most beautiful and moving pieces of prose I have ever seen in a newspaper. It appeared in the Commercial Appeal, of Memphis, on Saturday morning, February 14, and I would like now to include it in the CONGRESSIONAL RECORD, in order to share it with my colleagues:

HARSH TIDES OF LIFE ERODE A TOUCH OF MAJESTY

(By Thomas BeVier)

They say his majestic face was a reflection of his soul and if that is so then he has finally found repose from his suffering.

The violence of attrition is demonstrated in his dying.

His house of paper and plywood within sight of the downtown domiciles of finance and commerce failed him in the siege by January's harshness.

But it took 13 Januaries in that place and more years than that of dismal diet to weaken the old man and make him easy prey.

There was much about him that you should know for he was a strange man living out-of-time and out-of-luck with a childish

name which failed his visage and the reckoning people took of him.

For the record, his legal name was Tommie Taylor. He was 63 years old and on the first day of this month he died alone on a makeshift bed with works of primitive art done by his own hand hanging all about.

He had various callings: The African King, the Black Santa Claus, Mr. Fats, the Sharecropper of the M & M Parking Lot.

On sunny days, he would sit on a bench in front of his shack, an indescribable confusion of discarded building materials on the parking lot at 230 South Second Street. From there, looking like a hermit outside vocation, he issued cheery greetings to passersby.

He had a huge burnt umber face flocked with beard in the lower reaches and up the cheeks like steel filings coming to a magnet. It was a photographer's playground. That is the reason that a picture of it hangs today in an eighth-floor office of the National Council of Churches headquarters in New York City.

"He was a big tease," said Mrs. Carol Carter, a white secretary at Shirlo, Inc., next door to the parking lot. "He loved people."

"I've thought about him since he died. The way I remember him is that I thought of him as a man first and as a Negro second. He didn't trust white people sometimes. And he was upset about the morals of people. 'The Lord don't understand such as that,' he would say."

Mrs. Carter and other Shirlo employees sometimes visited Mr. Taylor to buy cigars. He sold soft drinks, packaged cookies, and cigarettes from his shack.

Several times she made phone calls for him and he insisted that she take cookies or the like for her trouble. "He didn't want charity," she said.

A guard at the First National Bank branch at Second and Linden, William S. Reeves, also knew Mr. Taylor. "I filled out his deposit slips," he said. "He lived from hand to mouth. He always deposited just a little more than his bills. If he owed a \$35 light bill, he might deposit \$38. If he owed \$10 to Pepsi Cola, he might deposit \$12."

Mr. Reeves said Mr. Taylor paid \$2 a week to live in the shack.

It is paradoxical that the person who probably knew Mr. Taylor best in the last two years of his life is a 24-year-old white Neighborhood Youth Corps counselor from a wealthy Southern family.

He is Joseph Heflin, a Phi Beta Kappa graduate of Southwestern at Memphis and the son of Aubrey N. Heflin of Richmond, Va., who is on the board of the Federal Reserve Bank.

"The day Tommie died my father was having dinner at the White House with President Nixon," Mr. Heflin said. The dinner was to honor Dr. Arthur F. Burns, new head of the Federal Reserve Bank.

"There is one thing you have to understand about Tommie," Mr. Heflin said. "He was beyond the categories of modern man. I took him to the welfare department once to see about getting him help."

"I'll never forget what happened when they asked him those form questions, like when were you born and so forth. You could see him struggling to go back through his memory like steppingstones in his mind. It brought back all the suffering and he broke down and cried."

Here are some of the steppingstones he may have encountered:

Boyhood without parents. Being shuttled from Mississippi to Alabama to Texas. Living with step-parents. Running away from home. Coming to Memphis in 1921. Marrying. Having children. Working for an oil company, a meat packing plant, a cab company. His wife leaving him and taking the children to Toledo. Wanting a dump truck. Giv-

ing hungry people bread when there was not enough for himself. Legs swelling. Suffering through a heart attack alone.

"He never complained," Mr. Heflin said. "He used to say, 'Once a man, twice a child.' Another thing he used to say was, 'I have to laugh to keep from crying.'"

And then there was the matter of the bricks. When Mr. Heflin met him, he learned that Mr. Taylor had contracted to sell used bricks from a torn-down building on the back of the parking lot to a man for \$32. But first he had to stack the bricks.

"I told them they were antique bricks and that they were worth a lot more than that," Mr. Heflin said. "I told him he was being cheated. But he wouldn't charge the man more. He had given his word."

Mr. Heflin and the old man worked together for several days with the help of neighborhood children and got the bricks stacked.

Before he died, Mr. Taylor was taken to church several times by Mr. Heflin. He was not satisfied with the first church because the service was very loud. So Mr. Heflin took him to Centenary United Methodist Church and he found the comparatively low-key sermon of the Rev. James M. Lawson more to his liking.

"He would have gone the day he died," said Mr. Heflin, "but he had to stay at the lot to collect 75 cents from a man."

Mr. Taylor's widow came back from Toledo with her two daughters for the funeral. She made the arrangements with N. J. Ford & Sons Funeral Parlor at 219 Joubert and with the minister of the first church Mr. Heflin had taken Mr. Taylor to.

But at the last moment, the minister changed his mind because Mr. Taylor was not a member of the church.

"The widow and some other people came to me on Saturday afternoon and asked me to hold the funeral on Sunday," said Mr. Lawson. "I told them there was a rule at Centenary against Sunday funerals. She said he had been a good man. She used the word 'prophet.' The rule was broken."

Mr. Lawson did not know Mr. Taylor, but he had seen him several times. He recalls that on a march during the 1968 sanitation strike, Mr. Taylor held his hand out over marchers as they passed his shack as though giving his blessing.

"When I saw him I thought, 'Wow, what a face,'" said Mr. Lawson.

There were three ministers at the funeral and Mr. Heflin gave a talk, too. "Tommie was put away nice," said John Ford of the funeral home.

It is not certain what happened to Mr. Taylor's worldly possessions. Relatives got some of them and vandals probably got the leftover. Mr. Heflin wishes he knew what happened to a pocket watch his old friend used to wear on a chain around his neck. He thinks that watch was a perfect metaphor for the life of Tommie.

The watch was without hands.

AUTOMOBILE POLLUTION: MORE MUST BE DONE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. MIKVA. Mr. Speaker, earlier this year I introduced a bill to provide comprehensive standards for control of emissions from stationary sources of air pollution. This bill was called the Air Pollution Abatement Act, and was subsequently cosponsored by more than 20

Members of this body. It is now awaiting action before the House Interstate and Foreign Commerce Committee. I continue to hope that for the sake of all our citizens, the committee will initiate hearings on that bill at the earliest possible date.

As important as stationary sources of pollution are, however, we cannot be content to stop there. Over 60 percent of all air pollution nationwide results from one source: the automobile. In city areas where auto use is high and concentrated in a small geographic area, the percentage of pollution caused by noxious motor vehicle exhaust may be even higher—up to 70 percent. Thus any war on air pollution must be waged with adequate weapons against mobile pollution as well as stationary. Today I am introducing two bills which make a start on reducing automobile-caused air pollution.

The first bill would amend the National Emission Standards Act—title II of the Air Quality Act of 1969—to extend the standard-setting authority of the Secretary of Health, Education, and Welfare to cover used cars as well as new. At the time the National Emission Standards Act was enacted, the full extent of automobile pollution was not realized by the Congress. It was thought that giving the Secretary standard setting authority over only new automobiles would be a significant contribution to controlling air pollution. Now we see that this authority is not enough. The Secretary should have power to prescribe emission standards for old as well as new cars. This bill would give it to him.

The first bill would also eliminate the present Federal preemption of State automobile emission standards. Under present Federal law, States are prohibited from setting auto exhaust standards which are more stringent than those set by the Federal Government, unless the Secretary of Health, Education, and Welfare gives permission. This kind of preemption is indefensible. It is precisely the wrong kind of influence for the Federal Government to be exerting on States and local governments which know their own pollution problems best and which may have special reasons for requiring more stringent standards than those which apply nationwide.

Finally, a second bill I am introducing today would prohibit the introduction, transportation, or distribution in interstate commerce of leaded gasoline after June 30, 1973. The bill would also provide penalties of up to \$2,000 or 6 months imprisonment after cases of willful violation of the prohibition.

At this late there can be little doubt about the need to eliminate lead as a component in gasoline, which means also the need to build automobile engines which can run on lead-free gasoline. A conservative estimate is that 250 million pounds of lead are blasted into the air every year from the exhaust pipes of automobiles burning leaded gasoline. Studies have shown that the amount of lead in the air of large urban areas like New York and Chicago is increasing every year. This lead is consumed—inhaled, eaten, and drunk—by millions of Americans. So clear is the leaded gaso-

line menace, that even auto manufacturers are now talking in terms of voluntarily building automobile engines which will run on low-octane—non-leaded—gas.

Several oil companies are leading the way. American Oil Co. has sold a lead-free gasoline for years and reports that unleaded gas now accounts for 20 percent of America's sales. Atlantic-Richfield has announced plans to begin manufacturing unleaded gasoline, and other producers have apparently begun talks with auto manufacturers on cooperative efforts to remove lead from gasoline. What my bill would do is to impose an outside limit on these laudable, if somewhat tardy, voluntary efforts of private industry. It would also insure that after June 30, 1973, no oil company could gain an economic advantage over its competitors by avoiding the extra costs of manufacturing unleaded gasoline.

I was pleased to see that the Department of Health, Education, and Welfare recently announced that strict, new auto exhaust standards are being considered. I was not pleased, however, to see that these new standards are not intended to go into effect until 1975. Apparently the administration does not realize the crisis proportions of air pollution—much of it automobile related—in our Nation's cities. We cannot wait until 1975. These bills provide Congress a chance to act, and act immediately, to show its concern for the dangers of auto exhaust pollution. If my bills are passed, all automobiles—not just new ones—would be covered by national standards; States would be able to enact standards more stringent than the national standards where special circumstances require it; and all gasoline would be required to be lead free by mid-1973.

I commend these bills to my colleagues' attention. I believe we must act now and act decisively to meet the threat of auto exhaust pollution.

PUBLIC REVERENCE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. LUKENS. Mr. Speaker, with the beginning of 1970, it will be 8 years since the Supreme Court banned prayer in our public schools. In those years, Americans have not remained silent or complacent. The public debate and opposition to the ruling is very much alive as evidenced in an excellent article, "Public Reverence," by Rev. Robert G. Howes, in the National Catholic Education Association Bulletin—NCEA.

Despite many bills before Congress and continuing evidence by public opinion for restoration of prayer in our schools, not one bill has reached the House floor. This article, I think my colleagues would find of interest and hopeful stimulation toward restoring prayer in our public schools.

The article follows:

CHALLENGE TO THE DEMOCRACY: PUBLIC REVERENCE

(By Rev. Robert G. Howes)

(Father Howes is Associate Professor and Chairman of City and Regional Planning at the Catholic University of America, Washington, D.C. He is the representative in Washington of Citizens for Public Prayer, a national federation of citizens' groups backing a restorative prayer amendment.)

When the U.S. Supreme Court interprets the First Amendment of the Federal Constitution in a manner which radically contradicts the consistent practice of the majority of the states, it does no singular, minimal thing. Whatever the particular practice, that interpretation immediately becomes a precedent affecting the whole future of religion in our public life. As such it must deeply concern not only whose practice is denied but also those who are involved in any way with religion as subject to and supportive of public policy.

On June 25, 1962, the Supreme Court interpreted the First Amendment as barring the following prayer:

"Almighty God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers, and our country."

The prayer had been composed by a committee of religious leaders. It was made available by the State of New York for an entirely voluntary recitation by pupils and teachers in its public schools. Justice Stewart, in dissent, noted:

"The Court has misapplied a great constitutional principle . . . What is relevant to the issue here is not the history of an established church in 16th century England or in 18th century America, but the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government."

On June 17, 1962, the Supreme Court widened this interpretation to ban the Lord's Prayer and Bible reading in the public schools of Maryland and Pennsylvania. Once again, no teacher had been required to lead prayer, no pupil to join in reciting it. Specific provisions were made for abstention on the part of those who did not wish to participate. There are many pleasant phrases in the two majority decisions. Most of them are collateral remarks, *obiter dicta*, that is remarks incidental to the real deciding reason. One could, and some did, assemble such remarks and claim that the court had done nothing more serious than to rule out a residual unfairness, leaving public religion itself wholly intact.

There are, however, other *obiter dicta* which are less sanguine. For instance, in the first decision Justice Douglas enumerates various instances of government accommodation to religion. Bishop James Pike, appearing before a Senate committee in 1962, called such reasonable accommodation "the great American middle way." Justice Douglas says "our system at the federal and state levels is presently honey-combed" with accommodation. "Nevertheless," he continues, "I think it is an unconstitutional undertaking whatever form it takes." In fact, the deed of the decisions, what the then Harvard Law School Dean Erwin Griswold called "the absolute and . . . extreme" reasoning of the court, is dangerously basic. Henry P. Van Dusen, then President of Union Theological Seminary, wrote:

"The corollary in both law and logic of the Supreme Court's recent interdictions is inescapable, prohibition of the affirmative recognition and collaboration by government at all levels with all organs of religion in all relationships and circumstances."

Fordham University Law School Professor Charles E. Rice said:

Footnotes at end of article.

"The school prayer decisions, if followed, predictably will have the effect of raising agnosticism to the rank of the official public religion of the United States. The Court has now cast aside the historical affirmation by government in this country of the essential truth of theism, has embarked upon a search for 'neutrality,' a search incapable of success, and has substituted agnosticism for the theistic affirmation to which a small minority has objected so strongly. And for its action the Court can point to no durable justification beyond its own inflated rhetoric and a tortured historical interpretation."

The Boston Pilot editorialized:

"ALL PUBLIC LIFE AFFECTED"

"The Supreme Court in the Lord's Prayer and Bible ruling has continued along a path unhappily familiar to all from its earlier decisions. The same tedious arguments emphasizing the 'establishment of religion' clause are brought forth to support a position which turns its back on the total American tradition and outlaws the present practices of 39 states . . . Let us suppose that the Lord's Prayer and the Bible are excluded from the American public schools for precisely the reasons given by the Supreme Court. What is the next step? Clearly, all other expression of religion in public life must now be deleted . . ."

To suggest that pleasant phrases en route to decision can override the deed of the decisions themselves is to ignore the heart of the matter. That heart clearly is the equation by the Supreme Court of "establishment" with public reverence, whether free or not, whether institutional and sectarian or not. Even to question such an equation, the court said in its second decision, is "of value only as academic exercises!" The situation is, in short, as it was a century ago when Abraham Lincoln commented on the Dred Scott decision:

"When all the words, the collateral matter was cleared away from it, all the chaff was fanned out of it, it was a bare absurdity. . . The Dred Scott decision covers the whole ground, and while it occupies it, there is no room for the shadow of a starved pigeon to occupy the same ground."

Five years have passed since the first prayer ban. In those years, several significant things have happened.

(1) Literally hundreds of bills were introduced in both the House and Senate calling for a clarifying amendment to restore the First Amendment to its preban interpretation and to forestall a further widening of the court's logic. There were 117 such bills on the House side alone in the spring of 1964. Senate Joint Resolution Number 1 of the 90th Congress was signed by 42 senators of both parties. It proposed a restorative constitutional amendment which would read:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

(2) Catholic response to the prayer bans was openly mixed, though there is no possible doubt that Catholics were in great numbers part of the massive pro-amendment majority across the nation. The National Council of Catholic Youth officially recorded itself as opposed to the prayer bans and called upon all of its local units to work for reversal. Otherwise, where Catholic apathy and even support of the decisions showed itself, it has been suggested that an underlying cause was self-interest:

"It may be that some of it is motivated by the thought that if public education can be completely secularized (so that, as it has been said, 'religion' in such quarters becomes 'a dirty word'), then there will be an increased public demand for sectarian education which can combine religion with

general education. This could then be an argument in favor of parochial schools, and as public schools decline, the argument for public support of parochial schools can be advanced in one guise or another."

I hope this estimate is inaccurate. I fear it may be, in at least a partial sense, accurate. Our bishops wrote once that "religion is our chief national asset," and as such what happened to it anywhere at law must affect it everywhere. I am afraid some of us have simply failed to make the vital connection between what occurred in the prayer ban decisions and those aspects of the First Amendment which preoccupy us more immediately. Too many Catholics have simply failed to appreciate that any fundamental interpretation of the First Amendment by the Supreme Court must over a period of time operate in all areas of religion and public policy, including the area of government aid to nonpublic schools under religious auspices.

(3) Eleven of the 13 justices who passed on the New York prayer issue prior to its arrival at the Supreme Court ruled it constitutional. The attorneys general of 19 states submitted a "friend of the court" brief to the Supreme Court, prior to the first decision, which said in part:

"Our founding fathers, together with the great and God-fearing leaders of the last century and a half, would be profoundly shocked were they to have been told in their day that in this year of our Lord . . . a voluntary nondenominational acknowledgment of a Supreme Being and a petition for His blessings recited by American children in their classrooms is being seriously attacked as a violation of the Constitution of the United States."

It was clear from Congressional reaction that a massive mail concurring with such judgments was hitting Capitol Hill. "Kingsize" was how Senator Dirksen described it. Resolutions endorsed what came to be called the Peoples Amendment for Public Prayer came from the National Conference of Governors, the National Conference of Mayors, legislatures of several states, the National Jaycees, the Veterans of Foreign Wars, the American Legion, and from such men as Billy Graham, Cardinal Cushing, the late Cardinal Spellman and Bishop Fulton Sheen. Sampling after sampling confirmed the will of the nation. The Gallup Poll in September 1963 recorded a three-to-one majority for reversing the court in its prayer decisions. In October 1964 the Harris Poll put the figure at 82 percent for amendment. Congressional home district polls backed the national sampling. Again and again there was no subject on which more of a congressman's constituents were united than on the need for a prayer amendment, and no subject in which "don't knows" ran lower, or majorities ran consistently higher. At each hearing on prayer amendment proposals, thousands of proamendment petitions were presented. About 40,000 petitions were introduced on the very first day of the House hearings (1964) by Congressman Fallon of Maryland. To the Senate hearings (1966), we introduced in behalf of amendment 35,000 petitions from Pennsylvania, 30,000 from New York and 50,000 from the Midwest. In the spring of 1967 *Good Housekeeping* magazine came up again with an 80-plus percentage for amendment.

(4) Despite all this, *not one single normal floor vote has been held in five-and-a-half years in either house of Congress on even the technicality of proposing a prayer amendment to the nation.* And hearings in this critical matter were forced in the House Judiciary Committee only after a discharge petition to bypass Chairman Emanuel Celler, who was bitterly negative, had nearly succeeded.

(5) In the wake of the prayer ban decisions, things have not stood still. A number of

trends have developed. Two are of major importance. First, a trend toward a kind of fearful indecision on the part of public authority. School boards everywhere were from the start anxiously uncertain about whether and how religion was to survive in the public classroom. In some instances, boards have defied the court, but this is, patently, no solution to the problem. In a few instances, boards have tried to substitute various procedures, such as God sandwiched between Thoreau and Ben Franklin for morning assembly reading. These instances, however, remain so rare that each one is the subject of national notice. In most cases the net result has been one of the following: a) to rule religion out entirely; b) to emasculate religion before it is permitted in the school, thus reducing it to the merest art, history or literature; c) to decide any particular question involving religion in the classroom in favor of parents who might conceivably object to it along lines indicated in the prayer ban record. Secondly, there has been a trend toward enlargement of the prayer ban to affect other practices of public reverence. Courts and some attorneys general have relied on prayer ban decisions to strike down kindergarten prayers and such substitutes as the singing of patriotic anthems. In the fall of 1966 the Supreme Court relied significantly on the decisions to knock out aid for church-related colleges in Maryland.

Meanwhile, it was again and again made clear by such opponents of religion in public life as Madalyn Murray O'Haire that the prayer ban would be used as a launching pad for further attacks on all surviving instances of public reverence. It is, of course, impossible to predict with precision just how far the court will go toward accommodating these attacks, but its defenses against them must be seriously weakened by the majority reasoning in the prayer ban cases.

Of course, at the very base of the prayer amendment issue stands the issue of parental rights. There is no question that God belongs in the homes and the churches of America. There is no question that a serious re-examination of His presence there is imperative. But religion is not strengthened at the hearth and the sectarian altar by denying it entry to the public classroom. Religion is not strengthened in the heads and hearts of American youth by wiping it off their lips precisely where most of them prepare for citizenship in a reverent society. What is rather indicated is a joint activity, carefully respectful of the right of dissent, which involves church, home and school. In its 1951 Statement of Belief, which recommended school prayer, the New York State Board of Regents said:

"We believe that thus the school will fulfill its high function of supplementing the training of the home, even intensifying in the child that love for God, for parents and for home which is the mark of true character training and the sure guarantee of a country's welfare."

In its Decree on Education Vatican II underlined how the principle of subsidiarity applies in public education:

"The Church gives high praise to those civil authorities and civil societies that show regard for the pluralistic character of modern society and take into account the right of religious liberty, by helping families in such a way that in all schools the education of their children can be carried out according to the moral and religious convictions of each family."

It is suggested by those who oppose a prayer amendment that the court banned only "prescribed" prayer and that other types of religious presence in the public classroom stand unaffected, indeed encouraged. There is at the very base of the court's decisions a fatal, secularizing equation. Once this equation has been repealed, there is certainly place for reexamination of the entire gamut of that presence. Various approaches to religion

as a force for morality and civic strength can and should be tested. Citizens for Public Prayer fully support such testing, but at the right time. So long as the prayer ban remains, however, there can be no compromise. Generally, those who ask substitutes for the brotherhood of prayer call for a moment of silent meditation, classes in comparative religion or the rendition of God strictly in paintings, dates and poetry. Each substitution has its weakness. Collectively, they are totally inadequate to the need of the situation.

Let's take meditation first. It is most significant that the same day the Massachusetts legislature sanctioned meditation in the public schools of the state it petitioned Congress in support of a prayer amendment. A quiet God is better than no God. But a quiet God cannot provide that experience in pluralism which a spoken God encourages. One great advantage of the brotherhood of prayer consists, precisely, in the fact that through it children from various religious backgrounds are taught that although they go freely to their separate churches and synagogues over the weekend, still they can freely find and pronounce together common words of uniting reverence each day during the week. Besides, meditation is extremely difficult even for adults. To suppose that grade school youngsters can meditate properly is a delusion.

As for classes in comparative religion, it may be that once the prayer ban is repealed we can move along these lines. But such classes will require teachers who have the wisdom of Solomon, and are objective enough to relate one religion to another without bias. And should these teachers fall even slightly, offended parents will rise to challenge them in the courts, just as parents who objected to the earlier prayer did.

In regard to religion as art, history and literature, it is true that under these aspects it belongs in many classes, so that children of a reverent people may review their inheritance. But what a tragedy it would be if God could come into school only as a footnote in classes otherwise preoccupied and minus any factor of reverence whatsoever! Religion is more than dates and pretty pictures and nice phrases. Religion is reverence. Any proposal which drains it of its prayerful blood is anemic to start with. In short, none of the suggested substitutes is, at least in its present state of refinement, adequate. None would in any way remove the tragic precedent of the two prayer ban decisions. Finally, the closer any one of them came to being a real collective reverence, the more likely it is that it would be challenged and struck down by courts under the compulsion of prayer ban logic.

MAJORITY-MINORITY PROBLEM

There is another item in the prayer amendment debate which must be pondered. This is the item of majority-minority relationships in a democracy. It has two facets. The first is: How should society accommodate in its practices a majority will against which there is marshaled a loud minority will? The second is: In the public classroom how should the dissent from prayer and the desire for prayer be handled with justice all around? In regard to the first question, it must at the outset be agreed that 50 percent plus one does not of itself make a thing right. Democracy must never be a matter of a bull-headed majority tyrannizing over a cowed minority. Neither must it ever be an oligarchy in which a minuscule elite, somehow wiser, forces its preference on an unwilling majority. This latter state becomes what *The Boston Pilot* has called a "tyranny of the few." One thing is clear: As in all such controversial situations, a dissenting minority must be assured to the maximum reasonable extent its right of silence and abstention. To permit a minority's preference to dominate public practice, however, thus denying to an overwhelming majority its will, is an intolerable travesty of democracy.

In this case, a strong argument can be mounted in support of the traditional, pre-ban interpretation of the First Amendment. Even Justice Brennan, siding with the majority in the second prayer ban decision, concedes that its factual position is far from conclusive:

"On our precise problem, the historical record is at best ambiguous, and statements can readily be found to support either side of the proposition."

But even if the court's reading of the history and the semantics were accurate, the case for a clarifying amendment would still stand. No people in a free society are required to be prisoners of words which, in that hypothesis, do not say what the people wish them to say and do not permit practices which the people overwhelmingly wish to provide for themselves and for their children. As in the flag salute situation, what is required of a wise judiciary is not a decision rendering the majority silent before an intolerant minority but one that allows the greatest prudential accommodation for dissent while the majority will prevails. The second facet of majority-minority relationships here can be expressed in a question: Is school prayer an unconscionable intrusion on the rights of the dissenting child and his parents? It must be repeated that in the three prayer ban states, school prayer had been entirely voluntary for both teacher and pupil. Tolerance is, and must continue to be, a two-way street. So long as he is respected in his right to be different, the dissenting child must learn to respect the right of the majority of his fellow students who wish to pray together. Dean Griswold's treatment of this critical matter is excellent:

Must all refrain because one does not wish to join? . . . No compulsion is put upon him (i.e. the dissenting child). He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own tradition, perhaps coming to understand and respect what they feel is significant to them. Is not this a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the minority group?"

A related question is often posed. Whose prayer? The answer is simple. Once the civil right of public reverence is restored in the public school, the American people again will select, with a minimum of mistakes and a maximum of good common sense, a reasonably nondenominational prayer. To suppose that any group of Americans with a sectarian majority would be so callous of its neighbors as to insist on a sectarian prayer in their public schools is to fly in the face of the great bulk of American experience. But even should, in a rare instance, such a prayer be proposed, recourse for remedy would still be open with the courts. What is clearly urgent in this entire issue of majority-minority rights is a reasonable pluralism, the kind of adjustment and prudential accommodation which mature men make with their neighbors in any complex matter in which a common decision is required. With such a responsible pluralism, the solution to difficulties such as wording a proper amendment and coming up with consensus prayers is easy. Without it, we become quickly a jungle of selfish predatory religious groups, careless of neighbors and haggling over every approach to that harmony which has so long been the major motif of our people.

A few words of prayer by children in a public place will not alone change the world. The brotherhood of prayer remains an important part of an important pattern. Clearly, however, much more than this is at stake in the fight to write a Peoples Amendment for Public Prayer. The whole matter of a reasonable and, reasoned pluralism is involved here. So is the survival intact of all

practices of public reverence. So is every other controversial aspect of church-state relationship. So, finally, is the very workability of the democracy itself. It is simply incredible that there are still Catholics concerned with democracy, education and pluralism who cannot, or will not, understand these things. John Donne wrote that "no man is an island." It can be said with equal force that no decision of the U.S. Supreme Court fundamentally interpreting the First Amendment against the expressed will of the nation is an island—a minimal, a singular thing. Remedial action now, loud and long, is emphatically indicated. Seldom has the alternative to such action been put more strongly than by Father Joseph Costanzo, S.J., professor of historical jurisprudence at Fordham University.¹

"American believers are losing by default. They have taken their spiritual heritage for granted. They have allowed a creeping gradualism of secularism, under one specious pretext or another, to take over their public schools. A vociferous and highly organized pressure group is exercising its own form of indirect coercive pressure upon the American community."

FOOTNOTES

¹ The New York Times, July 7, 1963.

² The Supreme Court and Public Prayer (New York, 1964), p. 21.

³ June 21, 1963. The Boston pilot is the official publication of the Catholic Archdiocese of Boston.

⁴ Columbus, Ohio, Sept. 17, 1859; Galesburg, Ill., Oct. 13, 1858.

⁵ Griswold, Erwin N. Utah Law Review, Vol. 8, No. 3 (Summer 1963).

⁶ United States Supreme Court, October term 1961, Document No. 468.

⁷ Op. cit.

⁸ This Nation Under God (New York, 1964), pp. 131-32.

IDAHO STATE LEGISLATURE

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. McCLURE. Mr. Speaker, the Idaho State Legislature has forwarded to me a joint memorial regarding the National Forest Timber Conservation and Management Act, H.R. 12025. Because my State is a leader in the forest industries, I feel that it is appropriate that the opinions of the Idaho State Legislature be brought to the attention of my colleagues in the Congress.

I think it should be noted that this memorial passed in the House of Representatives by a unanimous vote and passed the Senate with only one dissenting vote. This statement by the elected representatives of the people of my State speaks very loudly of the concern for proper management of our multiple resources.

At this point, I insert House Joint Memorial 7 in the RECORD:

JOINT MEMORIAL 7

To the honorable Senate and House of Representatives of the United States in Congress assembled, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States:

We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Ses-

sion of the Fortieth Idaho Legislature, do hereby respectfully represent that:

Whereas, the state of Idaho ranks fifth in the nation in the supply of timber, and

Whereas, seventy-four per cent of the commercial timber is owned or managed by the Federal Government, and

Whereas, only eighty per cent of this 1.1 billion board feet of allowable cut is made available to the wood products manufacturers, and

Whereas, Idaho must play an important role in helping the nation reach the goal of twenty-six million shelter units in the next ten years as set forth in the National Housing Act of 1968, and

Whereas, less than ten per cent of the nearly 1.3 billion board feet of timber that is annually lost to fire, insects, and disease is salvaged, and

Whereas, Idaho's forest industries are an important part of the state's economy and provide twelve thousand jobs with an annual payroll exceeding 77.5 million dollars, and

Whereas, H.R. 12025, known as the "National Forest, Timber, Conservation and Management Act" is presently under consideration in the Congress, and

Whereas, the passage of this act is vital to the welfare of the people of Idaho and to the people of the nation.

Now, therefore, be it resolved by the Second Regular Session of the Fortieth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the passage of H.R. 12025, the "National Forest, Timber, Conservation and Management Act."

Be it further resolved, that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward certified copies of this Memorial to the Leadership of the Senate and House of Representatives of Congress, and to the Senators and Representatives representing this state in Congress.

NATIONAL COUNCIL OF CHURCHES

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BUSH. Mr. Speaker, the following resolution is the first statement by the National Council of Churches dealing solely with population. Note particularly the last paragraph, which makes it possible for the National Council of Churches to give full support to the development of vigorous Government leadership in meeting the population crisis.

As chairman of the House Republican Task Force on Earth Resources and Population I heartily commend the council, as I know the other task force members do, on this very important recognition of the private sector of our society to insist on governmental action in solving this problem.

Our task force report on "Federal Government Family Planning Activities—Domestic and International," recommended a free standing Federal institute on family planning and population activities within the next 3 years. This type of support from the National Council of Churches should certainly be recognized by the Members of this body as the indicator that it is that the public is ready to accept open debate on the population problems of the world and a definite role for the Congress in establishing a national population policy.

The National Council of Churches' resolution was adopted by the NCC General Assembly at their December triennial meeting. The resolution follows:

The evidence is now incontrovertible that man's numbers are overwhelming the thin, life-giving film of earth, water and air that encircles his planet. The unlimited capacity to reproduce is pressing against the limited capacity of the earth to sustain life.

Before the world reaches a point where the quality of life progressively deteriorates, imaginative and vigorous action on a grand scale is needed to avoid this danger and to create a wholesome environment in which personal dignity can come to mark the life of human beings.

We commend the Division of Overseas Ministries for its leadership in planning the conference on awareness.

We, therefore, call upon the churches, individuals and governments to recognize the seriousness of the threat posed to humanity by further population expansion.

We urge the United States Administration and Congress to establish a major agency on population and give it the task of leading the effort to halt population growth. The agency should be given the mandate and the money needed for that task; it should also be instructed and enabled to give whatever assistance other nations desire in their efforts to achieve the same goal.

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE—PART TWO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BROWN of California. Mr. Speaker, yesterday I submitted for the RECORD, part I of a series of lectures by Mr. Irving Laucks of Santa Barbara, Calif. Today, I am putting in the second of Mr. Lauck's six talks:

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE

(By Irving Laucks)

PART II—THE SIGNIFICANCE OF ENERGY FOR MAN

Last week I outlined roughly the aims of a new organization which I helped to form called The Cooperators: to demonstrate a new view of evolution, how man might have arrived at his present position in the Universe, but with the idea that his past is only of practical importance insofar as it has bearing on where he is heading for in the future, and how this all affects his present happiness.

We said that Western religion's ideas of a Creator for the Universe, for example, a beautiful old superman with a beard who worked with his hand, had been rendered somewhat doubtful by the discoveries of science as to the size of this Universe; by the realization of the process of evolution; but even more by the idea of energy as creator.

This week I want to enlarge a bit on this idea of Energy, that science now thinks is the basis of everything. Its only definition so far is the ability to do work, to accomplish change. Everything we know of, ourselves, our ideas, our possessions, the nature surrounding us, is continually in process of change. Sometimes slow—so that poets tell about the eternal hills, but that's only because they haven't studied geology.

Last week we called the changes taking place in the heavens, the nebulae, stars, suns and planets the First Evolution.

The Second Evolution was made realistic

by Charles Darwin over a century ago. He noticed that the offspring of all living creatures differed from their parents; some were weaker, others stronger—for example, better adapted to secure their sustenance. Hence these stronger were more likely to be the ones to procreate and transmit their special qualities to the next generation. This process, if continued for some billions of years could well account for the great variety of living forms.

Now these two evolutions appeal today to human intelligence as much more reasonable than the idea of a Creator—at least a Creator such as Michaelangelo painted on the ceiling.

But if you will read the second verse of the first chapter of Genesis where "*the spirit of God moved*," you see that you may just as well substitute the words primeval energy for the Spirit of God or vice versa. The ancient Hebrew version of creation will then do just as well as the modern version of science. For neither religion nor science attempt to go deeper than these mysterious words.

Matter as a form of energy began to dawn on science in the 19th century. Marie Curie's work on radium, Max Planck, Rutherford and a thousand others contributed, until Otto Hahn and Lise Meitner in Germany just before World War II split the atom of uranium with a great production of energy, starting off the tremendous research which culminated in the bomb of Hiroshima. This was the change of matter into energy, but since the war the reverse change of energy into matter has also been produced and observed experimentally. Thus our ideas of energy and its capabilities are due to the experience of experiment.

Energy thus appears, not as some by-product of the properties of matter, but as its very essence—as the basic essential ingredient of all that is, including all we call solid and substantial. Not only does it account for the matter of the universe, the stars in the heavens, and our Earth, by its chemical, electro-magnetic, radiant, and nuclear varieties, but also, with the addition of psychic, for man and his activities. As we shall see, psychic energy is one with which we need a better acquaintance. How many more remain to be discovered—who knows?

Besides change, energy has another quite evident property—association. This is shown in the First Evolution by the propensity of the units of energy to come together to form the atoms—the hundred or more elemental forms of the chemist—and by the tendency of these elements to unite to form the almost infinite variety of material compounds composing the stars, the Earth and man's body; and lastly, the social proclivities of animals and pre-eminently of man himself, are due to this same property of association. Perhaps even the mysterious force of gravity, initiating or preserving the association of planets in solar systems, is but another manifestation of this property of association.

This associative property has been of great importance to man, in creating the principle that has led to such cooperation that he has so far displayed—in forming his societies. Cooperation as a function of association thus appears as a much more elemental force than competition. Now he must learn that cooperation is not to be limited to one group but must be extended to the whole earth in conformity with the rules of the Universe. Association is a universal force.

But what does all this have to do with the idea expressed in our first talk about changing human nature by a belief in the further existence of the intellect or soul after the final disintegration of the material body? This is the theory of The Cooperators—that the present troubles of the world can be cured by a deep change in human nature resulting from such a renewed belief—a belief that man has had for maybe a hundred thousand years, until just lately.

What is this "human nature"? Freud, Jung *et al* have analyzed it to the Unconscious, the Conscious, etc. The Cooperators think of it in terms of psychic energy. Human nature might then be defined as the individual's psychic energy cooperating with other kinds of energy, and its reaction to their back-kick.

Psychic energy is just as much a mystery as every other kind at present. It is as much different from the other kinds as, for example, electric energy is from kinetic. Each kind discovered so far has its own peculiar characteristics, but all have the common ability to accomplish.

Philosophers, prophets, theologians and poets have said for thousands of years that there is a "little of God" in every human. If, as The Cooperators say, God as Leader of the Universe is a product of Evolution—of the Third Evolution—then God is a structure of the same psychic energy as is man's intellect, and soul; only infinitely more highly developed. So philosophers have reason to say that there is a little of God in every man.

Religion had taught this for several thousand years, and in consequence man has had an ingrained belief, almost an instinct, that at his death he would acquire a more intimate acquaintance with Deity and the particular realm of psychic energy in which Deity operates. Archaeology has found that this belief is evident in Cromagnon times and maybe even in Neanderthal's. A belief as old as this cannot be ignored with impunity.

The first signs of deviation from such belief became evident after Darwin announced his theory of the Second Evolution, wherein he disputed the special creation of the many forms of life. Religion made the mistake of ignoring his evidence and attempting to smother scientific theory by main force, as it had been wont to do ever since Inquisition days.

The need of the scientific study of psychic energy however, was not impressed sufficiently on man until the late 19th century. Countless instances of its operation had been known before that, but in isolated cases and impossible to study. The Societies of Psychic Research in all the leading nations of the world changed this with systematic experiment and study. Many phenomena were discovered and tested by modern methods. Among these were many evidences of communications from a non-material realm into which the intellect or soul of definite recognizable individuals had passed—generally after death of the material body. Such communications often contained information known only to the deceased sender. Communications ordinarily are conveyed through the senses: these however used not one of the usual physical senses or energies.

In the 1930's J. B. Rhine commenced the study of communication by extra- or non-sensory means. By hundreds of thousands of experiments on thousands of individuals since Rhine's beginning, the reality of telepathy has been established beyond all doubt by experimenters all over the world. Humans differ widely in this ability from very little to quite perfect. It is only to be expected that in a third realm of energy telepathic communication would be developed to a far greater extent—so that it might even be perceived by certain especially adapted intellects of Earthmen. Non-sensory means of communication would be an essential of a third realm of existence. The discovery of telepathy then, is of great importance in confirming the reality of such a realm.

The Cooperators believe that the near complete destruction of a Third World nuclear War will only be avoided by our realization that this bodily existence is merely a short introductory phase of the really important individual human existence in a third Evolution; that the once lauded ambition to compete only pertains to the less important second phase, and has outworn its once

usefulness. Since war was originally started by the competition of tribes and societies of men primarily because of scarcity of food and other needs, the diversion of human activity to changing scarcity to plenty will render the practice of competition and the institution of war useless.

Plenty for all the Earth can be achieved by the advent of really cheap energy, which can be obtained if the billions now spent in using energy for destruction were diverted to finding out how to use it for construction. For example, there is no longer sufficient arable land to feed the Earth's population even now. The synthesizing chemist must supplement or eventually supplant the farmer by the use of cheap energy.

Not only war, but other troubles also stem from original scarcity forming man's instinct of competition and aggression, satisfying his needs by force. Slavery began as a result of war, was cultivated to increase the power of warlike tribes, and has come down through the centuries to result today in the troubled race relations which threaten the United States and other countries with dangers only second to war.

Competition, when turned to profit-making, has resulted in supplanting human labor by the more efficient machine labor, to an extent which threatens eventually to render the larger portion of humanity without meaningful jobs, and consequent suffering from boredom.

Ancient Rome originally developed slavery in order to release workers to be soldiers. Long before Rome's downfall when there was no war, displaced workers had to be fed with corn and kept interested by the circus. Today we displace workers by machines instead of slaves. We also have the dole and television to keep them happy. And keep other millions in the military. Rome could not endure; neither can our imitation of the Roman system. A further result of it has been a tremendous increase in crime. We might also mention the pollution, contamination, defilement and destruction of nature, the air, the soil, the rivers and ocean, the forests, the lives of animals and even humans by the harmful by-products of our competitive manufacturers in their striving for greater efficiency and profit. Competition then, is the chief activity of human nature that must be changed. Cooperation is the antithesis to competition, hence the name Cooperators.

Any person who will spend an hour in thought instead of being brainwashed by our political and industrial leaders—intent on power and profit—will conclude that the present state of affairs, growing steadily worse, will eventually explode. The problem now is to make the necessary changes in human nature without leading to an explosion.

PRESS RELEASE VERSUS DEMONSTRABLE DEEDS—A CASE HISTORY ON CIVIL RIGHTS

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. PIKE. Mr. Speaker, back on December 22, 1969, the House was asked to vote on something called the Philadelphia plan, which in essence said that private employers who entered into contracts with the United States or construction contracts financed by the United States must set certain specific goals for minority group hiring within certain skilled trades.

Since a tremendous amount of construction in America is financed in part by Federal funds this went very, very far into private industry and the unions and generated heated debate. Those opposed to the Philadelphia plan called it an illegal quota system, and the Comptroller General, who is Congress' advisor on matters legal, agreed. He said it was illegal.

Into the fray, atop an unusually white horse, rode the President's advisor on matters legal, who is called the Attorney General. He said it was wholly legal and could be enforced. Riding at his side on an equally white steed was the Secretary of Labor, who said that a vote against the plan would be "a blow against social justice." Looking down from his command post on the whitest steed of all was the President, who said that "The House of Representatives now faces an historic and critical civil rights vote," and "The civil rights policy to which this administration is committed is one of demonstrable deeds—focused where they count."

On December 23, 1969, the very next day, there was a demonstrable deed—focused where it counted. The Department of Defense—illegally—awarded a multibillion—not million, billion—defense contract to a defense contractor. The U.S. Commission on Civil Rights—chaired by the Rev. Theodore M. Hesburgh, not a bomb-throwing anarchist—said to the Secretary of Defense that the contract was awarded "in blatant disregard of the procedural rules and substantive standards prescribed by the Office of Federal Contract Compliance and by the Department of Defense itself to assure nondiscrimination in employment on the part of Federal contractors." The Secretary of Defense said he was "shocked"—but the company kept the contract. The contract award was admittedly and blatantly illegal, but the Attorney General is looking somewhere else. The cloud of silence over the Justice Department is exceeded only by the cloud of silence over the White House.

A multibillion dollar contract is a "demonstrable deed"; "shock" is a press release, and all the white horses are out in the pasture, eating corn.

LITHUANIA

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 18, 1970

Mr. SCHADEBERG. Mr. Speaker, on Monday, February 16, the great people of Lithuania and their relatives living in the United States marked the 52d anniversary of the Declaration of Independence of Lithuania and the 719th anniversary of the formation of the Lithuanian state.

Such a day normally would be the cause of great celebration. This, however, is not the case. The unfortunate reason is that this country has, for the last 29 years, been denied self-deter-

minism and democratic processes by the Soviet Union. The hopes of freedom have been crushed by the tyrannical processes of a foreign government which realizes that the only way to command this country is through the continual denial of rights and liberties due any independent nation.

As an expression of support for the constant struggle for freedom on the part of peoples of Lithuanian descent, and as a reminder to the world of the millions of people in the captive nations who live in captivity, I include in the CONGRESSIONAL RECORD the following resolution which was unanimously adopted at a recent meeting of American citizens of Lithuanian descent of Racine, Wis.:

RESOLUTION

Whereas, the 16th of February marks the 52nd anniversary of the restoration of independence to the more than 700 year old Lithuanian State; and

Whereas, on June 15th, 1940, Soviet Union forcibly occupied the Republic of Lithuania; and

Whereas, the reports from and about Soviet-occupied Lithuania, the land of our forefathers and the homeland of many of us indicate that there is still suffering under harsh Communist expression and exploitation, and our brothers and sisters in Lithuania are undergoing gradual denationalization and annihilation; and

Whereas, the United States of America has been in the forefront of the United Nations' activities ending foreign colonialism in numerous countries all over the world,

Now, Therefore Be It Resolved:

That we again express our gratitude to our Government for the firm and unwavering policy of non-recognition of the illegal Soviet occupation of Lithuania, Latvia and Estonia, and request our Government to use every opportunity to raise the question of the liberation of these nations; and

That we ask President Richard M. Nixon, members of Senate and the House of Representatives to exert necessary efforts in bringing the case of Lithuania and all other enslaved countries before the United Nations; and

That we always support the efforts of this Administration which is seeking to achieve an honorable and just peace in Southeast Asia; and

That this resolution be sent to the President of the United States, to the Secretary of the State, to the leaders of Senate and the House of Representatives, to the Senators and Members of Congress from our State, and to the Press.

RACINE, WIS., February 8, 1970.

MARTIN KASPARAITIS,
President.
STANLEY P. BUDRYS,
Secretary.

PRESIDENT NIXON'S MESSAGE ON FOREIGN POLICY AND NATIONAL DEFENSE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 18, 1970

Mr. ARENDS. Mr. Speaker, President Nixon's "A New Strategy for Peace" message to Congress is the most comprehensive message on our foreign policy and our national defense planning submitted to the Congress by any President.

It is a brilliant message. It sets forth fully and clearly the principles he will follow in guaranteeing our own national security and for best insuring peace.

Reform is the watchword of the Nixon administration. The message sets forth the defense and foreign affairs reforms, both in procedures and in substantive policy, President Nixon has been instituting.

He has determined upon a policy with definite direction. He is instituting a policy of affirmative action, with a sharing of responsibilities, to avoid crises rather than simply reacting to crises as they arise.

He has outlined a policy of retrenchment, but not one of isolation. The emphasis will be on what our allies can do for themselves with our helping rather than on what we will do for them. Without relinquishing our responsibilities as the free world leader, the major consideration will always be our own national interest.

The American people will applaud this message. While seeking to arrive at agreements to end the armaments race, the President emphasized that we must give the highest priority to our own security until such agreements have been reached.

ATOMIC ENERGY AND THE ENVIRONMENT CONTINUED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 18, 1970

Mr. WOLFF. Mr. Speaker, as I indicated yesterday, the gentleman from New York (Mr. REID) and I are including in the RECORD the statements submitted in a recent informal hearing we conducted on atomic energy and the environment.

Today I would like to include a statement by Nassau County, N.Y., Executive Eugene H. Nickerson which was read by John C. Burdis, director of the county planning commission and the statement of Merrill Eisenbud, administrator of the Environmental Protection Administration of the city of New York.

The statements follow:

VIEWS OF NASSAU COUNTY EXECUTIVE EUGENE H. NICKERSON

Gentlemen, on behalf of the Nassau County Planning Commission permit me to thank you for the opportunity to appear before this distinguished group, and to submit a statement on a subject which is critical to all of us—the environment and the effects thereon of nuclear power plants in the region of the Long Island Sound. We are sure that this concern for the health, safety, and general welfare of the citizens of this area is shared by everyone involved in the discussion of nuclear power plants, both those in favor of the idea, as well as those opposed. At the same time, we would like to compliment you for holding this hearing in order to take into consideration the views of the local agencies and groups, such as ours, which represent the residents of the areas affected by your decisions.

The Long Island Sound is a natural resource which provides recreational and eco-

economic opportunities for countless boatmen, fishermen, and bathing enthusiasts, both local inhabitants as well as many visitors who recognize the attractiveness of this body of water. Shellfishing in the Sound is both a popular pastime and a valuable economic resource. The broad expanse of the Sound, stretching from the high bluffs of Long Island to the shores of Westchester County and Connecticut, provides magnificent vistas and refreshing scenery. Its quiet harbors offer shelter and docking space to innumerable sailing vessels and power boats of every size and description.

Unfortunately, Man is not treating this resource wisely. Raw sewage from the combined sewers of New York City is discharged into the East River. A beach in Little Neck Bay in Nassau County has been closed because of this pollution, and others are threatened. Pleasure boats continue to discharge marine toilet wastes into the Sound. Storm water runoff carrying coliform bacteria, sediment, nutrients, biochemical oxygen demand products, pesticides, and other harmful pollutants empties into the Long Island Sound. Some two million tons of solid waste materials are dumped into the Sound annually, according to M. Grant Gross, an associate professor at the State University of New York at Stony Brook.¹ Thermal pollution occurs at the sites of fossil-fuel power plants on the shoreline.

Now we are being asked to consider the possibility of construction of nuclear energy power plants along the shores of the Long Island Sound. In fact, we understand that fifteen such plants² are planned for the Sound area. Additionally, we hear that the Atomic Energy Commission forecasts that nuclear power will furnish 25 percent of national power needs by 1980. Moreover, it has been stated that the nation's power needs are doubling every ten years.

The Nassau County Planning Commission is fully aware of the advantages cited for nuclear plants over fossil power plants. However, we must be certain that in our attempts to alleviate the problem of air pollution we do not visit upon ourselves other health menaces, some of which are of an insidious nature and which may take a long time to manifest themselves.

For instance, it is a well-known fact that nuclear power plants produce a significantly greater degree of thermal³ pollution than conventionally-powered plants. The effects of this superheated water on aquatic ecology are incompletely understood at this time. In the Sound thermal pollution has been said to cause the death of fish and plankton and, possibly, may be causing the growth of deformed fish which recently have been sighted in the area.⁴

Another concern of the Planning Commission is that the introduction of these plants may present serious threats to the environment because of radiation. One consideration is whether the liquid radioactive waste from such plants may contaminate the ground-water supply through accidental spillage into waste systems beneath the ground. Or, couldn't the release of gases such as tritium hydrogen into the atmosphere produce long-term health hazards in the affected area? Even the transportation of the radioactive waste products from the plants to disposal sites would involve a certain amount of risk to the inhabitants of population centers along the way. Added to these questions is the gnawing fear of the possibility of a nuclear "excursion" at one of these plants, a release of fission products into the environment, such as has been suggested by Dr. J. E. McKee, professor of environmental health at the California Institute of Technology.⁵ This could occur as a result of an earthquake, tornado, tidal wave, human error, failure of instruments, sabotage, or from a sudden break in pipelines or pumps,

according to Dr. McKee. It may, indeed, be unrealistic to admit of the possibility of an accident such as has been described in the well-known Brookhaven Wash-740 report. However, who is to say what would be the cumulative effect of the release of minute quantities of radionuclides into the environment over long periods of time?

In this respect we take note of the fact that the Atomic Energy Commission's emission standards for radioactivity from nuclear plants are presently a matter of dispute with several states.⁶ While we do not presume to know how many curies constitute a safe limit of emission from any single plant, we question what would be the cumulative effect on radionuclides from several plants taken together, such as are contemplated for the area of Long Island Sound.

Another unknown is the possible climatic changes of these nuclear plants, situated, as they would be, on an island or along the shoreline of the Sound. It has been speculated that these plants would produce a permanent fog bank over Long Island. Naturally, we are not in a position to prove or disprove this contention at the present time. Nevertheless, it is a claim which merits investigation and study, and we request that it be thoroughly researched.

We repeat these often-cited arguments not for the sake of attacking the concept of nuclear power generation. Rather, we maintain that these factors are causing heated debate, not only among Long Island residents, but, also among members of the scientific community. Therefore, we believe it would be wise to weigh the environmental effects of large-scale development of nuclear-fueled power plants. As Dr. LaMont C. Cole, Professor of Ecology at Cornell University, recently stated, "The rush to blanket the Northeast with nuclear power plants is one of the most dangerous and misguided steps ever taken by man."⁷

What we are saying is that we don't want to find ourselves twenty years from now facing the same type of peril we currently face with regard to DDT which, twenty years earlier, was looked upon as one of the greatest boons to mankind ever invented. Perhaps the benefits of power generation, without the emission of sulfur dioxide and fly ash, which are produced in fossil-power plants, are worth the risks inherently associated with nuclear power. We are not prepared to answer this question, at least not from the standpoint of comparative epidemiological effects.

We would like to see nuclear power plants, when proven to be necessary, located away from centers of population and fitted into a regional land use plan. In this regard, the Planning Commission supports proposals along these lines suggested by others. Specifically, we refer to such legislation as sponsored by Senator Edward Kennedy calling for the development of a comprehensive national plan for siting nuclear power plants.⁸

The Nassau County Planning Commission is in favor of the passage of the legislation introduced by Congressmen Ogden Reid and Lester Wolff—H.R. 14718, a bill which would establish an inter-governmental Commission on Long Island Sound. The study proposed by the bill would address itself to the problem of thermal pollution, and to the effects of nuclear power plants, which may be built along Long Island Sound. Therefore, it should provide guidance on these troubling questions.

However, we do have reservations concerning certain aspects of the bill. For example, we doubt that one year, as provided for under this legislation, would be time enough to organize and conduct a rigorous study embracing all of the environmental considerations listed in the bill. The water pollution part alone could take more than a year to complete. Yet, there are listed as a minimum

course of study nine different areas for examination, of which nuclear power plants are but part of one area.

Secondly, we question whether the Atomic Energy Commission, which is in charge of licensing nuclear power plants, should be represented on the Sound Commission. The position of the Atomic Energy Commission with regard to the matter of nuclear power plants is already very clear; it favors the proliferation of such power plants and, therefore, cannot be expected to adopt an unbiased role in deliberations on this subject.

All in all, however, the bill is a good one with worthy objectives. While it does provide for local representation on the Commission, the mere fact that the bulk of the membership would be composed of presidential appointees and representatives of the Federal Government gives rise to hopes that the conclusions to be reached by the study would not be influenced unduly by local interests seeking to escape blame for pollution.

The Nassau County Planning Commission is not unalterably opposed to nuclear power plants. All we are asking is that the potentially deleterious effects of such facilities on Long Island Sound be studied thoroughly before we rush headlong into mass construction of atomic-powered plants.

In this connection, we respectfully suggest that the Sound Commission specifically address itself to the following points, among others:

1. The possibility of employing cooling towers as a means of preventing thermal pollution in the Sound at the site of any proposed nuclear power plants;
2. Adequately safeguards and controls over the storage and transportation of radioactive wastes; and
3. Provisions for airtight security over nuclear power installations to protect against the possibility of sabotage.

While the Planning Commission does not seek to set the scope of this study, it does hope that these subjects will be covered in the analysis of the feasibility of locating atomic-powered reactors along Long Island Sound.

The dominant issues in this country for the 70's have been predicted to be the environment and the quality of life. Therefore, we are sure that this Committee will well understand the reasons for the concern of County Executive Nickerson and the Nassau County Planning Commission relative to the effects of nuclear power plants on the environment of the Long Island Sound.

FOOTNOTES

¹ Howard Schneider, "Sound Dumping May Not Be Unsound," *Newsday*, October 25, 1969.

² According to Congressman Lester Wolff.

³ It has been estimated the nuclear plants raise the temperature of the receiving body of water as much as 50% higher than conventional plants. Con Edison officials admit to a 12-degree rise in temperature of the Hudson River at Indian Point Plant No. 1.

⁴ Martin Flusser, Jr. and Maurice Swift, "Man's Impact on Sound Life Grows," *Newsday*, January 12, 1970.

⁵ "Caltech Man Sees Dangers in Off-Shore Nuclear Plant Site," *Los Angeles Times*, June 23, 1968.

⁶ E. W. Kenworthy, "Congressmen Clash With Minnesota Governor Over Limits on Atomic Waste," *The New York Times*, January 28, 1970, p. 17.

⁷ Tony Marro, "Nuclear Power: Promise or Peril?," *Newsday*, April 26, 1969, p. 3W.

⁸ "Calls Report Guide to Safe Atom Power," *New York Daily News*, January 5, 1969, p. 28.

STATEMENT BY MERRIL EISENBUD, ADMINISTRATOR

Gentlemen, I am Merrill Eisenbud, Administrator of the Environmental Protection Administration of the City of New York. I

have been on extended leave from New York University Medical Center where I hold the position of Professor of Environmental Medicine, and Director of the Laboratory for Environmental Studies of the Institute of Environmental Medicine. By way of additional background, I am former chairman of the U.S. Public Health Service Environmental Radiation Exposure Advisory Committee, a member of the National Council on Radiation Protection and Measurements, a member of the World Health Organization Expert Panel on Radiation, former president of the Health Physics Society, and author of the text book, "Environmental Radioactivity."

I welcome your invitation to appear today to share with you my views on the subject of the relationships between nuclear power and the environment.

A few months short of ten years ago I was invited to write a guest editorial for the magazine, "Nucleonics." Although the editors gave me complete freedom to choose my subject, I chose to write on "Educating the Public About Radiation." In the first paragraph of that editorial, which was published in June 1960, I wrote:

"Of the many difficult problems that we face in developing nuclear technology, none seems more baffling than those having to do with the public attitude on matters of radiation health and safety. A lack of perspective can be found everywhere, not only in the population as a whole, but among statesmen, scientists and writers. These attitudes may well prove to be the most serious single impediment to the development of civilian applications of atomic energy."

It is regrettably true that the above statement is quite as valid today as it was ten years ago. When the editorial was written, the atomic energy industry was in its 18th year. Today, it is in its 28th year, its environmental record in all respects has been excellent, and yet there is, if anything, more popular misunderstanding of the subject of nuclear energy than there was at that time. I am hopeful that this hearing will serve to put the extensive information about the safety of nuclear reactors into better perspective, and that public understanding of the problem will thus be benefitted.

The record of the atomic energy industry during the first quarter century of its existence has been an excellent one. Both government and industry have faced up to their obligations to protect the environment and the public in a responsible manner.

It is now widely recognized that industry and government must evaluate the environmental impact of all new technologies, and that industry must think in ecological terms about the consequences of its activities. Our society demands that industry of the 1970's should be responsive to our desires that the environment be protected and that industry should examine its manifold activities so that each can be evaluated in terms of its effect on the environment. This attitude emerged belatedly in the late 1960's as a result of enormous popular concern about the need to protect our environment. This new social consciousness on the part of industry generally was, however, actually born with the beginning of the atomic energy industry more than a quarter of a century ago. The atomic energy industry antedated by more than 25 years the present general concern about the environment. The very first research and production centers such as Oak Ridge, Los Alamos and Hanford, which were established during World War II, included centers for biomedical and ecological research. Moreover, the early budgets of the Atomic Energy Commission contained very large sums of money, even by present day standards, for research into the biomedical and environmental effects of the ionizing radiations. It has frequently been said that as a result of the enormous amount of research into the subject, more is known about

the environmental effects of radioactivity, than any of the more common pollutants. I believe that this is so.

During the past few months I have had two occasions to summarize my views on the environmental impacts of nuclear energy. At a Symposium on Nuclear Power and the Public at the University of Minnesota last October, I delivered an invited address entitled "Standards of Radiation Protection and Their Implications to the Public Health." In Boston, at the December meeting of the American Association for the Advancement of Science, I delivered another invited paper entitled "Nuclear Reactors and the Radioactive Environment." Since both of these addresses are germane to this inquiry, and since they are both of recent origin, I have offered them for the record of this hearing, and I understand that they will be so included.

In this brief oral testimony, I will not cover all the arguments contained in these two papers. However, I will summarize the conclusions I drew.

The world's first nuclear reactor was demonstrated in Chicago in December 1942, only 36 months after the discovery of nuclear fission. Under wartime pressure, reactor technology developed rapidly and only one year later a research reactor began operation at Oak Ridge, and thereafter remained in service for more than 20 years. Even more remarkable, the first of several reactors designed for plutonium production began operation at Hanford in 1944 at an initial power level of 250 MWt. These units also remained in service for more than 20 years without mishap.

At present, nearly 500 reactors have been constructed throughout the world. More than one hundred power reactors are used on vessels of the U.S. Navy, and 15 privately owned nuclear power plants are operating in the United States. Eighty-two additional units are currently under order, and when constructed will produce about 70,000 megawatts of electricity, about 14% of the expected national demand in 1975.

The amount of radioactive liquid effluents from reactors are an infinitesimal fraction of the total radioactive material within the core. The bulk of the fission products are trapped within the uranium oxide fuel, where they remain until the fuel is removed from the reactor vessel, placed in a shielded shipping container, and sent to a fuel reprocessing center.

Under federal law, protection of the public from the effects of radioactivity is the responsibility of the AEC, and all reactors are subject to licensing procedures that govern their design, construction and operation. The reactor licensing system is a complicated one that is spread over several years, and experience has shown that the federal procedures have been highly effective in protecting the public interest.

The Atomic Energy Commission has not established its own standards for public protection, but has relied instead on two totally independent scientific organizations that are universally respected for their work in the field of radiation protection. These organizations, the National Council on Radiation Protection and Measurements (NCRP) and the International Commission on Radiation Protection (ICRP), recommend the permissible dose for both atomic energy workers and the public. The AEC has assumed for its part the role of translating the recommendations of these non-AEC expert groups into administrative language that lends itself to use by regulatory authorities. Of the 65 physicians, engineers, and scientists on NCRP, most are from the universities, and only two are on the AEC staff. Considerable weight must be given to the fact that the ponderous procedures of these organizations have resulted in regulations that are workable,

and which have successfully protected the public health for many decades. The AEC standards of reactor safety originate in the main from the work of these committees.

The scientific basis for the ICRP and NCRP recommendations have been subject to independent review on a continuing basis by a number of independent national and international bodies. For example, since 1955 there has existed a United Nations Scientific Committee on the Effects of Atomic Radiation for the purpose of reviewing and organizing the world's information on the effects of ionizing radiations. It is not the function of that Committee to recommend levels of permissible exposure, but its compilations and analyses of the world's experimental and epidemiological information serve as a valuable aid in evaluating the ICRP recommendations.

Within the United States government, the Federal Radiation Council was established by Presidential Order in the late 1950's to review all Federal radiation standards. The FRC includes representatives from several departments of government, including Health, Education and Welfare.

Thus, although AEC has responsibility for the public health aspects of its programs, the framework within which it operates is that provided by this complex of national and international organizations among whom there has been total harmony of both aims and methods.

The AEC regulatory machinery includes another independent group, established by Congressional action, the Advisory Committee on Reactor Safeguards (ACRS). This committee, which consists of scientists and engineers from universities and industry, is charged with responsibility for reviewing all applications for AEC reactor licenses. The deliberations of this Committee serve as an independent check on the parallel reviews given by the AEC staff.

The United States Public Health Service and the various States also play important roles. The Public Health Service maintains a staff which reviews all reactor license applications in parallel with AEC. The Bureau of Radiological Health of the Public Health Service also provides the States with financial and technical assistance in order that they can monitor the air, water and biota, in the vicinity of nuclear reactors, with particular emphasis on vectors of human exposure.

Gentlemen, time will not permit me to summarize the vast amount of information that has been accumulated about nuclear reactors and their effects on the environment. This I have done, however, in the two articles which I have referred to earlier. For purposes of this Hearing, I wish simply to state the conclusion I have come to, which is that as a member of the public health community, and as an environmentalist, I find that nuclear reactors provide us with the modern, hygienic, aesthetic, and safe method of producing electrical energy. I fully realize that the present state of technology is such that the nuclear plants are less efficient thermodynamically and that this results in about 30% more heat being discharged to the environment, but this is a difference in degree rather than in principle and simply places additional constraints on the site selection process which must assure that adequate condenser cooling water is available. The State and Federal rules that limit the amount of heat that can be discharged to the aquatic environment provide assurance that power plants, whether fossil fueled or nuclear, can be operated safely without ecological injury.

For more than a quarter of a century the safety record of the atomic energy industry has been a good one. The industry has achieved an admirable record of safety among its more than 200,000 employees, and the levels of environmental radioactivity

have been subject to strict supervision in the vicinity of all AEC and private installations. The dose to the general population from civilian power reactors is in most cases not measurable against the normal background of natural radioactivity.

It must be recognized that the alternatives to nuclear power often require combustion of fossil fuels and release of noxious gases and dusts to the atmosphere. Combustion of fossil fuels involves environmental and human effects that are readily identifiable. Sulfur dioxide in combination with particulates in the atmosphere has been associated with human disability and death. This acid gas also causes materials to deteriorate and is known to harm plant life. The ecological effects of SO₂ have not been studied extensively and hence our knowledge of its effects is confined to obvious pathology in certain species of higher plants. Moreover, we know that combustion of fossil fuels releases CO₂ to the atmosphere in copious amounts that may in time evoke profound climatic effects, and that the effluents contain known carcinogens, as well as many trace substances of a toxic nature. Of course, the dusts and gases from fossil fuel plants can be controlled by modern technology, and this is being done to an increasing degree. But on balance, and after taking all factors into consideration, I find that as an environmentalist, interested in human well-being and environmental conservation, I must support and encourage exploitation of nuclear energy to meet the increasing demands of society for electrical energy. If society must have the electric power, the method of generation should offer the least possible damage to the environment. The nuclear method is the cleanest and safest method now available.

HOUSING: THE TIME IS NOW

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. HALPERN. Mr. Speaker, 38 years ago the editors of *Fortune* magazine said the housing situation is "the disgrace of American industry."

That was in 1932. Today, as Wolf Von Eckardt astutely notes, practically nothing has changed, despite several legislative mandates, Presidential proclamations, and expenditures of modest sums. We are still waiting for the breakthrough to put housing on the same industrialized, mass-produced basis as the automobile.

Mr. Eckardt reviewed the issue in an analysis of the housing market in the weekend edition of the *Washington Post*. It follows:

HOUSING: A 38-YEAR-OLD DISGRACE
(By Wolf Von Eckardt)

"It is by no means an overstatement to say that the housing situation is the disgrace of American industry."

So said the editors of *Fortune*. The worst of the disgrace is that they said it in 1932.

You find the statement in a book entitled "Housing America," which was said to have been written mainly by Archibald MacLeish, lawyer, poet, and confidant of President Franklin D. Roosevelt.

Half of the nation was ill-housed when FDR was first elected and MacLeish blamed this in part on free enterprise which, he said, had "signally and magnificently

muffed" its opportunity to meet the needs of a huge, potential market.

He also blamed land speculation, "the exorbitant rates of financing, the obstructive tactics of labor, (and) the complications and stupidity of the building codes and taxing laws."

Today, 38 years, six Presidents, 18 sessions of Congress, countless committees and commissions and a \$847.3 billion increase in the gross national product later, practically nothing has changed.

In fact, just the other day, the Secretary of Housing and Urban Development, George Romney, said almost verbatim what MacLeish and the *Fortune* editors had said during the Depression: "Millions of Americans are cut off from decent housing. Over half of our families cannot afford to live in new housing built at today's prices."

Romney's remedy, too, is the same MacLeish prescribed 38 years ago: A breakthrough in the mass production of houses.

MacLeish thought the breakthrough imminent. Several large companies, he reported, were researching and developing prefabrication schemes. One of them, General Houses, Inc., was on the verge of coming out. The advertisements were already set in type.

"We will deliver this five-room house to you this very week," one ad said. "Now you can come to our showroom and pick your house just as you do your automobile. All financing, even to furniture and landscaping if you wish, is handled by a single company."

The basic house was to cost \$3,500 and was to be assembled of steel panels along simple, modern lines. You could, of course, add additional modules to turn it into a large and, to judge from the drawings, very attractive luxury villa.

General Houses, according to *Fortune*, aspired to become the "General Motors of the shelter industry." It was a group of firms that included Pullman Car & Manufacturing Corp., the Container Corp., General Electric and Pittsburgh Plate Glass, among others.

There were several other attempts to achieve a breakthrough in housing, including the Lustron house. When the boys came looking for a home after World War II, Congress even voted some money to help put houses on the assembly line. But the Lustron house got no further than General Houses did. Which was nowhere.

The failure has even more reasons than the vested interests that opposed the reform of an inept industry, which the Industrial Revolution has forgotten, capitalism has overlooked and government seems afraid of. But the 1932 *Fortune* book pointed to the most important one.

For all their enthusiasm for the industrialization of housing, the *Fortune* editors warned that mass production without government coordination of land development would only lead to the mass production of more slums. "No amount of organization and no excellence of design will solve the housing problem unless the land problem is solved with it," they said.

Our government has still not recognized this. And this is why Romney's Operation Breakthrough won't get us very much further than did General Houses, Inc.

Operation Breakthrough is a competition for new building systems, whose winners will be announced next week. They will be invited to build small samples of their systems (from about 10 to 200 units) in 10 cities. The prize is that HUD will pay for the research and buy the samples and later maybe also an undetermined number of additional houses.

So what we get is hardly more than what we already have. We already have all the building technology we need. We know how to put houses and apartments together out of factory-made panels, boxes and other com-

ponents. General Houses and Lustron knew it back in 1932 and 1949. And the Russians and the French and the British are doing it now on the scale of several thousand units every week.

What we don't know is how to make any of these systems work on a scale large enough to reduce the ever more astronomical cost of housing, or fast enough to win the race against ever accelerating decay of city neighborhoods.

We don't have a system to make the systems work because we are still bogged down in the same jungle of building codes, labor restrictions, financing, and all the rest, which Archibald MacLeish described 38 years ago. It is so hopeless that no large corporation can invest the necessary research and development of a systems system, and expect its money back.

Romney has made clear that the government won't subsidize such large-scale research to get people out of the slums, though the administration is subsidizing the supersonic aircraft to the tune of almost a billion dollars, so a few people can get across the ocean a little faster.

Nor did Romney's little lots and indefinite promises offer any inducement for such investment.

All he did about the jungle was to meet with the governors and mayors to hand them some "guidelines," which consist of what everyone has been saying for nearly half a century. The Douglas Commission on Urban Problems has recently offered 149 recommendations and the Kaiser Housing Committee 119.

It is a safe guess that it will take another half-century until all these guidelines and recommendations take effect, although California and Ohio have made some progress on building codes. They will now waive them for industrialized construction systems which are certified by the state.

The only way to get a real breakthrough in housing production on any meaningful scale is to by-pass the jungle and start on clear land, on a massive scale.

It would be government land, like Fort Lincoln in Washington or Welfare Island in New York City, where industrial production would work out its own rules, codes, labor relations and so forth to build thousands of units, a whole new town, all at once.

That is how they do it in England, France and the Soviet Union, as everyone in HUD knows. Just why not one of the 10 sites chosen for Operation Breakthrough was in an American new town, such as Reston or Columbia (which both applied), is a mystery hard to break through.

Chances are that once systems building gets into gear on a new town scale, it can also be applied in the inner city. Meanwhile it produces housing and helps people out of the ghetto.

But to expect a housing breakthrough in the jungle is like expecting the mass production of automobiles under laws that require them to be made of timber and by carriage makers, to operate on hay and oats and to yield organic fertilizer as a by-product.

YALE CHALLENGES THE NCAA

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. GIAIMO. Mr. Speaker, Yale University, which has been caught in the middle of the outrageous power struggle between the National Collegiate

Athletic Association and the Amateur Athletic Union, is fighting back.

As my colleague, the gentleman from Illinois (Mr. MICHEL) and I have explained previously, Yale has been placed on probation for 2 years by the NCAA as a result of the controversial Jack Langer case. In addition to this punishment, Yale also faces punitive action by the executive council of the 190-member Eastern College Athletic Conference, the largest allied conference in the NCAA.

Challenging what it terms "a misuse of NCAA power" in the Langer case, Yale is demanding that it be allowed a full hearing before the entire ECAC membership in New York City on February 25. It is also serving notice that it will ask the ECAC members to disapprove and condemn the NCAA for "using students as pawns in the endless NCAA struggle with the AAU."

Yale's argument is spelled out in a collection of documents and letters which I will insert in the RECORD at the conclusion of my remarks. Included are correspondence between Yale director of athletics, DeLaney Kiphuth, and Asa Bushnell, commissioner of the ECAC; a communication from Henry Chauncey, Jr., special assistant to the president of Yale, to the ECAC Executive Council; a discussion of the Langer case as it relates to the ECAC constitution and bylaws; and a letter from the NCAA to Dr. Gaylord P. Harnwell, president of the University of Pennsylvania, concerning the Maccabiah Games.

Mr. Speaker, I have publicly condemned the NCAA for its abuse of power in the Langer case. I have called for an investigation of the NCAA in order to prevent similar abuses. My reasons for doing so are spelled out by Mr. Chauncey in his statement to the ECAC Executive Council:

While the ostensible issue before the ECAC is Langer's continuing presence on the Yale basketball team, the real issue is quite different. It is whether the NCAA misuses its power, and in turn asks the ECAC to misuse its power, by punishing innocent students in an effort to bring the AAU to heel.

Yale is convinced that the NCAA was wrong when it boycotted Maccabiah basketball for reasons unconnected with the purity of legitimacy of the Maccabiah Games. The first victim of that wrong were the students at other colleges who dropped off the Maccabiah team in the face of the NCAA threat. Now the NCAA would add Langer and his fellow students at Yale.

This University has persistently condemned the NCAA practice of using students as pawns in the endless NCAA struggle with the AAU, but not until the Langer case has any Yale student been directly affected by a NCAA power boycott. Faced with a choice between supporting a student with a once in a lifetime opportunity to represent his country in amateur athletic competition or supporting the misuse of NCAA power, Yale chose the student.

The above statement goes to the heart of the matter, Mr. Speaker, I hope that the entire ECAC membership will have the opportunity to consider it on February 25. If this is done, I am confident that the ECAC will also "choose the student."

In addition to the documents which I listed earlier, I am also inserting at this

point in the RECORD an article which summarizes the entire controversy:

[From the New Haven Register and New Haven Journal-Courier, Feb. 7, 1970]

YALE DEMANDS ALL 190 ECAC MEMBERS DECIDE ITS FATE IN LANGER CASE

(By Charles W. Kellogg)

Yale University, rebelling against what it charges is: "a palpable misuse of power by the National Collegiate Athletic Association, has called upon the 190-member Eastern College Athletic Conference to hear Yale's side of the now-celebrated Jack Langer case.

The result could be a full scale battle within the NCAA, and a Yale victory could put the national body in serious jeopardy.

Yale announced Friday that it has thrown the gauntlet at the NCAA which placed Yale on athletic probation for two years for encouraging Langer to participate in the basketball portion of the 1969 Maccabiah Games in Israel.

Yale proposes that the full membership of the ECAC decide what action, if any, it will take against Yale and Langer. A special ECAC council meeting on punitive action against Yale now is scheduled for the New York Athletic Club at 4 o'clock Feb. 23, and athletic director Delaney Kiphuth, accompanied by Alfred Fitt, special advisor to president Kingman Brewster, have agreed to attend.

But the University wants action by all 190 member colleges rather than just by the executive council to rule on the Ells' fate. This stand is dictated by Yale legal people who contend the 12-member council cannot censure Yale under the group's constitution.

In a letter this week Kiphuth told ECAC commissioner Asa S. Bushnell that while Fitt and he will attend the special council session, "we are reserving judgment about appearing as an ECAC member accused of violating ECAC regulations" and that he would attend the hearing ostensibly as Yale's regular representative on the Council.

Yale suggested in its letter to Bushnell that the full membership could take up the matter at the annual membership meeting scheduled for New York City on Feb. 25, two days after the special Council session. Kiphuth added that Yale's stand on the matter has been mailed to all members of the ECAC.

At the same time indications were that Yale will press the issue at an even higher level. In a communication to the ECAC Council, Henry Chauncey, Jr., special assistant to president Brewster, pointed out that "while the ostensible issue before the ECAC is Langer's continuing presence on the Yale basketball team, the real issue is quite different."

Langer has played in just about every game in the Yale schedule this season despite the controversy, but Chauncey told the ECAC that the issue stems from the continuing feud between the NCAA and the Amateur Athletic Union and that the question is "whether the NCAA misuses its power and in turn asks the ECAC to misuse its power by punishing innocent students in an effort to bring the AAU to heel."

Chauncey said that "Yale is convinced that the NCAA was wrong when it boycotted Maccabiah basketball for reasons unconnected with the purity or legitimacy of the Maccabiah Games. The first victims of that wrong were the students at other colleges who dropped off the Maccabiah team in the face of the NCAA threat. Now the NCAA would add Langer and his fellow students at Yale" to the list of victims.

"This University has persistently condemned the NCAA practice of using students as pawns in the endless NCAA struggle with the AAU," Chauncey continued, "but not until the Langer case has any Yale student been directly affected by an NCAA power boycott.

"Faced with a choice between supporting a student with a once-in-a-lifetime opportunity to represent his country in amateur athletic competition, or supporting the misuse of NCAA power, Yale chose the student," Chauncey told the ECAC.

In his letter Thursday, the assistant to President Brewster added that under the ECAC constitution a member faced with disciplinary action is entitled to be heard by the full membership, and he said Yale would ask that the membership determine that Langer did not lose his eligibility to compete on the Yale team, and that he is in fact eligible; and that the ECAC members disapprove and condemn the NCAA power struggle with the AAU.

Officials at Yale believe that should the ECAC membership clear Yale of the current charges, that action might force the NCAA into a direct confrontation with the powerful eastern colleges.

They also pointed out that Yale is not soliciting votes from any ECAC member, but simply wants its case to be heard by the full body.

The entire controversy, which may lead to special hearings by a select Congressional Committee in Washington, stems from participation last Summer in the Maccabiah games at Tel Aviv, by Langer. Langer applied for and received permission from Yale authorities to join the American team in basketball competition there. Yale in turn requested and received ECAC permission for Langer to play.

Such permission, however, is contingent on NCAA approval. Yale never received such approval. And, since the Maccabiah competition was not specifically sanctioned by the NCAA, Yale and Langer were considered in violation of NCAA codes.

At the time of the Washington meetings last month, the ECAC Council, the top governing body, filed censure papers, placing Yale on probation declaring Langer ineligible for intercollegiate competition. The report was subsequently withdrawn for further study and the February 23 date chosen for final decision.

EASTERN COLLEGE ATHLETIC CONFERENCE,

New York, N.Y., January 26, 1970.

Mr. DELANEY KIPHUTH,
Director of Athletics, Yale University, New Haven, Conn.

DEAR DELANEY: The special membership meeting of the Eastern College Athletic Conference held in Washington, D.C., on January 13, 1970, instructed the Executive Council of the Conference to withhold implementation of the probation which it had just imposed upon Yale University, and to postpone definitive action pending further study of the matter.

Since then the Executive Council has met twice to give consideration to this matter. At a session in Washington January 13 it voted to hold the aforementioned probation temporarily in abeyance. At another session in New York City on January 23 the Council decided to effect additional investigation of the matter at hand through correspondence and consultation with Yale University authorities.

Accordingly, it is requested that Yale University give careful attention to the statement of charges being brought against it by the ECAC Executive Council, as hereinafter set forth. It is requested also that Yale respond to these charges in writing within ten days after their receipt. It is further requested that Yale send an official representative to the next meeting of the Executive Council (at New York Athletic Club, New York, New York, on Monday, February 23, 1970, at 4 PM) in order to make any supplementary statements desired, to answer any pertinent questions put by the Executive

Council and its members, and to show cause why Yale University should not be disciplined under provisions of the ECAC Constitution.

It is the belief and contention of the Executive Council that Yale University has violated ECAC regulations as follows:

(a) By permitting and encouraging Jack Langer to compete as a member of the United States basketball team in the 1969 Maccabiah Games without the formal and complete grant of exception by the ECAC Commissioner as required by ECAC By-Laws, Article Two, Section VII, sub-section C-4-b [such exception having been therein prohibited by lack of the essential authorization of the Maccabiah Games basketball championship "by NCAA Council waiver under the provisions of NCAA Constitution Article 3 Section 10 (c)"];

(b) By permitting Jack Langer to compete as a member of the Yale varsity basketball team in the early season games on its current schedule of intercollegiate play after Langer had been declared ineligible because of his unapproved Maccabiah Games participation by the ECAC Committee on Eligibility on September 22, 1969;

(c) By continuing to allow Jack Langer to compete as a member of the Yale varsity basketball team after the ECAC Executive Council had in meeting on December 9, 1969, (a) supported the Committee on Eligibility's decree of ineligibility for Langer, (b) censured Yale for its use of an ineligible player in intercollegiate competition, and (c) directed Yale "to cease and desist" such use by it in intercollegiate competition of an ineligible player.

Anticipating early word from you as to Yale's official response and as to appearance of its representative on February 23, I am

Cordially yours,

ASA S. BUSHNELL,

YALE UNIVERSITY,

New Haven, Conn., February 4, 1970.

Mr. ASA S. BUSHNELL,
Commissioner, ECAC, Royal Manhattan Hotel, New York, N.Y.

DEAR ASA: Your letter of 26 January was received on 28 January. I shall be pleased to attend the Executive Council meeting on 23 February in my capacity as Yale's accredited representative on the Council. Mr. Alfred Pitt, The Special Advisor to President Brewster, will accompany me.

We are reserving judgment about appearing as an ECAC member accused of violating ECAC regulations. Your letter did not specify under what provisions of the ECAC constitution or by-laws the Council is proposing to conduct show cause proceedings against Yale. It will assist us in preparing for the meeting if you will advise of those specific provisions on which the Council relies for its authority to conduct such proceedings.

I am enclosing our formal written response to the charges contained in your letter of 26 January. You will note that it includes an exercise of our ECAC constitutional right to be heard by all the members, and a statement of what Yale will ask of the membership. It is our assumption that the annual membership meeting on 25 February will be the appropriate occasion for the hearing.

I am sending copies of your letter of 26 January and of this letter and its enclosures to every ECAC member so that all will have an understanding of Yale's position in this unfortunate controversy.

Please forgive the formal tone of this letter. I think if all of us are guided by a high devotion to the principles of amateur athletics and to the welfare of the students at our colleges, we ought to be able to achieve a happy and commonsense solution without resort to legalisms, orders to

show cause, demands for hearing, and the like.

Sincerely,

DELANEY KIPHUTH,
Director.

A COMMUNICATION TO THE EXECUTIVE COUNCIL, EASTERN COLLEGE ATHLETIC CONFERENCE

I

Jack Langer, Yale, '71, requested and received Yale's written advance permission to join the United States basketball team for the 1969 Maccabiah Games, a competition sanctioned by the International Olympic Committee. Yale requested and received for Langer a written waiver of the Eastern College Athletic Conference (ECAC) ban on non-collegiate basketball competition, subject to later sanction by the National Collegiate Athletic Association (NCAA).

The NCAA, although approving other Maccabiah sports, refused to grant a basketball waiver for the 1969 Maccabiah Games. The admitted sole reason for singling out basketball was to exert pressure on the Amateur Athletic Union (AAU) in the continuing controversy over what administrative organization should represent this country in arranging international amateur basketball competition. (See attached copy of 11 July 1969 letter from NCAA Executive Director Walter Byers.)

Langer played in the Maccabiah Games between 29 July and 5 August. On 22 September the ECAC Committee on Eligibility declared Langer ineligible for further basketball competition at Yale, citing only the lack of NCAA sanction for Maccabiah basketball. Yale has not accepted the committee ruling, and Langer is playing as a member of the 1969-70 Yale varsity basketball team.

On 15 January 1970 the NCAA Council announced it had placed Yale on probation for two years and barred its students from NCAA championship competitions and its teams from NCAA television appearances during the period of probation.

The ECAC Executive Council has requested Yale to appear on 23 February 1970 to show cause why it should not be disciplined under provisions of the ECAC Constitution.

II

While the ostensible issue before the ECAC is Langer's continuing presence on the Yale basketball team, the real issue is quite different. It is whether the NCAA misuses its power, and in turn asks the ECAC to misuse its power, by punishing innocent students in an effort to bring the AAU to heel.

Yale is convinced that the NCAA was wrong when it boycotted Maccabiah basketball for reasons unconnected with the purity or legitimacy of the Maccabiah Games. The first victims of that wrong were the students at other colleges who dropped off the Maccabiah team in the face of the NCAA threat. Now the NCAA would add Langer and his fellow students at Yale.

This University has persistently condemned the NCAA practice of using students as pawns in the endless NCAA struggle with the AAU, but not until the Langer case has any Yale student been directly affected by an NCAA power boycott. Faced with a choice between supporting a student with a once in a lifetime opportunity to represent his country in amateur athletic competition or supporting the misuse of NCAA power, Yale chose the student.

III

Under the ECAC Constitution, Article Four, Section VIII, a member faced with disciplinary action is entitled to be heard at a meeting of all the members. Yale elects to be so heard. At the meeting Yale will ask the members:

(a) To determine that Jack Langer did not lose his eligibility to compete on the Yale basketball team, and that he is in fact eligible.

(b) To disapprove and condemn the NCAA practice referred to above.

Attached is a discussion paper which sets forth in detail Yale's interpretation of the meaning and effect of those provisions of the ECAC Constitution and By-Laws relevant to the current controversy.

HENRY CHAUNCEY, Jr.,

Special Assistant to the President.

Date: February 5, 1970.

Discussion

1. The first ECAC Constitution or By-Law provision to become applicable in the Langer case was By-Law Article Two, Section VII entitled "Principles Governing Competition in Postseason and Non-Collegiate Sponsored Contests." The relevant portion (with underlining supplied) reads:

"C. Once a student has represented an Eastern College Athletic Conference member college his competition in non-collegiate sponsored contests then becomes subject to the following regulations:

1. To avoid the forfeiture of his eligibility for further intercollegiate competition in the sport involved, such student must obtain in advance and in writing, from the appropriate athletic authority at said institution, permission for any outside amateur competition . . .

(a) . . .
(b) For basketball . . . during the entire calendar year.

(1) A student applying for permission must file with the athletic director . . . a certificate signed by the manager of the team on which he is to compete or perform stating that no team member receives or is to receive pay as salary for living expenses, or for any other purpose."

Langer requested and received the necessary advance written permission. He was not asked to file the mentioned team manager's certificate for the reason that Delaney Kiphuth, Yale's Athletic Director, was already in possession of written materials establishing that the 1969 Maccabiah Games were recognized by the International Olympic Committee and were to be conducted in accord with the highest principles of amateur athletics.

2. The next relevant provision is also in By-Laws Article Two, Section VII, C. It reads:

"2. Permission for such outside competition or athletic activity may be given at the discretion of the institution's appropriate athletic authority:

(a) . . .
(b) . . .
(c) Unless the competition is in organized basketball . . .

"3. Violations of the provisions of 1 and 2 of this section shall be penalized:

(a) In basketball and soccer by loss of eligibility in the sport involved . . .

"4. Exceptions may be made to the provisions of 1b and 1c of this section by the Commissioner . . . such exceptions allowing—

(a) . . .
(b) Students with eligibility remaining to participate in amateur all-star competition as a means of facilitating tryouts for and participating in the Olympic Games, Pan American Games, and other international competition . . . authorized by NCAA waiver . . ."

The meaning of the foregoing is unusually obscure. The violations clause refers to "1 and 2 of this section" and the exceptions clause refers to "1b and 1c of this section", but the section has no such enumeration. Furthermore, the Commissioner's exception granting authority is literally to permit a

student "to participate in amateur all-star competition," the meaning of which is not defined.

In any event, Kiphuth in good faith requested an ECAC exception for Langer. Commissioner Bushnell granted the exception, citing the provisions of ECAC By-Laws, Article Three, Section 6-D(2). (The applicable 1969 By-Laws contain no such citation. However, what is now Article Two, Section VII, C.4.b. appeared at Article Three, Section 6-D(2) of the 1968 edition of the By-Laws.)

3. When the foregoing steps were complete, all parties had in good faith complied with By-Law Article Two, Section VII as they understood it.

Langer had obtained written advance permission.

Kiphuth had requested an ECAC exception. Bushnell had granted an ECAC exception (subject, of course, to later NCAA sanction.)

There was no violation of Section VII. It does not prohibit play in the Maccabiah Games. It only requires the student to obtain advance written permission if he wishes "to avoid forfeiture of his eligibility".

Furthermore, there can be no contention that Section VII incorporates NCAA rules and regulations. The first entry in the By-Laws reads: "Rules and Regulations applied exclusively by ECAC (rather than by NCAA and ECAC jointly) are shown in italics". All that portion of Section VII relevant to the Langer case is in italics.

4. Nevertheless, the ECAC Committee on Eligibility on 22 September 1969 purported to declare Langer ineligible for basketball competition at Yale.

The Committee's authority derives from the ECAC Constitution and By-Laws. In neither document is the Committee empowered to declare a student ineligible. (There are repeated grants of authority to the Committee to ameliorate loss of eligibility imposed by the By-Laws.)

Article Eight of the ECAC Constitution is the Committee's only charter. It prescribes that the Committee "shall be concerned only with the 'Rules of Eligibility' as limited to participation in athletic competition." The Committee is the sole authority to interpret the Rules of Eligibility and, "within the limits of its jurisdiction," Committee decisions are final and not subject to appeal.

It thus becomes necessary to determine whether the Committee on Eligibility had jurisdiction in the Langer case.

As noted, the Committee can constitutionally concern itself only with the Rules of Eligibility. The Constitution in Article Seven requires that the Rules of Eligibility be included in the By-Laws. There is in fact no material in the By-Laws entitled "Rules of Eligibility".

The By-Laws contain just three articles. The first and third have one section each and are respectively entitled "Membership" and "Amendments". Neither can possibly be construed as containing Rules of Eligibility.

Article Two of the By-Laws is entitled "Principles and Policies for the Conduct of Intercollegiate Athletics". As such, its interpretation would appear to be the responsibility solely of the Committee on Principles and Policies. Indeed, of the Article's 14 sections, 12 are labeled "Principles" and one is "Implementation of Principles." There remains one, Section X, entitled "Eligibility for Competition".

A reasonable construction of Article Two is that Section X should be regarded as the equivalent of the Rules of Eligibility called for by the ECAC Constitution. Otherwise the Committee on Eligibility would be left with no jurisdiction at all, a result obviously not intended and to be avoided if possible.

However, the Committee on Eligibility did not apply Section X to Jack Langer. It could

not, because he did not violate Section X, and no one has even suggested that he did so.

Instead, the Committee sought to punish Langer for violation of By-Laws Article Two, Section VII, even though:

No violation had occurred;

Section VII is clearly a "Principle", not a "Rule of Eligibility";

ECAC Constitution Article Three, Section II unambiguously reserves to the full membership the authority to adopt principles and provide for their support; and

ECAC Constitution Article Eight explicitly denies to the Committee on Eligibility any jurisdiction over Principles and Policies.

Consequently, the Committee's declaration of Langer's ineligibility was utterly null and void. This result is compelled by any fair reading of the ECAC Constitution and By-Laws.

5. Yale does not believe in pettifoggery application of the rules, but it will insist that they be followed literally when the purpose is to uphold an indefensible NCAA policy, and when effectuation of that policy means the punishment of a wholly innocent student.

The ECAC rules were not followed when the Committee on Eligibility sought to punish Langer. Hence, the way is open for the full ECAC membership to take a stand on the true issue of importance: the NCAA's gross misuse of its power.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION,
Kansas City, Mo., July 11, 1969.

Dr. GAYLORD P. HARNWELL,
President, University of Pennsylvania
Philadelphia, Pa.

DEAR PRESIDENT HARNWELL: Please forgive me for the delay in responding to your June 20 letter. It had been our hope that meetings scheduled June 24-25 would develop a solution to the problem which concerns you. Unfortunately, this did not occur and, for this reason, I am writing you this rather lengthy response to your request.

NCAA Constitution 3-10-(c) is specific regarding participation in organized out-of-season basketball competition. If an individual violates this provision he jeopardizes his future eligibility in the sport of basketball.

There are other NCAA regulations which affect participation in other sports. Constitution 3-10-(d), for example, is concerned with soccer. It is true that the Association's regulations are not the same for each sport. Athletes who participate in football and basketball are subject to greater restrictions than those who choose to compete in tennis and fencing. There are greater pressures in football and basketball and, as a consequence, more regulations.

The NCAA is a member of the Basketball Federation of the USA (BFUSA). Other members of BFUSA include the National High School Federation, National Junior College Athletic Association, National Association of Basketball Coaches, Collegiate Commissioners Association, American Basketball Association and others. More than 90 percent of organized basketball in the USA is represented by BFUSA.

The International Amateur Basketball Federation (FIBA) provided BFUSA with an opportunity to arrange competition for its own members commencing in 1963. During the ensuing three years there were more international exchanges between the USA and other countries than ever before in the history of the sport. Unfortunately the agreement between FIBA and BFUSA expired in January, 1967. In May of 1967, at FIBA's Central Bureau meeting, the Amateur Athletic Union (AAU), this country's current FIBA member, informed the international body that it represented more than 70 percent of basketball in the United States, an obvious falsehood. FIBA informed the AAU that it

(the AAU) had until October, 1968, to unify all amateur basketball interests in the USA and improve its own basketball program or FIBA itself would investigate the situation in the United States.

In the interim BFUSA recommended that foreign competition involving its members cease because the Federation was unable to arrange and sanction such competition. The NCAA Council adopted a policy in support of BFUSA in October, 1967. This was later reaffirmed by the Association's membership at the 1968 NCAA Convention. Consequently, the NCAA Council has not given approval for out-of-season competition since 1967, with the exception of the Olympic Games.

In January, 1969, FIBA sent a five-man panel to the USA in an attempt to resolve the differences between the AAU and BFUSA. As a result an International Basketball Board was established which provides for equal representation from both sides and a chairman appointed by FIBA. The Board, designed to handle all international competition for the United States except Olympic and comparable competition, conducted its first meeting in Chicago on June 8. There appeared to be general agreement in many areas. The AAU implored BFUSA to meet again as soon as possible so that a final agreement could be attained to enable the Board to function immediately. BFUSA's delegates readily agreed and expended considerable time and effort in preparation for the next meeting, scheduled for June 25. We were hopeful that the issue would be resolved and that this letter could be more encouraging. Consequently, it was extremely frustrating when the AAU's representatives failed to attend a meeting of the Board's constitutional subcommittee on June 24. The following day the chairman was forced to postpone the IBB meeting indefinitely when only five of the AAU's ten representatives appeared. All ten of BFUSA's delegates were in attendance.

A number of organizations and NCAA member institutions have requested permission for foreign competition this summer, including the U.S. Collegiate Sports Council of which the NCAA is probably the most active member. All such requests have been denied by the Council because of the inability to secure an acceptable administrative organization to handle this country's international basketball competition.

We believe this policy will persuade the AAU to participate in the IBB as FIBA intended or prompt FIBA to take further steps to correct the situation. This country has suffered through the years because of lack of adequate and knowledgeable representation at the international level. Our basketball authorities are convinced that positive correction must be obtained now for the future welfare of the sport and its participants.

The NCAA Council has given serious deliberation to this matter and does not believe that there should be a change in NCAA policy at this time. We regret it is not possible to honor your request in the current circumstance.

Cordially yours,

WALTER BYERS.

ROGERS URGES CONTINUATION OF
GOLDEN EAGLE PASSPORT PRO-
GRAM

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. ROGERS of Florida. Mr. Speaker, I urge the House Committee on the Interior and Insular Affairs to promptly

hold hearings on legislation to extend the golden eagle passport program operated by the Bureau of Outdoor Recreation of the Department of the Interior.

I am concerned that the authorization for the golden eagle passport will expire before the Congress has an opportunity to enact legislation which would continue the program and this will mean that thousands of American families will not have the benefit of it as vacation time approaches this year.

The golden eagle passport is a \$7 annual entrance permit which gives its purchaser, and passengers in his private automobile, the right to enter and enjoy any and all of the several thousand recreation areas in our national parks, forests, wildlife refuges, seashores, and other Federal areas.

Present authorization of the passport expires on March 31, 1970, and thus far only a Senate subcommittee has held hearings on legislation which would extend the program. If the House Interior Committee could get hearings underway within a couple of weeks, then the passport could be made available before summer.

Every dollar derived from the sale of these passports is earmarked for deposit in the Land and Water Conservation Fund for use in acquiring and developing more Federal recreation lands and waters, and through dollar-for-dollar matching funds to the States to help them buy and develop similar outdoor recreation areas.

Although the Department of the Interior has expressed concern that the revenue from this program has not met expectations, I believe the passport is paying its own way and should be continued.

LITHUANIAN "APPEAL FOR JUSTICE"

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BELL of California. Mr. Speaker, on this 52d anniversary of the reestablishment of Independent Republic of Lithuania, I believe it behooves all thoughtful Americans to reflect upon the long struggle for freedom which has been waged by the Lithuanian people.

Today, we commemorate Lithuanian Independence Day. On this occasion, I would like to submit to my colleagues an "Appeal for Justice" which was brought to my attention by the Lithuanian American Community of the USA, Inc., which is located in my congressional district:

AN APPEAL FOR JUSTICE

Since its ancient settlement along the Baltic Sea coast, and particularly since its feudal states in 1251 became unified by King Mindaugas the Great into a kingdom, for centuries the Lithuanian Nation has played an important role in North-Eastern Europe. Especially that role became significant when Lithuania assumed the responsibility of protecting the Western culture from the Asiatic onslaughts.

The growing strength of Russian imperialistic power continually threatened Lithuanian lands, and finally at the end of eighteenth century Russia invaded and occupied Lithuania. Foreign subjugation, however, failed to destroy the spirit of the people who, for 120 years continually objected to foreign domination by civil and cultural resistance, by numerous uprisings and revolutions against the invaders.

The intensive and determined struggle for freedom and independence from Czaristic Russia was climaxed on February 16, 1918, by the Declaration of the Lithuanian National Council, proclaiming the restoration of the Independence to Lithuania.

The February Sixteenth Declaration was unanimously approved by the freely elected Constituent Assembly in 1920. Thus, following the will of the Lithuanian people, the reestablishment of an Independent State of Lithuania, with its capitol in the city of Vilnius was accomplished. A diplomatic recognition by many free countries followed. On September 22, 1921, Lithuania was received as a *bona fide* member of the League of Nations, thereby Lithuania became a member of the international community of sovereign nations. A full diplomatic recognition by the United States of America on July 28, 1922, was followed soon, also with *de jure* recognition, by other world powers—Great Britain, France, Italy and Japan.

Soviet Russia recognized *de jure* the Independence of Lithuania in 1920, and on July 12th of the same year signed a peace treaty with Lithuania which stated that:

"The Soviet Union recognizes the sovereignty and independence of the Lithuanian State with all the juridical rights associated with such a declaration, and forever renounces, in good faith, all Russian sovereign rights, which it previously had in regards to Lithuanian Nation and its territory."

The re-establishment of an Independent State of Lithuania and her return to the self-governing community of nations is the most significant historical event of the Twentieth Century for the Lithuanian Nation, whose political maturity, economic achievements and cultural creativity were manifested during the period of restored Independence (1918-1940).

During the Second World War, the Republic of Lithuania became a victim of Soviet Russia's and Nazi Germany's conspiracy and aggression, and as a result of secret agreements between those two powers of August 23rd and September 28th, 1939, became invaded and occupied by Soviet Russian armed forces on June 15, 1940.

Since the days of Soviet Russian occupation, however, the Lithuanian people have waged an intensive fight for freedom. During the period between 1944 and 1952 alone, some 30,000 freedom fighters lost their lives in an organized resistance movement against the invaders. Hundreds of thousands of others were imprisoned or driven to Siberia. Though that resistance movement was weakened and finally subdued due to a failure to get any material aid from the West, nevertheless, the Lithuanian people are continuing their passive resistance against Soviet Russian genocidal aggression to this very day.

The United States of America, mindful of its own struggle for freedom and independence, has remained sensitive to the aspirations of other people for self-determination. For this reason, Americans of Lithuanian descent are grateful to the Government of the United States for denouncing the Soviet Russian aggression in Lithuania and for refusal to recognize the alien subjugation of Lithuania since 1940. The United States continues recognizing the sovereignty of Lithuania. The Lithuanian Legation at Washington, D.C., Consulates General in New York, Los Angeles, Chicago and a Consulate in Boston are recognized and are functioning.

Americans of Lithuanian descent are also grateful to the American people whose Representatives and Senators in the 89th Congress unanimously passed the House Concurrent Resolution 416, urging the President of the United States to take action in the United Nations and elsewhere for the restoration of self-determination rights to Lithuania and to the other two subjugated Baltic States.

Thus, on the occasion of the 52nd Anniversary of the re-establishment of Independent Republic of Lithuania, the Lithuanian American Community of the USA, Inc., representing all Lithuanian Americans in the United States, most fervently appeals to the representatives of the Federal, State and local governments, religious leaders, labor unions, civil, political and professional organizations, academic and cultural institutions, news media and to the people of good will, to support the aspirations of the Lithuanian people for self-determination and to national independence in their own country.

The free world can never rest in peace, knowing that in Lithuania under Soviet Russian rule, genocide and Russification are commonplace, religious persecution is prevalent, and basic human freedoms and rights are denied to the Lithuanian people.

COPS IS BEAUTIFUL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. DERWINSKI. Mr. Speaker, a very timely and proper commentary by Columnist Fran Zuiker of the Calumet Index, Chicago, on the proper attitude the public should have toward law enforcement officers. The column which appeared in the Wednesday, February 11 edition of the Index follows:

COPS IS BEAUTIFUL

(By Fran Zuiker)

The other day I went to a police seminar where people ask questions to see what is going on. I will say I was a little nervous. I had always heard and read the cops are tough, rough, frisk you, and beat you up before asking questions. Having worked with the public myself for thirty years, seeing many confrontations I knew that cops do have to be brusque at times simply to perform the task at hand or the situation can get out of hand and end in disaster.

Sometimes the philosophy of people with whom I talked left me a little puzzled, for I try to be as practical as I can. If you call a cop when you need one, I reasoned, then you should be able to try to show them respect until they treat you and if this be the case then there is a department anxious to weed out any officers who bring an entire force into disrepute.

My visit to the seminar did much to alleviate my fears, and in fact gave me a touch of pride for I discovered that some of the officers were not only human but had a few skills that I lacked. There were two for instance who discovered an auto as it made a traffic violation. When they finally cornered the car a man jumped out with a shotgun. Now I used to carry a shotgun after rabbits, but when another man has the gun and he's not hunting rabbits I don't want to be around. The two officers not only disarmed the man but discovered he had just robbed a store.

There are people in every trade who get the odd jobs—the kind that most people don't

have the skill or the personality for or perhaps they just get stuck once and from then on they simply get better at their chosen profession. I once drove my wife to a hospital for a childbirth and was held up by a freight a city block from the institution and I know it can be a hair-raising experience, but there is a cop in the Kensington station who has developed a knack at this kind of delivery service.

Now Officer Anderson does not profess to be a doctor. He simply drives a wagon and when the husband is away and the wife is in an emergency, he simply gets stuck for the business. In cases of this kind, emergency seems to be the word for when officer Anderson gets the case, the mechanics of bringing life into the world instead of taking it out, seem to be well on the way.

I have know a great number of people of all races, heard a large number of stories about strange, and sometimes obnoxious behaviour, but I also have taken note of large numbers of other professions that deal with the public and some of the most respected have shown the poorest performance. Cops might be pigs to many ignorant people but to anyone who can think they can be beautiful.

JUNKIE CHALLENGES ANTHROPOLOGIST

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. ASHBROOK. Mr. Speaker, the February 7 issue of the Mount Vernon News of Knox County, Ohio, carried an interesting editorial on the much debated issue of the effects of marihuana. It seems that the belief of Dr. Margaret Mead, the anthropologist, that marihuana is less dangerous than alcohol and should be legalized for those 16 years and over is contested by no less an authority than a dope addict with 10 years experience and one who has been a drug user for longer than he cares to mention. The junkie's credentials, I believe, are just as valid as Dr. Mead's and, as the editorial states, he should be given a hearing. I submit the editorial, "Junkie Challenges Anthropologist" from the Mount Vernon News of February 7, 1970, for insertion in the RECORD at this point:

[From the Mount Vernon News, Feb. 7, 1970]

JUNKIE CHALLENGES ANTHROPOLOGIST

The editor has no intention of stepping into a debate between a noted anthropologist and a junkie (a dope addict), but since the anthropologist's views have received considerable public notice, the other side perhaps deserves a measure of public exposure. At least it is thought-provoking reading. The following is printed verbatim, spelling and all, from the CCI News, a prison newspaper printed by and for prisoners at the Chillicothe Correction Institute:

"Dr. Margaret Mead, a leading American Anthropologist, told a Senate Panel recently that Marijuana is less dangerous than alcohol and should be legalized, and that 16 should be the minimum age for its use.

"The only qualifications I have for my attack on this subculture is the fact that I have been an addict for 10 years and a drug user for longer than I care to mention. I am not trained in Psychology, Psychiatry, Chem-

istry or Medicine. I am not a social worker, nor am I a Professional Journalist I am just a junky. A junky with something to say.

"It is my considered opinion that marijuana is not harmful unless used in enormous amounts over a long period of time," Dr. Mead said. She then added, "there is some evidence that if smoked night and day for 20 years the substance can cause brain deterioration."

Unfortunately some people are physically and temperamentally susceptible, so that they do not stop with the first experiment, and thus continue smoking, drinking, or taking drugs. This can lead to three phases of abuse: Tolerance, Habituation, or Addiction.

"College kids, high school kids, and now, Dr. Mead is telling us 'Pot' is not addictive! Why then during the current marijuana famine are all our little grass smokers so frantic?

"If they can take it or leave it alone why this crazy scramble for substitutes? And pretty far out ones they are too, from glue and gasoline fumes, to catnip and injections of peanut butter and mayonnaise.

The Marijuana shortage began this summer. You can't blame the Woodstock Festival for all of it, for the joints they puffed away that weekend might have produced a temporary shortage. But the real reason, drug and customs officials say, is that the U.S. and Mexico finally got together and cracked down on the highly profitable smuggling of Marijuana into this country.

"Almost overnight young pot-heads found themselves with nothing to turn on. They forgot about the war, crime in the streets, or plans for a school riot—this was a real crisis. A few of the more desperate ones took to growing their own. But were not very successful.

"There are cases on the docket that proves without a doubt that some of these kids took up 'hash.' Now, parents if you hear your kids talking about 'hash' don't be confused into thinking it's the corned-beef variety. They are talking about Hashish. The kind they smoked in those Oriental horror tales. It's almost the same as Marijuana except that it packs a stronger kick.

"Half-pound bricks of the stuff are flooding the country, to keep our pot-starved youth from climbing the walls. Some comes directly from India, through Israel. Colombians ship it through Miami, and veterans bring it back from Vietnam.

"Now, instead of pot parties, the kids throw hash sessions. They can smoke it in exotic brass water pipes or old fashioned corncoobs, or nibble it, and even sprinkle it on cookies or brownies.

"It looks like a lot of dirt and doesn't taste much better. But chunks no larger than a piece of fudge are being snatched up for thirty-five dollars per square by pot users, who keep insisting they don't really have to have it!

"It's just something nice to do when the world looks boring or hopeless. The kids, and Dr. Mead explains: 'A way of coping out, that doesn't leave you with a hangover—or even with a guilty conscience. They need it for the mental and emotional lift it brings.'

"Not addictive, you understand—it's just that they've got used to it. Therefore, to legalize the use of Marijuana would be a Cardinal Sin and an unjustly burden for the immature American youth."

So—Dr. Mead has her string of degrees and a reputation as an anthropologist acquired through a long and honorable career. The writer of the above is Herb Watts, a black man who grew up in Toledo's slums, became a junkie, and is now in prison. But somehow, we can't escape a feeling that Herb Watts should be given a hearing just as attentive as that given Dr. Mead.

WASHINGTON'S WAY OF LIFE AFFECTED BY CRIME

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. PEPPER. Mr. Speaker, the problem of rising crime rates in the Nation, and in the Nation's Capital in particular, has received widespread attention from both the Congress and the news media.

This body's Select Committee on Crime, which I have the honor of serving as chairman, believes that oftentimes investigations into the problem of crime neglect those most intimately concerned with crime: Its victims and those citizens who live in fear of crime. Your committee will hold hearings next week to listen to these true crime "experts."

Mr. Monroe W. Karmin, a perceptive reporter for the Wall Street Journal, recently undertook to see what effect the fear of crime has on the residents of the Nation's Capital. His excellent story, "Surging Crime Forces Washington Residents To Change Way of Life," has a short and frightening message: Washington is afraid.

I commend this story to my colleagues, and that it be inserted in the RECORD at this point:

LIVING SCARED: SURGING CRIME FORCES WASHINGTON RESIDENTS TO CHANGE WAY OF LIFE; CABBIES, MERCHANTS STRIVE TO FOIL ROBBERIES; SECURITY BOLSTERED FOR APARTMENTS; A STIMULUS TO NATIONAL ACTION

(By Monroe W. Karmin)

WASHINGTON.—John D. Holland is afraid. For 40 years he has been selling packaged liquor at his Maryland Beverage Mart in this city's southeast sector. Four years ago he installed a burglar alarm system. Three years ago he put iron bars on his windows. Two years ago he began arming. Now on his desk on a platform overlooking the sales floor are a black-Italian-made pistol, a silver German-made pistol, a Winchester rifle and an L.C. Smith shotgun. "I've never been held up," Mr. Holland declares, "and I don't intend to be." Since mid-1967, intruders have murdered several local liquor dealers in the course of an estimated 700 robberies of such stores.

Leroy R. Bailey Jr. is afraid.

He drives a taxi. Last year he paid \$20 to install an emergency flasher in his cab. If he's threatened, Mr. Bailey steps on a button that sets off a flashing signal for police aid in his front grille and rear bumper. At night, he says, "nine out of 10 cabs won't pick up a man alone." The number of Washington cab drivers has dropped to about 11,000 from 13,000 two years ago. Says James E. Jewell, president of the Independent Taxi Owners Association: "This is a very dangerous town to drive in. Many men won't work after the sun goes down."

The people at the Mexican embassy are afraid.

Last September, during an independence day celebration, two guests were robbed. Female employees have been accosted. Vandals have struck repeatedly. Now all embassy doors are kept locked. A fence has been erected around the property, located two miles north of the White House. "We live in fear," says a spokesman. So does much of the crime-plagued diplomatic community. President Nixon is asking Congress to expand the 250-man White House police force to offer additional protection for Embassy Row.

THE NO. 1 ISSUE

Most of Washington is afraid of crime.

Fear has changed the way of life of residents of the nation's capital and its environs, affecting everyone from cab-driver to Senator. It has also changed the way institutions, from schools to embassies, operate. While race relations continue to be a major problem for this city, whose 850,000 residents are more than 70% black, there is no doubt that today's No. 1 public concern is personal safety.

"A couple of years ago the city's tension was seen in terms of white police versus the natives," says an aide to Mayor Walter Washington. "Now it's seen as criminals versus victims. It's more crime and less racial."

Mayor Washington, himself a Negro, says that black as well as white neighborhoods are demanding more foot patrolmen, even though the cop on the beat was viewed as "a Gestapo agent" by many blacks not long ago. The mayor finds ground for optimism in the change. "Never before have I seen such an attitude on the part of the people of the city, both black and white, to work together on a problem," he says.

A "TRAGIC EXAMPLE"

The nation's capital is by no means alone in its fear of crime; rather, as Mr. Nixon pointed out in his State of the Union Message, it is a "tragic example" of the way crime and violence "increasingly threaten our cities, our homes and our lives." But Washington is suffering more than most cities. In the nine months through September, according to District of Columbia Police Chief Jerry Wilson, reported crime in Washington jumped 26% over a year earlier, compared with an average national increase of 11%. Cleveland, San Francisco and Baltimore also topped the national average.

Chief Wilson, who was appointed last summer, hopes to come to grips with the rising crime rate here this year, if he gets enough help. President Nixon has proposed a new \$12.4 million crime-fighting package for the district to supplement the city's regular budget, which emphasizes public safety measures. And Congress is at work on other anticrime legislation for Washington.

This war on crime focuses on several trouble spots. It aims to break the local court bottleneck (it now takes an average of nine months for a criminal case to go to trial and some wait as long as 20 months); to curb the freedom of those awaiting trial through a controversial preventive detention measure (an estimated 35% of those arrested for armed robbery and released on bail commit another crime before they come to trial); and to crack down on drug traffic and use (50% of those arrested here are drug addicts).

EXPANDING THE POLICE FORCE

But this year's main thrust, Mayor Washington says, is to put more policemen on the streets. The mayor hopes to beef up the force to 5,100 men by June 30 from 3,868 on Jan. 1. Also planned are expanded criminal rehabilitation and social-welfare programs that the mayor hopes can be meshed into a comprehensive criminal justice system.

Because Washington is the seat of the Federal Government, the crime surge here is an important stimulus to action on both district and national anticrime legislation. Among the victims of local crime have been Sen. Frank Church of Idaho, White House Press Secretary Ronald Ziegler, Mr. Nixon's personal secretary, Rose Mary Woods and Deputy Defense Secretary David Packard, to name just a few. Political partisanship is diminishing as liberal Democrats feel the impact of crime and join the President in his anticrime crusade.

Senate Majority Leader Mike Mansfield recently expressed outrage over the "senseless" slaying of a fellow-Montanian and friend in the streets of Washington. He took the Senate floor to demand "new and better ways

to fight crime, to cut down the inordinate rate of violence." Another liberal Democrat, Rep. Frank Thompson Jr. of New Jersey, warned the other day that "things may get worse if the Administration and Congress do not put crime control on the front burner."

But until this campaign begins to make headway, life in the District of Columbia will reflect fear, especially after dark.

Cruise through downtown Washington in a police car on a Saturday night and the mood can be felt. On F Street, the main downtown shopping street, merchants lock their doors at 6 p.m. Many put up iron grill-work nightly to protect their windows. Shoppers and employees hurry to the bus stops. Many employees who fear the lonely walk at the end of the bus ride wait in the stores until their spouses drive by to take them home. At 7 p.m. F Street is almost deserted.

The relatively small number of people out for an evening of entertainment arrive a bit later. Some go to the National Theater, which now raises its curtain at 7:30 p.m. Instead of 8:30 so patrons can get home early. Some head for downtown movie theaters. The servicemen's crowd patronizes the rock joints along 14th Street. Fashionable Georgetown, more than a mile from downtown, is still lively, as are some of the posh restaurants and clubs. But that's about it. Much of Washington is dark, and scared.

"Watch the people," advises a seasoned policeman. "See how they walk quickly and with a purpose. There's no casual strolling. People don't come into this town at night unless they have a specific destination in mind. They go straight to it and then go home as fast as possible."

RESTAURANTS CLOSE

The effects are evident. The Ceres restaurant next to the National Theater is closed, nearby Caruso's restaurant is gone and neighboring Bassin's has lost 50% of its night business. The Commerce Department, a block away, was robbed recently. Fumes Bassin's angry manager, Ed Hodges:

"There isn't a waitress, cashier, busboy or anyone who works here who hasn't been robbed, mugged or attacked in some way. And there isn't a place in this block that hasn't been robbed, and most have been hit more than once."

A few blocks away, on 9th Street, the Gayety Theater is showing "Man and Wife," an intimate film "for adults over 21." Even an attraction of this nature fails to draw the audience it once did. "Business is very bad, way off," says Robert Morris, the ticket seller. "People are afraid to come downtown. We've had lots of purse-snatchings, pockets cut out and all sorts of other things."

Fear inhibits daytime activity as well. A survey taken last summer by the Metropolitan Washington Council of Governments discovered that 65% of the city's largely white suburban residents visit the downtown area less than once a month, and 15% come downtown less than once a year. Asked their chief worry, the large majority of those surveyed responded: "Crime."

Actually, crime is spreading in the suburbs as well as in the city. Three brutal slayings of young women, one in Alexandria, Va., and two in Bethesda, Md., have occurred within the past few weeks. While these crimes remain unsolved, many suburbanites tend to view crime in their neighborhoods as a spillover from the city, and they still feel downtown is more dangerous.

Crime continues to speed the flight of Washingtonians to the suburbs. Though many single people and childless couples remain in the city, Joseph Murray of the big Shannon & Luchs real estate firm reports: "Families are leaving at an accelerated rate; this includes both black and white." (In neighboring Prince Georges County, Md., Negro arrivals have recently outnumbered white newcomers.)

"NO CASH"

Sales of downtown department stores dropped by 4% in the first 11 months of last year from a year earlier, while sales throughout the metropolitan area, including those of suburban stores, were rising 8%. A recent Commerce Department survey of 10 central-city areas showed that the District of Columbia suffered the steepest loss of business of all. Shoppers who do venture downtown are continually reminded of the risk. D.C. Transit bus drivers use scrip instead of cash to make change. Delivery trucks bear signs proclaiming, "This Vehicle Carries No Cash."

There are bright spots. New office buildings are sprouting in some parts of town. Convention business continues to grow and tourists arrive in record throngs. Lane Bryant has opened a new store on F Street, and the downtown Woodward & Lothrop department store is remodeling. But the merchants know safety must be assured before enough suburban shoppers will come downtown again to make business snap back.

The big department stores are bolstering their protection. Harold Melnicove, an executive of Hecht's, says his organization now has a security force "big enough to protect some small cities"; he won't give details.

Smaller stores do the best they can. Frank Rich, president of both Rich's shoe stores and the D.C. Urban Coalition, is a downtown optimist. But in his F Street store he no longer displays shoes in pairs, just singles; all display cases are locked; key employees carry electronic devices in their pockets to summon help in the event of danger.

High's dairy stores, which stay open nights and Sundays, have been robbed so many times, says General Manager William Darnell, "we don't like to talk about it." The chain's 37 D.C. stores were held up "hundreds of times" last year, Mr. Darnell sighs, and several had to be closed. Money in all stores is kept to a minimum by frequent armored car pickups.

GETTING OUT

A survey by the mayor's Economic Development Committee of small businessmen found that one out of seven contacted "wanted to close down, relocate or simply stop doing business in the city."

One who wants to get out is E. N. Hampton, president of the Hampton Maintenance Engineering Co. His firm has been robbed, his trucks have been vandalized and his employees have been threatened. "It's disgusting," Mr. Hampton snarls. "Now we ride armed guard in the trucks with shotguns. As soon as I can find somebody to buy this I'm getting out."

Nor is black business immune. Berkeley Burrell's four dry cleaning stores have suffered 17 holdups in 10 months. Now the front door of each is locked; a customer can't get in "without a ticket or pair of pants in his hand," says Mr. Burrell. Employees are armed, and the proprietor is trying to replace females with males. "I may sound like Barry Goldwater," he says, "but we've got to get the community back to where it's safe to live in."

Banks have been a favorite target for bandits. Though these attacks have slackened lately, Francis Addison, president of the D.C. Bankers Association, says a "very high percentage" of local banks are robbed every year. The National Bank of Washington recently closed one branch because of the danger. All banks have tightened security, but the most extreme case is a Security Bank branch in the northeast section.

In 1968 the branch was held up three times within 55 days. Now the bank has put all employees behind plexiglass.

Tellers receive any payout money through scoops beneath the plexiglass. "The personnel were all shook up and couldn't work," President Frank A. Gunther says, "so we

bulletproofed the whole place." The bank has not been held up since.

INSURANCE HARD TO GET

Faced with the cost of crime in Washington, insurance companies have turned cautious. "Lots of companies have stopped writing fire and casualty insurance," says Thornton W. Owen, president of the Perpetual Building Association, the city's biggest savings and loan outfit. "And lots of investors will abandon properties rather than maintain them." Hillard Schulberg of the local liquor dealers association says that for his members "the cost of crime insurance is extremely high, and many companies won't write it." Proposed legislation would permit the Government to offer crime insurance where private insurers won't.

Office building managers, both Government and private, are attempting to cope with the danger. James Sykes, manager of the William J. Burns Detective Agency here, reports many buildings have posted guards at their front doors and says, "We're providing lots more escort service for female employees working late at night." The local chapter of the American Federation of Government Employees has advised its members to buy, at \$5 apiece, antimugger aerosol spray devices.

Security is a prime concern of apartment dwellers. The 670-unit Marberry Plaza, opened three years ago in southeast Washington, exemplifies what a new building must offer to reassure nervous tenants. On weekends the project is patrolled by four armed guards with two dogs. All exterior doors are locked. A tenant who has invited a guest for dinner must present an "admit slip" with the guest's name to the desk clerk during the day. When the guest arrives, he must identify himself to the clerk and sign the register. "All of this is at the request of the tenants," says Sidney Glassman of the Charles E. Smith Property management company.

SCHOOL VIOLENCE

In some neighborhoods, newsboys no longer collect for their papers for fear of being robbed; subscribers must mail in payments. One cabbie drives with self-addressed envelopes; whenever he accumulates \$10 he mails it home. Some maids require their employers to drive them home. An outbreak of violence including the shooting of a junior high school student has prompted Mayor Washington to post policemen throughout the city school system. Many schools have stopped dealing in cash, requiring students to pay for supplies and other items costing more than a dollar by check or money order.

"It used to be that holdup students would use their fists; then came knives; now it's guns," says George Rhodes, a member of the D.C. school board. "Not that there have been that many incidents, but it's the fear that parents and teachers must live under that is most troublesome."

School principals, anxious to protect the reputations of their institutions, tend to minimize the problem. William J. Saunders, principal at Eastern High School (2,400 students including just three whites), says violence is "not a major problem" in the school. Yet several thousand dollars worth of football equipment has been stolen, and police officer Sherman Smart says there have been three alleged rapes in and around the school since September. As Officer Smart talks to a reporter, a photographer's agent joins in to complain that he has visited the school twice to take orders for class pictures and has been robbed of his receipts both times.

Not even the churches are spared. At the Vermont Avenue Baptist Church, the collection plate was stolen by intruders in full view of the parishioners. Says Charles Warren, executive director of the Greater Washington Council of Churches:

"Some churches have begun to lock their doors at 11 a.m. on Sundays for the worship service. Some have policemen at the service during the offering. Some have canceled evening activities or rescheduled them for the afternoons."

The National Presbyterian Church has moved from its 60-year location about half a mile from the White House to a new site three miles farther out. The Rev. Edward L. R. Elson calls the new location "the quietest zone in Washington," but vandalism is as bad at the new church as at the old one. According to Mr. Elson, the vandalism has included "obscenity on chapel pillars, destruction in the church hall and lights pilfered and broken."

SPEECH BY GENERAL MERRELL

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. FLYNT. Mr. Speaker, on the evening of February 5, 1970, I had the distinct honor and privilege of attending and participating in the 76th annual banquet meeting of the Greater Macon, Ga., Chamber of Commerce.

As a body devoted to the furtherance of economic development and cultural growth for Macon, Ga., the Greater Macon Chamber of Commerce is one of the finest civic and community organizations of which I have knowledge.

The principal speaker on this occasion was Gen. Jack Gordon Merrell, USAF, Commander of the Air Force Logistics Command. General Merrell is one of the outstanding general officers of the United States and this fact is attested by the rapid advancement which has been his and the rank and position which he now holds.

General Merrell is well-known to the people of the greater Macon area and is highly respected and admired by those of us who have the privilege of knowing him.

In his remarks made on that occasion, he presented one of the clearest and most encouraging statements of the present situation in Southeast Asia which I have heard or read in a long time.

I congratulate the Greater Macon Chamber of Commerce on selecting General Merrell to be the principal speaker on the occasion of its 1970 annual meeting. I congratulate and commend General Merrell on the substance of his remarks and the fine manner in which he presented those remarks.

Mr. Speaker, it is my pleasure to include General Merrell's speech as a part of my remarks:

ADDRESS BY GENERAL MERRELL

It is indeed an honor for me to be your guest tonight. It is also a privilege for me to speak on the subjects your chamber officials and my friends here have suggested. They asked that I discuss the future of Robins Air Force Base and Vietnamization. I intend to address both subjects and with your permission in that order. Before I address the principal subjects tonight, I would be remiss if I did not acknowledge the tremendous rapport that exists between the military and the civilian communities throughout the Middle Georgia area.

The year 1970 is a memorable one for the Air Force. Warner Robins along with twenty-five other Air Force installations will be celebrating their 28th Anniversary this year. The history of each of these installations covers a vital and fascinating segment of Air Force life. Collectively their histories span much of the story of modern air power.

In each Air Base history, there is always a special chapter devoted to the relationship between the base and its neighboring communities. Insofar as Warner Robins is concerned, this chapter in its history is a stand-out.

From its inception, the people of the Middle Georgia area have welcomed the personnel of Robins Air Force Base and made them part of the social fabric of the community. They have taken personal pride in the role "Their" base played in the nation's defense and have contributed significantly to the growth and progress of Warner Robins by donating the initial land now occupied by the base.

On behalf of all Air Force personnel on the base—and all those who have been assigned in the past, I want to thank the people of this area for their support and hospitality. I also want to express the Air Force's appreciation for the conscientious and faithful services of those residents who have been employed over the years at Warner Robins Air Force Base. The organization's reputation for aircraft maintenance and modification has been well earned. Its record in 28 years of service in supply, maintenance, procurement, and distribution is outstanding both as to quality and quantity. Despite the great demands made on them—Warner Robins employees have upheld standards of workmanship and they have demonstrated strong personal pride in their technical competence.

The history of Warner Robins Air Force Base deals almost exclusively with logistics; that is supply, maintenance, transportation and related activities. *These activities seldom make national headlines*, however, our success in Vietnam and the success of our worldwide military strategy have become critically dependent upon the effectiveness of logistics. This should not be surprising because effective logistics support has always been indispensable to military success. In fact, the history books abound with stories of battles won and lost because of good or bad logistics.

But today, the dramatic speed of missiles and aircraft and mounting complexity of weapons and the great variety of our military operations raises logistics to an unprecedented level of significance.

In recognition of the quality workmanship and capacity—and my belief in the future of Warner Robins, last December I assigned to Warner Robins the logistics management responsibility for the Air Force's new F-15 Air Superiority Fighter. A weapon system the Air Force is looking forward to as the air superiority fighter in the latter part of this decade and through the eighties. Warner Robins and the Middle Georgia area should be proud to be selected as the logistics support base for this potentially great future program.

Warner Robins has primary management responsibility for twenty-two Air Force "Systems" operating in Southeast Asia. And in addition, has primary management support responsibility for seven of these systems which have or will be assigned to the Vietnamese Air Force in accordance with the President's Vietnamization Policy.

Robins Air Force Base is an important logistics installation to support United States Air Force weapons systems. Robins also contributes immeasurably to the support of the Vietnamese Air Force—which I will discuss later. Our past involvement in Vietnam and prospects for the future need clarification and public understanding.

Vietnam, one of the world's oldest living civilizations, dates back to hundreds of years before the birth of Christ. Through its long history, it survived under eight royal dynasties and short lived popular uprisings. The Republic of Vietnam was established in 1955 and that same year the United States was invited to establish a Military Assistance Advisory Group to Vietnam. At the request of the Vietnam government, the Advisory Group was asked to assist in organizing and training their armed forces for internal security and self-protection. As a result of communist infiltration from the North—and Vietcong guerrilla operations—the United States Military Assistance Command known as MACV was established in 1962. The MAAG was reorganized and became a part of MACV.

The military conflict expanded in the Republic of Vietnam and the United States along with its allies—South Korea, Thailand, Australia, and New Zealand—provided troops to assist the South Vietnamese.

During the last decade and under the four U.S. Presidents the allied commitment of forces in Vietnam was accelerated to carry out the objectives of supporting the Vietnamese people. At the same time, economic programs were initiated to permit them to develop into a viable nation.

The Defense Department established programs for helping to modernize South Vietnam's armed forces. The modernization program includes updating their Air Force to become a major combat force. Our program started with the training of personnel; modernizing the Air Force organization; providing logistics support, including air base facilities; indoctrination in tactical operations and strategy for the full utilization of their combat force.

In eight years the Vietnam Air Force (VNAF) has firmly established itself as a potent military service, feared by the Vietcong and the North Vietnamese regulars. Their sorties have increased until now they fly about half as many missions as the number flown by U.S. Air Force aircraft.

VNAF Tactical Air Control Centers direct more than fifty per cent of the total air strikes in the Delta region. They now fly more than twenty-five per cent of the tactical sorties, and haul more than one-third of the airlift requirements for the Vietnamese forces. They operate and manage air bases and support functions formerly performed by USAF units.

The VNAF has approximately twenty squadrons of aircraft, including jets, propeller attack aircraft, helicopters, and airlift and liaison aircraft. Present plans and funding have been provided to approximately double their current size and capabilities.

Reports indicate that the performances of these squadrons compare favorably with those of USAF squadrons in Vietnam.

This VNAF modernization program has been accelerated under the President's Vietnamization policy. Let's not confuse the VNAF modernization program, which has been under way for some time, with the overall U.S. national policy of "Vietnamization of the War."

The original modernization programs were designed to prepare the South Vietnamese to handle only the threat of Vietcong insurgency that would remain after all North Vietnamese regular forces had withdrawn from the South. Vietnamization, on the other hand, is preparing the South Vietnamese to handle both the Vietcong insurgency and the North Vietnamese armed forces. Vietnamization embodies much more than merely enabling the South Vietnamese armed forces to assume greater military responsibilities. It includes building a stronger economy, stronger internal security forces, and a stronger social structure.

As the President has said many times, we hold firmly to a single objective for Vietnam: *To permit the people of South Vietnam to freely determine their own destiny.* The President has further said that we want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese.

In discussing the President's Vietnamization Program, the Secretary of the Defense has said, "I cannot promise a miraculous end to the war. But I can say, reemphasizing the President's words, that we are on the path that has the best chance of minimizing U.S. casualties while resolving the War—in the shortest possible time without abandoning our basic objectives."

Let's look at some of the Vietnamization factors as reported by various experts, including news reporters on the scene.

In the field of internal security, enemy activities have been reduced to such an extent that farmers have returned to their fields to harvest the largest rice crop since 1963.

A major decision contributing to internal security is the fact that more Vietnamese, loyal to the Government of the Republic, carry guns than our settlers did in days of the Old West. After the TET attacks, President Thieu made a decision to provide better arms and equipment for popular forces and people self-defense forces, the guardian of the hamlets and villages. The decision has paid off militarily and politically, as it has provided more protection to the villages and hamlets.

In the economic area, businessmen in South Vietnam are beginning to think more about long-term opportunities than about short-term risk. After fighting ends, it has been estimated that South Vietnam should be able to advance economically with an annual growth rate of five to seven per cent within a decade.

The country is rich in farmland, timber, fishing, hydroelectric potential and, unlike other Asian countries such as Korea, is not over-populated. The War has created a network of highways, ports, and other basic installations.

Equally important, a half a million people have been, or are being trained, by U.S. contractors and the military service. Professional training of Vietnamese in colleges and universities of this country is now beginning to pay dividends. Eighty-five per cent of South Vietnam's children have received at least elementary schooling.

In the military area, this country has, with allied assistance, trained and fielded a military force of more than one million men.

They, of course, need to learn a lot more about fighting the War by themselves. They need more middle and top management training in air and artillery support, in tactical maneuvering, in evaluating intelligence data, and particularly in logistics.

Insofar as the VNAF is concerned, I believe we have made tremendous strides in training their personnel in the maintenance and operation of their Air Force. Since there is no aerospace industry in South Vietnam, we must continue to provide equipment and supply support for this country. I might add that *eighty per cent* of the aircraft in their Air Force is managed and supervised logistically from right here at Warner Robins.

The Vietnam Air Force is now overhauling some of their jet engines, doing component repair and crash and battle damage repair of its fixed wing aircraft. Their personnel are working with the U.S. Army and Air Force personnel here at Warner Robins to develop a depot capability for support of their helicopters.

In concluding my remarks tonight, I am reminded of the fundamental difference of

ideology between Communism and Democracy. I'm reminded of forecasts and predictions of Communist challenges to Democratic countries in the Far East. I am reminded of the charges of Presidents Truman, Eisenhower, Kennedy, Johnson and Nixon to meet the challenge in Korea, South Vietnam, and Southeast Asia. As a career military officer, I am carrying out my duty. As a citizen of this free society in which I am a believer, I also am convinced that this nation had no other choice in defending the people of South Vietnam against the Vietcong and the North Vietnamese people to assure the South Vietnamese people the right of self-determination. As our President recently said, "Abandoning the South Vietnamese people would jeopardize more than lives in South Vietnam. It would bring peace now but it would enormously increase the danger of a bigger War later."

"If we simply abandoned our efforts in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability."

Let me assure you, the President needs your support, your strength: for both strength and perseverance are essential in building and maintaining a policy of peace. Your support to Warner Robins Air Force Base and to the President's national objective is warmly appreciated. Let us all hope that the actions we take in this decade will be respected by the next generation.

SENATOR ERNEST GRUENING CITES NEED FOR NEW PRIORITIES

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. RYAN. Mr. Speaker, one of the strongest and most active voices against American involvement in Vietnam has been that of Ernest Gruening, former U.S. Senator from Alaska. Unfortunately, Senator Gruening no longer serves in the U.S. Senate. But he continues to serve his country by bravely opposing this tragic war.

On February 17, 1970, Senator Gruening spoke at the New School for Social Research in New York City on "The Need for New Priorities" in this Nation.

He listed the priorities which must be set before our Nation can embark upon new goals.

Consistent with his past actions, he recognizes our primary priority as disengagement in Vietnam.

Second, Senator Gruening calls for the cutback of military expenditures and the checking of the military establishment.

His third priority is to "install more courage and backbone upon Capitol Hill" so that Members of Congress hold their constituents as their first priority—not special interest groups.

If all these prepriorities are met and needed funds are made available, Senator Gruening sees the improvement of our environmental quality as our most necessary national goal.

I urge my colleagues to read Senator Gruening's address. As always, his courage to speak out on the critical issues is manifest.

The address follows:

ADDRESS OF SENATOR ERNEST GRUENING: THE NEED FOR NEW PRIORITIES

The amazing fact about the situation that confronts our country as we take leave of the seventh decade and enter the eighth decade of this unprecedented and tumultuous century—the surprising and predominant fact is that things that so sorely need to be done, are not being done, that the priorities that need to be established are not being established, although those in charge of our destinies pay lip service to them.

Perhaps the most comprehensive and inclusive priority would be to relate promise and performance.

But let us take up the needed priorities, as I see them, one by one.

The first and foremost priority, of course, is to end the war, the war to which we refer as the war in Vietnam, but which has been stealthily extended to Laos and Thailand—the totally needless, unjustifiable, immoral and monstrous war.

That war has cost to date:

First: The death of over 40,000 fine young Americans.

Second: The wounding of over a quarter of a million men [I've seen some of the 18 and 19 year-olds at Walter Reed Hospital in Washington—armless, legless, blinded, paralyzed from the neck down, many condemned to a lingering living agony worse than death.]

Third: The killing of countless Vietnamese, North and South, including non-combatants, the aged, women and children.

Fourth: The making of millions of refugees, driven from their destroyed homes into the squalor and misery of concentration camps.

Fifth: The laying in waste of a whole small country which we allege we are there to save—laid waste by bombing, burning, defoliation, with irretrievable damage to the health of the next generation of Vietnamese—those we have not slaughtered outright.

Sixth: The maintenance in power of a ruthless and corrupt dictatorship, whose character and actions makes a grotesque mockery of our allegation that we are there to liberate the Vietnamese—the perpetuation of whose ruling gang in power would be achieved if the Nixon Vietnamization plan takes place.

Seventh: The squandering of \$150 billion in this futile military involvement.

Eighth: The escalating inflation at home, caused by the billions squandered overseas and not by legislation for education.

Ninth: The short-changing of our vital domestic programs—pollution abatement, slum clearance, housing, education, crime control, the elimination of poverty.

Tenth: Rising frustration, discontent and disunity at home as a result of this neglect of our crucial and overdue domestic requirements.

Eleventh: The abandonment of our historic long honored professions as a peace-loving treaty-abiding nation—for to make war we have violated every pertinent treaty to which we were a signatory—with a resulting forfeiture of the respect and confidence of most of the free world.

Twelfth: The brutalizing of a whole generation of Americans. Violence, sanctioned and sanctified abroad, breeds lawless violence at home. If the administration wants to diminish lawless violence at home, it should stop making violence compulsory abroad.

Thirteenth: A continuing credibility gap, which has opened a previously non-existent breach between government and the governed.

Fourteenth: The alienation of our young; the impairment and even destruction of

their faith and confidence in our system—a system that whatever its shortcomings past generations of Americans have cherished, and yearn to be able to love and cherish again.

Let it be pointed out to any who may have been misled—and many have—by the White House's skillful Madison Avenue techniques and its *Agnewistic* echoes, that we are not, repeat not, ending the war in Southeast Asia.

Consider the facts!

When a candidate for the presidency in 1968, Richard Nixon told the country that if elected he would stop the war, that he had a plan to do it but that he could not reveal it because disclosing it might interfere with the peace talks in Paris.

A year after his election passed without the revelation, then on November 3, 1969, after three weeks of suspenseful advance publicity, he unveiled his plan.

But far from being a plan to end the war it is a plan to prolong and even to perpetuate it. A reading of it makes clear that it is full of escape clauses, viz.

If Vietnamization does not proceed as fast as President Nixon hopes, then the timetable—whatever it is, we haven't been told what it is—will have to be changed and the troop withdrawals deferred. It is obvious that Thieu and Ky are not anxious to have us get out and leave them on their own. Indeed, Thieu has said as much but that statement did not get much mention in the media. Maybe Agnew has intimidated them.

If the wicked enemy continues to resist, doesn't fold up, maybe stages a counter-offensive, that will of course change everything, and as the President has told us in his November 3 address, and again subsequently in his press conference, he will in that event not hesitate to take stern measures. Of course our adversaries are not going to lie down and quit. They will continue to fight to expel the alien invader, just as they fought him throughout their history, the Chinese a thousand years ago, and in our time, the French, the Japanese and now the Americans.

In sum our first priority—ending the war—must be met. It is unmet.

The only test of the war's ending is when the casualties stop.

So we'll pass to the second priority.

If and when the war does end we will still have the bloated, oversized, overkill capacity military establishment. We have been tendered some slight reduction thereof. Five billion dollars, we are told, is being cut off the military budget. But can we believe what we are told? A.B.M. is to be stepped up. Its costs are uncertain. But overruns of military estimates have been the rule. For calling attention to them, the guilty revealer, Mr. Fitzgerald, was fired. We won't hear about them the next time. But assuming that the eight per cent reduction in military expenditures takes place, it still leaves \$70 billion to the Pentagon—several times our pre-World War II military budget. It is high time that we returned to sanity and prepare for defense and not for offense.

So the second priority is to cut the military budget still further. We should, if and when the war ends be able to save the \$25 to \$30 billion a year it has cost. And why should we keep 300,000 men and their dependents in Europe? Do we have to have 4,000 bases overseas? Obviously not. Must we continue to pour out our dollars to shore up the military dictatorships in Greece and Spain? Must we send our funds to Greece and Turkey, presumably to resist Russian communism and to India and Pakistan for the same alleged objective against Chinese communism only to have the heads of governments use them against each other?

Has it occurred to you that killing is now

our nation's biggest industry? It is derived from what President Eisenhower in his farewell message warned us against—the military-industrial complex, but which George Wald, Harvard's Nobel Laureate amended to call it the Military-Industrial-Labor Union complex. I have suggested a further addition to this conglomerate. It should be called the Military-Industrial-Labor Union-Congress complex, for the Congress shares in the responsibility for our postpriorities. It could have stopped the war long since and could stop it now by refusing to vote the authorizations and appropriations to carry it on.

It has moreover increasingly abdicated its responsibilities as a coordinate branch of the government with the Executive.

It has of late made some feeble stirrings in that direction. It has passed a sense of the Senate resolution that it should have a voice in determining our military overseas ventures.

It has passed a tax reform bill, but it remains to be seen how much it will impinge on the incomes of our long non-tax paying millionaires. It has left its own farming colleagues undisturbed in their subsidies for not growing food and fibres.

So maybe the third priority would be to instill more courage and more backbone up on Capitol Hill, but that will of course be resisted by the White House and its *Agnewistic* echo.

Space exploration has for the moment been slightly curtailed. Moondoggles will be fewer. Planetary exploration to Mars, Jupiter, Saturn, Uranus and Pluto will be unmanned for the present. We are all very proud of the great technological achievement of landing men on the moon. We are proud of our six astronauts and of the scientists who planned their flights and deserve more recognition than has been accorded to them. But considering the great needs on this planet might we not suspend the exploration of other planets until we have cleaned up the messes on this one, utilizing the funds saved for that purpose? Our earthians' problems are pressing. They cry for relief. The other planets will remain in orbit, and we know, also, that there are no Martians, Jupiterians, Saturnians, Uranians and Plutians, to be disappointed if we postpone our inspection of their dead and lifeless spheres. We need to move so that our sphere will not be on its way to becoming lifeless.

Mars, of course, becomes much less interesting for those who had been thrilled by reading Percival Lowell's "Mars as the Abode of Life," when we discovered there were no little green men living there, and that that hypothetical figure, "the man from Mars," who was invoked to pass sapient judgment on our earthly foibles, must forever remain, alas, in the realm of fantasy.

So having mentioned a few pre-priorities that would facilitate adopting a few needed priorities by making funds available for them, let us consider what they should be.

To stop the man-made deterioration of our environment would in my view, come first. If coupled with an intelligent, vigorous birth control program, it would at the same time have a real impact on poverty through the diminution of the numbers of unwanted and unsupportable children among the poor.

On both these issues we have had fine statements from the White House. But here again the reality differs from the promise. We are told of a \$10 billion anti-pollution campaign. That, as a federal contribution to the most vital issue affecting mankind's future, would be but a bare beginning. But on analysis we find that not only is the \$10 billion to be spread over five years, but includes the assumed contributions from States, municipalities and private industry.

The needs for this as a first priority, after the above cited financial pre-priorities, are

(1) the gravity of the situation; the recent awareness that man is really an endangered species; (2) the dimensions of the problem, its multiple aspects in air, water, land and waste disposal; (3) the inevitable length of time to wage this war successfully, and (4) that once undertaken there must be continuity, that there can be no interruption or suspensions without losing all that has been gained.

The mere preparation for and organization of such a war, the need of consulting, to enlist in addition to the federal executive and legislative branches, the legislative and executive branches of the fifty states, their municipalities, and the great variety of industrial polluters—all this before the program can be completely and effectively undertaken, gives some concept of the staggering magnitude of the problem. And this is assuming that all these diverse entities are ready to move forward together. We may even visualize the initial difficulty between Congress and the Executive in having the latter veto or refuse to spend the appropriation voted by the former.

No, the time to begin was yesterday!

President Nixon has recently addressed Congress and the Nation on the need to improve the quality of life in the United States. To achieve such improvement, we must not only carry out relentlessly the previously discussed restoration of the environment, but also clear out our slums, supply adequate housing, provide recreational space, step up and disperse adequate education more widely, to all of which essential priorities the White House under its present occupancy has given little meaningful support. We may list these as priorities of approximately equal importance. In fact, we may well consign them all into one priority, not forgetting one indispensable concomitant without which all others will lose much of their meaning—namely equality of opportunity. This means an end to discrimination on the basis of color, national origins and sex. And it requires an economy that will provide employment.

In sum, and in conclusion, the basic priority which includes all others is to make an America that will live up to its promise, to provide for all the fullest enjoyment of the life, liberty and happiness which we have the means and the know-how to achieve, if only the will to achieve it is there also.

BENJAMIN F. JENSEN

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. KLUCZYNSKI. Mr. Speaker, I knew the late Ben Jensen, the distinguished former Representative from Iowa, for many years. He was a colleague of mine in this body and I knew him to be a dedicated and hard-working Member. He performed his duties both to his district, his State, and his country, in an exemplary way.

Because he, himself, was a veteran of World War I and knew first hand the sacrifices made by our men in uniform, Representative Jensen was a champion of veteran's legislation. As such, he justly won the respect and admiration of thousands of former servicemen. He was one of the prime movers of the GI bill which gave World War II veterans the opportunity for an education.

He was the sponsor of much beneficial legislation and well deserved his reputation as a true friend of the oppressed, the aged, and the forgotten.

He has passed to his eternal rest and will be sadly missed by all whose good fortune it was to know him.

NATIONAL CAMPAIGN BEGUN FOR HALPERN BILL TO HALT FRAUDULENT SALES PRACTICES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. HALPERN. Mr. Speaker, the largest independent business group in the United States has started a nationwide campaign to enact my bill, H.R. 13425, protecting consumers against fraudulent sales practices.

H.R. 13425 would permit the Federal Trade Commission to obtain immediate, temporary court injunctions to halt fraudulent and deceptive practices because it lacks the authority to stop suspected violations immediately. The National Federation of Independent Business has announced its nationwide support for the bill after a poll indicated that 72 percent of independent business owners favor it, with 21 percent opposing and 7 percent undecided.

The National Federation of Independent Business, with 277,064 members in all 50 States declared:

Any scheme or shady practice which bilks customers also hurts the honest businessmen competing for the same customers. In some cases, an entire business is adversely affected by unscrupulous operators.

Under its present, limited powers, the Trade Commission is slowed down in acting upon complaints of deception, fraud, bait and switch tactics, phony contests, misrepresentations and the like. Such cases may plod through the courts for years while more customers are swindled.

The bill would give the Commission authority to ask a Federal court for a temporary injunction or restraining order "whenever the Commission has reason to believe that violations are occurring."

In practice, most FTC enforcement is based on "consent decrees" in which the object of the complaint agrees to abide by conditions specified by the FTC, and no penalty or prosecution is sought.

Following is the text of a press release being distributed nationwide by the National Federation of Independent Business:

THE BRIEF FACTS

The Federal Trade Commission, which polices commerce for deceptive and fraudulent sales practices, lacks authority to stop suspected violations immediately. Enforcement steps take time; meanwhile, more people may be victimized. A bill proposed by Representative Seymour Halpern of New York would permit the FTC to obtain immediate, temporary court injunctions to halt fraudulent and deceptive practices. The nation's independent business owners, polled

by the National Federation of Independent Business, support the bill with 72 percent casting favorable votes, 21 percent opposed and 7 percent undecided.

Independent businessmen, who are often skeptical of some of the consumer-protection proposals being made, generally agree that the Federal Trade Commission needs new power to strike swiftly against business fraud and deception.

The agency has come under criticism on the basis that the FTC is ineffective in enforcing laws against fraudulent and deceptive advertising and sales practices. A majority of businessmen polled by the National Federation of Independent Business believe part of the answer lies in legislation now before Congress.

A bill by Representative Seymour Halpern of New York would enable the FTC to obtain immediate court injunctions to halt suspected violations. The FTC now has no way of stopping such practices until sufficient evidence has been presented in court to warrant a "cease and desist" order, or until litigation is concluded, which may take months.

This bill is favored by 72 percent of the business owners responding to the Federation's poll. Only 21 percent voiced opposition and 7 percent reserved their opinion.

Businessmen in (Name of State) react with — percent supporting the measure, — percent against it, and — percent undecided.

President Nixon recently urged Congress to give the FTC such power.

"Any scheme or shady practice which bilks customers also hurts the honest businessmen, competing for the same customers. In some cases an entire business is adversely affected by unscrupulous operators."

Under its present, limited powers, the Trade Commission is slowed down in acting upon complaints of deception, fraud, bait and switch tactics, phony contests, misrepresentations and the like, says Congressman Halpern. "Such cases may plod through the courts for years while more customers are swindled."

The Halpern Bill would give the Commission authority to ask a Federal Court for a temporary injunction or restraining order "whenever the Commission has reason to believe that violations are occurring."

Proponents say such orders would stop violations and protect customers without delay. Businessmen who oppose the bill see the possibility that this action could be used against a businessman who is later cleared of charges.

In practice, most FTC enforcement is based on "consent decrees" in which the object of the complaint agrees to abide by conditions specified by the FTC, and no penalty or prosecution is sought.

STATE BREAKDOWN FIGURES—A BILL TO PERMIT SECURING OF TEMPORARY INJUNCTIONS IN DECEPTIVE ADVERTISING CASES

State	Percent in favor	Percent against	Percent undecided
Alabama.....	71	22	7
Alaska.....	57	33	10
Arizona.....	77	15	8
Arkansas.....	75	18	7
California.....	72	21	7
Colorado.....	70	21	9
Connecticut.....	70	21	9
Delaware.....	76	22	2
Florida.....	72	22	6
Georgia.....	71	23	6
Hawaii.....	77	19	4
Idaho.....	69	26	5
Illinois.....	72	21	7
Indiana.....	71	22	7
Iowa.....	74	19	7
Kansas.....	72	19	9
Kentucky.....	79	17	4
Louisiana.....	72	21	7
Maine.....	76	17	7
Maryland.....	71	22	7

State	Percent in favor	Percent against	Percent undecided
Massachusetts	73	21	6
Michigan	74	19	7
Minnesota	71	22	7
Mississippi	72	20	8
Missouri	68	24	8
Montana	68	20	12
Nebraska	75	18	7
Nevada	77	22	1
New Hampshire	73	21	6
New Jersey	73	21	6
New Mexico	69	25	6
New York	73	20	7
North Carolina	75	20	5
North Dakota	65	24	11
Ohio	74	21	5
Oklahoma	72	23	5
Oregon	70	22	8
Pennsylvania	75	19	6
Rhode Island	73	25	2
South Carolina	72	21	7
South Dakota	72	21	7
Tennessee	69	24	7
Texas	72	23	5
Utah	69	23	8
Vermont	75	17	8
Virginia	69	26	5
Washington	74	19	7
Washington, D.C.	60	20	20
West Virginia	69	24	7
Wisconsin	72	23	5
Wyoming	68	23	9

VICE PRESIDENT AGNEW

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. STOKES. Mr. Speaker, SPIRO has done it again. Having abandoned the professional golfing tour after beaming his partner with an errant fairway wood, our vacuous unleader once more returned to the rubber-chicken circuit for a few verbal potshots at the world he never has quite understood. From the results, it would appear that he would have been better off on the practice tee.

His remarks about Senator FULBRIGHT and the "whole damn zoo" of various protest groups do not merit comment. They only reflect the lack of respect for diversity of thought which we have all known that Mr. AGNEW possessed for a long time. Besides, I am sure that his targets are quite able to take care of themselves. They have all experienced heat from far hotter sources and have not wilted.

But the Vice President did make a series of remarks in Chicago which could do substantial harm to another sector of our society—institutions of higher education. His confused and oversimplified tirade against "quota systems" and "open admissions"—two completely unrelated ideas—can only exacerbate the problems such institutions currently face in attempting to balance their concepts of academic excellence with their obligation to serve all segments of the population.

Many of our colleges and universities are at last recognizing their responsibilities to blacks and other minority groups by encouraging minority enrollment. Unfortunately, these attempts have created misunderstandings by many persons, both black and white. Nevertheless, results have been uniformly encouraging, and acceptance is increasing. An uninvited and imprecise entrance into the

issue by the Vice President is exactly what was not needed.

Mr. Speaker, the Cleveland Plain Dealer printed an excellent editorial on Mr. AGNEW and the admissions question last Monday. As I feel that their analysis could be of great assistance to any of my colleagues interested in the matter, I submit it in the RECORD at this point:

AGNEW WRONG IN COLLEGE ATTACK

Vice President Spiro T. Agnew's simplistic attack on college admissions policies appeared designed to stir up ill will rather than promote understanding.

In a speech in Chicago he criticized the recently adopted practice of some schools of setting aside a certain number of places in their freshman classes for Negroes. He also said "the concept of what is erroneously called 'open admissions' makes its way among some of our supercilious sophisticates."

Agnew's mistake was compounded by the fact that he mixed up two separate and distinctly different admissions procedures. Open admissions by its very name indicates no quotas.

It is well to imply, as Agnew did, that college admissions should be based on high school grades and test scores, but there are compelling social reasons for making exceptions. Where were Agnew and the other critics of quotas in the days when quotas operated to the disadvantage of blacks instead of to their advantage?

This nation cannot afford not to aid the building of a substantial body of Negro college graduates who can compete for the better paying jobs. Certainly there are blacks—as there are whites—who are not college material. However, many other young people, especially among the Negroes, might have been properly qualified for college if the educational and social systems had not failed them.

Quotas calling for a minimum number of Negroes in a freshman class may seem offensive, but they ensure that the college will seek out and enroll Negroes who appear to have the potential to benefit from college.

Ralph A. Dungan, New Jersey's chancellor of higher education, said last spring: "A very substantial number of students graduating from our urban public schools are not capable of meeting the admission standards of most colleges and universities. . . . The practical effect of their application for college involves a form of racial discrimination in the sense that black and other minority students are generally the least well-prepared high school graduates."

"Given the current failure of our urban schools, higher education has no alternative in the years immediately ahead but to step in and assist able and motivated students from our major cities to overcome the handicaps of their elementary and secondary schooling."

Last fall, New Jersey's state university, Rutgers, began an open admissions program admitting more than 500 students who did not meet the school's minimum requirements. A report issued last week, after one semester, called the experiment "successful so far as we can tell." City University of New York will begin a similar program on a larger scale this year.

Open admissions is one approach to the problem. Quotas is another. In the prestigious Ivy League, the schools admitted freshman classes last September that were 10% Negro. This represented a huge increase in black enrollment.

Getting Negroes into college is just part of the solution. Helping them adjust and stay there is the other. Much of the recent unrest among Negro students can be traced to the fact that they were not really ready

for the experience to which they were subjected.

Dr. Harold L. Enarson, president of Cleveland State University, said the following in a paper delivered in October to the American Council on Education:

"To lower admissions standards without at the same time making significant changes in academic requirements, along with generous provision for tutorial and remedial work and financial aid, is double deception. It tricks the disadvantaged into believing they can make it, when in fact many cannot, and it tricks the institution into the belief that it does good by doing bad."

The challenge higher education faces today is to widen the opportunities for enrollment without diminishing the quality of the final product. It will not be easy, but if it can be done then it must be done.

PORNOGRAPHY

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. BLACKBURN. Mr. Speaker, today, my office received over 400 individual letters protesting the sale over the counter of pornographic literature to minors. These parents are showing their rightful indignation at having their children exposed to such sexually oriented material. The harm which can be inflicted upon a young mind by such material cannot be measured.

However, I would like to point out that there has been a marked increase in sexually oriented crimes during the past decade, especially among juveniles. Also, we only need to look to the college campus where the pill, sex, promiscuity, and nudity have become an accepted way of life.

Early this session of Congress, I joined with a number of my colleagues in introducing legislation which would prohibit the sale of pornographic material to minors which was transported in interstate commerce. A subcommittee on the House Judiciary Committee held hearings on this legislation. I submitted testimony to the subcommittee urging the constitutionality of this bill. For the information of my colleagues, I am hereby inserting a copy of the bill and my testimony into the RECORD:

STATEMENT OF THE HONORABLE BENJAMIN B. BLACKBURN

Mr. Chairman, I appreciate your allowing me to submit a statement to your Committee in support of H.R. 5171, a bill which I had the privilege of cosponsoring with Mr. Bennett of Florida.

The main focus of this bill is the prevention of the distribution of obscene material to persons under the age of 18 and the prohibition of the viewing of obscene movies by our youth.

In order to understand the constitutionality of this legislation, we should review the holdings of the U.S. Supreme Court in cases concerning the power of the several states to prevent dissemination of material which it judges to be obscene.

Throughout our history freedom of the press and expression has been one of America's most cherished ideals. To prohibit fed-

eral encroachment upon this precious freedom, many state legislatures, at the time of adoption of the U.S. Constitution, stated that they would ratify the Constitution only if the Bill of Rights were attached. The first article of the Bill of Rights is the Freedom of Speech.

An early case dealing with the construction of the Amendment regarding free speech and freedom of the press was *Near v. Minnesota*, 283 U.S. 1931. At that time, the Supreme Court held that the states cannot censor the news content of newspapers because they attack certain persons and actions of a political assembly. Since this initial case, a barrage of suits concerning state censorship have come before the Court.

The Supreme Court recognized that even the right of freedom of speech is not absolute in *Mutual Film Co. v. Ohio*, 230 U.S. 230 (1915). The Court there held that motion pictures could not be considered as falling under the protection of the first amendment. The Court held that since motion pictures were for entertainment and not a means of communicating ideas, there was no need to prevent them from being censored by local authorities. This ruling was reversed in the case of *Burstyn v. Wilson* 348 U.S. 495 in 1952 in which Justice Clark, speaking for the Court, held that a New York statute banning sacrilegious films prevented the communication of certain ideas and philosophy.

After the *Burstyn* ruling, the Court was called upon in the case of *Time Film Corporation v. Chicago* 365 U.S. 43 (1961) to decide whether the city of Chicago had the right to require that films be submitted for approval prior to showing. The Court held in this case that the city did have the right to require that films be submitted to it for licensing. However, it must be pointed out that the Court did not pass upon the issue as to whether the criteria used by the city in granting the license was constitutional.

Even though the Court had handed down many decisions concerning what the states could censor, it had not established guidelines which could be used to determine what was obscene. The Court approached the problem in the cases of *Roth v. U.S.* 354 U.S. 476 (1959) and *Alberts v. California*; both of these cases were decided in 1957. In these cases, the Supreme Court made the pronouncement that obscenity is not protected by the First Amendment. In any future considerations the sole criteria for deciding whether a film or book should not be shown or distributed was whether or not it was obscene. The criteria of "redeeming social value" was announced as being one of the main standards in determining whether or not material is obscene. Justice Brennan, speaking for the Court, established a rule that material can be described as obscene when it appeals to the prurient interests of the individual receiving or viewing the subject matter.

In the recent case of *Ginzburg v. United States* 383 U.S. 463 (1966), the Court upheld the conviction of the defendant who was charged with violating a federal statute which prohibits the use of the mails for the distribution of advertisements appealing to the receiver's prurient interests. The Court upheld that if the material in question is of such a nature that it appeals only to man's morbid prurient interest, then it can be classified as obscene. The Court also set the standard for judging whether material was obscene based upon the test that it violated "contemporary community standards." This rule was modified in *Jacobellis v. Ohio* 378 U.S. 184 (1964) in which Justice Clark, speaking for a divided Court, stated that the guidelines must be based on a national

standard and not the standards of a local community.

In light of the criteria established by the courts, the following rules should be followed by the Committee when reviewing any legislation regulating obscenity:

(1) Does the bill in itself require censorship and restrict the right of freedom of speech of non-obscene material?

(2) Is the intention of the legislation to prevent the expression of an idea which might have some aspect of redeeming social value?

(3) Is the criteria for defining obscenity sufficiently described so as to prevent abuse by the administering agency?

(4) Do the restrictions regulating the distribution of such material prevent the use of such material by persons having maturity and emotional stability?

When reviewing this bill in light of the criteria outlined above, I feel that it does meet these specifications. Specifically, the bill does not restrict the right of freedom of speech to view non-obscene material. The bill very succinctly and restrictively defines the terms minor, nudity, sexual conduct, sexual excitement and sado-masochistic abuse. These definitions are sufficiently restrictive to assure that by contemporary norm a minor would not be restricted from obtaining non-obscene material.

2. With regard to whether the legislation would restrict the expression of ideas having some redeeming social value, the bill follows Supreme Court decisions. In section I, subsection 6 of the bill, the term "harmful to minors" means that the material (A) appeals predominantly to the prurient shameful or morbid interests of minors; (B) It is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable for minors; and (C) it is utterly without redeeming social importance for minors. This language is in conformity with the Supreme Court decisions expressed in the *Roth v. U.S.*, *Albert V. California*, and *Jacobellis v. Ohio*.

3. Is the criteria for defining obscenity sufficiently described so as to prevent abuses by the administering agency? This bill defines the terms with regard to obscenity since the guidelines for the agency are clearly established. There should be no doubt in the administrators mind as to the intent of Congress. The problem of broad generalities is sufficiently considered in this legislation.

4. Are the restrictions so tight as to prevent the use of the material by persons having sufficient maturity and emotional stability? The title of this bill specifically states that it is to be applied only to persons under the age of 18 years. Thus, because of the limit placed in the law, it can safely be assumed that the legislation is not overly restrictive, thus preventing individuals whom society considers able to handle pornographic or obscene material from obtaining it.

The object of this legislation is simply to provide the government with a way to prevent the dissemination of obscene material to persons under 18 years of age. This legislation does meet the criteria established by the Supreme Court. Since it conforms to the Court rulings and is restricted to persons under 18 years of age, it could never have any effect on our basic freedoms. I have attempted to measure the language of H.R. 5171 with the criteria established by the precedents of the United States Supreme Court. The criteria established by the Court have been met in this legislation, and this legislation should meet any challenge of constitutionality. Mr. Chairman, the great body of the citizens of America are crying out in desperation against the flood of mind and moral poisoners which are seeping into our homes and schools. Those most likely to be influenced by such material are our most

precious commodity, our children. We cannot shrug our shoulders at the cry for relief which is heard across our land and merely pass the blame onto the U.S. Supreme Court.

This legislation is not requested by the American people but it is demanded. Their demands are justified in the name of protecting our citizens. I urge the Committee to give favorable consideration to the bill now under study.

H.R. 5171

A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of eighteen years, and to restrict the exhibition of movies or other presentations harmful to such persons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1466. EXPOSING MINORS TO HARMFUL MATERIALS

"(a) It shall be unlawful for any person knowingly—

"(1) to sell, offer for sale, loan, or deliver in interstate commerce or through the mails to any minor—

"(A) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sado-masochistic abuse and which is harmful to minors; or

"(B) any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse and which taken as a whole, is harmful to minors, or

"(2) to exhibit to a minor a motion picture, show, or other presentation which—

"(A) has moved in interstate commerce or through the mails,

"(B) depicts nudity, sexual conduct, or sado-masochistic abuse, and

"(C) is harmful to minors.

"(b) Whoever violates this section shall be fined not more than \$5,000 or imprisoned for not more than five years, or both, for the first offense, and shall be fined not more than \$10,000 or imprisoned for more than ten years, or both, for any second or subsequent offense.

"(c) As used in this section—

"(1) The term 'minor' means any person under the age of eighteen years.

"(2) The term 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

"(3) The term 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of a female, physical contact with her breast.

"(4) The term 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal.

"(5) The term 'sado-masochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(6) The term 'harmful to minors' means that quality of any description or representation, in whatever form, of nudity, sex-

ual conduct, sexual excitement, or sado-masochistic abuse, which—

"(A) predominantly appeals to the prurient, shameful, or morbid interest of minors;

"(B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

"(C) is utterly without redeeming social importance for minors.

"(7) The term 'knowingly' means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of—

"(A) the character and content of any material described in subsection (a) which is reasonably susceptible of examination by the defendant; and

"(B) the age of the minor."

(b) The table of sections for chapter 71 of title 18, United States Code, is amended by adding at the end the following new item:

"1466. Exposing minors to harmful materials."

SEC. 2. (a) The Supreme Court shall not have jurisdiction under section 1252 or 1253 of title 28, United States Code, to review any determination made under section 1466 of title 18, United States Code, that any material described in subsection (a) of that section is harmful to minors.

(b) The courts of appeals shall not have jurisdiction under section 1291 or 1292 of title 28, United States Code, to review any determination made under section 1466 of title 18, United States Code, that any material described in subsection (a) of that section is harmful to minors.

SEC. 3. This Act and the amendments made by this Act shall take effect on the sixtieth day after the date of the enactment of this Act.

FIGHTING JACK GAGE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. WINN. Mr. Speaker, station KCMO recently paid a most fitting tribute to the memory of one of Kansas City's truly memorable and outstanding citizens, former mayor, John B. Gage. I would like to bring the editorial by KCMO vice president, E. K. Hartenbower, to the attention of my colleagues.

The material follows:

He was known as "Fighting Jack Gage" to Kansas City. John B. Gage stood as a symbol in Kansas City, a symbol of honest government with the fiery will to fight for it.

His three terms as mayor following the ouster of a corrupt city administration established a pattern followed by many other cities in America. One of those, New Orleans, went through similar turmoil in dislodging bossism from City Hall, using experience gained here in Kansas City. Mayor Gage and a long list of city officials were guests of New Orleans at inauguration of the clean-up mayor in return for guidance in the struggle.

Gage was elected mayor in 1940 with a mountainous job facing him, a job of straightening up city finances left in chaos, helping with reorganization of city police by the State of Missouri, with designing a plan for the future of the city. Citizens rallied to the call. John Gage provided leadership.

His name may well be remembered mostly in this connection, yet the man's energies carried him deeply into other fields. Until the very last, Gage devoted much time to development of Missouri river basin projects, to the teaching of law and perfection of agriculture. All this in addition to his own practice of law and his cattle farm. The name of John B. Gage will be carried as citizen extraordinary, leader of Kansas City.

A GREAT LOSS—HON. BEN JENSEN

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. PHILBIN. Mr. Speaker, I was very deeply saddened by the passing of my dear friend and our former esteemed and beloved colleague, Ben Jensen.

Not long ago he visited the House and I had the opportunity to talk with him. While he had lost some weight, as usual, he was bright and cheerful, and I more than enjoyed our talk. Little did I think it would be the last time that I would see him.

Ben Jensen was one of the finest men I have ever known. He was a superb human being, warm, cordial, interested in people, and always willing to help.

I saw a great deal of him when he was in the House, and frequently appeared before his committee on very important measures, having to do with the development of massive flood control projects in my district, State, and region, arising from two very devastating storms that beset New England some few years ago.

Ben always went out of his way at that time, as he always did, to support and assist me regarding these measures, and it was to a great extent due to his interest and efforts and those of his great committees, that we succeeded in getting the funds to conduct vital rehabilitation work and set up several dams, and other flood control projects, that have been of inestimable benefit in protecting our region against the ravages of very damaging floods that periodically visit us, and cause loss of life, and very heavy property losses. Some of these projects were multipurpose and also entailed the development of new sources of water and recreational areas that have contributed invaluable to our communities and people.

The help that Ben and his committee rendered in these important matters was so typical of the consideration and assistance that he and they were always willing to give when important, necessary measures were pending.

This was just one of the many activities that Ben engaged in so constructively, so efficiently and thoughtfully during his long, very distinguished service in the House.

Ben Jensen was a man of very rugged character who reflected the strength, determination and basic, commonsense and sound judgment that is so much a part of people who earn their living from the soil.

He came from solid, sensible, hard-working, honest forebears, and he grew up and was trained in the values and traditions of those who work, learn and live in agricultural communities.

He was highly dedicated to his work and served his constituency, State, and Nation with absolute fidelity to duty, great wisdom and deep conviction to his commitments to his cherished public service.

His patriotism knew no bounds, and he was intent upon protecting the security of the Nation, upholding its basic principles of freedom and preserving the free institutions responsible for its greatness.

While he was a sincere conservative in his political philosophy, he was interested in human beings and in serving his people with all his heart and giving of himself in their interests.

His passing is a great loss to the people he served so faithfully and well to his great State and the country which he believed in so completely and served so wholeheartedly in this great body.

His passing will be sorely felt in this Chamber, and in the Congress, where he had so many friends on both sides of the aisle, and where he was respected, admired and loved by his colleagues and all those who knew him.

A great oak has fallen in the forest of our American public service in the passing of this dedicated man, who gave so much of himself to perpetuate and enrich the American heritage and assist his fellow man.

We shall long remember here the appealing, personal qualities of Ben Jensen, his warm, vibrant friendship, his lively sense of humor, his kindness and affectionate regard for people, especially his colleagues and close friends.

I vividly remember the last speech I heard him make in the House. It was on a pending farm bill, designed to help the farmers of his great Middle West and the country. He analyzed the bill carefully, pointing out the needs it would fill, and the great benefits it would confer upon his own people, and those who derive their livelihood from the farms of the Nation. He delivered a brilliant, sincere, powerful speech for a cause that was always very close to his heart and to the people of his district, the folks back home.

And he concluded with these words, "God bless the farmers of America."

Those final words were typical of Ben Jensen. They showed more eloquently than a volume, his love, devotion, and loyalty to his own people, and these last words of his in the House will always be recalled by those who heard them, and the people he served with such deep devotion, as exemplifying Ben's unrestrained dedication to his people.

With a very heavy heart, I extend my prayers and deepest sympathy to his gracious, devoted wife and his dear ones for the truly irreparable loss they have sustained, and which I and many others share with them. May the good Lord comfort and strengthen them to bear their deep sorrow with true spiritual resignation.

And may our dear friend and late, es-

teemed colleague, Ben Jensen, his life's work well and faithfully done, find rest and peace in his heavenly home.

NEIL JOHN CALLAHAN: AN OUTSTANDING CITIZEN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. EDWARDS of California. Mr. Speaker, it is with very deep sorrow that I rise today to mark the passing of my very good friend, Neil John Callahan, a man who contributed much to my native Santa Clara County, to the State of California, and to the Nation.

Mr. Callahan, an executive with the Pacific Telephone Co., served his community in many ways. He was a former president of the Sunnyvale Rotary Club, the Sunnyvale Chamber of Commerce,

and the Santa Clara County United Fund. In addition he served as general chairman of the 1964 Santa Clara County Bond Drive Committee and chairman of the county's multiple sclerosis campaign in 1967.

Neil also gave unstintingly to his Nation, as a member of the Army Air Force during World War II and as a member of local Selective Service Board 62 in San Jose during recent years.

I knew Neil well through his devoted efforts in both the community and in politics, where his love of Nation, and the people in it, were represented by his actions during the 1964 and 1968 campaigns. It was to the honor of the Democratic Party that he served as an alternate delegate to the national convention held in Chicago in 1968.

Mr. Speaker, at this point I would like to express my condolences and the condolences of this body to Mrs. Helene T. Callahan, Neil's lovely wife, and to their two daughters. Neil was a good man and we will miss him.

LITHUANIAN INDEPENDENCE DAY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. RHODES. Mr. Speaker, I am pleased to join with other Members of this Congress in observing the 52d anniversary of the independence of Lithuania. Lithuanians around the world are celebrating this occasion, even though many must celebrate quietly within their own souls, as they are not free to do otherwise. They have only the memory of brief freedom in the past and the encouragement of the free world to sustain their hope of freedom in the future. These oppressed, enslaved peoples have not let their hope grow dim; let us honor their faith and brighten that hope by our renewed pledge to seek freedom for all who are in bondage.

HOUSE OF REPRESENTATIVES—Thursday, February 19, 1970

The House met at 11 o'clock a.m.

Rev. Prof. Martin A. Kavolis, retired pastor of the Lutheran Church in America, East Dubuque, Ill., offered the following prayer:

Almighty God, whose providence prepared the way of peace in relationship with God, fellow men, and society through Christ, look graciously upon all of mankind, which appears to be confused and torn between creative evolutionary effort of human love and destructive disturbances of human hate, which vandalize people and nations, while they disrupt economic and social order by coercion. This opposing meaning of freedom and peace is very real in the country of Lithuania, whose past history speaks of centuries of national liberty, while the present charges of decades of national subjugation, personal oppression, and exile.

We beseech You to bestow wisdom upon the Government of the United States of America to serve the just peace by action relevant to the needs of revolutionary situation. Amen.

THE JOURNAL

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

RESIGNATION AS DELEGATE TO 1970 UNITED STATES-CANADIAN INTERPARLIAMENTARY GROUP

The SPEAKER laid before the House the following communication:

FEBRUARY 18, 1970.

HON. JOHN McCORMACK,
Speaker, U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I would appreciate very much if you would remove me from the list of delegates to the 1970 United States-Canadian Interparliamentary Group.

I have been pleased to participate in past years but my schedule will not permit my attending this year's Conference.

Best regards.

Sincerely,

WILLIAM S. BROOMFIELD,
Member of Congress.

The SPEAKER. Without objection, the request is agreed to.

There was no objection.

APPOINTMENT AS MEMBER OF THE U.S. DELEGATION OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86-42, the Chair appoints as a member of the U.S. delegation of the Canada-United States Interparliamentary Group the gentleman from Ohio, Mr. TAFT, to fill the existing vacancy thereon.

CONTROL OF THE SALE OF DYNAMITE

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

Mr. VANIK. Mr. Speaker, several weeks ago, a large explosive bomb completely destroyed a police station-court building in the city of Shaker Heights, in my district. Fifteen people were injured and at least one person was killed.

It appears that the perpetrator of this offense acquired 120 pounds of dynamite by direct purchase from a powder manufacturer, representing that he needed the explosive for a school experiment. Apparently, he would have had no greater problem buying 1,200 or 12,000 pounds of dynamite.

As a result of the Shaker Heights tragedy, I was stunned to learn that un-

der present law there is no restriction whatsoever on the purchase of unlimited quantities of explosives. There is no registration of such a purchase. No inquiry is made to determine why the explosives are bought. No determination is made to the background of the purchaser or to verify the intended utilization of dangerous explosives.

At present, a known criminal or a mental incompetent is perfectly free to purchase substantial quantities of dangerous explosives.

The Danbury, Conn., case of last week demonstrates the utilization of explosives and bomb explosions as a criminal diversion.

The nightmare in the law which permits easy access to dangerous explosives threatens the safety of every citizen and the security of every community. It must be cleared up immediately.

I am therefore introducing legislation which would severely restrict the sale of dangerous explosives on the open market. I hope that this legislation will be treated as an emergency proposal and be promptly enacted by the Congress.

TWO BODIES OF CONGRESS ARE COEQUAL

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

Mr. McCORMACK. As I have, Mr. Speaker, my colleagues also throughout the years have read in the newspapers references to the "upper" and the "lower" bodies of Congress, and we have listened to that in newscasts where references are made to the Senate as the upper body and to the House as the lower body. Last night in one of the newscasts on two occasions there was reference to the upper body, to some action taken in the upper body—in the Senate.