

WOMEN'S ARMY CORPS

To be first lieutenant

Hess, Patricia A. xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be first lieutenant

Aron, Bruce L. xxx-xx-xxxx

Austin, Henry M., III xxx-xx-xxxx

Beale, Donald L. xxx-xx-xxxx

Beumler, Henry C. xxx-xx-xxxx

Bishop, Ronald M. xxx-xx-xxxx

Boyd, Ronald C. xxx-xx-xxxx

Davis, Brian K. xxx-xx-xxxx

Davis, Francisco S. xxx-xx-xxxx

Deas, Bernard W., Jr. xxx-xx-xxxx

Dievendorf, Lynn A. xxx-xx-xxxx

Earley, Ronald N. xxx-xx-xxxx

Fritsch, Robert G. xxx-xx-xxxx

Goding, William R. xxx-xx-xxxx

Hanohano, William J. xxx-xx-xxxx

Hawkes, Thomas A., Jr. xxx-xx-xxxx

Hendricks, Larry D. xxx-xx-xxxx

Hinkel, Robert E. xxx-xx-xxxx

Jones, Larry L. xxx-xx-xxxx

Jones, Thomas R., Jr. xxx-xx-xxxx

Lenz, Ernest J., Jr. xxx-xx-xxxx

Markham, Selwyn L. xxx-xx-xxxx

McCrea, Charles D. xxx-xx-xxxx

Michels, George N. xxx-xx-xxxx

Miles, Otha G. xxx-xx-xxxx

Munnell, Thomas C. xxx-xx-xxxx

Murphy, Robert F. xxx-xx-xxxx

Peterson, Lawrence xxx-xx-xxxx

Peyton, Gaylon A. xxx-xx-xxxx

Schade, Harold C., II xxx-xx-xxxx

Schaefer, Ken M. xxx-xx-xxxx

Sealfon, Michael S. xxx-xx-xxxx

Sheppard, Paul R. xxx-xx-xxxx

Simonetti, Robert G. xxx-xx-xxxx

Smart, Samuel C. xxx-xx-xxxx

Thomas, William G. xxx-xx-xxxx

Torba, Gerald M. xxx-xx-xxxx

Weaver, Daniel U. xxx-xx-xxxx

Wiener, Michael L. xxx-xx-xxxx

Wortham, James T., Jr. xxx-xx-xxxx

Wright, Cephas C. xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be first lieutenant

Pope, Richard L. xxx-xx-xxxx

ARMY NURSE CORPS

To be first lieutenant

Blake, Nelson A. xxx-xx-xxxx

Bombard, Charles F. xxx-xx-xxxx

Bowlyow, Ronald G. xxx-xx-xxxx

Bradley, John J. xxx-xx-xxxx

Chase, Harold M., Jr. xxx-xx-xxxx

Cochran, Ronald L. xxx-xx-xxxx

Cook, Thomas E. xxx-xx-xxxx

Defabaugh, Dixie L. xxx-xx-xxxx

Drummond, William F. xxx-xx-xxxx

Duffel, Dale L. xxx-xx-xxxx

Farineau, Paul F. xxx-xx-xxxx

Hamer, Lawrence A. xxx-xx-xxxx

Heston, James V. xxx-xx-xxxx

Pfaehler, Karl H. xxx-xx-xxxx

Ramirez, Ann L. xxx-xx-xxxx

Reis, Jerold M. xxx-xx-xxxx

Sinclair, Allen L. xxx-xx-xxxx

Trahan, Joseph A., Jr. xxx-xx-xxxx

Wilson, Margaret E. xxx-xx-xxxx

U.S. CIRCUIT COURTS

W. Wallace Kent, of Michigan, to be a U.S. circuit judge for the sixth circuit vice Bert T. Combs, resigned.

U.S. DISTRICT COURTS

Fred M. Winner, of Colorado, to be a U.S. district judge for the district of Colorado

vice a new position created by Public Law 91-272, approved June 2, 1970.

William H. Webster, of Missouri, to be a U.S. district judge for the Eastern District of Missouri vice a new position created by Public Law 91-272, approved June 2, 1970.

H. Kenneth Wangelin, of Missouri, to be a U.S. district judge for the Eastern and Western Districts of Missouri vice Roy W. Harper, retiring.

Barron P. McCune, of Pennsylvania, to be a U.S. district judge for the Western District of Pennsylvania vice a new position created by Public Law 91-272, approved June 2, 1970.

DEPARTMENT OF JUSTICE

Ralph B. Guy, Jr., of Michigan, to be U.S. attorney for the Eastern District of Michigan for the term of 4 years vice James H. Brickley, resigned.

Frederick M. Coleman, of Ohio, to be U.S. attorney for the Northern District of Ohio for the term of 4 years vice Robert B. Krupansky, resigned.

Clarence A. Butler, of Maryland, to be U.S. marshal for the district of Maryland, for the term of 4 years, vice Frank Udoff.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 8, 1970:

DEPARTMENT OF COMMERCE

Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce.

C. Langhorne Washburn, of the District of Columbia, to be Assistant Secretary of Commerce for Tourism.

EXTENSIONS OF REMARKS

THE CONCEPT OF ACCOUNTABILITY IN EDUCATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. ASHBROOK. Mr. Speaker, in October of this year Roger A. Freeman, senior fellow at the Hoover Institution on War, Revolution, and Peace at Stanford University and until recently a member of the present administration, reported on a hopeful and encouraging reevaluation in the field of education now being effected by Federal educational officials. The theme was set forth by President Nixon in his message on education reform and was summarized by the President in these words:

School administrators and school teachers alike are responsible for their performance and it is in their interest as well as in the interest of their pupils that they be held accountable.

According to Mr. Freeman the prime emphasis in the President's message was on reform and not on finances, and was, in fact, the first message on education reform delivered by any President. This new approach was, indeed, a welcome relief to those who have long contended that more Federal funds do not necessarily result in better educational results. In the past the accent has been on the input or resources consumed by the schools with little attention paid to the

output or effectiveness of the educational job done.

On October 22, 1970, Mr. Freeman delivered the following address before the annual fall conference of the California Elementary School Administrators' Association in Oakland, Calif. Its message should prove of interest to those in the field of education and to the many taxpayers whose annual contributions help so greatly in financing our educational endeavors:

MATH AND AFTERMATH IN THE PUBLIC SCHOOLS: THE CONCEPT OF ACCOUNTABILITY IN EDUCATION

(By Roger A. Freeman)

Ever since President Nixon sent his message on Education Reform to Congress last March, a lively discussion has been going on about its content, its meaning, its implementation. Some of his critics thought that the President should have recommended federal support of public school operations to the tune of several billion dollars a year and left everything else to the school administrators, the boards of education and the teachers. That is what the National Education Association and its allies have been demanding, for well over a hundred years, and still deem to be the solution to the problems which beset the schools. But no President ever has recommended such a program, nor is Congress likely to approve one if it were proposed, at least for as far in the future as we can see ahead. In fact, the chances for federal general school support appear to be slimmer now than they were twenty or twenty-five years ago.

In his message on March 3 the President followed a track that runs counter to the road his critics in the educational establish-

ment would want him to travel: he introduced the concept of accountability: "School administrators and school teachers alike are responsible for their performance and it is in their interest as well as in the interest of their pupils that they be held accountable." He declared: "We have, as a nation, too long avoided thinking of the productivity of schools."

That conjured up in the minds of some school principals a vision of being tarred and feathered if their students fell short of the national norm on standard achievement tests. But that is not what it was intended to mean.

At the outset the President made it known to the staff charged with drafting the education message that he wanted its prime emphasis placed on reform and not on finances. This message was in preparation for six months and was as thoroughly studied, discussed, revised and edited as any presidential document could and should be; it went through several drafts before it was finally issued.

In contrast to many other messages it does not say: here is a problem and this is the solution. It admits that we do not know as much about the learning process as we should, that we have no ready answer to the question why so many children do not learn the essentials they need. It makes it quite clear however that the time is overdue to find out.

Accountability of the schools is not an entirely new concept. Some of us have been talking about it for a long time. Wilbur Cohen, President Johnson's last Secretary of H.E.W., criticized three years ago "the voluminous, yet unsuitable data now available for assessing the products of our education." He complained that "practically none of it measures the output of our educational system in terms that really matter—that is in

terms of what students have learned." He added that it is an "incredible fact that the nation has, year after year, been spending billions of dollars on an enterprise without a realistic accounting of that investment."

In this, the first message on education reform by any president, Mr. Nixon made it clear that though far more money would be needed for education in future years, money alone was not the answer. Educational processes and methods would have to be made more effective and more productive. "We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—\$65 billion a year on all levels<sup>1</sup>—when we are not getting as much as we should out of the dollars we spend."

The President promised: "As we get more education for the dollar, we will ask Congress to supply many more dollars for education."

If we are to establish accountability for huge manpower and material resources, whether in education or in any other field, we must relate input to output, or investment to return.

Quantity is usually easier to gauge than quality, input easier to determine than output. But some measurement of quality is essential, particularly in education.

Until not so many years ago almost everyone active in education knew how to measure the quality of a school: class size (i.e., teacher-pupil ratio); qualification of the teachers (i.e., academic degree, years of experience, salary); number of books in the library; age, size and equipment of the building; and dozens of similar gauges. The number of tables in the NEA's annual *Rankings of the States*, listing available statewide data, jumped from 32 to 132 just within the past dozen years. But the final and most widely recognized yardstick of school quality that included all other measurements was: dollars expenditure per pupil in average daily attendance.

There is just one trouble with these data: they all list input, the resources consumed by the schools, they don't measure the output or product.

We know how many young people go through the schools and how many graduate. We don't know how much they learn while they are there. We don't record the capacity and the skills and knowledge of the students when they enter school, nor when they leave. If we did, we would at least know how much was added in the meantime, though there still would be a question of how much of the increase should be credited to the school.

To be sure, the public schools administer many millions of intelligence and achievement tests each year. But the results of those tests are not systematically used. Moreover they are closely guarded secrets in most school systems, for fear that they would be used, and possibly abused. A few major cities—New York, Washington, Oakland—have published test results in recent years and also given us such input factors as class size or expenditure per pupil; some have added socio-economic data which can be correlated. Those reports enabled us to gain valuable insights—which I shall discuss later—but we have no longitudinal studies which record a pupils progress through his entire school career. Project "Talent" plans a sequential study, but it will be some years before final results will be in.

Some have tried to justify sharply increased educational spending, past and future, by giving improved education much of the credit for growth in the nation's economy. That better education advances economic growth will hardly be doubted. But

<sup>1</sup> In the school year 1969/70. The corresponding figure for the current academic year, 1970/71, exceeds \$70 billion. For the first time since the 1930s, the American people will in fiscal 1971/72 be spending more on education than on national defense.

how much the education which our schools actually provided contributed to greater production and higher incomes is problematical. Brookings economist Edward Denison tried to find an answer by a residual process: he credited education with whatever economic growth he could not trace directly to the infusion of manpower and capital investment. His estimate that almost one-third of our 1929-1963 economic growth was due to education has been profusely quoted. But it is very tenuous and has been seriously questioned by other economists who came up with a far smaller credit to education.

Some observers have related the years of formal schooling which an individual completed to his income level, in order to show the high return on investment in education and thereby, indirectly, prove the value of a quality education. The Census Bureau computed lifetime earnings (from 18 to death) as follows:

	1968 dollars		
	Based on earnings		Increase 1956-68
	1956	1968	
Men with:			
Some elementary school...	\$168,287	\$219,996	\$51,709
8 years elementary school.....	228,872	285,344	56,472
4 years high school.....	312,622	382,678	70,056
4 or more years college.....	477,137	602,864	125,727
Increase:			
8 years elementary over dropout.....	60,585	65,348	4,763
High school over elementary.....	83,750	97,334	13,584
College over high school.....	164,515	220,186	55,671

In 12 years then the value of an elementary education increased by \$56,472, of a high education by \$70,056, of a college education by \$125,727.

These figures have been widely used and interpreted as meaning that a young man could add \$97,000 to his lifetime income by attending high school, \$220,000 by attending college. But that seems to overstate the case.

There probably exists a positive casual relationship between school attendance and income level—with important exceptions. For example, a plumber is now paid \$355. for a 40-hour week in San Mateo County which is more than the average teacher there gets. But to attribute all of the higher income of persons who have stayed in school for more years to the fact of their younger attendance is naive or misleading. Extended school attendance as well as economic success in later life, are causally related to the same personality traits more than to each other: higher intelligence, ambition, i.e., motivation to work hard, to plan ahead, to forgo immediate gratification for future advance, etc. In other words, a man earns a higher education for the same reason for which he attends school for more years: brains and tenacity.

The tendency of spokesmen for the educational profession to claim credit for the schools for economic growth, for higher income, and for just about everything else that is good and wholesome in American life, to praise school attendance as the answer to poverty and a remedy for most other ills, is understandable. But it boomeranged when shortcomings in the school's product were becoming painfully obvious, and when some of the promised improvements did not materialize. Many educators laid a trap for themselves when they exaggerated the returns from school education; not surprisingly they were blamed for deficiencies even though the failures often were not the schools' fault.

Illiteracy has been sharply declining in the United States: it was reported at 11.3% of the population by the 1900 Census, at 4.8% in 1930, at 2.4% in 1960. These rates are higher than in major European coun-

tries—but at least they are coming down. Moreover, the 1960 illiterates averaged 58 years of age and with better than 99% of our school-age children now attending school, we seem to be well on the way of resolving the problem within not too many years.

But functional illiteracy, that is, inability to read and write sufficiently for a minimum functioning in today's economic, political and social life is far more extensive than the Census reports indicate. The Office of Education estimated that 24 million persons 18 years and over are "functionally illiterate"—they cannot read, write or count at a fifth-grade level. Yet, there were on last count only 6.4 million Americans, 14 years and over, who have attended school for fewer than five years. In a study on Chicago's southside, for example, 93% of the respondents were found to have completed at least the fifth grade; but fewer than half could read at a fifth grade level.

School attendance in a particular grade, and even graduation, do no longer guarantee a specified educational level—ever since the schools, some years ago, discovered the secret of perpetual promotion. There are now some high school graduates who cannot even read their diploma. For about a quarter century, school critics such as Canon George Iddings Bell, Arthur Bestor, Mortimer Smith and Admiral Hyman Rickover have blamed some curricula and failure to maintain standards, for the inability of large numbers of public school children and graduates to master the 3Rs. The schools' defenders countered that by maintaining rigid standards the schools would be driving less able children from the classroom, which obviously would not help to raise their skills and knowledge. The root of the problem, they asserted, was inadequate financial support.

In the early 1960s Congress became increasingly concerned over the reported educational deficiencies among millions of the nation's children, particularly those from low-income backgrounds. To be sure, the schools' revenues and expenditures had risen tremendously—from \$5.8 billion in 1950 to \$18.5 billion in 1955 (and to \$32 billion in 1970), which is a rate of increase more than twice as fast as enrollment and prices combined. But the added funds, it was asserted had not reached the sections where the poor and their children lived and went to school. Class sizes had been coming down in the national average, it was said, because certain suburbs and other wealthy sections could afford to hire additional teachers while central city schools were increasingly plagued by crowding and excessively large classes. Small wonder that children from poor family backgrounds were lagging several years and falling behind further while the offspring of middle class and well-to-do parents progressed.

There were no statistical data available to prove these charges. But the seemed plausible enough and were widely believed. To establish once and for all the existing discrimination against children from low-income backgrounds, Congress ordered, in the 1964 Civil Rights Act, that a comprehensive survey be undertaken, to form the basis for future legislative corrective action. Some grumbled at the time that it was a waste of money to spend \$1¼ million to find out what had long been common knowledge. But the survey was undertaken anyway—the most extensive ever of American schools—by James Coleman, a sociologist from Johns Hopkins University. You all know the results, which surprised Professor Coleman and everybody else—with the exception of a few heretical researchers who had been saying so right along.

Coleman summarized his findings: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physical and economic resources going into a school had very little relationship to the achievements coming out

of it." He concluded that "if it were otherwise we could give simple prescriptions: increase teachers' salaries, lower class size, enlarge libraries, and so on. But the evidence does not allow such simple answers."

In response to questions by the Senate Select Committee on Equal Educational Opportunity, Professor Coleman reported in June 1970 that eight reanalyses by other researchers had not in any way altered the results. Reviewing the national debate on the Coleman Report, Christopher Jencks of the Harvard School of Education summarized his conclusions: "Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report implied."

Coleman found that the teacher-pupil ratio "showed a consistent lack of relation to achievements among all groups under all conditions."

Ample evidence of this was available long before the Coleman report. The *Encyclopedia of Educational Research*, summarizing over 200 studies of class size and pupil achievement, reported in 1950 that:

On the whole, the statistical findings definitely favor large classes at every level of instruction except the kindergarten . . . the general trend of evidence places the burden of proof squarely upon the proponents of small classes. . . .

More recently, the most detailed report now available on any city school system (*New York City School Fact Book*, City University of New York, 1969) found:

The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance. . . .

A report on the Oakland Public Schools on 1966/67 state test results listed the median family income for each school. If we divide Oakland's 60 elementary schools into three groups, according to family income we find these results: in the highest income group it was 1:28.2.

	Grade			
	1	2	3	6
Median of lowest income group.....	1.6	2.1	2.9	4.2
Median of highest income group.....	1.8	2.9	4.0	6.2
Difference.....	.2	.8	1.1	2.0

I could give you many similar examples. But that seems hardly necessary.

Coleman was careful to point out that "racial composition *per se* of the school was not related to achievement when the social class composition was controlled."

With the long held and still widely believed assumption of a positive cost-quality relationship disproved, and race not the controlling factor, how do we explain the troublesome phenomenon that some children learn well and some don't? We have long known that differences in achievement among pupils tend to be wider within schools and classes than among schools. This suggests that student achievement is not as closely related to school features as we have been led to believe. Otherwise, performance within schools and within classes would be far more uniform than it is. Educational attainment seems to depend largely on forces over which today's schools exercise only limited control.

Coleman found the factor with the strongest correlation with student achievements to be the socio-economic-educational status of the parents. He, and many others, interpreted that as meaning that the home environment, the substance, level and intensity of conversations with the family, the presence or absence of books, the example,

encouragement, stimulation and assistance by parents and other family members was the crucial element, aside from the contact with other children attending the same school. Few will question that home environment can be a powerful factor in motivating children to learn. But studies of adopted children suggest that characteristics of the natural parents are far more influential than environment. A study of one hundred adopted children by Marie Skodak and Harold Skeels, for example, found that "the intelligence of individual foster children appears to bear little relationship to measures of the foster home in which they are placed, while appreciable correlations appear between the I.Q. of the foster child and that of his own mother from whom he has been separated from birth."<sup>2</sup> Studies by Sir Cyril Burt and others have found the I.Q.s of identical twins reared apart to be almost as closely correlated as the I.Q.s of identical twins reared together.

Considering what we can observe throughout nature, is it really so surprising that a child's score on the educational achievement tests of school tends to parallel his parents' score on the economic achievement test of life?

Intensive studies in recent years by Arthur Jensen, educational psychologist at the University of California at Berkeley, confirm the conclusions of the pertinent scientific literature in the field. For example, Bernard Berelson and Gary A. Steiner summarized in their massive volume *Human Behavior: An Inventory of Scientific Findings* (New York, Harcourt Brace, 1964):

Large differences in intelligence as measured by the standard intelligence tests, are due principally to heredity. Here is one experts' review of studies on how much difference in ability results from the types of environmental differences usually found among homes and communities. One summary with which most others agree fairly closely, is that the variation in tested intelligence among school children is accounted for 75% by heredity, 21% by environment, 4% by accidental factors. (p. 217)

Experience has shown that the schools can teach almost every normal child to read, write or count to the same extent to which it can teach him to sing, paint, sculpture, swim, run, play a musical instrument or play basketball, that is, according to his individual capacity to perform and succeed in each of these fields. It can no more teach *all* children to read or count at the national average, than it can teach *all* children to sing or swim or sculpture or play basketball at the national average. But people seem to feel that in a country as rich and powerful as ours *everybody* ought to be above the average, or, at the least, at the average.

This reminds me of the alchemists who for nearly two thousand years, with a tremendous effort and at a huge expense, tried to do what we now know cannot be done. But they and their sponsors had a deep emotional need to believe that it can be done, so they kept trying and went undeterred from defeat to defeat, always expecting to find success around the next corner.

For how much longer will we let our latter day alchemists set goals for our public schools?

A few months ago at the Senate hearings to which I referred earlier, the Superintendent of Detroit Public Schools, Dr. Norman Drachler, pleaded with the committee in a manner that seemed facetious but was deadly serious:

I might add, gentlemen, if this committee could do anything for education and equality, it would be wonderful if you would pass an act that would outlaw the national norm. It is a monstrosity for the

<sup>2</sup> *International Encyclopedia of the Social Sciences*, 1968, vol. 7, p. 428.

school system. . . . As long as we have a norm, 50 percent must be below that norm.

This means not, I believe, that we should abolish the national average as a statistical tool, but that we should outlaw it as a norm which all children are expected to meet. If school officials pretend that they can bring *every* child up to a national norm, they are bound to disappoint and frustrate many children, to antagonize their parents, shake the confidence of wide sections of the public and, in the end, diminish the schools' chances of attaining even the goals which are within their competence.

But the belief in the magic power of the dollar dies hard, in and out of Congress, particularly among the potential beneficiaries of a federal program.

Title I of the Elementary and Secondary Education Act of 1965 sharply expanded the compensatory education programs which had been initiated in several cities during the late 1950s or early 1960s. Congress was promised then—and has been promised several times since—that the added federal funds would enable the schools to raise to national norms the cognitive skills of "deprived" children who are lagging one or several years behind their schoolmates.

Now, five years later, we know that Title I has done nothing of the sort. Most compensatory education programs have not raised the arithmetic and reading performance of the "benefited" children. That is what President Nixon reported to the American people in his Education Message of March 3.

We must stop letting wishes color our judgments about the educational effectiveness of many special compensatory programs, when—despite some dramatic and encouraging exceptions—there is growing evidence that most of them are not yet measurably improving the success of poor children in school.

*The best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up.*

Recent findings on the two largest such programs are particularly disturbing. We now spend more than \$1 billion a year for educational programs run under Title I of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggest that only 19% of the children in such programs improve their reading significantly; 13% appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similarly poor backgrounds.

Headstart has been called the most promising of all these programs, and it probably is: it has *promised* more than any other—but it has not delivered. We have been sending an increasing number of children to school at four years of age and at three, which is all to the good, though it has not produced lasting results. Some are now proposing that we start at birth. But the available evidence suggests that even intervention at birth may come about nine months late.

I could recite to you the failure of the Higher Horizons and More Effective Schools programs in New York City, of the Bancker project in St. Louis, of the Madison project in Syracuse and of dozens of others. Virtually all of these projects were initiated and directed by experienced educators, resourceful and enthusiastic leaders such as Jacob Landers, Samuel Shepard, Mario Fantini, Carl Hansen, supported by larger numbers of equally enthusiastic teachers. The "Pygmalion in the Classroom" charge of self-fulfilling low expectations is contrary to the truth. Most of the big city projects were

staffed by men and women who sincerely believed that they would succeed in lifting their students' academic achievements to higher levels. But sooner or later they could no longer hide their failure, from themselves or from others.

Just five months ago, on May 21, Neil Sullivan, whom many of you remember as the superintendent of Berkeley schools until 1968, testified before a Senate committee:

Berkeley, as most communities in 1964, with the passage of the Elementary and Secondary Education Act, put its first money into compensatory education. We went the whole route, lowered class size, provided remedial reading teachers, bought the machines, did those things that we thought were right.

The results after 2½ or 3 years clearly indicated that not only did the child in the inner city not improve, he had retrogressed.

That experience was repeated in city after city. The U.S. Civil Rights Commission, reviewed the major compensatory education programs since 1957 and found that "none of these programs seems to have raised significantly the achievements of participating pupils."

*More Effective Schools* in New York City has now been going for seven years. Its 21 schools have an average teacher-pupil ratio of 1:11.7 and spent in 1967/68 \$1275 per pupil. A similar-sized district in Queens Borough (#25 with 23 schools) had a teacher-pupil ratio of 1:24.6, spent \$671 per pupil. Sixth grade arithmetic scores (norm 6.4) averaged: in District 25, 7.0; in the MES schools, 5.2—almost two years behind.

But the parents in the MES schools had been promised by city and school officials years ago that their children would soon catch up and perform according to norm. Is it any wonder that they no longer trust those officials and harbor bitter resentment, which on several occasions has exploded into violence?

Mayor Lindsay said last year: "Our schools are the most lushly funded school system in the nation. . . it has the best teacher-pupil ratio of any city . . . but the management of the thing is such that we just don't get the production." (*New York Times*, June 6, 1969) Achievements in New York City schools are substantially below national average, and they continue to slip.

New York City's school chief admitted last December: "We have been spending a great deal of money on solutions which have little relation to the causes. Nobody knows why certain children are not profiting from the educational program . . . Money is being spent on new gimmicks but nobody knows the cause and effect relationship . . . We have offered all kinds of solutions but they are not producing results and nobody knows why." (*New York Times*, December 4, 1969)

If this is the conclusion of the head of the country's biggest school system, which is already spending more than twice the national average per pupil, how can we justify pouring huge additional funds into the country's largest and fastest growing industry, education—now spending at the rate of \$70 billion a year—until we know what works and what will give our taxpayers a proper return on their hard-earned dollars?

This is why President Nixon proposed that we try to find out what produces results in education before we add multi-billion dollar programs to our present total of educational spending.

Accountability is a tool to concentrate the attention and efforts of officials who set school policy and of principals and teachers who carry it out, on making tangible progress toward the designated goals of the drive to lift the cognitive skills of lagging children. "For years," the President said, "the fear of 'national standards' has been one of the bugaboos of education." He explained that "success should be measured not by

some national norm, but rather by the results achieved in relation to the actual situation of the particular school and the particular set of pupils." (emphasis supplied)

So we shall have to measure the skills and knowledge of children when they enter school and at stated intervals during their years of attendance. We must then evaluate their progress in the light of their own capacity for growth and compare it with the advance which other, similarly situated, children achieved in the same school or elsewhere. Accountability should help to stimulate teachers, principals and school systems to vie with each other in friendly competition for the most effective instructional methods.

To conduct, sponsor, expand and strengthen research into instructional methods, the President proposed to Congress the establishment of a National Institute of Education. It should help to find answers to some of the hundreds of questions which are puzzling those trying to solve our educational problems.

Here are some of the questions I would ask: Which are the most effective methods of teaching arithmetic, reading, writing to children who show little interest in those skills nor seem to possess much talent for them? Should we force all pupils into a Procrustes bed of standard curricula and national norms although we know that some children are tall and some are short, educationally speaking? Would it be more effective to shape various curricula to conform to children's differential capacities instead of trying to adjust all children to a uniform mold? If so, what goals should we set and how? Should we continue our present school structure, should we try new organizational ideas, or should we follow the pattern that prevails throughout most of the rest of the world? What is the potential of programmed learning (machines), movies and other mechanical methods of instruction? Should we work largely through the public schools or should we try to broaden the variety of offerings by getting private schools involved, as much as possible? Admittedly, these are leading questions, dealing with highly controversial subjects.

The Office of Education and the Office of Economic Opportunity recently sponsored a few projects aimed to find answers to some of these questions. A far greater variety of instructional methods could be tested by free market methods if parents were given a choice in the type of school to which they want to send their children. At this time, the nearest (or assigned) public school enjoys a virtual monopoly because not many parents can afford to pay the high charges that private schools must demand which sustain themselves from tuitions. This could be remedied by a voucher plan which is now being tried out. NEA, AFT and other groups strongly oppose the voucher plan—whose results could prove embarrassing if some private schools succeeded where public schools failed. Income tax credits for school taxes or tuitions are another—and in my opinion more effective—way of reducing the economic penalty for the exercise of parental freedom of choice in the selection of a school.

The advantages and disadvantages of voucher and tax credit plans are also being explored by the President's Commission on School Finance.

James Coleman advanced another idea which is now being tested: performance contracting. Instruction is farmed out to a private school or organization whose fee is geared to the pupils' measured progress in the cognitive skills. This idea is as obnoxious as the voucher plan to those who believe in the superiority of the monopoly approach to education.

In conclusion: Much thinking will need to be revised, many long-established practices altered, if we are to succeed in preparing

children from low-income backgrounds more effectively than we have so far for the social and occupational demands of life in the last third of the twentieth century. The needed changes will extend to many public policies and institutions. But the schools will of necessity play a key role in the process of turning children into self-sustaining adults, able to take their proper place and meet their responsibilities in our society. This is why those to whom the schools are entrusted will have to accept a greater responsibility for their product than they have in the past. I trust that they will live up to that responsibility.

WHERE DO WE GO FROM HERE?

## HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. EDWARDS of California. Mr. Speaker, I would like to place in the Record a fascinating discussion of the possibilities and problems facing members of the Democratic Party in the immediate future, and I would like to commend the New Democrat for bringing the symposium together:

WHERE DO WE GO FROM HERE?

A NEW DEMOCRAT SYMPOSIUM: A FOURTH PARTY IN 1972?

The editors of the *New Democrat* sent out a letter to thirty prominent intellectuals, young activists, and Democrats to comment on the possibility of a fourth party in 1972 (after George Wallace's party). We asked: Do you believe the Democratic Party is still capable of aggressively reforming itself by the 1972 Convention or do you believe that a fourth party is the only conceivable means of effecting change in 1972?

Of the thirty, 18 replied: we were only able to include 11 of these statements. However, we believe what is printed here fairly represents the spectrum of opinion running from center to left on the fourth party issue. The one exception to this is the radical proposal by Paul Cowan for a "redemptive movement" in the United States.

The troubles and dangers raised by this Symposium are certain to be those which plague the independent candidacies of individuals like John Lindsay or Eugene McCarthy; or the attempts by any group to organize and field a fourth party in the 1972 election. What this Symposium reveals is how complex the new party scenario really must be to work.

Some may feel that the extremity of our times requires more novel departures for political action than our Symposium proposes. Yet the overwhelming perversity of American electoral history in the past decade may beg for ambiguity, lethargy, and caution in these prognostications.

Senator Eugene McCarthy has elsewhere formulated a number of guidelines for the emergence of a fourth party; an overriding issue, growing dissatisfaction with present parties, an emerging personality, and a younger electorate. It is interesting to see that many of these thoughts show up in the views of the participants in this Symposium.

Our guess is that the Democratic Party will have to, in some way, respond to the pressures for a fourth party on the liberal-left. To co-opt that movement, the Democratic leadership must implement a thorough reform program, and nominate an activist liberal in 1972. If the party fails to act accordingly, a new party will emerge, by necessity, as an ambulance to pick up the wounded from the political wreckage which will inevitably result.

## FREDERICK DUTTON

Frederick Dutton practices law in Washington, D.C. He is on the Board of Regents of the University of California. He served in the John Kennedy Administration and was on the staff of Robert Kennedy's presidential campaign in 1968.

Any serious consideration of the 1972 Presidential prospect should take into account the growing likelihood of a number of major national candidates:

1. The Republican nominee—almost surely Nixon; but there is a rising possibility of a charismatic challenge by Ronald Reagan if he wins re-election in California this year by over a million votes: his goal!

The Democrats had to brawl out in the open in order to get an incumbent President of their party not to be renominated. Republicans can try that in a few executive suites and board of directors rooms. Even if Reagan does not decide to challenge Nixon in several carefully selected primaries, he will probably seek to move the GOP even more to the right; and the Republican convention is already a conservative bastion by its natural composition. In '68, Nixon was a convenience for that group, not a commitment.

2. The Democratic nominee—no figure able to maximize the Democratic base is emerging, though voter turnout has historically almost always been crucial to the success of the larger of the major parties.

Even just at the convention stage, the party's prospects could be shaped less by which candidate can get the most delegate support than which can avoid being vetoed in effect by any of the segments essential to the Democrats, including organized labor, the minority vote, the younger voting wave, and the establishment faction.

3. George Wallace—perhaps now weaker in public appeal than when he was heading toward '68. But in communities and counties where he had six contacts and possible workers then, he has 60 or 600 to activate now.

4. A new "fourth party" led by John Lindsay or possibly Eugene McCarthy. This gathering will be overwhelmingly white, better educated and more affluent than the national average, politically more active, largely suburban muscular in financial resources, energetically enthusiastic, and sure to cut massively into both major party bases.

The profound if still largely latent disaffection with the two major parties gives a new fourth party—or personal movement—an historic opportunity in Presidential, not Congressional, politics. The opening could even grow so rapidly during 1971 that the worst danger will be a split between the Lindsay phenomenon, which will "spontaneously" break out like a national rash at the grass-roots next year, and some other factions, including Eugene McCarthy's loose but loyal sources.

Starting with nearly 15% of the popular sentiment in early '71, a fourth force may harness the volatility of our new culture and communications modes and have over a quarter of the electorate—much of the most active fourth—by early '72. That could seriously threaten the two major parties as the Presidential spring moves along, especially if Wallace can attract just ten percent of the electoral strength.

*Hardheaded leadership*

Lindsay's chances of fighting his way through the Democratic power structure, in contrast, are negligible even if he did well in the primaries. For he faces the sure opposition of organized labor's hardheaded leadership as well as entrenched control over the party's mechanics by stalwarts of the older order.

Does a new fourth party have a Presidential chance in '72? In a four-way split, it has the best chance in over a century.

It will not be either left or right so much as future-oriented. It will offer freshness and status for a society badly hungering for those.

It will likely emphasize excellence and a dedication to both old and new dreams. It could also easily end up being rather smug in how it comes across. But it will be built on the old Puritan ethic as well as some of the newer qualities in the American culture and character.

## JACK NEWFIELD

Jack Newfield is an editor of *The Village Voice*. He is author of "Robert Kennedy: A Memoir," and "The Prophetic Minority."

I favor, with some lingering reservations, a new, independent political party for 1972 for two reasons. The Democrats can't. A new party might.

The Democrats are a closed corporation. Let's not forget 1968 so quickly. Kennedy and McCarthy won seven out of seven primaries between them. Eight million registered Democrats expressed their opposition to the war by voting for the two anti-war candidates. But in Chicago the party not only nominated the candidate most closely associated with the war-makers (HHH), but they voted down an anti-war platform plank. In the end, about six white men over 50 had more decision-making power than eight million ordinary people.

*Few decisionmakers*

Despite the noble work of the McGovern Commission, I fear that same authoritarian situation will obtain in 1972. Daley, Meany, O'Brien, LBJ and a couple fat cat contributors will dominate the decision-making process.

At the same time, I think there is enough energy in the country to launch a new party that has a chance to win. Remember, both the Democrats and Republicans started out as third parties. The Democrats replaced the Federalists and the Republicans supplanted the Whigs. A party that starts a war like Vietnam, botches the poverty program, and then nominates old triple H, while kids, nuns and reporters are being clubbed in the streets is acting like the Whigs.

*Elements of new party*

What are the elements of a new party? First the peace movement, which is really a party in embryo. Then the liberal Republicans (Gardner, Brewster, Hatfield, Lindsay) who are a frustrated minority in their own party, and understand better than most Democrats the folly of Nixon's economic policies.

Then there are the suburban liberals, the blacks, the kids, and a lot of women, since I assume this new party will have the sense to grasp the historic dimension and power of the new feminist movement, and help translate its energy into programs for child care and abortion.

Moreover, with Wallace in the race, we are really talking about less than 40 per cent of the country electing a President. And if it is upheld by the courts, I suspect the 18 year-old vote will not go to Agnew.

*Program*

What would be the program of this party? Withdrawal from Indochina. Stop the Nixon recession. Stop Agnew from polarizing and poisoning the country. Tax the banks and corporations and regulate the federal agencies, and close the tax loopholes, so that the blue collar whites get a better deal.

All we need is a candidate.

## RONNIE DUGGER

Ronnie Dugger is editor of "The Texas Observer." He is a longtime student of politics.

To your symposium question, can the Democratic Party reform itself by 1972 or must we have a fourth party, my answer is that the Democratic Party may vitalize itself sufficiently in time, but it is not likely to do so unless we have a fourth party or an independent movement stimulating a new kind of national dialogue and available,

in a way threatening to the Democrats, as a standby alternative at the ballot box.

The Democrats will be predictably liberal on the customary issues at the national convention in 1972, but their test then will be whether they show they have the integrity to break the corporations' hammerlock on American democracy.

*Capitalism's lackings*

I believe in free enterprise competition where it still works, but it has stopped working in large sectors of our economic life, and government regulation of these sectors has also failed. Anti-trust has lost out to a privately-administered technological socialism. The regulatory agencies have been suborned by the industries they are supposed to regulate.

In the areas where competition, antitrust, and regulation no longer work, I believe we should turn now to cooperatives of various kinds, to government control of management, or to offsetting and thus competing government ownership. We must democratize our economic system or lose our democracy to a corporate bureaucratic overstructure essentially fascist in operation.

Most of the radically humanist liberal Democrats probably instinctively tend to agree with John Kenneth Galbraith—I do—that all corporations with 75% or more of their business in U.S. military contracts should be nationalized. They are already in effect public corporations, except that they are milking the public for all the private rake-off they can get. Nationalizing them would at least take some of the profit out of war. But what chance has Galbraith's idea to be evaluated, refined, and adopted in the resonant silence with which leading Democratic politicians have responded to it?

*TVA-like oil company*

Or again, what convincing difficulties in democratic or libertarian doctrine are posed by my idea, which I advanced recently in another context, that we should have a national oil company, TVA-like, to produce oil and gas from our own reserves under public lands and offshore? Such a proposal suggests many objections, but it is worth discussing, and the Democrats are not discussing it.

In a free and relevant political dialogue, we would be discussing and debating, not only the nowadays quite safe subjects of race, inflation, the environment, and Vietnam, but also the social management of AT&T; nationalization of the passenger-hating railroads; a national life insurance program; a continental water system that could make possible the revival of small farms and farming-family cooperatives; a federal credit pool to provide money at 2% or 3% for home loans. All such subjects are now "off limits" to leading politicians, and this is exactly what is wrong with the country and most particularly with the Democratic Party.

The leading Democratic politicians are struck dumb by such notions, as if by terror, and they oppress those loyal to their careers into a complicitous silence. They are caught in the vicious cycle of careers that depend on campaign money, the sources of which therefore control the careers. And being liberal, these Democrats are vulnerable to being Joe McCarthyized and are thus the most afraid of anything that, being in some sense socialist, can be called communist. No trivial irony, this may turn out to be the mortal flaw of the Democratic Party.

I would like to see the formation of a fourth party or independent movement now in the United States dedicated to opening up substantial arguments about our economic power structure and to the internationalization of abundance and the termination of U.S. military intervention against popular revolutions abroad. Like the Populists and the Progressives, such a new move-

ment could stimulate the debate we need and frighten the Democrats leftward.

*Texas, our Texas*

Because of its particular political history, Texas may need a similar innovation with a different purpose. Some of the liberal Democrats in Texas are beginning to plan a fourth party "standby" program, maintained by "a skeleton crew," so that if, as usual, Establishment types dominate the 1972 Democratic primary, the standby group can make a run in November, quite possibly splitting the conservatives between the regular party nominees and winning.

We must have a serious challenge from a new political party or an independent movement, or both, because nothing else has the catalytic power to push the national Democrats into serious consideration of our basic economic system. If the national convention in 1972 responded to such a challenge sufficiently, good, we could stay with the Democrats. If they gave us another Humphrey convention or a stockily liberal platform, we would have a real alternative, ready to go. We need a real alternative.

PAUL O'DWYER

Paul O'Dwyer practices law in New York City. He has done active work on behalf of civil rights. He was the Democratic Candidate for U.S. Senate in New York in 1968; he ran again in the Democratic Primary in 1970 for the Senate.

Our Two Party System has become a One Party System as concerns many of the most pressing problems before the nation. Today voters throughout the country including the young, the dissenters, the distressed, the aged and the oppressed minorities are being requested by the Democratic Party and by the Republican Party to work within the system to try and cure its inequities. The Democratic Party, notwithstanding the gallant efforts of Senator McGovern, presents no plan for any real change. It is the hope of our Party's leaders that young energies coming into the campaigns during the next few months will be able to send to Congress Liberal Democrats. But electing Liberals against the war will not in itself bring about meaningful changes.

It will not be just enough for a Senator or a Congressman to commit himself to vote for the Hatfield-McGovern Bill and feel that he has brought an end to the war in Southeast Asia. It will not be enough for him to voice opposition to the ABM or the MIRV. If the Democratic Party really means to end the war in Vietnam and to change the racist complexion of the establishment, both in the Senate and the House, then by all means it will have to commit itself to depose John Stennis as Head of the Senate Armed Services Committee and Richard Russell as Chairman of the Appropriations, and in the House of Representatives, to oust L. Mendel Rivers, who otherwise will continue to be the Chairman of the Armed Services Committee of the House.

Electing liberal Democrats to Congress will not necessarily change the racist complexion of the congressional establishment.

They must be ready to strip George Mahon of Texas of his post as Head of the powerful Appropriations Committee and William Colmer of Mississippi, who now rules the very important and influential Rules Committee. Anything less than this commitment will leave our government in hands hostile to democracy and subversive of the concepts of our founders. Without this change there is no solution in sight for our most pressing problems. If this must be done with a combination of Democrats and Republicans, then it must be, for it there is to be a bipartisan policy, then let it be a bipartisan policy in favor of blacks, against hunger, in favor of ending the war in Vietnam and for peace and against violence.

I urge young people to beat the streets of these towns and this country to help those

who are prepared to go down the line with such a program. If the young people, the oppressed, the underpaid workers and the minorities are to be kept within the system, there must be an end to injustice, indecency and hypocrisy and if that role is not provided by the Democratic Party, it will lose its relevancy.

Lawrence O'Brien, Chairman of the National Democratic Committee, sometime ago announced that he has come around to a position opposing the war and he believes the Democratic Party must do likewise. That's a good, if a belated beginning.

But unless there are commitments to these other things which I have spoken about, there will be no need for Mr. O'Brien to make elaborate plans for a Convention in 1972 for none of the forces will be there to give that body strength and respectability. The young, the dissenters, the black, the Puerto Rican and the Chicanos will not be there and without them there will be no hope of victory.

CURTIS GANS

Curtis Gans formerly served as a political strategist for the A.D.A. In 1968, he helped manage the campaign of Eugene McCarthy for the presidency.

The critical political question for 1972 is not whether there should be a fourth party or not, but who will wield Presidential power in 1973 and what policies he will follow.

I believe that the most important imperative for 1972 is to emerge with Presidential leadership that will restore faith in the democratic process by restoring faith in the ability of government to deal with the national crisis.

This means, at a minimum, that should the negotiations in Paris fail to produce a settlement, there be a commitment by the President to total and immediate withdrawal of all American troops from Vietnam. It means that the underlying premises of American foreign policy must be changed.

It means that a serious effort must be undertaken to redistribute the national wealth and eliminate hunger, poverty, and deprivation. It means a commitment beyond Medicare to full national health insurance. It means a greater commitment to teaching than to armaments. It means planning living communities and diversified transportation. It means a serious effort for reconciliation and against repression of the races and the generations.

It means the establishment of a new relationship between the public and industry to insure that industry serves the needs of a public broader than its stockholders. It means recognizing the need to control our technology and expand our awareness of its ramifications so that we can provide a habitable world not only in the next years but in the next centuries. And it means an image and reality of leadership with an articulated commitment to democratic values translated into the context of the 1970's.

I believe the imperative of winning the Presidency for such leadership implies working within the two major parties, and the fact of President Nixon's leadership in the Republican Party means in reality working within the Democratic Party.

*Coalition for victory*

A fourth party may well raise issues more easily, but only the Democratic Party has a chance to elect a President who might deal with those issues. Even at a time when party loyalty is at a low ebb, the most daring and most manipulative media campaign is unlikely to dislodge the base Democratic vote of the blacks, the elderly, the worker, and the poor. Nor should this vote be lost. These elements of the public are a necessary part of a constituency of conscience that will help insure that the nominee and policies of the Democratic Party are as right in 1972 and they were wrong in 1968. They are also a necessary condition of victory.

Thanks to the leadership of Senators George McGovern and Harold Hughes, the Democratic Party has begun to reform its procedures to make its crucial decision-making processes on candidates and issues open to democratic participation. It has reversed its policies sufficiently on the war in Vietnam so that no potential candidate favors withdrawal from Vietnam at a later date than July, 1971.

*Candidates are made*

There are still no candidates who offer all the qualities of leadership needed for the times. But one must, I think, remember that the Franklin Roosevelt of 1930 or the John F. Kennedy of 1958 did not seem to be such leaders two years before they assumed office. They were in part made by their times and the forces around them.

This argues, I believe, for an independent political force of those who now might channel their energies into a fourth party; and the larger number of those equally committed to substantive and substantial changes in the direction of the nation; to insure that the Democratic Party completes the task of reforming itself, deals with the major issues confronting the nation, and emerges in 1972 with a leader who is forthright on the issues and who stands a chance of being elected. If such a force fails to achieve this, or if by the end of 1971 it looks as if we are on the road to failure, there is still time to reassess. But as of now, it seems more important for the future of the country that we at least attempt to be both right and President.

JOSEPH L. RAUH, JR.

Joseph L. Rauh, Jr. is a member of the law firm of Rauh and Silard in Washington, D.C. He is a well known civil rights lawyer and currently is leading the legal battle against the United Mine Workers over the disputed Yablonski election. He is a member of A.D.A. He speaks here as a private citizen.

A standby liberal third party, ready to swing into action when the Democratic Party deserts the progressive principles of Wilson, Roosevelt, Stevenson and the Kennedys, would, it seem to me, best serve the cause of social change through the political process. And, perhaps paradoxically, the mere existence of such a third party structure might often obviate the necessity for third party action.

Take 1968 for an example. As it became clear in mid-summer that the nominees would be Nixon and Humphrey, the only hope for affording the American people a chance to vote on the issue of the Vietnam war was through an actual peace third party (headed, e.g., by McCarthy and Lindsay or vice versa) or through the use of a third party threat to force the Democrats to adopt a peace plank. But neither McCarthy nor Lindsay was ready to move at that late hour, Lindsay, at least, in part because of the absence of any existing organizational structure and the assumed difficulty of getting such a party organized and on the ballot.

*Threat needed*

Had there been a party structure in existence that could easily have reved up for action, the everchanging threat might have forced the Convention to adopt the peace plank as the threat of Wallace (Henry not George) helped force the Democrats to adopt the civil rights plank in 1948. With the threat of a peace party on his left, Humphrey might well have stood up to Johnson for the peace plank which was not substantially different from what Humphrey had himself said in discussion as early as 1967; he would at least have had an additional talking point with Johnson and an additional incentive for supporting (or even intiating) the peace plank. Without that third-party threat, the country lost a chance to vote for peace and Humphrey lost the race.

Look, too, at how the Liberal Party (a quasi-standby party) determined the New

York gubernatorial nominee. By endorsing Arthur Goldberg prior to the Democratic primary, they forced the Democrats to take their candidate under threat of a split in liberal (small "l") ranks. The New York Times and Post endorsements, which were predicated on this very point, quite clearly supplied Goldberg's margin of victory.

The proposed standby third party would have a national structure based on 50 state organizations. Democrats and Republican could hold membership in the party without relinquishing their major party activity. Liberal independents would likely find the atmosphere congenial. The standby party would adopt platforms each year or two, but would run candidates only when neither of the major parties approximated its principles. Whether it later branched out into state, Congressional or even local races would depend on how the party developed. Flexibility would be the linch-pin of its operations and liberal issues the base.

#### RICHARD WADE

Richard Wade is a Professor of Urban History at the University of Chicago. He is the author of "The Urban Frontier" and "Slavery In The Cities." He has long been active in Democratic politics.

The issue of a "fourth party" has always seemed to me to be poorly posed. For the central purpose of most of its supporters is a fourth candidate, not a fourth party. Hence, those who favor this course fit from one political personality to another. At first, some looked to the second coming of Eugene McCarthy; after the New York mayoralty election, they moved for John Lindsay. A few eyed Harold Hughes, and the latest entry (at least at this writing) is Ramsey Clark (if as Jack Newfield wonders, "the country deserves him").

Otherwise, I see no one building the essential cadres for 1972 much less a larger party apparatus. Nor do I hear any discussion of how democratic the new party would be. (And this is no small matter. Procedures in small parties have historically been autocratic and elitist. I would guess that if one were thrown together hastily in a year or two, its internal processes would make the Democratic Party of Cook County or the Liberal Party of New York, look like participatory democracy by comparison).

The central argument for a fourth candidate is that neither the Republican nor Democratic Party can be trusted to put up an acceptable nominee in 1972. The GOP no doubt will continue with its present ticket (at least I hope so, for the alternative would be an Agnew or a Reagan). The Democratic choice is therefore crucial. What makes a fourth candidate attractive to some is the fear of a re-run of 1968 when the forces for change won all the primaries but could not nominate the candidate. (Ironically, in 1968 the system was actually working until the assassination in California. An incumbent President had been dumped, Kennedy had bested McCarthy in the primaries and, surely Humphrey would have been destroyed in New York where his delegates had been entered. In this perspective, it was the violence in Los Angeles not in Chicago which defeated the Democratic Party.)

But if there is no change in the Democratic Party by 1972, there indeed will be a fourth candidate nominated by a fraction of disillusioned delegates from the regular convention joined by those who felt excluded altogether. The result would be an easy Nixon-Agnew victory, the shattering of the political structure, and the continued minority rule of a divided and distraught nation. The best guarantee against this is a reformed Democratic Party.

#### Reforms are happening

Fortunately a lot of Democrats agree with this analysis. The McGovern Commission has come up with guidelines for the selection of delegates to the 1972 convention which re-

quire widespread reform in nearly every state organization in the country. Larry O'Brien, the new national chairman, has not only endorsed the proposals but has established an ad hoc committee to make sure the states comply. Indeed, in one half the states "little McGovern Commissions" are reforming party rules and procedures. The O'Hara Commission is now in the process of making recommendations which will, hopefully, democratize the internal functioning of the convention. If this activity succeeds, the 1972 Democratic convention should be the most open and unbossed in American history.

#### Best hope

Hence, I think the best hope for change in 1972 lies within a reformed Democratic Party. The search for a fourth candidate and speculation about a fourth party simply feeds the party's worst elements who will resist reform by arguing that those who seek it are "not really Democrats anyway". While I concede there may be some tactical advantage in warning the party that there is some place else to go, I think the greatest energy should be applied to the opening and revitalization of the Democratic Party. Those who worked so hard for Kennedy and McCarthy have earned a voice in the party. They ought to continue the job in the months ahead and then, perhaps, nominate the man who now best embodies that effort, the Senator from South Dakota.

#### NAT HENTOFF

Nat Hentoff is a staff writer for the New Yorker, a columnist on The Village Voice, a well known jazz critic, and editor of Liberation Magazine.

The question as stated seems to me artificial because it posits an either/or situation: "We are particularly interested to know whether you believe a fourth party is the only conceivable means of effecting change in 1972, or whether you believe the Democratic Party is still capable of aggressively reforming itself by the 1972 Convention?"

There is no one conceivable means of effecting change. Actually, much of what real—as opposed to paper—change we are likely to see in the immediate years ahead will result from organized local movements, spreading regionally and then nationally. This would range from black alliances to end discrimination in craft unions by dislocating job sites, if necessary, to environmental action that has palpable results beyond new buttons and posters.

That stated, I would say that a serious fourth party could be an extremely useful educational force and might even be of electoral impact in certain local situations and eventually perhaps nationally. By "serious," I mean, for openers, sizable numbers of people in the field now engaged in the basic nuts-and-bolts work of getting such a party on the various state ballots. To the extent this is not already happening, the idea is not yet a serious one and the basic reason for this symposium is, in the pejorative sense, academic.

As for the possibility of the transmutation of the Democratic Party from within into something less poignantly diffuse than is the present wheezing case, I am not especially sanguine for the short run. If the first two years of the new Ice Age has not been able to energize and organically unify the party—or at least significant parts of it—what can? The first woman President—Julie Eisenhower?

In sum, I would like to see a real fourth party begin so that we can get some idea of whether form does follow function politically in the present context. But as of the end of summer, 1970, all I hear is talk. Which leads me to believe that by 1972, all I will be hearing is more talk.

#### Anarcho-pacifist

As for the Democratic Party, I would like to see it act aggressively in any direction, including reform. But it seems involuntarily

to have turned anarchist-pacifist. A turn I'd be all for, if willed. But alas, whatever motion is being propelled from that party is due to the whirring of Presidential candidates—while the rest of the party keeps running to stand still.

So, as of now, I see more political reality in Andrew Young's Congressional campaign in Georgia and the Young Lords' incursion into municipal health decision-making in New York than I do in either of the alternatives you have set up for this Symposium.

#### JAMES MAC GREGOR BURNS

James MacGregor Burns is a Professor of Political Science at Williams College. He is author of "Roosevelt: The Lion And The Fox," "John Kennedy: A Political Profile," and "The Deadlock of Democracy: Four Party Politics In America."

I favor working within the Democratic Party rather than through a third of fourth party, because in general the history of parties and of social progress in the United States indicates that working within a major party is a far more fruitful tactic than trying to found and maintain third parties. Moreover, the Democratic Party has shown itself, in this century, remarkably sensitive to broad currents of American progressive thought and action. Today especially it is in a mood of experimentation, reform, and innovation. Our essential strategy for the years ahead will be not to divide the liberal and radical elements of the nation, but to unite them so that we can tackle the mammoth jobs ahead.

#### PAUL COWAN

Paul Cowan is the author of "The Making Of An Unamerican" and is a contributor on political ideas to many journals.

America is committing suicide. The question posed by The New Democrat, focusing solely on electoral politics, is too limited. Clearly there is widespread disgust with the intolerance and greed that have characterized the past decade's public life. Millions of Americans long to live in a society which frees the better part of their nature.

But a redemptive movement rather than a political movement might take root here. It would have to fuse politics with service and religion: to embody the more modest, generous future it promises. The people in it would have to realize that their reputations, luxuries, careers, even lives are unimportant now next to the need to preserve the species. In private resolutions, we would have to overthrow those treacherous individual egos that throb and compete—that reduce our worth as human beings. That done (if it can be), we would be freer to act on the religious impulse to celebrate and conserve all life.

#### Redemptive movement

Right now I can think three possible areas of agreement for a redemptive movement. All of them, of course demand far more thought than I can suggest here, all also demand a widespread acceptance of the idea that courage, patience, and self-restraint are vital ingredients for radical politics:

1) To the extent that it becomes involved in electoral politics, a redemptive movement will have to focus on principles instead of candidates—principles pointing towards demilitarization, populism, decentralized communalism which many conventional politicians now hesitate to support. One such principle might be that the military budget must be reduced to about 20% of the overall budget with a commensurate reduction of troops; and that U.S. troops may only be stationed overseas as part of a multinational peace-keeping force.

Another such principle (which obviously demands much study and elaboration) is that land and income must be radically redistributed. A third principle might be strict government controls on corporations which threaten the environment or human health and, at the same time, the adoption of special incentives for people who intend to make co-

operative use of land and of consumer products like cars.

2) A redemptive movement would also have to include an array of sustained projects that serve people in their own communities. These would involve some of the young doctors, lawyers, social workers, teachers, etc. who are now so frustrated with the institutions of their professions. They would have to incorporate a central discovery of the past decade: that you cannot work with people unless you're willing to accept the legitimacy of their culture. Thus, hippies might have to cut their hair and give up dope; some revolutionaries would have to abandon their cherished ideologies; poverty hustlers would have to forgo their dreams of lavish expense accounts and plush Washington offices. And would have to accept their role as servants.

And accept, too, the importance of leaving meccas like Boston, New York, San Francisco and settling in less sophisticated cities like New Bedford, Akron, San Antonio. Some would have to work in a modest, respectful way with blue-collar and middle-class whites. For the only way to reach such people is to understand their ignored daily problems, to build on the intimate contacts that come from gentle service and show some of them, at least, that a demilitarized, socialist America would be a better country for them, too.

There would have to be some national structure for such projects. Professionals who were not willing to join the projects might use some of their larger incomes to help finance them. An efficient organization should be ready to provide material support, publicity, and even protection for the projects (many of which could be in constant danger). Finally, if the projects were successful, the people they included might become central to the redemptive movement's ventures in electoral politics.

3) But it is not enough to establish a revolutionary platform for a political party or to build it through the provision of services. Until the war ends there must also be direct actions which disrupt government operations.

Clearly, a movement which hopes to sink roots in white America shouldn't threaten its people with violence. But the trouble with that premise is that it is too often translated into a plea for passiveness, a plea to do nothing while the government proceeds with its policy of destruction.

The Catholic underground has begun to resolve that contradiction through strategies that a broader movement could adopt. In Delaware this summer some activists destroyed draft files, then left before the police could find them. A few weeks later 350 people who were unwilling or unable to participate in the raid signed a statement asserting their complicity with it. Suppose that hundreds of public figures associated with the moderate left were to follow their lead. By sharing in the risk of non-violent attacks on the war machine they might regain the respect of some militants. They would certainly help confuse the Justice Department and influence a segment of the public.

Is there enough energy in this wounded country to make such a redemptive movement a reality? The past few years haven't provided much grounds for optimism. But maybe there is more dedication to survival than anyone realizes. For by now it is clear that after all our bold pronouncements—our loud new politics, our blaring new culture—we are no more than a caretaker generation, whose modest but crucial role in history is to preserve this badly threatened planet for our young.

#### THE GALBRAITH PURGE

Two troubling and potentially dangerous events have taken place in the Democratic Party in the last month. The first involves a leak by the Treasurer of the Democratic National Committee, Robert Strauss, to the Evans and Novak column asking for the purge of John Kenneth Galbraith from his

party positions. The second involves a similar leak to the Evans and Novak report a week later by Lawrence O'Brien suggesting that James Loeb, former U.S. Ambassador to Peru, was splintering the Democratic Party by not supporting a reactionary in Texas, Lloyd Bentsen, for the U.S. Senate.

#### A Reformist Party

Both episodes are reflections of a more profound struggle for the soul of the Democratic Party. Galbraith and Loeb wish to lead the Party toward a policy of social reformism by embracing minorities, students, low income white workers, and, sometimes, Republican liberals, within the old Rooseveltian coalition. Galbraith, in particular, has taken tough positions on the point that national reform needs the support of all liberals (e.g., the Carswell and Haynesworth defeats needed Republican votes) and that the Democrats can only win in 1972 with a fusion of forces; liberal, labor, minorities.

Thus he has advocated the defeat of Mendel Rivers by student activists; he wrote a letter to The Texas Observer supporting the Republican Bush over the Democrat Bentsen in the Senatorial race; he proposed that the Democratic Study Group in Congress break the seniority system by threatening to vote for a Republican speaker; he wrote a book called *Who Needs the Democrats?* (see opposite page) boldly promulgating a vigorous and radical vision for Democratic reformism.

#### A Status-Quo Politics

Lawrence O'Brien and Robert Strauss take the opposite tack. They preach retrenchment; they would stick to fund-raising appeals among bankers, oil men, conservative businessmen and defense corporations; they would downplay the social issues and upplay law and order; they would grab the so-called "silent majority" away from Nixon. Their Bible is a new book, *The Real Majority*, by Richard Scammon and Ben Wattenberg which argues that the voter in the 1970's is in the extreme center, away from the poor, the black and the young.

What is dangerous about the O'Brien and Strauss leaks is that they suggest that the D.N.C. and its conservative allies within the Party, like George Meany are undertaking a deliberate campaign to revamp the Democratic Party in the image of the real majority. They seem quite willing to risk reopening the wounds of 1968, throwing away dissenting intellectuals, castigating the McCarthy-Kennedy forces, and taking the entire Party down the road of Neo-Nixonism.

#### End Revenge-Seeking

It is a comment on the times that this sort of maniac thinking should still exist in the Democratic Party. The fact is that the Galbraith and Loeb route is the only one which will take the Party to a victory in 1972. The Democrats' sole hope this time around is not to emulate a sterile Republican Administration and search for a destructive "silent majority," but to take an outspoken reformist program to the people, one which can unite the blue-collar worker and the urban black and the disenfranchised student.

It is time to call a halt to this revenge-seeking by the conservative cabal in the Democratic Party. Otherwise it is as clear as the sun in the sky that those who write in this month's New Democrat Symposium in favor of a fourth party will no longer be pipe-dreaming.

#### WHO NEEDS THE DEMOCRATS

(By John Kenneth Galbraith)

(Paul M. Warburg, Professor of Economics at Harvard University)

EDITOR'S NOTE.—The following article is based on a chapter from Professor Galbraith's new book "Who Needs the Democrats?"

Remedy for the Democrats follows, not surprisingly, from the diagnosis. Some things are sufficiently obvious. If men suffer from having

been too long in office, the answer is to end their suffering. Although in politics the one thing worse than the old fog is the young fog, neither is essential. In all primary elections there should be a presumption against incumbents and it should be very strong in the case of those in whom deathless phrasing, other rhetorical devices for evasion, bureaucratic truth or Darwinism can, however faintly, be detected. Where, this autumn, a Republican of evident candor and honest mind is opposing a Democrat who is far gone with these flaws, it will be a service to the Democrats to support this Republican.

The Democrats have no choice but to accept, and then to make adequate, the guaranteed income. And they should reflect concurrently on the disastrous caution that allowed the Republicans to get this one first.

They must stop evading the issue of inflation. Where strong unions bargain with strong corporations, there will have to be controls. This doesn't interfere with the market. It restrains sensibly by public action prices that are otherwise fixed with public damage by private action.

#### End seniority

All candidates should be asked this autumn to declare themselves on the seniority system. It can no longer be the only national purpose of the Democratic Party to empower Mendel Rivers, Jamie Whitten and their friends. If reform means voting for the Republicans in the House of Representatives, so be it. An argument can be made for keeping the Democrats in control of the Senate to keep John Mitchell's friends off the Supreme Court and because it is cautiously liberal. There is no similar case for the House.

With the end of the southern rule, the Democratic Party can be unequivocal in its support of racial equality both North and South. There must be such a party. It will have pinned on it responsibility for the impatience of the black community and resulting violence. It will have to face the likelihood that, up to a certain point, progress is as likely to beget impatience and extremism as to be solvent for it. There is no other course. The liberal answer to extremism is still to remove its cause. It is the only hope for sustaining the coalition between blacks and white liberals in the South that is now taking form. Nothing less will insure or justify black support (and that of Spanish-speaking and other minorities) in the North. Every effort must be made to keep the unions in the Party. As black workers become more numerous in the union ranks, this could become easier rather than more difficult. But no concessions can be made to backlash sentiment of white workers. Nor can the older AFL-CIO leaders be accommodated in their preference for candidates who were good in the days of F.D.R.

#### Urbanize the party

Racial equality, a phrase which comes too glibly to one's lips, means continuing and doing adequately the things on which equality depends—in providing full access to political life, education, employment, income, union membership, housing, and the protection of law. Most of all as a purely practical matter, it requires that the Democrats become an aggressively urban party devoted to making city life in the United States not merely tolerable but safe, healthy, prosperous and pleasant. It is in the cities that the black and Spanish-speaking minorities in overwhelming numbers live. Unless the cities are good, they cannot have a decent life. The policy should also be attractive to the considerable number of whites who still survive in the cities.

Two things are required. The first is that, having contemplated all of the other remedies for urban decay, we must now try using money. We must stop using sociology as a substitute for taxation. That ample funds for city services—for the schools, police, courts,

sanitation, public transportation, parks, playgrounds, museums, public festivals—will make city life agreeable may not be clear. But financial starvation does make urban life intolerable. And good and amply financed housing services and amenities do make urban life quite tolerable for people of various races in other countries.

#### *Tax more*

Modern city life is incredibly expensive. To make the necessary money available, Democrats must reject out of hand the notion that Americans are overtaxed. They are not and will be less so when foreign policy is reduced to need. A strong urban policy must include large bloc grants from the Federal Government to the large cities. (None should go to the states which are not in any similar need.) But the money should also be given on terms that require the cities to tax their own rich, and their own commuters, more adequately than now. Before John Lindsay is given final credentials as a Democrat, he must be required to make rich New Yorkers complain more about their taxes and less about their services. It is nonsense to suppose that the world's richest rich cannot pay for clean streets or even for police to protect their variously gotten gains.

#### *Democratic socialism*

The second requirement of an urban policy is plain recognition that for the most urgently needed services of the city dweller, private enterprise does not work and never will work. This is true especially of housing construction; housing repair, rehabilitation, maintenance and management; and the provision of local, commuter and interurban transportation. For these services we now have an apologetic half-hearted socialism—rent control, rent supplements, ineffectual efforts to make landlords live up to minimum standards of decency, dreary public projects that provide shelter, not homes, an under-financed and stinking subway, highways instead of mass transit, speeches by Nelson Rockefeller as a substitute for trains. The answer is to take on these tasks proudly—as the Dutch housing authorities build houses, as the Swiss run trains, as Toronto, London and Moscow run their mass transit, and as we have long operated that fine old manifestation of domestic bolshevism, the TVA. The city is an intensely social institution; it should surprise no one that it can only be served on important matters by social action. The Democratic Party must henceforth use the word socialism. It describes what is needed. If there is assumed to be something illicit or indecent about public ownership, it won't be done well.

The remaining issue on which the Democrats must build their strength \* \* \*. That is the recapture of power from organization. In the field of foreign and military policy, we must recapture the authority that the superpower mystique gave to the defense establishment, the CIA, the defense industries and the professional foreign policy establishment. Similarly at home, the mystique of an ever-expanding production, reinforced by the beneficent doctrines of the market, led to a plenary grant of power to the producing organizations—the great corporations—to use air, water, land and space for whatever in their judgment most efficiently expanded output. Here, too, power must be retrieved.

The remedy, however, lies not simply in the regulation of power which, misused, causes the public anguish. It requires that we remove the reasons for the delegation. It means a foreign policy that requires no such delegation to the Pentagon, a domestic policy that requires no such delegation to General Motors. Again let me be specific.

#### *A shy giant*

Democratic foreign policy must recognize that, henceforth, there is little the United States can do and little that it needs to do to influence the political events in Asia, Africa or Latin America. We should strongly support collective resistance to armies marching across frontiers. We should participate in the humane flow of economic assistance from rich countries to the poor. The Peace Corps and technical assistance should be available without pressure. Beyond these in the Third World, as it is called, we should do nothing. No military alliances, no military aid, no training missions, no other military missions, no counter-insurgency operations, no clandestine support to friendly governments, no plots against those that are deemed unfriendly. None of this means that all will be excellent in our absence. There will be cruel misfortune and disaster. It is only that in consequence of our presence, any disaster we now know will most likely be made worse.

If we resolve never again to intervene in Asia, Africa or South America, we must expect that some countries will go Communist or what will be so described. This on the basis of past experience may also be expected to happen if we do intervene. This likelihood must now be accepted. Democratic oratory now proclaims the unwisdom of trying to police the world. The corollary is that we accept what happens in the world. If we do not, then when some jungle or desert proclaims itself for Marx, Lenin or Mao Tse-Tung, there will be talk of the need to arrest the march of Communism or, in the absence of action, of another American defeat.

#### *Poor is poor*

Foreign policy like politics is the art of the possible. We have learned what is not possible. We must also see that below a certain level of development it matters little either to ourselves or the Communists what a country calls itself. If a country was poor and weak before it started calling itself Communist, it will be poor and weak afterward. And it will remain so for a long time. Had Communism a formula for the magical economic and political elevation of the poor countries, it would have captured them all by now. And we would have been wrong to oppose it, for we have no formula either. In the past there has been genius of a sort in our foreign policy. It has arranged defeats in circumstances where victory was not possible and was not needed.

In the Third World, the superpower mystique was an aberration of the period following World War II. That it was an aberration is now extensively recognized; what is yet to be recognized is the need to disestablish the bureaucracy—the military and bureaucratic power—that sustained that policy. This will not be easy. The military, intelligence and civilian bureaucracy would not be worth worrying about if it did not have the power to react in its own behalf. Abdication of world responsibility, return to isolation, and invitation to Communist aggression will all be averted. There will be little mention of the disasters flowing from the past policy. There will be need for Democrats to retain a certain alertness to bureaucratic truth.

In foreign policy the Third World has been the area of primary disaster. On the whole, things have gone much better where Europe, Japan, the Soviet Union, even Israel and the Middle-East are concerned. The reason is simple. There we have been dealing (with exceptions) with strong governments. The superpower mystique has been circumscribed by what other governments would accept. Both the power delegated to and exercised by the Pentagon and the CIA has been much less. So far as the clear and present Communist danger is concerned and for doing something about it, there would be a better case for the Green Berets in Czechoslovakia than

among the Meo tribes in the mountains of Indo-China. Happily in Czechoslovakia the opportunity for such enlightened effort is much less. It seeks instead the vacuum in Indo-China.

#### *CONTROL BUREAUCRACIES*

But Democrats must recognize that much of our military effort in Europe and in relation more generally to the Soviet Union serves bureaucratic, not national purpose. Troop levels and deployment in Europe are still tied to the panic fears of twenty years ago when a march westward by the Red Army seemed imminent. The ABM, manned bombers, and nuclear aircraft carriers serve not the balance of terror, but the organizations that build and operate them. And beyond the curtailment in spending, and thus in bureaucratic power, that is unilaterally possible here, are the further cuts that become possible (hopefully of weapons to the Middle-East as well as strategic weapons) by agreement with the Soviet Union. Once again the purpose of this policy is not alone to save money, not alone to reduce the dangers inherent in the arms race, but also and most urgently to redeem power from the military and associated bureaucracy.

The reduced foreign policy will, of course, make it possible to be rid of the draft. This now survives only because we wish to spare well-to-do taxpayers the full cost of sustaining the army that the present policy requires. So we impose not only the discomforts and dangers, but also the pecuniary costs of that policy on the young in the form of compelled service at sub-market pay scales. Not surprisingly, the policy is more popular with the old than the young.

#### *Politics over expertise*

Needless to say, the next Democratic Administration and all that follow must keep the reduced foreign policy under firm political control. For a party to delegate to experts and members of the opposition the decisions that can destroy it is wildly unwise. This Lyndon Johnson learned or anyhow experienced. There is great safety in having a foreign policy considered in terms of what the people will accept. Such reflection is a partial antidote to action on the basis of bureaucratic truth.

Matching the redemption of power from the military is the need to redeem it from the civil bureaucracy and the great corporations. That is the other half of the Democratic task. Part of this task is obvious. It consists in protecting at all points the rights, immunities and liberties of the citizen in an increasingly organized world. This includes the Department of Justice. It is not my personal view that our liberties are in as much jeopardy as commonly imagined. When Americans are enslaved, it will be by someone of greater demonstrated competence than the present Republican Administration. A man who can be hushed up by Vice-President Agnew or John Mitchell did not have anything worth hearing to say. But the Democrats must leave no doubt as to their determination to protect people from organization and to protect privacy from the state.

The first step in redeeming power from private corporations consists in redeeming the public regulatory agencies from their control. This—the private management of the ICC, FDA, and FTC—by the firms that nominally they regulate is one of the most obnoxious scandals of our time. And Ralph Nader has shown that people are deeply sensitive to the abuse. To rescue public agencies from private control, retire their time-servers, reorganize them and give them true sovereignty for their task is thus a step of prime importance and high political yield.

#### *Production quality*

But there is a much more general delegation to the private corporation which raises the whole question of the purpose of the

economic system. The question here is no longer how much, in crude terms, we produce; if this remains the objective, as all conservatives will argue, we cannot much improve on present arrangements. But that phase of our history has expired. The question now is *what* we produce and *for whom* and *on what* terms. Again let me be specific.

Present productive performance is highly uneven. It is ample or more than ample where the industry is technically powerful, has large public influence and large powers to persuade. It is poor in the public sector. It is equally bad or worse where the industry is technically weak or lacks public influence. Thus the need for balance—for vastly greater investment in urban services and for public ownership—if housing and transportation are to be tolerable. But balance also requires control of excess—of automobiles for urban use, highway construction, new gadgetry such as the SST which promise more public sorrow than private good, of disposable packaging material that is now a patina over all the land. In the past we operated on the rule that all production was good. Henceforth we must assume that any items will be subject to public discussion and action. This, it will be held, will be damaging to efficiency. That can be conceded. But crude efficiency, which is to say maximum production regardless, is no longer the goal. It is only the defense of those who don't want interference.

#### *The right balance*

As production ceases to be the sole goal, the question of who gets the product can no longer be elided—it can no longer be agreed that this problem is solved by everyone getting more. Income guarantees are part of the answer. So is more widely shared work. So is more employment in the civilian public services. So is a far, far better system of taxation to pay for those services. The essence of such a tax system is the notion that a buck is a buck is a buck—that however a man is enriched, whether by wages, salaries, capital gains, inheritance, gift, oil, and if possible theft, he pay the same tax on the same enrichment. And this tax, needless to say, must be stoutly progressive and thus deliberately egalitarian in its effect. Again it will be argued that such taxation will be damaging to incentives and thus to productivity. But productivity means production and production is no longer the goal. It will again be evident how admirably the commitment to production serves the *status quo*—and how wise conservatives are to defend it. But not Democrats.

The terms on which production proceeds are, of course, those that minimize the damage to environment—that provide for orderly use of space,<sup>1</sup> prohibit the disposal of waste in the air or surrounding waters, outlaw damaging productive agents and damaging consumers' goods. Again it will be argued that such restriction is deeply inimical to efficiency. Nothing is cheaper than to dump waste in the nearest river or to march the highways and power lines across the countryside regardless. Once again it will be seen how appeal to productivity reinforces the conservative stand. Once again the Democrats will have to face up to the question of whether they are the conservative party. If not, there isn't much choice.

#### STATE CHAIRMAN IN NEW POLITICS

(By Lester Hyman)

(NOTE.—Lester Hyman is former State Chairman of the Massachusetts Democratic Party, now practicing law in Washington, D.C.)

In this era of the New Politics, it may be useful to reexamine the role of that prime

<sup>1</sup> Socialism also raises its head here. I am persuaded that the answer to effective urban and ex-urban land management is greatly increased use of public land ownership.

symbol of the Old Politics: The State Chairman. As a former holder of that dubious title in Massachusetts, I inevitably sensed surprise when introduced to high school or college audiences. How many of you, I would ask, when you heard you were going to meet the Chairman of a Political Party, thought that I would be short, fat, chewing a big cigar, with one hand in my pocket and the other hand in yours? Every hand would go up in affirmation of the stereotype.

Times have changed. Having come from a long line of colorful predecessors in Massachusetts (men like Charlie McGlue, "Onions" Burke and "Patsy" Lynch), I am all too aware of the caricature. However the most recent three Chairmen in Massachusetts (Gerard Doherty, David Harrison and I) all have been college bred, law school trained, professional men in their thirties.

If the kind of man occupying the position has changed, the pertinent question is whether the nature of the job of being a Party Chairman has changed as well.

The answer is a mixed bag. In some respects, the traditional duties of a State Chairman are more important than ever. In other respects, he faces new challenges, unknown in the history of American politics.

I submit that the duality of old and new functions calls for a new breed of activist State Chairmen. I reject the notion that a Chairman cannot take positions on issues, that he must be strictly a "nuts and bolts" man. Nuts and bolts are essential, but they become meaningless unless you produce the connecting materials to which they attach. These building blocks are the issues and the candidates.

#### *Traditional tools and jobs*

1. Patronage. According to the old maxim, patronage is the glue that holds a political party together, I find this largely a myth in contemporary politics for two reasons.

First, most non-policy making governmental jobs are covered by civil service, thus removing them from the patronage bag.

Second, the policy-making jobs nowadays have become so complex, difficult and demanding of expertise that a Governor rarely can afford to appoint anyone but the best qualified man.

If you serve as a State Chairman where the Governor is not of your own Party, the well is even drier. This was my lot as Massachusetts State Chairman in 1968 and 1969.

In days gone by, patronage was employed to produce Party loyalty. For the kind of people we need to attract to the political process today (suburbanites, blue collar workers, minority groups, etc.), patronage is practically meaningless. Programs and personalities are the only effective magnets.

2. Money. The major tool is money. With it, one can help control the candidate selection and support mechanism. Here again, though, in most States, Party money is a myth.

People don't like to give to a Party. On a State level, there rarely is a consistent Party philosophy. Local issues govern, and they vary tremendously from year to year. So people tend to vote the man and contribute directly to that man. Some do the latter with perfectly proper motivation.

Others, however, have an ulterior motive. They wish a direct relationship between the donor and recipient rather than the anonymity that results when the Party organization is used as the middle man. Then, after the candidate is elected, he hopefully will be most responsive to the contributor who helped elect him. This, in my judgment, is an unfortunate result.

As State Chairman, fully 80% of my time was spent trying to raise money, so we could hire staff, put out mailings, and support candidates. There is no job in politics more depressing than raising money.

It seems to me that the only intelligent way to accomplish the task in the future is through professionally run, computerized, direct mail mass campaigns.

3. Registration. Despite all the talk of new politics and new coalitions, the age-old task of registering voters holds the key to many a candidate's success. Particularly in the South where blacks are demanding a voice in the system, registration is vital. Recently I returned from a trip to Mississippi where Charles Evers, the Mayor of Fayette, is the model for what blacks can achieve. Why, then, are there so few black officials (Evers is the only black mayor in the South, to my knowledge)? The answer is simple: registration. In the State of Mississippi as a whole, about 46% of the population is black. In many towns and counties there is an overwhelmingly black population, but less than half are registered.

When we talk of electing peace-oriented candidates, this can be done most readily by registering those people who are most likely to vote for them. Getting this job done is the sine qua non of State Chairmen.

4. Get out the vote. Assuming you have completed the prerequisite step of maximizing registration, you must motivate the voter to want to exercise his franchise.

And even with motivation, you often have to prod people to take the trip to the polls. In former days the ward boss knew his constituents were obligated to him (either for food, clothing, shelter, or a job); so he had leverage in getting them to the polls and often in telling them whom to vote for.

Happily this relationship no longer exists. The modern State (or County) Chairman now has to figure out which voters are most likely to vote for his Party's candidates and concentrate his house-to-house canvas, car pools, and telephone squads in that area. The new wrinkle of the 70's is the use of computers to identify the prime voter targets.

But computers can only go so far. Once they have identified the target, one needs an organization to get out the bodies. Putting this organization together is a difficult job requiring constant prodding and encouragement from a Chairman.

5. Encourage candidates. A Party Chairman can, by his personal efforts, encourage capable men and women to run for political office. John Kennedy once facetiously remarked that any man who ran for office couldn't be all bad. What he referred to, of course, was the great personal sacrifice a candidate must make, as well as the guts (physical and spiritual) necessary to wage a tough political campaign.

I would guess that more qualified citizens became involved in politics in 1952 than in any other year of our political history. The reason: Adlai Stevenson. People reasoned that if a man of his obvious intelligence and integrity could rise to the top of the political ladder, there was room for them.

On a State-wide level, a good Chairman can fulfill a similar role by actively encouraging and helping qualified men and women to run.

6. Act as Party Spokesman. Lacking a sitting Governor, the State Chairman should act as a spokesman for the Party and become more issue oriented than otherwise.

This role has its problems. The moment Party leaders see the State Chairman getting publicity as a spokesman, they suspect he is doing it to serve his own purposes, namely to run for office himself.

Therefore I suggest that the ideal Party Chairman is a person who has not held, does not hold, and will not seek office himself.

Senator Fred Harris suffered from this problem as National Chairman and was thus hindered in his effectiveness. I had a similar experience in Massachusetts.

In his role of Party spokesman, a Chairman should attempt to be responsible and credible.

I was always being goaded by Party "regulars" to attack every move and every statement of the Republican Governor on the ground that "that is the job" of a State Chairman.

I preferred to save my fire for deserving targets and even commend the Republican Governor on those occasions he did something we could agree with. In this way my credibility was heightened.

#### *New Techniques and roles*

1. **Staying Power.** A major problem is that politicization is a temporary condition. Some act of government—invading Cambodia, suggesting a Carswell for the Supreme Court—turns people on to the political process.

If we're lucky, the interest lasts through a particular election. But if the candidate or issue loses, the conclusion inevitably is drawn that the system doesn't work.

This is nonsense. What we need among the politically oriented is staying-power. I personally was involved in eleven straight losing campaigns before I had a winner. Continuous political activity usually has a salutary cumulative effect—witness Richard Milhous Nixon as the *reductio ad absurdum* of my thesis.

So a good State Chairman must not only encourage good candidates to jump in the water—he must keep them and their supporters swimming until eventually the race is won.

2. **Issues.** A good State Chairman should help develop the issues on which his Party can run.

Admittedly there are great risks in being caught in an ideological crossfire; however, the opportunity for substantive results far outweighs the risks.

In Massachusetts we put together a Democratic Advisory Council made up of some of the finest minds in the country (Jerome Wiesner, Paul Samuelson, Daniel P. Moynihan, John Kenneth Galbraith, James Gavin, etc.).

These men and women produced new ideas for governmental action (such as an Urban Education Council, an Economic Development Program, Campaign Financing reforms, etc.).

I then took these ideas and worked closely with the legislative leadership to gain their support for our ideas.

The State Chairman became, in effect, a broker between the theorist and the pragmatist.

There were many tensions on both sides, but finally we were able to line up across-the-board support for a Democratic legislative program.

A State Chairman should be a prime mover in developing issues for his Party.

3. **Young People.** Another crucial problem for State Chairmen is young people. Unless the Supreme Court rules to the contrary, every 16-year old today will be eligible to vote in 1971. For the politician, the challenge is tantamount to that of the scientist in harnessing nuclear fission.

If we don't find useful roles for the kids in the political process quickly, they will "fall out" and join the alarmingly large ranks of Apathetic and Alienated Adults.

The State Chairman must convince the Party pros to bring the young people into their leadership ranks. Traveling about the country, I am alarmed at the number of ward and town committees made up of septuagenarians (the same problem exists in the leadership of too many labor unions).

We must harness the tremendous energy of young people. We must give them roles of responsibility. And we must teach them that they will not reach their goals of social reform in one year or in one election.

Their vision and idealism, together with our experience, can be a synergistic combination for America. If we denigrate the role of the young—as the current Administration now is doing—there can be nothing but disaster ahead.

#### *Conclusion*

The challenge for a State Chairman in contemporary politics is enormous.

The job requires men and women of talent, intelligence and ability.

Although the popular stereotype of a Party Chairman is that of a "hack," the need for first-rate ability is overriding and eventually will change the image.

If a Chairman fulfills some of the roles outlined in this brief article, he will go far toward improving the political dialogue and the political climate in America.

BOB TERPSTRA

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It's often said that extra-party politics are against the American grain. Actually, the opposite is true: Since 1815, about 85 third-party Senators and 300 third-party Representatives have been elected to the U.S. Congress. Every presidential election has its retinue of minor parties. In 1968, there were more than 20 of them. The GOP itself was a third party; Lincoln led it to its first big victory.

Even when third party efforts fail to get candidates elected, they can succeed in changing the political complexion of the country. This happened when the Democratic Party co-opted the Progressive Party platform in 1924 and again in 1950 when, two years after Truman's victory, Henry Wallace's platform had been adopted virtually intact.

To the extent that their purpose is to liberalize the Democratic Party, and not build power bases for themselves, groups like the National Democratic Coalition are misguided in staying within the Party. Those in the NDC are in the main young persons who are not high in the hierarchy of the party and are no more likely to effect change in the Democratic politics than lower echelon employees are likely to shape the policies of General Motors. It may be a sad commentary on the way things work, but it's true that a political party is much more likely to respond to the outside threat of losing votes than to the efforts of idealistic persons from within.

#### *Last chance*

Another reason for a new party—The New Party—is that this may be the last chance for peaceful change before the shootouts. The nation cannot afford warfare approaching a bloody revolution. It took the French 30 years to recover from theirs and the Russians reeled for 20 years after theirs. And they got Bonaparte and Stalin.

In the eyes of millions, the established parties have become unresponsive to the needs of vast segments of the electorate. The black, the young, the elderly, the intellectuals and the peaceful have in effect been disenfranchised by the established parties. These groups are, indeed, working in their own worst interest in supporting the parties.

#### *Ask Not What . . .*

This says little of the quality of the candidates, but implies much. We, as a people, have come to ask too little of our politicians. We have let them become tied to economic interests and allowed them politically to take the easy way out too long. A fascinating instance of the depths to which we have sunk in this regard is to be found in a poll taken shortly after Nixon ordered the invasion of Cambodia. Fifty-two per cent of the public indicated they thought that Nixon was lying when he said the troops

would be removed by June 30. Yet 54 per cent said they approved of Nixon's handling of the situation. We are forced to the conclusion that we, as a people, not only are willing to put up with a president's mendacity, but actively approve of a president who lies.

In the past, times of crisis have produced great leaders—such as Abe Lincoln—who have been able to provide the cement with which to put the country together in troubled times. Lincoln recognized that a house divided cannot stand. Now, when we again have to put the pieces back together, the second officer of the country, Spiro Agnew, in the name of the administration, is pulling out the foundation bricks one by one.

Perhaps the chief reason for the inability of the major parties to deal with the issues dividing this country, is that they are inseparably bound to monied interests, that they represent military, industrial, mercantile and financial interests and are paralyzed in the face of problems—such as pollution—which are inimical to these interests.

It is time for change in this country and the present major parties are not equipped to bring it about. It is both unwise and immoral to support them any longer. We must start voting our convictions rather than submitting to mean compromises. And rather than supporting ineffectual, corrupt parties, or joining in a revolution we must demand change on the only responsible way left to us—through a new party of the people—The New Party.

KALLAH

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. WOLFF. Mr. Speaker, I would like to call to the Members' attention a new and important undertaking which is set to begin this coming Sunday, December 13.

At Temple Israel in Great Neck, N.Y., the New York Metropolitan Region of the National Federation of Jewish Men's Clubs will sponsor a "Kallah"—an all-day conference devoted to closing the generation gap. The conference, which could serve as a model for churches and temples throughout the United States, will include panel discussions, speeches, and audience participation to give parents a deeper understanding of the concerns of today's young people.

Among the subject areas to be discussed are: Ecology, drug abuse, morality of youth, and dissent and law and order. Participants will include clergymen and laymen, all concerned with creating broader understanding between the generations.

Under the chairmanship of my able constituent, Samuel E. Friedman, the "Kallah" can play a very productive role in clearing away some of the myths and explaining some of the realities which have caused a rift between some members of different generations. I expect that the conference will be most successful and hope similar activities are undertaken elsewhere by religious groups of every faith and by lay groups that share the just concern with effective communication between young people and their parents.

## FREEDOM AND RESPONSIBILITY

**HON. JOHN BRADEMAS**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. BRADEMAS. Mr. Speaker, the American Association of University Professors on November 6 issued a statement on "freedom and responsibility" in the university community that I think is worthy of national attention.

The 55-year-old AAUP, representing 90,000 university professors throughout the country, has always emphasized not only the fundamental principles of academic freedom, but also the correlative responsibilities that such freedom imposes on university faculty members.

The 1970 statement, approved unanimously by the Council of the American Association of University Professors, reaffirms that organization's commitment to help assure freedom, academic and social responsibility, and mutual respect on the university campus.

I insert the text of the statement at this point in the RECORD:

## FREEDOM AND RESPONSIBILITY

For more than half a century the American Association of University Professors has acted upon two principles: that colleges and universities serve the common good through learning, teaching, research, and scholarship; and that the fulfillment of this function necessarily rests upon the preservation of the intellectual freedoms of teaching, expression, research, and debate. All components of the academic community have a responsibility to exemplify and support these freedoms in the interests of reasoned inquiry.

The 1940 *Statement of Principles on Academic Freedom and Tenure* asserts the primacy of this responsibility. The 1966 *Statement of Professional Ethics* underscores its pertinency to the individual faculty member and calls attention to his responsibility, by his own actions, to uphold his colleagues' and his students' freedom of inquiry and to promote public understanding of academic freedom. The *Joint Statement on Rights and Freedoms of Students* emphasizes the shared responsibility of all members of the academic community for the preservation of these freedoms.

Continuing attacks on the integrity of our universities and on the concept of academic freedom itself comes from many quarters. These attacks, marked by tactics of intimidation and harassment and by political interference with the autonomy of colleges and universities, provoke harsh responses and counter-responses. Especially in a repressive atmosphere, the faculty's responsibility to defend its freedoms cannot be separated from its responsibility to uphold those freedoms by its own actions.

## FREEDOM OF EXPRESSION

Membership in the academic community imposes on students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways which injure individuals or damage institutional facilities or disrupt the classes of one's teachers or colleagues. Speakers on campus must not only be protected from violence, but given an opportunity to be heard. Those who seek to call attention

to grievances must not do so in ways that significantly impede the functions of the institution.

Students are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible uses to which they may put the knowledge to be gained in a course. The student should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or his own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, religion, degree of political activism, or personal beliefs.

It is a teacher's mastery of his subject and his own scholarship which entitle him to his classroom and to freedom in the presentation of his subject. Thus, it is improper for an instructor persistently to intrude material which has no relation to his subject, or to fail to present the subject matter of his course as announced to his students and as approved by the faculty in their collective responsibility for the curriculum.

## FACULTY AND POLITICS

Because academic freedom has traditionally included the instructor's full freedom as a citizen, most faculty members face no insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues, and institutions, on the other. If such conflicts become acute, and the instructor's attention to his obligations as a citizen and moral agent precludes the fulfillment of substantial academic obligations, he cannot escape the responsibility of that choice, but should either request a leave of absence or resign his academic position.

The Association's concern for sound principles and procedures in the imposition of discipline is reflected in the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, the 1968 "Recommended Institutional Regulations on Academic Freedom and Tenure," and the many investigations conducted by the Association into disciplinary actions by colleges and universities.

## SUPPLEMENTARY STANDARDS

The question arises whether these customary procedures are sufficient in the current context. We believe that by and large they serve their purposes well but that consideration should be given to supplementing them in several respects:

First, plans for ensuring compliance with academic norms should be enlarged to emphasize preventive as well as disciplinary action. Toward this end the faculty should take the initiative, working with the administration and other components of the institution, to develop and maintain an atmosphere of freedom, commitment to academic inquiry, and respect for the academic rights of others. The faculty should also join with other members of the academic community in the development of procedures to be used in the event of serious disruption, or the threat of disruption, and should ensure its consultation in major decisions, particularly those related to the calling of external security forces to the campus.

Second, systematic attention should be given to questions related to sanctions other than dismissal, such as warnings and reprimands, in order to provide a more versatile body of academic sanctions.

Third, there is need for the faculty to assume a more positive role as guardian of academic values against unjustified assaults

from its own members. The traditional faculty function in disciplinary proceedings has been to assure academic due process and meaningful faculty participation in the imposition of discipline by the administration. While this function should be maintained, faculties should recognize their stake in promoting adherence to norms essential to the academic enterprise.

## AAUP ROLE

Rules designed to meet these needs for faculty self-regulation and flexibility of sanctions should be adopted on each campus in response to local circumstances and to continued experimentation. In all sanctioning efforts, however, it is vital that proceedings be conducted with fairness to the individual, that faculty judgments play a crucial role and that adverse judgments be founded on demonstrated violations of appropriate norms. The Association will encourage and assist local faculty groups seeking to articulate the substantive principles here outlined or to make improvements in their disciplinary machinery to meet the needs here described. The Association will also consult and work with any responsible group, within or outside the academic community, that seeks to promote understanding of and adherence to basic norms of professional responsibility so long as such efforts are consistent with principles of academic freedom.

## OHIO LAGS IN FIGHTING WATER POLLUTION

**HON. CHARLES A. VANIK**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. VANIK. Mr. Speaker, I have just received a report to the Congress by the Comptroller General of the United States on the progress made by certain States and the Federal Water Quality Administration in controlling industrial water pollution. Although it was found that some progress has been made, in the General Accounting Office's study of 14 waterways in five States—Georgia, Maine, Michigan, Ohio, and Washington—it was found that Ohio stood out among the five as the laggard in fighting the water pollution problem.

For example, it was determined that Ohio in 1970 provided less than half as much for administering its water quality program than the State of Michigan and the State of Washington. On a per capita basis, the expenditures by the State of Ohio were the poorest of the five States.

It was revealed that Ohio had a water pollution control agency staff of 31 people for fiscal 1969 under circumstances where 137 was the recommended minimum and 209 was considered desirable staff, according to Federal standards established in 1964. Among the five States, Ohio had next to the smallest staff—only 13 more staff members were used to meet this problem than in the State of Maine, which is about one-tenth the population of Ohio.

This incredibly small Ohio staff reviewed permits and construction plans and made stream surveys, but practically no visits to polluting plants and factories. Under these circumstances, it is practically impossible for the State agency to know what is necessary for

abating and controlling the water pollution problem. It is impossible for such an inadequate staff to know the dimensions of the problem and determine water quality trends, who the polluters are, and the progress being made by the polluters in correcting problems.

If the State is to assume responsibility in this critical area, it must have a staff sufficiently large to provide for regular testing of water quality, the regular conduction of plant inspections and service, the regular testing of plant effluents, and the requiring of periodic operating reports by polluters.

It is shocking that Ohio officials had to admit to the general accounting investigators that Ohio did not have a program for the regular testing of industrial waste effluents and that the amount of testing had decreased from prior years. It was also shocking to learn that the water quality data provided by the U.S. Geodetic Survey is not being regularly analyzed in Ohio to determine whether there is a reduction or an increase in water pollution.

In short, the report of the General Accounting Office indicates a complete dereliction of responsibility of the Ohio water pollution officials to face up to the water pollution problem.

HORTON SALUTES DR. PAUL E. MORROW FOR HIS WORK IN ENVIRONMENTAL HEALTH FIELD

### HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. HORTON. Mr. Speaker, I would say that any person living in this informed society of ours today would have to be completely out of touch with the world to be unaware of the frightening problems confronting us in the areas of environmental health. So it is with much pride that I want to bring to the attention of my colleagues the accomplishments of an outstanding scientist in my congressional district who is devoting much of his time and talents to solving some of the problems in that field.

Dr. Paul E. Morrow, professor of radiation biology, biophysics, and pharmacology at the University of Rochester, was asked to head the environmental health committee by the Genesee Region Health Planning Council. He readily accepted the task for he has long been interested in heading off problems in environmental health before they arise.

Dr. Morrow is eminently qualified for this assignment, having served on many scientific boards which have delved into similar studies.

It is reassuring to those concerned about these problems that such talented men as Dr. Morrow are actively engaged in meeting the serious problems head-on, with all the determination and skills at their disposal.

Dr. Morrow has been saluted by the Rochester Times-Union in a feature story authored by Jose Echaniz, Jr. The article gives interesting biographical in-

formation about the professor and also enumerates some of the activities of the committee which he heads.

I would like to share that article with my colleagues in the House, for I think that they, too, would like to express their appreciation to Dr. Paul E. Morrow for his efforts in behalf of his fellow man:

TIMES-UNION SALUTES: DR. PAUL E. MORROW  
(By Jose Echaniz, Jr.)

Dr. Paul E. Morrow has long been interested in environmental health, whether the environment was that of a uranium mine, space capsule or greater Rochester.

So when he was asked to head the Environmental Health Committee of the Genesee Region Health Planning Council he was quick to accept.

"The word 'planning' had a particular attraction for me," says Dr. Morrow. "I think our major assignment is in planning for the future to head off problems before they arise. Other agencies are dealing effectively with day-to-day problems as they arise."

Active only since last June, Dr. Morrow's nine-man committee has inventoried official environmental health programs in the 10-county Genesee region and identified 21 public health issues which must be assessed and evaluated. These include not only air and water pollution, solid waste disposal and sewage disposal but matters of housing, noise, rodent control and food sanitation which also affect health.

Dr. Morrow, 47, is professor of radiation biology, biophysics and pharmacology at the University of Rochester.

He has served on numerous scientific boards, including national groups studying space craft environment, radiological exposure of uranium miners and air pollution. He was an adviser to the National Air Pollution Control Administration on particulate matter quality criteria. He also is a consultant on air pollution to the Rochester-Genesee Regional Transportation Authority.

A native of Fairmont, W. Va., Dr. Morrow was raised in Georgia and was graduated from the University of Georgia. In World War II, he was commander of a U.S. Navy minesweeper in the Pacific.

He received his master's degree in chemistry from the University of Georgia in 1947 and a Ph. D. in pharmacology from the University of Rochester in 1951, joining the university faculty the following year.

He is a member of the Rochester Association for the United Nations, the Memorial Art Gallery, Seneca Zoological Society and the Rochester Committee for Scientific Information.

He and his wife Anne have two sons. They live at 16 Tuxford Road, Pittsford.

### THE FUTURE FOR GEOTHERMAL STEAM

### HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Tuesday, December 8, 1970

Mr. MOSS. Mr. President, in our search for a clean source of power, which will not pollute the atmosphere, we should not overlook the potential of geothermal energy. We do not know at the moment what share of our energy it could supply, nor how dependable a source it would be, but a broad search is underway to discover geothermal sources in all parts of the world—and there is

every indication that they are there to be discovered and developed.

We have just begun our consideration of the use of geothermal steam in the United States—as we have just begun the application of knowledge and science to other ways to preserve our environment. Both the House and Senate Interior Committees and the Department of the Interior are involved in this consideration. This is a recognition of the fact that our energy research must involve geothermal steam as a way of creating power for modern living without dissipating human comfort and health.

A discussion of this and other factors in the worldwide interest in geothermal steam is published in the Saturday Review of Literature for December 5. I ask unanimous consent that it be printed in the Extensions of Remarks.

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

#### ENVIRONMENT AND THE QUALITY OF LIFE CLEAN POWER FROM INSIDE THE EARTH (By John Lear)

CERRO PRIETO, MEX.—I could see the pillar of water boiling into the sky while our party was still miles away from the spout in the earth from which it spouted.

I could hear the pillar's awesome roaring long before I came to stand beside it and learn that it was moving at the speed of sound.

I felt no trace of dampness in the dry, desert air as I stood there. Though only 20 per cent of the pillar was steam, all but the steam evaporated within 100 feet of the ground—so enormous were the heat and pressure driving the water from below.

What was the source of this fabulous energy?

The spout of it was on the edge of a field of fourteen other blowholes from which trapped steam billowed gently eight miles west of the dormant volcano known hereabouts as "the black hill." The water and the steam together were escaping from a vast underground sponge of porous rock, saturated with brine that had seeped down through the desert bed of the Colorado River. Trapped within the sponge, the water reached boiling temperature by conduction from the solid rock below it. Under that solid rock lay congealing magma, pushed up from Earth's molten interior by an overturning of the floor of the Pacific Ocean.

In the past fifteen years, geophysicists have come to recognize that this overturning occurs on all the ocean floors and is usually marked by flow of lava through the crests of mid-ocean mountain ridges. The Pacific differs somewhat from the other oceans; instead of a mountain chain it has on its bottom a domed blister that has pushed its way under the North American continent perhaps as far east as the Mississippi River. During the last million or so years, the pressure of this intruding dome has been slowly tearing from the continent the Baja California peninsula of Mexico and the segment of California lying south and west of the San Andreas Fault, a great rift in the planet's surface. As this movement proceeds, the Gulf of California gradually widens. Although the heat thus released is evidenced by the hot springs all over the American West, the escaping energy asserts itself especially in the Salton trough, a twenty-to ninety-mile-broad geological feature that extends for 150 miles from the shores of the Gulf to the San Geronimo Pass in the Santa Rosa Mountains of Southern California.

Photographs taken from Gemini and Apollo spacecraft suggest that at the Mexican border the Salton trough is at least forty miles and maybe sixty miles wide. Gravity anomaly studies indicate that from the border southward the trough is underlaid by sedimentary (spongy) rocks to a depth of 20,000 feet. Geologists have estimated that such an extensive sponge should hold boiling water enough to cover somewhere between three billion and ten billion acres of land to a depth of one foot. Cerro Prieto, "the black hill," is a characteristic symbol of this buried power, and here the Toshiba Company of Japan is installing for the Mexicans a set of specially designed turbines to turn the escaping steam into electric power by the beginning of summer 1972.

The Geothermal Energy Commission, an agency of Mexico's Federal Electricity Commission, has been exploring the potential of underground steam in the Mexicali Valley for the last decade. Up to now, wells have been drilled on less than 1 per cent of the two to four million acres that lie above the subterranean reservoir. The power plant at present under construction has a capacity of 75,000 kilowatts.

Plans for quadrupling this output are on the drawing boards. If predictions of qualified experts prove reliable, steam drawn from beneath the valley ultimately may power the equivalent of the metropolis of Los Angeles.

At the moment the Mexicans are concerned only with the steam. But the wells at Cerro Prieto are regularly spaced within a maze of earthen embankments wide enough to carry single-lane motor traffic. Alongside these elevated roadways are ditches running with water, smoking hot. The rectangular basins formed by intersections of the embankments are crusted pebbly white with salts deposited as the escaping water evaporates. These salts and the power together could supply electrochemical plants capable of employing as many as 50,000 primary workers. The usual formulas for servicing such industrial complexes call for five to ten secondary workers in support of each primary job.

It was this dream of a truly golden west for Mexico, about 1,500 air miles away from the national capital and linked economically to the rest of the country by only a railroad line across the Sonora Desert, that brought me here as one of a chartered planeload of guests of the Regents of the University of California. Drinking water is imported in bottles from California to the town of Mexicali, site of the airport at which our plane landed thirty miles from Cerro Prieto. Yet, Mexicali already has a half million residents—more than double the population that was here prior to Yankee industrialists' recent demand for factory space for assembly of various products from toys to trucks in a tariff-free border zone where unskilled workers flock to find jobs. This growth has taken place with the help of a minimum supply of electricity from an oil-fueled generator at Rosarito Beach, which also powers Tijuana and one of the world's biggest sea water desalting plants. A tremendous surge of new growth seems inevitable once Mexicali taps the prodigious source of electricity under its own backyard.

A similar burst of prosperity could be propelled by geothermal steam north of the Mexican border. As was noted earlier, the Salton trough reaches northward from the Mexicali Valley through the rich Imperial Valley of California. The purpose of the visit of the University of California Regents was to applaud Mexican ingenuity and initiative and to suggest their emulation in the United States. In our party was Dr. Robert W. Rex, professor of physics and director of the Institute of Geophysics and Planetary Physics at California's Riverside campus, who is dedicated to a geothermal revolution in the economy of the whole American Southwest.

In addition to the university and the National Science Foundation, financial sup-

porters of Professor Rex's research include the Southern California Edison Company and Standard Oil of California, competitors in the energy market geothermal steam must enter. For the last half dozen years, Southern California Edison has not been able to find a new fossil- or nuclear-fuel power plant site acceptable to opponents of further pollution of the air and water. And Standard Oil of California, apart from its concern over price competition among oil and gas and nuclear fuel, has been unable to solve the problem of sulfur emissions from oil-burning furnaces. Under these circumstances, geothermal power is attractive because it can be generated much more cheaply than power from any other source; furthermore, under proper management, it is capable of enhancing rather than deteriorating the environment.

The Bureau of Reclamation of the U.S. Department of the Interior contributes a generous share of Professor Rex's working budget. That share may top \$1 million next year. This is appropriate, for the bureau's objective is measurable only in the grand dimensions of promises solemnly made in the name of American democracy. By treaty with Mexico, the U.S. government in 1944 agreed that Mexican farmlands each year should receive from the Colorado River, en route to the Gulf of California, at least 1.5 million acre feet of water suitable for irrigation of crops. Not only has this pledge gone unkept; it has not been broken more and more flagrantly with the passing years. Huge flood-controlling dams have conserved the water for use north of the border, the impounded water has lost enormous amounts of its volume by evaporation under the desert sun, the salt content of the water has risen because of the evaporation, and the Yankees have leached the salt out through irrigation ditch drainage and dumped it back into the river, finally leaving the Mexican share of the water not only sadly depleted but so heavily laden with salt that crops irrigated with it are limited both in variety and in yield. Crop failures are commonplace.

There is no greater cause of friction between Mexico and the United States. Two years ago, the Congress moved to demonstrate its good faith by authorizing the Secretary of the Interior to find 2.5 billion acre feet of water per year to meet the obligation to Mexico. This amount would provide a safe margin above the 60,000 acre foot loss that occurs by evaporation and otherwise between Lake Mead (created by building of Hoover Dam) and the Mexican border. During the next ten years, the Congressional act decreed, the search for this missing water may not go outside the basin of the Colorado. Interior's Bureau of Reclamation is concentrating the search on three sources: modification of clouds to increase the amount of rain feeding the basin, treatment of sewage in ways that will eventuate in potable water returnable to the basin, and geothermal waters from beneath the basin. Spending for cloud modification now totals \$23 million. Arleigh West, who has just been moved into the Washington, D.C., echelons of the bureau from directorship of the bureau's third region at Boulder City, Nevada, firmly believes that at least as great an expenditure is justified for Professor Rex's scheme to pipe geothermally heated waters to the surface of the Imperial Valley, take off the steam to generate power, use the heat remaining in the brine to evaporate the water (thus slashing the cost of desalination, which consists chiefly of the cost of heat), pipe the distilled water into Lake Mead, and refill the geothermal reservoir underground with salt water from the Pacific Ocean.

The Bureau of Reclamation's hopes are not, of course, built on pure altruism. Yankee farmers and other water consumers north of the border would benefit from dilution of the salinity of Colorado River water as much as would Mexican farmers. Awareness of the potential impact has prompted

the largest water distributor in Southern California—the Metropolitan Water District of Los Angeles—and the Imperial Irrigation District to support Rex's work with research grants. Both know that the combined effect of the water and power would be felt all over the Southwest. Furthermore, the power when fed into a national electricity transmission grid could flow across the country to help prevent the brownouts that now plague the East.

The implications of the geothermal initiative of Professor Rex and his team have impressed the Mexican National Electricity Commission, and it has asked him to consider serving Mexico as a scientific consultant. Some such practical expression of the Good Neighbor Policy is long past due. Until today, no Yankee credit can fairly be given for Mexico's geothermal adventure. All praise must go to the Mexicans themselves and to help they obtained from the United Nations.

The roaring pillar of boiling water that awed all of us in the University of California inspection team here at Cerro Prieto is an authentic coda to the Mexican Revolution. It was in 1939, three years after President Lazaro Cardenas expropriated the foreign-owned petroleum properties in Mexico, that he formed the Federal Electricity Commission (CEF) for the purpose of controlling the most powerful means of lifting the peasants from poverty. One of CEF's organizers was Luis F. de Anda, engineer son of a well-to-do Mexican family, who multiplied his inheritance by building hotels.

In those days, the big profit in hotels came from spas where wealthy tourists could soothe their ailing bodies with baths in warm mineral springs. Therefore, de Anda kept his eyes cocked for warm springs while enjoying his favorite pastime of hiking across the hills and valleys of his native countryside. As he clambered over the often volcanic rocks, he came across many bubbling waters in which the Indians cooked potatoes and chickens and boiled off the bark of reeds they then wove into baskets. If the water stayed that hot, de Anda reasoned, Mexico might possess a source of wealth far surpassing the potential of spas. Perhaps the Mexicans could do what the Italians had done since 1904 at Larderello capture underground steam in pipes and throw it into turbines to generate electricity.

He could think of no reason why he should not drill holes in the earth to test the idea. No reason, that is, except his own lack of technical knowledge of geology. He asked advice of University of Mexico volcanologist Frederico Mooser and other geologists. The outcome of their consultations was an appeal to the United Nations.

The United Nations turned to Iceland, where geothermal steam had been used to heat homes since 1925. There was Gunnar Bodvarsson, an Icelander with years of experience in exploitation of subterranean water and steam. Bodvarsson went to Mexico in 1954. Now a professor of geophysics at Oregon State University, he recalls that he studied the rocks in the three neighborhoods pointed out to him by de Anda and found them all promising sites of geothermal activity.

In the following year, de Anda started to drill a steam well on one of the sites Bodvarsson had approved—near Pathé, in the state of Hidalgo. Anticipating success in this enterprise, de Anda visited Italy and brought back from Larderello an old electric power turbine. He hitched it up to the steam pipes at Pathé and felt vindicated when it produced usable current.

Luck intervened that same year with the dispatch to far-off Mexicali of a CEF engineer to determine what manner of power scheme might provide a shot in the arm for this forsaken desert region. Outside Mexicali, he saw puddles of ground water bubbling and heard from irrigation ditch diggers how bursts of steam often came up through the

ditch bottoms. After confirming these phenomena for himself, he urged de Anda to extend the geothermal search to Baja California.

Five years of deliberation followed in Mexico City. The decision was hard to make. Not only its vast distance from the capital but the almost total isolation of Mexicali had to be weighed. But de Anda's sense of destiny triumphed in the end. By 1960, he was head of the new CEF agency, the Geothermal Energy Commission (CEG). Mooser, who had become chief geologist of CEF, joined him in support of Cerro Prieto's first well. At less than 2,000 feet, the drillers hit boiling water in 1961.

By poetic chance, that happened to be the year in which the United Nations staged a global conference in Rome on unconventional sources of energy. The sun, the wind, the tides of the sea, and the temperature gradients of sea water were considered along with the inner dynamics of Earth itself. When the conference proceedings came to be published, two of the three volumes were occupied entirely with reports of research on geothermal power.

Buoyed by these data and by advice they obtained from New Zealand (where geothermal resources, first put to use in 1925, had demonstrated results worthy of nationalization in 1946), de Anda and his associates applied native Mexican ingenuity to development of an enterprise that is now attracting the investment interests of the World Bank.

Among the earliest Yankees to recognize the significance of the Mexican breakthrough was geologist Robert Rex. In 1961, he was doing research for Standard Oil of California, using heat-flow measurements to determine feasible sites for oil wells in the Imperial Valley. Oil and steam do not mix, because the heat required for the latter dissolves and washes away the hydrocarbon constituents of the former. In the 1920s, there had been drilling for steam at the southern end of the Salton Sea, which has grown popular as a sportsmen's haunt since it formed in a below-sea-level pocket of the valley between 1905 and 1907 when the Colorado River flooded and shifted course disastrously. Hot water had been recovered from those 1920 steam wells, but the well drillers felt it was too heavily laden with salts to be profitably marketed. So Rex's assignment in the oil well hunt of the 1960s boiled down to deciding where the underground temperatures could be low enough to allow accumulation of oil pools.

In the midst of this heat-flow analysis, Rex heard that the geothermal water brought up at Mexicali held a much lesser burden of minerals than did the Salton Sea steam wells. Deciding to employ his fluency in Spanish to learn more on the spot, he crossed the border and picked up enough information to persuade himself that the geological formations involved would favor the presence of similar lightly salted brine north of the border. He looked again at the heat gradients he had compiled for Standard and concluded that all but one of the proposed oil well sites were too hot to harbor oil. The single exception he considered marginal he predicted that if a 13,000-foot-deep hole were drilled, the temperature at the bottom would be 500 degrees Fahrenheit. A well was drilled to the proposed depth. The temperature was 500 degrees. The water that came up contained the same percentage of salt as had been recovered at Cerro Prieto.

This well was in the middle of the Imperial Valley. It alone was not enough to convince Standard that drilling for steam would prove as sound an investment as would drilling for oil elsewhere. So Standard abandoned the leases it had obtained for oil exploration. Despite his inability to persuade the company to enter intensive research along his line of thinking, Rex did receive grants of Standard research funds

to help support his own studies when he left Standard to join the University of California faculty at Riverside in 1967. Standard made a further concession to Rex in token of its belief in the importance of fundamental research by allowing him to take with him to Riverside the heatflow statistics he had gathered at Standard's expense and half the staff that had helped him in the gathering.

From that nucleus, in Rex's three years at the university, has grown a laboratory manned by twenty associates and graduate students during the academic year and by thirty persons in the summer months of field work. Key personalities, aside from Rex himself, are Israeli geophysicist Tsvi Meidav, James Combs from the Massachusetts Institute of Technology, Shawn Beihler from the California Institute of Technology, and Tyler Copeland from the University of Chicago.

This crew has determined that heat beneath the valley floor is two to three times the average for the North American continent, and that spongy rock capable of holding water underground is 15,000 feet thick at the northern end of the valley and 20,000 feet thick at the Mexican border.

In the 1,000-square-mile area covered by this exploratory work, seven especially hot spots have been defined. These suggest the existence of as many pools of buried geothermal energy, bubbling at temperatures above 500 degrees Fahrenheit, with a total potential of twenty million kilowatts of electricity and five to seven million acre feet of distilled water annually for at least three decades and possibly for one to three centuries.

Next spring, Rex and his associates will get down to the serious business of proving out these exploratory findings. Two 1,000-foot-deep wells will be drilled preliminary to a major project set for next fall: a 6,000-foot well from which is expected to be drawn boiling water and steam. Later on, Rex hopes, the National Science Foundation may finance a well that will go all the way down to basement rock and perhaps tap a magma chamber for the first time. Data obtained from study of such a well could lead to a new kind of mining, in which the minerals—instead of being dug from under the earth—would be floated upward to the surface and there separated chemically. Morton International, Inc., which owns some of the geothermal leases on the heavily salted waters under the Salton Sea, has been experimenting with a pilot plant salt separation process and has reported this effort near success.

Rex intends to accept Mexico's invitation to serve it as a geothermal consultant. He considers it profitable to geothermal research in the United States for him to make his sophisticated survey instruments available south of the border. Using the border as a base line, he will define the hot spots simultaneously southward and northward of it in gradual progression and thus arrive at the pattern of heat flow for the entire Salton trough. While exploitation in the north is catching up with that in the south, it will be possible to train young Mexicans and young Yankees together at a Cerro Prieto well that has proved less promising commercially than the rest of the wells in the field. Techniques of power generation and water desalting will be taught as complementary subjects.

In speaking of the future, Rex hedges his public statements with caution. He notes the necessity of refilling the geothermal reservoirs in order to prevent subsidence of the valley floor. He notes that, although geothermal steam is much more cheaply produced than is nuclear steam, geothermal electricity is not always competitive with nuclear electricity because nuclear steam emerges at high pressures and high temperatures suitable for filling large-scale demands,

whereas geothermal steam comes out of the earth at relatively low pressures and temperatures better fitted for smaller markets. As a corollary to this, Rex emphasizes that geothermal steam alone is not a panacea for the current power shortage in the United States.

Privately, however, Rex will admit to a suspicion that the geothermal potential of the United States is considerably greater than anyone now supposes. The Department of Interior's official figure on acreage with demonstrated potential is 1,350,000. But no one really knows because a high percentage of land throughout the West (the area of promising heat-flow measurements) is owned by the federal government and is not now open to geothermal exploration. Since 1962, Senator Alan Bible of Nevada has been sponsoring a bill in Congress to correct this situation, and the two Congressional houses (delayed by one Presidential rebuff) have finally passed slightly varying versions of it after writing in clauses to prevent giveaway of public treasure to private speculators. The differences remain to be resolved in the light of White House insistence that all geothermal leases be subject to competitive bidding.

At the United Nations, there is strong reinforcement for Rex's suspicion. A worldwide conference on geothermal energy held in Pisa, Italy, in the last days of September and first days of October 1970, heard 200 scientific reports, including a significant one from Russia that said the geothermal energy potential of the Soviet Union is greater than all other Soviet energy sources together. Considering Russia's huge reserves of coal, oil and gas, the Russian declaration has staggering implications. A U.N. official well acquainted with the record of geothermal performance commented after the conference: "We used to think a geothermal field would last only forty years at most before becoming exhausted. We are now beginning to think that a geothermal field, properly managed, may last forever." He cited the experience of Italy, Iceland, and New Zealand in support of this view.

That view may be extreme. But the men who hold it feel justified by the queries they are getting on prospective geothermal land leases from such globally reputed industrial giants as Standard Oil of New Jersey, Shell Oil, Continental Oil, and Union Oil. At worst, these men argue, small and poor nations can use cheap subterranean energy to lift themselves by their bootstraps as Mexico is doing. The U.N. itself is sponsoring geothermal energy exploration in Guatemala, Costa Rica, El Salvador, Nicaragua, Chile, Turkey, Ethiopia, and Kenya. It has been proposed that geothermal resources in the Jordan River valley might be an economic force worthy of being exerted toward a lasting peace pact between the Israelis and the Arabs. Skeptics retort that this idea may be nothing more than a lofty dream. But geothermal energy has contributed to the economic growth of Italy, Iceland, New Zealand, Japan, Hungary, India, Indonesia, and the Philippines.

The United States is planet Earth's backward child in this application of science to preservation of the environment. The 1970 U.N. conference just referred to had been suggested by the University of California Riverside campus. No one in Washington cared enough to pursue the honor. But the Italians were enthusiastic; so the conference went to Pisa. And that is only one symptom of the situation that has prevailed in this country for years. As early as 1890, homes and greenhouses in Boise, Idaho, were being heated by steam issuing from the earth. That steam is still flowing today to 200 customers along one avenue of the city. The town of Klamath Falls, Oregon, has used geothermal steam in similar fashion since the 1930s. There the steam comes from 500 wells and is so easily accessible that local plumbers make the connections routinely. Five hundred homes, seven schools, an apartment house, a nursing home, and several factories

are supplied with heat in this manner. At a place called The Geysers, ninety miles north of San Francisco, where a bear hunter in 1847 came upon a quarter-mile long gash in the earth from which steam was pouring through a series of fumaroles, the Pacific Gas and Electric Company now generates 82,000 kilowatts of electricity and has plans for pushing that power up to 220,000 kilowatts by 1972. How many Americans are aware of these circumstances? Do many know that eleven northern California towns with power-generating facilities of their own have contracted for steam they hope two now prospecting companies—Geothermal Resources International and Signal Oil and Gas—will bring up across the canyon from the lands now supplying Pacific Gas and Electric? Or that Standard Oil of California now holds leases on large tracts of potential geothermal steam producing property in the Imperial Valley? Or that Magma Power Company and Union Oil Company are working together at Brady Hot Springs, Nevada, with the intention of pouring geothermal steam power into the nearby electric transmission trunk line of the Sierra Pacific Company?

It took Congress eight years—years characterized by steadily heightening population and power crises—to approach agreement on means of encouraging prospectors to explore promising sites of geothermal energy. The long delay does not indicate much top-level appreciation of regional effects geothermal energy might have in distributing population over the apparent waste lands of the West and thus relieving the burden on our overcrowded cities.

At least we ought to discover how bright the promise of America's geothermal resources really is. In recent weeks, one new geothermal steam strike alone moved the formerly accepted boundary of the country's geothermal province 800 miles eastward. The well was drilled by James (Pat) Dunnigan of Abilene, Texas, in the collapsed volcano cone that now holds the Los Alamos, New Mexico, nuclear explosive research laboratory. Within this caldera, man will epitomize his real attitude toward his environment, his willingness to assign unconventional competitive values to sources of energy that do not pollute the air or the water and do make possible new belts of green in otherwise barren countryside, and finally his determination to apply his imagination as devotedly to the exaltation of life as he has applied it to life's extermination.

What share of the energy supply of the United States could be provided by geothermal steam? That question is impossible to answer at the moment for three reasons. First, a dependable source of geothermal energy must be proved out before it can be committed. It isn't at all like a coal-fueled or oil-fueled boiler, which simply needs to be built soundly to deliver its promised load. Second, geothermal sources cannot be proved until they are discovered, and the discovery process is only now beginning seriously. Third, a need for power must be confirmed before any share in fulfilling the need can be fixed.

Most economists hold that our present living level can be maintained only if more power is made available every year. But the RAND Corporation, the California "think tank" that acquired global fame for the accuracy of its predictions for the U.S. Air Force, is now in the midst of a study, financially supported by the National Science Foundation, to determine whether an ever-upward spiraling energy supply really is necessary or can even be justified. The same question was raised at the 1970 annual meeting of the officers and corporate associates of the American Institute of Physics by Ali Bulent Cambel, Wayne State University's executive vice president for academic affairs and director of a sweeping White House inquiry into energy problems of the nation seven years ago.

Cambel conceded that "there is no doubt whatsoever that the production of power is the main source of the environmental blight that engulfs us everywhere." But he said he "simply cannot conceive of returning to animate power to supply energy consumed by modern industry. Not only would this be impossible technologically; we would also reject it on moral grounds. Were we to be naively inclined to substitute animate power for electrical power, we would have to increase the world's animal population immensely. In a food-hungry world, this would be going in the wrong direction."

Cambel saw no hope of early improvement in the prevailing power shortage for the following reason: In this country, energy consumption has been rising at an annual rate of 7 to 10 per cent. But new power plant construction planning has been based on an earlier acceleration of 3 to 5 per cent. Furthermore, reliability requirements (e.g., to take care of unexpected loads and generator down-times) call for a 20 per cent excess capacity that "does not exist in several metropolitan areas" and cannot be provided in a hurry.

"Yet," Cambel continued, "several immediate expedients are well known. These are expanding the interconnections among utility systems, and installing gas turbine and diesel generating units. We could have been on the verge of having still another option, magnetohydrodynamics, had we not drastically curtailed the associated research and development funds."

Fear of thermal pollution from power generation, "although a real one, should be handled with less hysteria," he said. "Instead of rejecting nuclear plants outright, more research should be conducted regarding site levels of thermal pollution; nor have we made exhaustive studies of judicious design and placement of outlets, or of the distribution of plant sites. Generated power could be transmitted and distributed by means of superconducting underground cables. Although still in the research stage, there is indication that such cables are feasible."

Cambel said categorically that "the limitation of energy consumption lies not in any shortage of resources but in environmental limitations." When fossil fuel reserves, uranium and thorium reserves, the nuclear fusion potential of deuterium in sea water, and non-depletable energy sources (hydro, aero, geothermal, tidal, and solar) are all considered together, man need not fear an energy shortage for billions of years. Because some fuels are more abundant than others, however, careful decisions must be made concerning when to switch from one fuel to another. But these are easy in comparison to the effectuation of controls over environmental pollution. The best hope, in Cambel's opinion, is creation of new counter-technologies that will improve upon the natural environment that our present technologies originally sought to modify.

Government subsidies and/or tax write-offs should be provided to industry to stimulate creativity through competition, Cambel proposed. As an example, he cited the possibility of developing household hydrocarbon fuel cells that would obtain their supply of gas from coal gasified with heat produced by nuclear-fueled electric power plants. The external electric wiring leading into a house would be abandoned, but the wiring inside the house would continue in use. The power used in this system would compete with the power supplied by public utilities.

Another example: Direct the Antitrust Division of the U.S. Department of Justice, the Internal Revenue Service, and the Department of Transportation to join in encouraging automobile makers to metamorphose into providers of vehicles for all modern modes of transportation.

Cambel also advocated that "every conceivable fiscal encouragement" be given to manufacturers who invent appliances capable of doing accustomed work with less energy. Such devices would include microwave ovens and stoves to replace conventional gas and electric kitchen stoves; ultrasonic dishwashers and laundering machines to replace washers that thresh water about; electric chemiluminescent lighting panels to replace incandescent and fluorescent lighting fixtures; and thermoelectric refrigeration and air conditioning units to replace conventional compressor-driven coolers.

In short, the Cambel prescription for tomorrow's energy research and development is vigorous orientation toward less dissipation of energy without curtailing human comfort.

## CRITICS OF CAPITAL REDEVELOPMENT INCREASING

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. KYL, Mr. Speaker, the New York Times, Sunday, November 29, published an article which I deem worthy of consideration by Members of the Congress:

### CRITICS OF CAPITAL REDEVELOPMENT INCREASING

(By Paul Delaney)

WASHINGTON, November 28.—Daniel P. Moynihan several years ago when, referring to the plan to redevelop historic Pennsylvania Avenue, he declared: "It is open to us in this place to build the first modern central city in the world."

Few would argue today with the Presidential Counselor's general line of thought. But a growing number of people, ranging from businessmen who would lose their property to blacks who would give priority to other things, are actively opposing the redevelopment plan.

The \$650-million plan, in the works since 1962 and initiated by then Labor Secretary Arthur J. Goldberg, looks toward re-establishing Pennsylvania Avenue as a main street befitting the capital of a great nation and as the most famous ceremonial boulevard in the country.

Just about all of downtown Washington east of 14th Street, another main thoroughfare, would be rebuilt under the plan. Government and private office buildings—with shopping plazas, pedestrian malls and perhaps some housing units mixed in—would replace the present deteriorating restaurants, souvenir shops and liquor stores.

Since the plan was unveiled, the District of Columbia has passed through many changes. It has gone from about 55 per cent to about 75 per cent black. Its new form of local government, together with citizen participation in antipoverty and model cities efforts and a citizen role in the post-riot rebuilding plans of two years ago, has inspired hopes of changes far beyond those envisioned in the plan.

Supporters of the plan insist that redevelopment of the avenue is vital to the cultural, social and economic survival of downtown Washington.

They are confident that the plan, which is pending in Congress and already has the support of President Nixon, will go through next year despite mounting opposition. And opponents of the plan—in this city where the people vote only for the President, school board members and a nonvoting Congressional delegate—would have to agree.

Mayor Walter E. Washington, who backs the plan, believes that the revitalization of

the city's downtown area would lead to the rebuilding of other areas, including those not far away where buildings are still boarded up from the riots of 1968.

But some blacks object that the riot-scarred sections of the black community should take precedence. Others complain that blacks had no role in the plan's formulation, that while Woodrow Wilson and Gen. John Pershing would be honored with memorials, not a single black would receive any notice.

"If they've got to go through with the damn plan, at least they could pay tribute to some black leader, such as A. Phillip Randolph as a great labor leader," suggested Clifford P. Alexander Jr., former chairman of the Equal Opportunity Commission.

#### SUSPICIOUS OF RENEWAL

Moreover, many blacks are suspicious of urban renewal on principle—an outgrowth of the many Negroes who have been displaced by such programs in the past—and feel that in any case this particular plan is already out of date. As one black put it:

"The plan just appears irrelevant, if not downright detrimental to this day and age in that the shops and restaurants would be out of the class of most black people."

James O. Gibson, an urban affairs expert with the Urban Coalition, opposes the plan as meant for "monuments, not for people, for concrete rather than for flesh and blood." And Mortimer C. Lebowitz, owner of several department stores, opposes it as "hard for the people, the city and the merchants who serve the city people."

"It would provide a monumental vista consonant with the history and aspirations of the nation," Mr. Lebowitz told the Senate Interior Subcommittee on National Parks and Recreation. "But just beyond, and impossible to conceal, is the city with its widespread poverty of goods and spirit to shame us in our claims of grandeur. This is where the \$650-million should be spent."

Among the plan's supporters, besides Mayor Washington, is the City Council Chairman, Gilbert Hahn Jr. both officials were appointed by President Nixon and both would serve on the Development Corporation. They have said they feel that their membership would assure that the city's interests would be properly looked after. Previously, the city government had opposed the creation of any new agencies as a potential dilution of its authority.

#### MANY FEDERAL MEMBERS

The Development Corporation would have heavy representation from the Federal establishment. The Secretaries of Interior, Treasury, Housing and Urban Development, and Transportation and the administrator of the General Services Administration would serve on the 15-member board of directors. Others would be the Mayor, Mr. Hahn and eight private citizens, four of them residents of the district, all appointed by the President.

There are further questions over the authority proposed for the corporation. It would have the powers of eminent domain and the power to create a parking authority. Also, the area within the boundaries of the plan would not come under the jurisdiction of the city's Zoning Commission.

On that point, Arthur B. Hatton, executive director of the commission, said he feared a breakdown in code enforcement might occur. In southwest Washington, he said, the Redevelopment Land Agency, the city's renewal office, does not have the manpower to enforce zoning regulations.

"We are just beginning to see the real weaknesses of the land agency in the southwest," Mr. Hatton said. "It is responsible for code enforcement in these special plans, such as southwest and the proposed Pennsylvania Avenue plan, but it does not have the staff. Illegal modifications, such as turning townhouses into multiple-family dwellings, are

taking place in southwest right now, but R.L.A. can't counter them."

Mr. Hatton also agreed with some critics that the type of avenue the planners envisioned was out of character with the type of person the area attracts. He said that most if not all of the buildings would be office buildings with thousands of Government clerks and secretaries.

"They have an hour for lunch, in which they want a fast sandwich and they might have time to pick up a pair of stockings," he said. "At 5:30 they will run to the suburbs that are being built and go straight to the suburbs."

Outside the boundaries of the plan but within the downtown renewal program, small business men have organized into an active lobbying group called Business Affected by the Yearly Action Plans [of urban renewal].

The group is opposed to the plan unless an accommodation they consider adequate is made with property owners, giving them good compensation for properties and first rights to return after rebuilding.

One city official said he could not muster any sympathy for the business men.

"Knowing the species, I know their capacity to survive," said the official, a former businessman himself. "I have less sympathy for the small retailer than for the resident who loses his home."

Some businessmen say they are as much opposed to the plan on esthetic as on economic grounds. They feel that some sights along the avenue are worth saving for history's sake, such as the Willard Hotel, which has been closed for nearly two years, the Occidental Restaurant, the Hotel Washington, and the National Press Building.

One of the leaders of this group of opponents is Dan Price, owner of the Occidental.

"We've got over 100 years of heritage here, but nobody's thinking of our history," he said. "There's got to be something left of culture. Using the criteria they are to tear us down, most Federal buildings would have to go."

#### ADDITIONAL TRIBUTE TO F. WARD JUST

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. McCLORY. Mr. Speaker, in addition to the tributes to the late F. Ward Just, editor and publisher of the Waukegan News Sun, the mayor of Waukegan, the Honorable Robert Sabonjian, has communicated personal thoughts of a most sensitive and appropriate nature, as follows:

F. Ward Just was very instrumental in getting our local merchants and business people to underwrite Municipal Bonds for City owned off-street parking lots.

When one of his employees died, in his own quiet way, he would make discreet inquiries as to what obligations both financial or education wise were encumbering the family and then pay these debts out of his own pocket.

He was a gentle and compassionate man but insisted on government being conducted on the highest level. He expected and insisted on the best editorialization on any community issues. He was the taxpayer's watchdog. He initiated industrial development for a greater industrial growth for Waukegan and Lake County.

His program for solicitation of funds, which he sponsored through his newspaper, titled "Help them to Hope", assisted count-

less families to have a cheerful and memorable Christmas.

His loss leaves a great void in our City and entire Community.

#### MICHAEL FROME'S DAM THE RIVERS, FULL SPEED AHEAD

### HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. REUSS. Mr. Speaker, a distinguished writer, Mr. Michael Frome, conservation editor of Field & Stream, has completed a three-part series on the Corps of Engineers' most prominent projects involving changing the natural, often drastically. I insert a copy of these articles from Field & Stream of October, November, and December 1970, in the RECORD at this point:

#### DAM THE RIVERS, FULL SPEED AHEAD

PART I

(By Michael Frome)

The Corps of Engineers is a semidetached affiliate of the United States Army that would love to be loved by all and can't fathom why it is not.

"Some of the recent criticism, tied to the timely topic of the environment, has been warped and is ill founded," as a colonel in the ranks recently assured a Kansas City audience composed of friendly fellow engineers and sympathetic boomers of public works. "We are not the enemy of conservation. The Corps has been in the forefront of efforts to expand public concern for our natural resources."

The colonels are speaking in such terms everywhere, for the Corps is on the defensive, stinging from rising criticism. Dr. Hugh Itlis, of the University of Wisconsin, calls it "a giant sacred bull, which ought to be chained, castrated, or slaughtered if we are to keep our environment." Dr. Paul Ehrlich, of Stanford, denounces its "beaver complex"—an instinctive desire to change all water flow in the United States at whatever social cost.

People are not only speaking out against the Corps in virtually every corner of the country, they are mad and frustrated as well. In Marin County, California, in May 1969, a group of citizens, after exhausting rational efforts to block the Corps from distorting tree-lined Tamalpais Creek into a concrete drainage ditch, then sought to do so physically on the site. One woman placed her leg in the path of a power saw aimed at the trunk of a beautiful big tree in the streambed. She and forty-one others—students, housewives, psychiatrists, architects—had to be hauled away by the local constabulary before the construction project billed as "flood control" proceeded.

For some time I have been collecting experiences on the paradoxical emasculation of our public resources by the Corps with public funds. Herbert Read, vice-president of the Izaak Walton League in Indiana, who has played a key role in the bitter fight to rescue for posterity some small shred of the Indiana Dunes, wins the prize for eloquent invective. On the basis of intimate contact, he calls the Corps "tight, hidebound, arrogant, unprogressive, anti-reform, self-protective, self-perpetuating, public-be-damned, and unrepentant." Mr. Read, who is an engineer himself, decries "the runaway, unchecked power of the Engineers in their ram-paging campaign to wipe every vestige of natural landscape from the face of America." Moreover, "In many instances they bend, twist, and interpret the rules to suit their

own objectives. They surround their work with military secrecy wholly unnecessary to the purpose."

Enough calumny has been heaped upon the subject. The primary goal of FIELD & STREAM in this series is not to add to it, but rather to analyze and identify the issues; to search for the way out of a public morass that defies even the wisdom and courage of Presidents, and to cite specific projects which need never be built and which thoughtful citizens are striving to prevent.

The Corps may be, as sometimes charged, the most powerful, most pervasive lobby in Washington. However, it acts in symbiotic relationship with other forces and can hardly change course even if it wants to.

Corps spokesmen, for example, like to say it is the public, through its representatives in Congress, and not the agency itself which decides what will and will not be done in the water resources development field. But the voice of the "public" that is heard loudest, and most effectively, belongs not to citizen conservationists, sportsmen, or scholars, who are still learning their way around, but to contractors, real estate speculators and boomers, industrial developers, and businessmen. They are tightly organized in lobbying groups such as the Ohio Valley Improvement Association, Mississippi Valley Association, Tennessee-Tombigbee Association, Florida Waterways Association, Missouri-Arkansas Basins Flood Control and Conservation Association, Inland Empire Waterways Association, Columbia Basin Development League, American Waterways Council, and National Rivers and Harbors Congress, all beating the tom-toms to receive something for nothing at the expense of Federal taxpayers.

Dams and other water resource projects don't come cheaply, but they often come easily. Congressmen may talk loudly about the lack of funds for poverty programs, parks, clean water, and saving the cities, but the truth is there is something at the pork barrel for everybody who plays the game. Economy is strictly for the other guy's district.

Lyndon Johnson tried a different approach. In 1968, he asked for nine new construction starts. The Senate funds bill responded with appropriations for fifty.

Under Richard Nixon there doesn't even seem to be a matter of contention. "This is no time for business as usual, spending as usual, politics as usual," the President stated on February 26, 1970. "This is the time for cutting out waste and cutting down costs with new vigor and new determination." This splendid declaration may apply to others but not to the Corps, which continues to receive its annual allocation of \$1.3 billion in the President's budget.

The President needs to take a searching look at his own people in the Bureau of the Budget, who must give the Administration seal of approval before a water project goes to Congress. Their analyses are superficial and are predicated more upon political considerations than environmental conservation. The President needs to stiffen the backbone of the Bureau of the Budget, as well as his own.

The Corps is the oldest construction agency in the United States and the largest in the world. This means it is capable of doing the most damage—as well as the most good, perhaps, given the right direction. It had its beginnings during the American Revolution and grew up as an elite corps together with the Military Academy at West Point. With passage of the Rivers and Harbors Act of 1824, it became involved in nonmilitary engineering. Since then it has developed most of the nation's harbors and navigable waterways. During the nineteenth century it worked on a variety of projects, including the U.S. Capitol and Washington Monument. In the early years of this century it built the Panama Canal. In 1917 it was placed in charge of flood control on the Lower Mississippi. Under the Flood Control Act of 1936

and subsequent legislation, its duties were broadened to include water resources and power development, recreation, fish and wildlife conservation, water supply, and pollution abatement. In 1946, it was given beach and shoreline erosion control. Once concerned only with navigation, then with flood control, the Corps today may assign economic values to a long list of construction benefits.

Why is this work done under the Army's aegis? One may wonder. During World War II the Corps built bridges, airfields and docks, and cleared beachheads. Engineers are important for such military work. Yet, although the budget of the Corps was trebled in the past fifteen years, there were questions in the ranks about its ability to produce in Vietnam at maximum efficiency. The reason is plain: The Corps is so wrapped up in civil works its ability to fulfill its basic mission is seriously hampered.

The Civil Works Division of the Corps comprises a cadre of 200 military officers and approximately 35,000 civilians. The former are said to supervise the latter; since an officer's tour of duty, normally about three years, is very short compared with the life of a project, however, he is obliged to depend on the career civilian engineers, who roll on and on and on.

Through its eleven divisions, subdivided into thirty-eight districts, the Corps has more than 4,000 civil works projects in various stages, with a total estimated cost of \$32.3 billion and rising steadily. This outfit has a life expectancy of forever in dredging rivers and harbors for navigation, constructing dikes for flood control, building dams and reservoirs, and channelizing streams. In my own state, Virginia, the Corps lists 150 projects extending into most nooks and crannies, from the Intracoastal Waterway to mountain reservoirs in the Ohio River Basin. The list includes Projects Completed, Projects Underway, Active Authorized Projects Not Started, Other Authorized Projects, Regional Investigations Underway, Basin Development Investigations Underway, Surveys Underway. Here indeed is a well-oiled machine that never runs down.

Rarely, if ever, is a proposed project killed for keeps, no matter how wasteful and unnecessary it may be. The Corps, and Congress, can sustain something alive and kicking for decades via studies and surveys, re-studies and revaluations. The back shelf is wide and deep, loaded with reports labeled "deferred" and "deauthorized," but waiting for the right time to be dusted off, authorized, funded, and activated. Such projects have been used by some of our best Presidents in the lowest form of political payoff, and the Corps has invariably been ready.

Official spokesmen will vow that projects are always originated at the local level and developed by interested citizens and Congressmen through the political process, but officials sometimes are assigned to go out and get "proponents." As few as five persons in number may constitute a front organization, which the Corps aids in promoting local interest and support. It is also commonly claimed that the Board of Engineers for Rivers and Harbors—composed of six generals and a colonel backed up by seventy civilian specialists assigned to review all proposals from the field—has recommended against 55 per cent of them. This may possibly be so, but a former staff member of the Board assured me that honest individuals in the ranks have been told, when turning in negative evaluations, "That's the wrong answer. Write up a report justifying the project." Some of the most decisive judgments are made at the annual meetings in Washington of the National Rivers and Harbors Congress, a rendezvous of Senators, Congressmen, and construction boomers, at which projects are selected and approved for movement through the Appropriations Committees on the Hill. It is a strange conduit for conducting affairs of the nation.

In order to justify funding under laws and regulations, a project proposal must show that benefits outweigh costs. This is known as the benefit-cost ratio, an extremely questionable system which may have been valid when instituted, but which now serves to insure approval of marginal projects. Analysis after analysis has shown calculations that consistently exaggerate the benefits and minimize the costs. This is really nothing new. The Hoover Commission of 1955 studying reorganization of the government declared, "If the Corps of Engineers adopted a policy of exerting more rigid requirements to determine economic benefits you could expect a reduction in the number of favorable reports."

In 1964, Senator William Proxmire, of Wisconsin, a critic of wasteful military spending, conducted a study of 380 Corps projects. "I consistently found that projects with an alleged benefit-cost ratio of less than 2-to-1 provide returns less than their cost," he reported. "Costs of public works are invariably much greater than originally estimated because of poor estimates and inflationary pressures."

The truth is that no Corps project ever comes within estimated construction costs. A study of 167 flood control projects shows the actual expenditures to be as much as double those estimated at the time of authorization. "No private construction company could have remained in business with such a performance record," according to Dr. Gardner Brown, Jr., Professor of Economics at the University of Washington. Yet, in dealing with the public account, the Corps is able to go back to Congress for increased appropriations reselling a bad investment on grounds that it has gone too far to cancel.

There is more at stake than economic miscalculations and manipulations (including the use of fictitiously low interest rates). The Corps assigns benefits to water supply, recreation, fish and wildlife enhancement, pollution abatement—but fails to apply the hidden costs for destruction of natural resources, the "benefits lost" from wildlife species extinguished, valleys and forests flooded, historic streams submerged, entire ecological systems disrupted.

This issue comes home very plainly in a letter written to me by Dr. Donald W. Janes in behalf of the Arkansas Valley Conservation Council, a citizen group trying to block channelization of 100 miles of the Arkansas River below Pueblo, Colorado. "It would reduce the water table in the Arkansas Valley by about 7 feet, disrupt valuable wildlife resources, and would cost more money than the estimated value of the flood plain which the project purports to protect," Dr. Janes declared. "We feel this project has serious weaknesses, is unrealistic, is inordinately expensive to taxpayers, and is simply not wanted by the people the project is designed to protect."

The Corps may possibly be preeminent in engineering, though even this is open to question. Certainly economics is not its forte; it lacks the objectivity, if not the competency for making its own determinations of benefit-cost ratios, and should be disqualified. Its greatest weakness, however, lies in the lack of understanding and application of ecological principles. General William F. Cassidy, who served as Chief of the Corps for five years until 1969, recognized this deficiency. Under his administration, the Corps instituted a regulation declaring it would recommend carrying out a potential development "only when convinced that the sum of the prospective economic and esthetic gains would exceed the sum of the economic costs and esthetic losses."

As everyone knows, words in a government agency are the easiest item to come by. It is no small matter, even in the most progressive of agencies, to infuse a policy declaration at the top into thought and

action processes in the ranks, or to reverse the momentum of years. Still, General Cassidy was consciously endeavoring to move his organization closer to the mainstream of American thought. "Our profession needs the help of other disciplines in assimilating and mastering environmental problems," he once declared. "We cannot ourselves be biologists, landscape architects, chemists, bacteriologists, as well as engineers. Part of our future is to bring ourselves in closer teamwork with the specialists in these fields. We are seeking improved working relationships with conservation groups and organizations. Our purpose is not just to explain our activities to them, but also to acquire a better understanding of their needs and views."

If one were to assess the history of the Corps, he would be obliged to conclude that General Cassidy's declaration and the follow-up, such as it may be, by his successor, General Clarke, are long overdue. The Government's role in the promotion of water resources may have been appropriate when expansion and development were regarded as "the staff of national life." The Erie Canal, for example, in one decade transformed New York City into the leading metropolis on the eastern seaboard, enriching and expanding community life. By the same token, dams may have been the best means of their time to prevent floods, produce power, store water, and open rivers to navigation. Man-made lakes do indeed provide fishing, boating, water skiing, swimming, and shoreline camping. But, without restraint or restriction, we have channeled, dammed, polluted, dredged, silted, and otherwise disfigured our waterways beyond recognition by God or any early American who may have known them in their native state. Enough is enough of the psychotic fixation on construction as the magic key to profits, politics, and "progress." Ecological sanity and development have now collided head on. Government must guard the public interest by maintaining nonmonetary values against the inroads of development for monetary gain, as Luna Leopold, the distinguished hydrologist, has written, in order to assure the maximum benefits from our resources over the long-term future. Americans cannot be satisfied with a block-building construction economy in an environmental desert of quicksand.

We now recognize that deviation from the norm in river flow creates unimagined problems. Little is actually known about storage, evaporation, transfer, or the influence of artificial impoundments on earth stresses. High dams may actually cause earthquakes since the great weight of impounded waters triggers release of tectonic forces. In another respect, the Aswan Dam of Egypt has become a classic of miscalculation before the world. It causes soil nutrients to settle to the bottom of the reservoir instead of continuing into the Mediterranean Sea—and this lack of nutrients is destroying fish populations which for thousands of years have fed residents of the eastern Mediterranean.

Almost all dams cause changes in flow patterns, water temperatures, the chemistry and quality of the waters, the biological interrelationship of the clearwater streams below them. Fluctuating water levels periodically expose, then inundate, timberlands and scenery. Dead trees and silt are substituted for green trees and plant and animal communities which have lived near these flowing waters. Beauty and quality are sacrificed. Mud, carried to the dam by its source waters, settles in the reservoir, where it accumulates in the form of silt and sediment. As the reservoir fills up, its value diminishes, while the danger of flood increases; and every reservoir is limited in its usefulness by its life expectancy.

Since 1936, billions of dollars have been invested by the Federal Government in flood control projects. Despite the massive investment, losses have shown an upward trend,

now costing more than a billion dollars a year. With few exceptions, every stream must get out of its banks from time to time and use its flood plain to carry the flows it cannot accommodate in its normal channel. No area is ever completely protected. It is sometimes said that, "Floods are an act of God; flood damages result from acts of men." Through flood plain zoning, a form of land regulation eliminating development, the flood hazard can become the basis for preserving open space and recreation in the lowlands, while providing sound flood control. Yet dams, levees, and other works of the Corps of Engineers encourage developers to build where they do not belong. Cities continually push beyond protective reach of a project in ignorance of the hazard because it is profitable for private owners, even though imposing heavy burdens on society and the general public.

This brings to mind the case of Libby Dam, which is now under construction in Montana. When the project first arose a few years ago, the town of Bonners Ferry was the only significant population center in a seventy-mile area astride the Canadian-U.S. border subject to flooding. Much of Bonners Ferry is on high ground, but in flood years the Corps spent up to two or three million dollars keeping downtown stores dry and protecting dikes around surrounding farmland. Below Bonners, the valley flooded and provided good waterfowl habitat and good hay land on silt flats when they were dry.

Somehow, the needs of downtown Bonners Ferry became "a key element of the comprehensive plan for development of the Columbia River Basin in the interest of flood control, power generation, recreation, and related water uses." Construction began in 1966 on a project then estimated at \$373 million. The reservoir will be 90 miles long, backing water forty-two miles into Canada, with a harmful impact upon habitat of waterfowl, mountain sheep, and other fauna. In terms of flood control, it would have made more sense—and cost only a fraction as much—to move the business section of Bonners Ferry to higher ground south of town, improve the dikes to protect the primary areas of farmland, and let the rest flood periodically.

There is something irrational and indecent about such happenings. Whether the initial responsibility rests with the Corps or local businessmen looking for a public handout or politicians too willing to serve the special interests is not important. The question is whether physical and biological integrity of natural water courses are better left intact for the long-range benefit of mankind. Certainly big dams are obsolete; they are not the wave of the future. The ancient justification for hydroelectric power may no longer be valid, considering there are now other ways to generate power. It is often a crude and expensive form of water control. We should be inventorying, classifying, and defining rivers for their best uses.

The new reservoirs usually show marked increases in sport fish populations and excellent harvest success for the first few years. Water releases from reservoirs, when appropriately controlled in volume, temperature, and quality, sometimes maintain and improve fisheries. Much is made of these points. However, in many cases the initial upsurge is apt to be followed by declining success after the population expansion ceases and stabilizes. When water flow is obstructed by a dam, the typical reservoir becomes a nutrient trap producing heavy sediment build-ups, which ultimately render the bottom unproductive for many popular sport fish. Moreover, dams and reservoirs may block passage of anadromous fish between sea and spawning grounds, physically damage the spawning areas, and upset oxygen and other water quality conditions. In the East, dams have contributed to the decline of the Atlantic salmon and the decline of shad and

alewife to very low levels. In the Northwest, fish ladders are still being added to recently constructed dams in order to compensate for serious reduction of the productive capacity of many fine streams.

The Corps likes to cite statistics showing that its 300 lakes are subject to a heavier volume of visitors than all games of baseball, football, basketball, soccer, hockey, and assorted other spectator sports combined. This may be impressive, but principally in terms of numbers. It would be a national folly to sacrifice the few surviving moving rivers, which constitute a living, vibrant part of our heritage, to developments which recognize only limited purposes and technical competence. Areas must be left alone, free of the engineers and builders, and preserved in their natural state so that people may come as individuals and develop sensitivity to the inspirational and scientific values in undisturbed nature. Most libraries were built at public expense, though not for the so-called "greatest number" on the order of parking lots and drive-in restaurants. Churches, libraries, universities—and protected wilderness solitudes—are provided to furnish a climate wherein the seeds of individual growth can germinate for the good of mankind.

As I wrote at the outset, the Corps of Engineers would love to be loved. Certainly it is not the only public agency not yet in tune with the environmental needs of the hour. In the water resources field, the Bureau of Reclamation, the Tennessee Valley Authority, and the Soil Conservation Service are all seeking new rivers to conquer.

Still, one can feel faint winds of change in the Corps and hear words that almost make hope spring to his heart. "Ironically, the man who is top bad guy to thousands of conservationists is an active conservationist himself," Engineering News-Record reported of General Cassidy a couple of years ago. "He's proud of the azaleas and roses he's planted around his Fort Belvoir home. And he thinks nothing of trudging through ten inches of snow at 6:30 a.m. to refuel a half-dozen bird-feeders before he leaves for his office."

Apparently General Clarke, the present Chief, found this to be an inspirational idea; for, according to the Corps, "The Clarkes wake up every morning to the impatient calling of birds waiting to be fed. The birds invariably win out on whether the General's coffee or birdfeed is dispensed first. He has no one to blame but himself, however. He built the birdfeeders."

Nature enthusiasts will find this touching, no doubt. There is, however, an old expression that war is too important to leave to the generals; by the same token, conservationists may feel that our environment is too important to leave to the Engineers.

#### PART II

The sophisticated ditch diggers, earth movers, and dam builders wearing the uniform of the Army Corps of Engineers are generally accepted as upright fellows of rectitude and honor. Even severe critics, who may denounce the Corps as a destroyer of nature, are prone to comment on its traditions of integrity. The Engineers are said to be "clean," which means no scandals of payola, at least none showing.

But students of the Federal bureaucracy have learned to identify a form of deep-seated corruption that doesn't know it is corrupt. Regulatory agencies play a game of holding hands with—and running interference for—the industries they are assigned to regulate. This dirty business is called "clientism." The same kind of sport is popular within a broad spectrum of bureaus, which feel most comfortable with large industries and special economic interests. The Corps of Engineers is no exception. Many engineers, both military and civilian, who approve construction projects, later end up on contractors' payrolls.

The Corps insists that it gives the people only what they want. However, as a consequence of most of its exercises in civil works, somebody ends up as a big winner, with the cost paid for in environmental deterioration and immense expenditures out of the taxpayer's pocketbook—and with no record of dissent from the Army Engineers.

One of the built-in frauds in the Corps' operation is reliance on the principle that projects can be undertaken whenever benefits are shown to exceed the costs. There are no Congressional stipulations as to whom the benefits must accrue. Consequently, the agency has been free to perform costly work at public expense in cases where vested interests prove to be the greatest or the only beneficiaries.

The classic in this respect may be the Delaware River Project, a 23½-mile channel between Philadelphia and Trenton. It involved the removal of more than 42 million cubic yards of soil, disrupting habitat of waterfowl, shorebirds, and muskrats in order to serve the operations of one single company named United States Steel. Then there is the Burns Waterway Harbor, designed principally for the benefit of Bethlehem Steel and Midwest Steel (a division of National Steel). More on this lurid affair below.

The point must be made that wherever the national resources issues are made big enough, and the leadership of conservation organizations is tough enough, the promotions of the Corps of Engineers, or any bureaucracy, or Congress and the President, can be resisted. This is democracy at its best. But when nobody is looking, or when there is not enough public input and pressure to offset the lobbying influences of the special interests, allied with hungry politicians, anything can happen—and usually does.

Therefore, Field & Stream presents the following resume of the Fifteen Most Unwanted Projects of the Corps of Engineers. All involve impending destruction of natural resources and a waste of Federal funds; all are being fought by conservationists on the firing line. Their efforts against these projects deserve wide support.

#### 1. The Indiana Dunes

For fifty years outdoorsmen and nature enthusiasts urged national protection for the dunes, bogs, marshes, and sandy beaches along the southern shore of Lake Michigan a few miles east of Chicago. In the early 1960's, when they were nearing their goal, Bethlehem and Midwest Steel decided to build major works in the heartland of the dunes. The Army Engineers obligingly recommended spending more than \$25 million of Federal funds in order to give the steel companies a ready-made port, private slips, terminal facilities, the works.

The Save-the-Dunes Council and the Izaak Walton League challenged the Corps' feasibility figures. They discovered inflated benefits based on incorrect and doctored figures. The steel companies got what they wanted anyway, through the influence of Indiana politicians and the willingness of the Army Engineers. When the Indiana Dunes National Lakeshore was finally established, some of the choicest areas had been devoured for exploitation and speculation.

In 1966, the Corps granted Bethlehem a permit for an industrial landfill of 330 acres jutting a half-mile into the lake, to be topped by a 250-foot-high complex of blast furnaces and gigantic lakefront scrap heap. It first tried to do so without conducting public hearings. Then it ignored pleas of the Interior Department that (a) the view from the most natural part of the dunes shoreline would be undermined by industrial blight and (b) the massive rubble mound breakwater could well cause serious pollution problems. It also disregarded the question of whether Bethlehem really needed the fill for

its mill operations or whether it was simply creating land worth millions of dollars.

The fight continues. The Interior Department, responding to citizen groups, is now demanding that the Corps require Bethlehem to build a sand ridge 600 feet wide and 150 feet high in order to screen the park from the facility at Burns Harbor. It is also asking the elimination of 40 acres of the landfill at the northern point, a reduction of less than 1 percent in Bethlehem's acreage, but which would reduce visual pollution from the lakeshore by 50 percent.

Bethlehem is scarcely inclined to accept this proposal. The stakes are high: after all, the steel company paid Indiana \$125 an acre for underwater rights to land which is now worth \$25,000 an acre.

The stakes are higher still. What will become of Lake Michigan? Thousands of acres have been filled in or are in the process of being filled by United States Steel, Inland Steel, Midwest Steel, and Bethlehem Steel. Boomers of construction propose a 20,000-acre fill for a jetport, and another 60,000-acre fill for a so-called "linear city" extending from Chicago to Burns Ditch Harbor. Should this course be adopted, the southern edge of the lake would move progressively northward, creating the same deleterious effect as the filling of San Francisco Bay. Does the nation want Lake Michigan reduced to a barge canal?

#### 2. Cross-Florida Barge Canal

The Army Engineers have done their work well in Florida. They entered the state on a grand scale following a hurricane-driven flood in 1947 with an assignment to control future flood waters and to fulfill "other purposes." Thus began the biggest earth-moving job since the Panama Canal—really a vast reclamation project, with unending construction of canals, levees, dams, and spillways largely for the benefit of real estate developers and industrial farmers. The Engineers successfully cut off the natural flow of fresh water to the Everglades, at the southern tip of Florida, bringing ecological disaster to one of the finest wilderness areas on earth.

Now, the Corps is engaged in a senseless perpetration called the Cross-Florida Barge Canal, an old project designed to link the St. Johns River with the Gulf of Mexico, variously rejected and deferred over the years until it was dusted off for political purposes during the Kennedy-Johnson day. The Engineers, of course, inflated benefits and submitted inaccurate construction costs to make the fiasco look justifiable.

One of the Corps' economic studies asserted that 78,000 tons of lumber would be hauled through the canal annually—more than is hauled over the entire Mississippi River system of 5,500 miles. Professor William Spencer Vickrey, of Columbia University, and other economists have termed the claimed benefits sheer "economic fiction." But one may suppose the Corps had little alternative to figure-fudging considering that the properly attributable benefit-cost ratio is not in excess of 0.13, barely a penny on a dollar. Even at that, the principal beneficiaries would be a few large industrial shippers given free use of a waterway built and maintained at public expense.

Worse yet, the Canal, should it ever be completed, is destined to wreak biological and hydrological catastrophe. The Florida Game and Fresh Water Fish Commission warned last year that construction of dams associated with the canal and locks will limit the yearly migration of anadromous fish to the upper reaches of the Oklawaha. Migration of the striped bass will be cut off. On the other hand, the canal will provide a direct infestation route for exotic plants and exotic fish. Bilge pumping, spillage, leaks, and inevitable barge sinkings will cause pollution problems and degraded water quality. A few communities already are reporting startling

subsurface water losses as a result of diversion associated with the project.

The boomers of the project paint an illusionary picture of expanded boating and camping, but they don't say that boating will be hazardous, that swimming will be wretched because of weeds on the bottom, that fishing will decline within a few years.

Nor do they mention that the canal will drown a magnificent natural stream, the Oklawaha, whose rich, fast waters have created the dynamic conditions needed to maintain a productive sports fishery of channel catfish, chain pickerel, pan fish, and largemouth bass. "This project would change an unpolluted, free-flowing, spring-fed stream in a unique setting into a slow-moving, sluggish, bayou-like body of water," according to Ted Schlapfer, Regional Forester of the U.S. Forest Service. "This change is the greatest natural loss, for very few rivers such as the Oklawaha remain in the United States."

This isn't all. The river twists and doubles back and forth in a heavily forested mile-wide valley, bordered on one side by the Ocala National Forest. Much of the wilderness is still unspoiled, a classic ecological display, filled with pileated woodpeckers, limpkins, hawks, alligators, bears—a hunting and fishing paradise since the age of the Seminoles.

Newspapers have labeled the Cross-Florida Barge Canal a "horror tale" and "a crime against nature." The project is still only one-third complete and within recall. The damage can be undone. Interior Secretary Walter J. Hickel has requested a moratorium on construction pending an ecological re-evaluation. Conservationists on the scene have established the Florida Defenders of the Environment to end the nightmarish mistake. They have enlisted economists, ecologists, lawyers, publicists, and everyday citizens who love the good earth. The odds may be against them, but right is on their side. If the politicians mean business about saving the environment, Governor Kirk will request the project be abandoned. President Nixon will order any further work stricken from his budget. Congress will deauthorize it and substitute instead provisions for an Oklawaha National River.

#### 3. Tocks Island Reservoir

"We came to the conclusion that the Tocks Island project was to serve powerful interests, and was not for the benefit of our area and its people, nor for the urban masses who were being promised a tax-financed luxury playground while their cities continued to collapse for want of funds." So charges Mrs. Joan Matheson, vice president of the Delaware Valley Conservation Association, which is energetically trying to block one of the worst Federal fiascos east of the SST.

Her organization became suspicious of the power project on the New Jersey-Pennsylvania border when studying the sponsors of a high-powered lobby called the Water Resources Association of the Delaware River Basin and found such names listed as Gulf Oil, Sun Oil, Tidewater Oil, Alpha Portland Cement, Prudential Life Insurance, Forward Lands, Inc., Lukens Steel, American Cyanamid, Atlas Chemical, duPont, and New Jersey Power and Light.

Other fingers were in the pie, too. There were those of former Governor Robert Meyner of New Jersey. In 1961, while still in office, he quietly dealt off 715 acres in the heart of Worthington State Forest, including a choice natural beauty spot adjacent to the Appalachian Trail called Sunfish Pond, for a paltry pittance to New Jersey Power and Light. One year later he switched horses and was engaged as attorney for the power company. Together with allied firms, it planned to convert Sunfish Pond into a pumped-storage hydroelectric site, or sump hole, based on the same principle which Consolidated Edison has proposed for Storm King on the Hudson River—and which the Supreme

Court denied on grounds of insufficient heed to inevitable disruption of natural values.

In 1965, three years after authorization of the dam and reservoir, Congress approved establishing a Delaware Water Gap National Recreation Area. Recreation then became the key justification of the project. The Interior Department and the National Park Service were enrolled as salesmen. In 1969, Regional Director Lemuel Garrison called the Tocks Island project "a striking example of contemporary recreation area planning," though even a Corps spokesman, Brigadier General (now Major General) F. P. Kolsch, recoiled at the prospect of pouring in a daily load of 141,000 persons. "This is a tremendous number of people," he told a Congressional hearing. "It is almost frightening to see recreation in these quantities in these areas."

In a startling report to the Park Service (which it made available in 1970 only upon request), Dr. Edlen E. McNamara, of Lehigh University, wrote: "I thought all the ecological problems had been evaluated. But I found most of them had not even been investigated and that there was no plan to investigate them in the future. What I did find lacked scientific validity."

The facts are that daily fluctuation resulting from pumped storage would create vast mudflats around the 37-mile reservoir shoreline, with pronounced effect on vegetation and bottom-dwelling organisms, interfering with reproduction of fish life.

The project is wasteful in every respect. The cost has gone from an estimated \$92 million to \$235 million. It is not necessary for flood control. It would endanger the oyster industry in Delaware Bay. Pumped storage was not in the original authorization. The principal beneficiaries would be the utility companies. In a tight little state like New Jersey, precious resources should be husbanded instead of squandered for uses destined to prove unfeasible. The Tocks Island fiasco smells so bad that Senator Ellender was moved to complain last year, "I have just about concluded we will stop this project until it is straightened out."

If the Federal Government were to zone the whole area, including the watershed, nobody could complain. The present non-destructive use of farms, Scout camps, private camps and resorts, and old villages could continue. Only the spoilers would be expelled—the speculators who arrived with the project and who hope to reap a billion-dollar harvest by subdividing glaciated impermeable soils unfit for building. The native scene, complete with river rapids, forested canyon, Sunfish Pond, and the Appalachian Trail, deserves Federal sponsorship as a natural recreational area. Such a park would be far more attractive, educational, and useful—and far less expensive—than the \$200 million-plus boondoggle.

#### 4. Devil's Jump on the Big South Fork

On the Cumberland Plateau in Tennessee, clear streams race to a rendezvous where they become a classic wilderness river known as the Big South Fork of the Cumberland. It forms dramatic 500-foot canyons with varicolored sandstone cliffs as impressive as the palisades of the Hudson River. On its way northward, it sometimes rushes, providing a challenge for the whitewater enthusiast in canoe, kayak, or rubber raft. At other times it is placid, with clear pools, the longer ones ideal for walleyes, smallmouth bass, and muskies. Along its shores are sandy beaches and overhanging arches called "rockhouses," which make great overnight shelters.

This stream belongs in the National System of Scenic and Wild Rivers. The Bureau of Outdoor Recreation gave it the highest marks as early as 1964. But the Army Engineers and pork barrel politicians have proposed to construct the highest dam east of the Mississippi at Devil's Jump, costing \$194 million—or more. The primary justification

at first was for hydroelectric power, but this is clearly senseless, considering there is no shortage in the region and that rates would be eight or ten times greater than those charged by the Tennessee Valley Authority. There is no flood problem, since the Big South Fork flows through an uninhabited gorge, without potential damage to property. As for recreation, the surrounding areas of Kentucky and Tennessee already are saturated with reservoirs impounded by the Army Engineers, TVA, Soil Conservation Service, and private firms.

In 1968, citizen conservationists arose to challenge the power of the Corps and its lobby. They developed ecological, historical, archaeological, and economic data and mobilized support from fifty-one local and national organizations. They convinced Congress to withhold approval of the Devil's Jump project in the Rivers and Harbors Act. Instead, an interagency committee, composed of representatives of the Corps, the Department of Agriculture, and Department of the Interior, was assigned to review alternate plans "for recreational, conservation or preservation uses of the area."

The report is now in; the Corps holds to its recommendation for a high dam, with a few crumbs tossed to the canoeist and fisherman. But the pressure is strong to save the Big South Fork as a wild river and the undisturbed gorges around it as a national wilderness area.

#### 5. Tennessee-Tombigbee Waterway

This nifty Dixieland boondoggle, estimated to cost \$316 million (for openers), has been kicking around Congress for years. It was first authorized in 1946, but the House Appropriations Committee blocked funding, considering the benefit-cost ratio was patently marginal. In 1951, the project was denied again. The House Committee accused the Corps of playing with figures and computing benefits "out of touch with reality." In 1967, Secretary of the Army Stanley Resor and the Bureau of the Budget both objected to the benefit-cost ratio of 1.24 to 1—after all, would such a rate of return induce any private concern to invest \$300 million?—but persistence finally paid off for its promoters with a Congressional order for the Corps to start planning the canal.

Nothing deters the boomers of the "Tenn-Tom" sham, not even the priority of the Vietnam War. In 1969 they called the project "a development potential of outstanding merit and promise in an area where the need is critical" and enrolled a host of newspaper editors, who should know better, to endorse it. Forty members of Congress, who normally stand on their Southern states' rights, clamored for the Federal handout in Washington. Work on Tenn-Tom now appears likely to begin.

Should it become a reality, it will mean cutting a swath as wide as a football field a distance of 253 miles through northeast Mississippi and west Alabama from the north-flowing Tennessee River to the south-flowing Warrior-Tombigbee system, with an excavation of at least 200 million cubic yards of soil and pouring of two million yards of concrete, before building five dams and ten locks. It may even bring in the Atomic Energy Commission for "nuclear cratering," a nasty business which it has been trying to promote everywhere and anywhere.

Who will be the winners and the losers if this horror tale is inscribed across the face of the South? The public is assured Tenn-Tom will work wonders for the region, like opening large reserves of strip-mine coal in northeast Alabama and east Tennessee and phosphate deposits in Florida. This is what is called "economic growth." It also explains why Peabody Coal and American Potash and Chemical are among the strongest supporters of the project. On the other hand, bottomlands used by deer and small game will be flooded and destroyed. The promoters say

Tenn-Tom will create a new flyway for ducks and a new setting of natural beauty, but what to do with the old flyway and the beauty given by nature is another question. The ecology of the region will certainly be knocked askew. Let Dixie take its choice.

#### 6. Congaree Waterway

Fishermen from far and wide know Lake Marion and Lake Moultrie on the Congaree River in the Moncks Corner area of South Carolina for their famous striped bass, or rockfish, veritable monsters that weigh 20 pounds and more. This was the first, and is now one of the largest, significant self-sustaining population of landlocked striped bass in the world, and anglers come here in numbers approximating 150,000 a year.

However, there has recently been a proposal to turn the Congaree into a navigation channel from Columbia to Charleston, complete with the usual series of dams and locks that already characterize a host of "improved" streams in the Southeast. Fortunately, the South Carolina Wildlife Commission alerted sportsmen that the project would destroy the movement and spawning grounds of the striped bass—hatching would be impossible.

As a result, when the Corps held a public hearing at Columbia in April 1969, a show of hands revealed four persons approving the project and between 250 to 300 in opposition to it. Soon after, the Corps issued a statement that the Congaree Waterway was unfeasible and lacked "economic justification." The South Carolinians will be wise to get legislative protection for their striped bass stream, for as we have seen, a Corps project never really dies; it is only "deferred."

#### 7. Salem Church Dam

Outside of Fredericksburg, Virginia, the Army Engineers propose to finish off long stretches of the Rappahannock River and its major tributary, the Rapidan, and turn them into a large flat lake through the simple process of erecting a \$79.5 million high dam that nobody needs.

The original justification was flood control, though Fredericksburg hasn't suffered a major flood in years and could obtain far better protection by establishing the flood plain as a green belt and buffer zone. In time, other potential benefits presented themselves, including hydroelectric power (a private electric company is building a nuclear plant nearby), water storage (the local communities are now erecting smaller structures on their own), and the standard clincher of these times, recreation, which is claimed to represent 41 percent of the total benefits.

What kind of recreation are the Rappahannock and Rapidan best suited for? There are plenty of opportunities for canoeing, rafting, or floating on inner tubes through pools, rapids, and riffles. The bass fishing is good. The forested bottomlands are rich in wildlife, with deer, ruffed grouse, and turkey; fox hunting is popular. The remains of old locks tell the story of a mid-19th century canal and earthen ramparts bespeak the Civil War battles that raged around Fredericksburg.

In 1968, the University of Virginia conducted a statewide scenic river study, as directed by the legislature, and found three streams worthy of priority treatment, including the Rappahannock-Rapidan system. More recently, the Bureau of Outdoor Recreation reported these rivers fully qualify for inclusion in the National System of Wild and Scenic Rivers, and that recreation benefits ascribed by the Corps would be rendered fully unnecessary by the planned development of the nearby Potomac. Actually, preservation of the streams protects future options in case they're needed for water uses later, whereas construction of the dam and the inevitable accompanying real estate exploitation would wipe out options forever.

Fortunately, members of the Virginia Conservation Council and cooperating groups have learned that Virginians cannot save

their historical past while sacrificing the natural environment.

#### 8. Big Walnut Valley

In the Midwest, which is the American heartland, a remnant here and there is all that is left of the once inexhaustible wilderness. Such a place is the glacially carved valley of Big Walnut Creek in Indiana. Deep gorges provide a wet, cool climate ideally suited to sustain groves of giant hemlocks, sassafras, sugar maples, and beautiful Canadian yew. In one single area of less than twenty acres observers have identified more than 300 species of plants and 100 species of birds, including one of the oldest and largest great blue heron rookeries in the state. This should explain why the Big Walnut has been treasured for geological and ecological research.

To the Corps and its supporters it also provides a perfect spot to "enhance" nature. This can be done most directly by pouring concrete for a dam and reservoir. In the process, habitat of pileated woodpecker may be destroyed, together with great blue heron stream feeding areas, three covered bridges, and stream fishing in the gorges. But this would be considered incidental; the Corps has pledged to erect a "nature center" and observation tower on the hilltops from which to view the flooded valley and mudflats below.

This particular project ostensibly is designed for flood control, recreation, and what the Corps likes to call water quality control achieved through "low flow augmentation," simply a device to diffuse pollution, rather than eliminate it.

A variety of Indiana groups, from the Izaak Walton League to the Covered Bridge Society, have resisted this benefaction. They determined that the Corps had not made adequate sedimentation tests, was insufficiently aware of the values of the natural area, and had based its whole plan upon other areas alleged to be similar. In addition, Professor Helmut Kohnke, of Purdue University, testified that within a hundred years the proposed reservoir would be silted up and virtually useless.

Congress responded in 1968 by providing that the Big Walnut Dam and Reservoir "shall not be initiated until approved by the President," and studies have been ordered by President Nixon on this basis. From the first hearings at Greencastle in October 1965, the citizen groups have requested modification of the Corps proposal to keep the reservoir pool at high water out of the natural area; but there is probably no need for it at all.

#### 9. Oakley Dam and Reservoir

"You've got to hit them in the teeth with their own kind of people," observes Bruce Hannon. As a former Corps officer, engineering instructor at the University of Illinois, and sparkplug of the Committee on Allerton Park, Mr. Hannon has been on the front line of the battle to prevent the Engineers from committing a stupefying piece of vandalism. He knows whereof he speaks.

In 1961 the Corps revived an old project for a dam and reservoir on the languid Sangamon River near Decatur, Illinois. Its ostensible goals were to provide flood control, a water supply reserve, and recreation. Conservation groups did not object. But once started, the scope of the project kept growing. This is often the case. It doubled in estimated cost, based on provisions for diluting sewage and other pollutants through "low-flow augmentation," for a higher dam, and for flooding close to three times as much farmland as originally scheduled—threatening to turn green and fertile fields of Platt County into a sea of mudflats.

The new plans also called for bulldozing and flooding large portions of Allerton Park, an expansive beauty spot deeded to the University of Illinois in 1946 for use, study, and enjoyment of forest, wildlife, plantlife, and

landscape architecture. No wonder the park defenders gathered a cadre of economists, engineers, biologists, botanists, and lawyers to strike back in behalf of one of Illinois' richest scenic wonders.

The University trustees acted too, engaging a major private engineering firm to make a study of alternatives. The firm found six courses of action available, all less expensive, and one costing only 8 percent as much as the Corps proposed spending.

The citizens committee fought hard. It collected 79,000 signatures on a petition to save the park. It exposed the incompetency of the Army Engineers in a variety of calculations. For instance, the Corps estimated the cost of channelizing 100 miles of the Sangamon at \$18 million, but the entire 67,000 acres of bottomlands could be purchased for one-third as much. Flood damages were overestimated by 500 percent, and as much land would be flooded upstream by the dam as protected below it. The cost of the bottomlands of Allerton Park were understated at \$60,000, when the scientific value alone has been estimated at about \$5 million. As a consequence, Senator William Proxmire, of Wisconsin, termed the Oakley project "a pork barrel boon-doggie of the most blatant kind." Sanitary engineers testified that low-flow augmentation would not be a good solution for Decatur's problems, either technically or economically.

Through recent agreement among the State of Illinois, Decatur, the University and the Corps, a partial victory appears won by the people. In place of expensive, destructive channelization, there will be a recreational flood plain greenbelt along the lower Sangamon. Instead of diluting its sewage in the river, Decatur must turn to advanced treatment facilities. Allerton Park will be protected by limiting the reservoir, or conservation pool, to its lower edge. Still, Corps officials keep reintroducing their more extensive plans, and the eight-year battle with the bureaucracy continues.

#### 10. Lukfata Dam and Reservoir

Because western Oklahoma suffered on occasion from lack of moisture in years past, the people welcomed construction of dams and reservoirs. Then the boosters and builders ran wild. Today the landscape of Oklahoma is fragmented with more than 100 large reservoirs, plus scores of smaller soil conservation projects. Finally, the last surviving mountain stream in the entire state, the Glover, is threatened.

The Glover flows through the moist Ozark uplands of southeast Oklahoma into the Red River Basin. It is the only mountain stream in Oklahoma still not ecologically disturbed, and it fulfills all the requirements of a true wild river. Disruptions of other rivers have caused a marked decline in smallmouth bass, but the Glover endures as the best smallmouth stream in the state, the only one where the sporty game fish can find long stretches of cool, free-running water, which they must have.

The Lukfata Dam was authorized before enactment of the national policy to consider preservation of some free-flowing streams. Should the dam be erected, the smallmouth bass population will decline rapidly or cease completely. Several thousand acres of wildlife habitat would be lost. Yet it is not needed for flood control. It is too small for production of hydroelectric power and abundant water is already available for industrial development. Two reservoirs within a radius of twelve miles, and seventeen others, built or proposed, within seventy-five miles offer the usual forms of reservoir recreation.

Oklahoma has failed so far to give its choice surviving streams protection through legislation, but interest and concern are growing. Through the efforts of the Scenic Rivers Association of Oklahoma and other groups, there is still a chance of rescuing the Glover in its natural state.

#### 11. The Kindred Dam

The valley of the Sheyenne River in North Dakota is an outdoors haven. In places it is as luxuriant as a rain forest. The native prairie contributes vistas of natural beauty. Wildlife is abundant—it is the finest deer habitat in the state. Yet here the Army Engineers propose, in the name of flood control, to spend \$20 million for a dam that would create another treeless lake with the usual mudflats. For half the amount, the Corps could easily protect Fargo and West Fargo, the alleged objective, by installing levees and by diverting the Red River of the North around them.

The values to be lost are significant, including the last largely undisturbed natural woodlands in the state and a well-managed forest products industry worth more than a million dollars a year. Furthermore ranchers say the valley trees offer important wintertime shelter for herds of beef cattle and chances are that seepage from the reservoir would affect the abundant forage of the Sheyenne National Grasslands.

None of these minus values are figured in the benefit-cost ratio, which is shaky enough at 1.2 to 1. Without the dubious benefits attributed to recreation and fish and wildlife, it would be a goner. The united opposition of ranchers, sportsmen, the North Dakota Forest Service, and the state's Game and Fish Department may sink it anyway.

#### 12. Benjamin Franklin, Lower Granite, and Asotin Dams

The natural environment of the Columbia River has been emasculated by a series of eleven dams, reducing a once-mighty river of the Northwest to a series of slow-moving pools. Moreover, these dams have never lived up to promises for fishing opportunities held aloft by politicians and promoters. To the contrary, they have caused immense, irreplaceable loss to priceless salmon and steelhead resources. Still the spollers are not satisfied. They are now proposing the Benjamin Franklin Dam, a \$380 million package, No. 12, to finish off the last natural stretch of the river, which extends fifty miles from Richland to Priest Rapids, coupled with digging a \$105 million barge canal between Richland and Wenatchee, Oregon.

It is little wonder that conservationists are up in arms. For one thing, economic loss in fisheries would be greater than benefits derived from upstream navigation—the Corps has known for years that the Columbia is not a sound navigation project. For another, the Ben Franklin Dam would eliminate the last natural chinook salmon fishery and wipe out a trout and whitefish fishery, plus spawning grounds of summer-run steelhead. It would flood wildlife and waterfowl habitat, mule deer fawning areas, and nesting areas on river islands which produce 15 percent of Washington's Canada geese, as well as California and ringbilled gulls and other wild birds. It would wipe out archaeological sites of considerable importance.

A number of citizen groups—fishermen, hunters, hikers, nature enthusiasts, and archaeologists—are raising their angry voices together to save this last shred of the natural river environment. Their efforts are coordinated by the Columbia River Conservation League, which proposes that, instead of the dam, Congress designate a national recreation area.

Sportsmen are fighting also to save the last free-flowing sections of the Snake, the major tributary of the Columbia (see "Must This Be Lost to the Sight of Man?" in *Field & Stream*, July 1969). Suits brought by the Association of Northwest Steelheaders would stop the Corps from building the Lower Granite Dam, 34 miles downstream from Lewiston, Idaho, price-tagged at more than \$200 million, and the Asotin Dam, at the upstream edge of Lewiston, a smaller boondoggie of only \$110 million. The grounds in the suits are simple and direct: the Army Engineers failed to hold

adequate public hearings; they misrepresented benefits and costs. The same accusations apply to scores of circumstances. But bringing a legal suit of this nature represents a new means for the public to defend its interests.

### 13. The Dos Rios Dam

On the Middle Fork of the Eel River, 600 miles north of Los Angeles, the Army Engineers and California Department of Water Resources propose building the 730-foot-high Dos Rios Dam at a cost of \$400 million or more. The project had its beginning in 1960, when the citizens voted to provide water from northern California, which has it in abundance, to southern California, which has abundant need of it, principally because of the senselessly unrestricted residential, agricultural, and industrial development permitted in the dry south. But no mention was made then of the need of high dams on the Klamath, Trinity, or Eel, three of California's most productive surviving fishing streams. Many citizens now feel misled about the whole concoction.

The Dos Rios Dam would destroy a living river still noted for its summer steelhead run. It would flood the Round Valley Indian Reservation and more than 400 archaeological sites, as well as 14,000 acres of surrounding farmland.

The project does not appear too sound economically. California will be obligated to contribute a minimum of \$153 million to construct a mammoth tunnel to carry water to Los Angeles. In a review of the Corps' benefit-cost ratio of 1.9 to 1, Professor Gardner B. Brown, Jr., an economist of the University of Washington, finds it more like .6 to 1—that is, 60 cents in benefits for every \$1 in cost. The total cost of the project, he submits, was underestimated by at least 12 percent, while the benefits in water supply, flood control, hydro-power, and recreation were overestimated by figures ranging from 10 to 60 percent.

Then there is the question of ecology. Dos Rios is designed to create an enormous tub as part of a network of reservoirs, tunnels, aqueducts, and power plants designed to move water around. Somewhere the best laid engineering plans are apt to run haywire in the face of natural systems. More than the Eel is at stake. As J. C. Fraser, of the State Fish and Game Department, observes, "The tremendous fish and wildlife resources face the challenge of their lives in the next decade." The northwest water development area of the Trinity, Klamath, Eel, and their tributaries supports annual runs of 350,000 to 400,000 king salmon, 125,000 silver salmon, and perhaps a million steelhead. Over one-third of the state's deer population find habitat here. Hatcheries may be offered to "mitigate" the fish losses; except on paper, these will never do.

### 14. The Texas Water Plan

Thirty-two major reservoirs, thousands of miles of canals, innumerable smaller dams—these are the main components of the Texas Water Plan, a \$9 billion promotional scheme that would modify every river in the state and completely reshape the face of Texas. It is based on transporting water from East Texas to dry regions of the West and transporting vast amounts from the Mississippi River delta below New Orleans.

Texas voters have rejected a \$3.5 billion bond issue for the water plan. The principal beneficiaries, after all, would be investors and developers in on the ground floor. The people of East Texas and the Gulf Coast would have to sacrifice their water supplies, but pay for the privilege of doing so.

The Army Engineers are now engaged in feasibility studies on moving Mississippi River water. The first step somehow always leads to the next, unless the citizen voice is heard loud enough. Scientists already are warning of ecological dangers implicit in the Texas Water Plan. It bodes long-term wea-

ther changes of great consequences, including accelerated evaporation and thunderstorms. It threatens the brackish bays and estuaries, which provide for 99 percent of sport and commercial fish caught off the Texas Coast.

### 15. Rampart Dam

The Rampart Dam would be built on the Yukon River and cost \$1.3 billion, for the primary purpose of generating hydro-electric power. It would create the world's largest manmade reservoir, larger than Lake Erie, wiping out 2,400,000 acres of the nation's best waterfowl breeding grounds and important wildlife habitat.

This isn't all. It would seriously affect the Yukon salmon run and spawning beds, which are vital to Pacific commercial and sport fisheries. The Rampart affair stirred concern and alarm all over the country. A coalition of national conservation organizations underwrote a scientific and economic study, which showed it to be unfeasible and undesirable.

However, the industrial boosters of Alaska are determined it will be built, now or later. The Fairbanks News-Miner last year editorialized on Rampart as "a project for the future." Simply stated, Rampart has been bedded down to rest, like the Sleeping Beauty, but not to die. So it is with unneeded and unwanted projects throughout the country—they never fade away.

Next month: The Future of the Corps of Engineers; or, Should It Have One?

### PART III

To all who love the outdoors, the activities of the Army Corps of Engineers are of fundamental concern. For the Army Engineers are apt to show up with a huge project having nothing to do with its military mission, at any place.

Will its projects prove to be a blessing or a blight? The Corps would argue the former.

"We of the Corps of Engineers are providers of mass recreation on a large scale," Major General F. P. Koisch, Director of Civil Works, declared before the convention of the Outdoor Writers Association, held at Coeur d'Alene, Idaho, in June 1970. "In this world of tensions, refreshment of strength and spirit are valuable, indeed necessary, to the social health of the community. Public recreation programs are justifiable on much the same ground that public health programs are justifiable."

Certainly there are many outstanding public-use developments at the more than 300 projects administered by the Corps. But I wonder whether it is all that easy to fully equate this type of recreation with public health and welfare—particularly in an age of ecological awareness and concern from which there is no retreat.

True, the Corps builds massive reservoirs with high recreational use, but reservoirs commonly inundate wildlife habitat, thus destroying animals by forcing them into adjacent habitat already supporting wildlife at full capacity. In many parts of the arid West, the only habitat suitable for many species occurs in the river bottoms. Inundation may completely eliminate an essential type of habitat, such as winter range for big game and habitat for upland game. Creation of new water areas is likely to upset distribution of waterfowl and their harvest.

The Corps asserts its devotion to the recreation cause, yet deepening and straightening of streams, which it carries on full scale, destroys banks cover and habitat niches valuable to fish, fur animals, and other aquatic life. Such channelization drains and destroys wetlands and allows solar heating of streams. It eliminates or reduces overflow to adjacent wetlands and hardwood bottomlands used by fish for spawning and by waterfowl as wintering sanctuary.

The Corps could make a case somehow that its estuarine dredging and filling con-

tributes to recreational real estate. But two-thirds of our ocean catch of fish is estuary-dependent for at least part of its life. Channel dredging and deepening invites the intrusion of saline waters to destroy the habitat of finfish, shellfish, waterfowl, and mammals, and permits invasion by saltwater pests such as oyster drills.

Under the Fish and Wildlife Coordination Act of 1958, the Corps is required to consult the Interior Department before issuing dredge and fill operation permits in navigable waters. In one three-year period no less than 20,000 permits were received, providing a clue to the magnitude of destruction suffered by the nation's irreplaceable estuarine resources. The East Coast, including Florida, lost 165,000 acres; the Gulf Coast, excluding Florida, 71,500 acres; and the West Coast, 262,000 acres. The St. Petersburg Times lamented that "one out of every eleven acres along Florida's tidal shoreline has been filled." This was Florida's fault. But such concerns must belong to public and private interests alike.

Most of all, the Corps' type of recreation development ignores the beauty and history of God-given waterways. It sacrifices them without restriction or restraint, to developments which recognize only limited purposes and technological competence—as though material wealth is the sum total of existence.

One of the tragic examples involves the project which the Corps began twenty years ago in the name of flood control on the beautiful St. Lucie River in Florida. The people were assured of unparalleled boating, swimming, and fishing. Today the St. Lucie is black with mud. The fish are gone—so are the oysters, clams, and bird life. Now, the Corps is proposing a new, costly ten-year project to clean up the St. Lucie.

On such counts the Corps has taken a tremendous drubbing from a rising army of critics. It has had its way politically, but not intellectually. "The time has come" as President Lyndon Johnson recognized in 1965, to "identify and preserve free-flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterways a memory."

Nobody, of course, wants to be the bad guy and nothing remains static in society. So yesterday's hero can be tomorrow's heel, and vice versa. In the case of the Corps, Lieutenant General William F. Cassidy, the former Chief, spoke in serious terms of the need for change within his agency. "No longer will we simply determine whether a given project proposal is or is not economically or engineeringly feasible," he pledged. "Instead, we will have before us a number of alternative courses of development which must be compared with one another in context of the kind of future we propose to create for generations to come."

Under his administration, the Corps added professional biologists, ecologists, soil scientists, agronomists, and landscape architects. A new division, called the Institute for Water Resources, is trying to articulate the need for environmental conservation in resource planning. Each year several key people are sent to Aspen, Colorado, to participate in the seminars on environmental arts and sciences conducted by the Thorne Ecological Foundation, which also draw industrial representatives anxious to catch up with the wave of the future. Two Chiefs of the Corps have been among the participants.

Then there is the annual Design Awards Program planned to encourage "functional and attractive designs of structures and area developments that harmonize construction projects with the landscape." It has not come off too well, even though the Corps vows that it loves natural beauty. The 1969 jury, headed by the president of the American Society of Landscape Architects, Theodore Osmundson, found only eight entries from the United States and its possessions.

There were none at all from the vast military construction program. None of those submitted were considered of outstanding merit.

Nevertheless, during the spring of 1970, Lieutenant General Frederick C. Clarke, who succeeded General Cassidy, took the unprecedented action of appointing an Environmental Advisory Board, inviting six outstanding citizen conservationists to look over his shoulder. No other resource agency of Government is blessed with such a group. Whether lasting good will come of it remains to be seen, but the chairman, Charles H. Stoddard, former director of the Bureau of Land Management, and the other members are not the kind to play a game of whitewash.

Actions of this nature are taken, at least in part, to forestall continuous demands that the civil works operation be lifted bodily and transferred to a civilian-run agency. "With a large backlog of outdated, expensive and unfinished projects to sell to Congress annually, and with public outcries increasing against such violences as the Cross-Florida Barge Canal," the Izaak Walton League commented recently in its publication *Outdoor America*, "the powers in the crenellated tower must be at least a little concerned over the suggestion of being walled-in by Interior or by the much-discussed Department of Natural Resources and the Environment."

Interior Secretary Walter J. Hickel, has urged moving the Engineers' civil works program into his jurisdiction. But he already has more environmentally destructive tomatoes in the Interior barrel than any man can handle.

The real challenge lies in a clear definition of public policy. "We have to overcome momentum and get redirected out of the atmosphere of another time," as General Koisch concedes. "We need new guidelines to protect the environment." Certainly the nation will have use of engineers, as well as social scientists, economists, and others with sound ecological training who know what they're doing in implementing public policy. The Environmental Policy Act of 1969 represents an important step in shifting gears, requiring all agencies to weigh ecological impacts of planned actions, along with economic and technical values.

There are many technological challenges awaiting an environmentally oriented Corps of Engineers, wherever it may be located. Representative Henry Reuss, one of its toughest and most constructive critics, proposes shifting resources and manpower from increasingly questionable navigation, flood control, and power projects, to construction of sewage systems and disposal plants, which the nation needs desperately to arrest the discharge of raw waste into rivers and harbors. Under the Reuss plan, the Engineers would also be responsible for research and development of new sewage disposal methods, to make up for lack of progress over many years. Thus, the Corps would have the chance to fight sewage sludge, coliform bacteria, industrial poisons, fertilizers, and pesticides, rather than man and nature.

The House Subcommittee on Conservation and Natural Resources, which Mr. Reuss heads, has recommended a variety of approaches to help the Corps join the environmental crusade. These include activities in navigable streams for protection of fish, wildlife, scenic values, and historic sites, as well as for navigation. In addition, the Corps would permit no further landfills or other work in estuaries and rivers except in cases where the applicant proves environmental responsibility; and it would require and encourage open hearings where there is sufficient public interest. To a certain extent the Corps has responded, with a new regulation that industries, municipalities, and other applicants for permits to construct sewer outfalls in navigable streams must first demonstrate that discharges will not adversely affect the water quality.

Representative Reuss thought he had unearthed a potent weapon in the 1899 Federal Refuse Act; this little-known and long-forgotten statute prohibits dumping into waterways, except under Corps permit, and provides a maximum fine of \$2,500 for each incident or day of violation, with one-half going to any citizen furnishing convicting information to the Government. If this were to be activated, the Corps itself would be in charge of arresting and requesting prosecution of violators, but, unfortunately, the Department of Justice has moved slowly. But the tempo of public use of this provision is picking up everywhere.

Another area of urgently needed public works, which pleasure boat owners would especially welcome, involves the cleanup of debris in the nation's harbors. The blight, litter, and unchecked neglect in New York are so bad that in 1963 Congress appropriated \$95,000 for an investigation by the Corps. It found millions of dollars worth of damage done annually by flotsam that ebbs and flows with the tide, menacing shipping and pleasure boats alike. In addition, it counted rotting hulls of nearly 2,000 scows and barges, schooners, launches, tugs, tankers, patrol boats, and drydocks abandoned like auto wrecks, and hundreds of dilapidated piers which serve as a breeding habitat of rats and mosquitoes. The Corps has recommended a \$28.8 million program, to be shared by Federal, state, and local sources, to clean up the eyesores and make the port system safe. Possibly this could be the beginning of an even larger effort to improve harbors and urban environment everywhere, rendering the watersides available for better uses.

What the Corps must do, basically, if it wants to play a leading role in social advancement is to quit kidding itself and the public that unrestrained construction and environmental enhancement are synonymous, or that conservation equals maximum use of natural resources, with emphasis on the "use." This is akin to the view of the timber barons that forestry conservation is best served by growing the most lumber at the least cost to the shortest possible time for the maximum profit.

Some Corpsmen are addicted to tortured, malignant reasoning. Dumping millions of cubic yards of dredge into the Great Lakes (sometimes near the drinking water intakes) is justified by a spokesman on the grounds that, "No harmful effects on water quality were positively identified. In some areas, the beds of lakes and bays were found already so polluted that additional pollution from dredge disposal could not be demonstrated." If every polluter took this attitude, no progress would ever be made. Then there is the case for the defense of forest destruction associated with the Cross-Florida Barge Canal. As the dams are closed, crushed logs in the pools have been found floating to the surface, causing log jams not anticipated by the Corps, though predicted by conservationists in the early 1960's. "The logs and limbs are a natural by-product of creation of a reservoir of this type," observed a colonel in the Jacksonville district office in response to protests. The rules are sometimes made up as the game is played, answers are given with evasive gobbledygook, or not at all when it serves the Engineers best to withhold it from examination.

In order to be environmentally effective, the Corps must recover from the syndrome of growth, by which it declares, "Modern waterways give rise to industrial development which, in turn, creates traffic for the waterway." Its leaders should stop preaching growth as justifying the Corps' continuation of environmental insults. For many development projects are not needed at the time they are begun; as in the case of waterways, future growth could not take place if the projects were not built. This sort of thinking is a classic type of cause-and-effect

reversal. In support of President Nixon's leadership, we should be thinking more of increasing the quality of living rather than the quantity of living.

General Clarke seems to have come a long way, but how far depends upon the audience he addresses. Speaking before the construction boomers, as he does often, development is the gospel to which environmentalists are the unholy heretics or apostates.

In such circumstances the General becomes the prophet of boom. "Our cities are doubling and redoubling their insatiable demands," he said recently, "for water supply, power, fuel, lumber and sand and gravel, fresh fruits and vegetables all year round, new homes, new cars, new roads, synthetics, supersonic transportation, milk and meat and butter—all the resource products needed to support our present-day industrial civilization and our level of living."

He becomes also the apostle of the synthetic, of man as the creator more powerful than God. "More and more of our fish and wildlife resources today are artificially propagated—in a word, developed," he declared in a speech at Dayton, Ohio. "More and more of our forests are planted by human hands and tended by machines. Similarly, our topsoil, our parkland, our landscapes, our lake and river frontage, our game preserves, are developed and improved by man to assist and reinforce the workings of nature."

The trouble is that engineers, both in public or private work, are impelled by their training to forever demonstrate man's conquest of nature. They despair at vestiges of primeval land left "idle"; so do foresters and many of the game biologists. Science and technology have developed skills to assault the sea and exploit the moon, but have failed so far to infuse an environmental ethic into their functions. Perhaps this is due to an outmoded national philosophy. We have always been governed and continue to be governed by natural laws that controlled the lives of primitive peoples, and that still control the lives of wild animals and wild plants. We need to replenish air and water. We need to maintain the soil nutrient cycles that are basic to food production. We need to recognize that, despite all manners of technological ingenuity, when the automatic generator fails, man must revert to the day-and-night cycle. We need to understand and appreciate it more so that man, for his own survival, may place himself in better balance with his total environment.

Gigantic schemes like the California Water Plan, the Texas Water Plan, and the \$200 billion North American Water and Power Alliance (NAWAPA), which would redirect Canadian rivers now flowing into the Arctic Ocean into the United States and as far south as Mexico, inspired by politicians as well as engineers, are frightening. They invade and irrevocably alter dwindling water courses and lands whose physical and biological integrity might better be left intact for the long-range benefit of mankind. They deny to future generations a fair choice in the management of land, the environment, and their own affairs.

These colossal projects embody single-minded exploitation of natural resources, but perhaps before they are built an enlightened technology will rescue us, with the Army Corps of Engineers playing a key role. The fact is we are wasting water at every point of use, whether in irrigation, factory, or home. Much water use is nonconsumptive in nature, yet we throw it away through our sewer systems. There are great opportunities for reclamation and recycling of waste waters, which are now being exercised in a few places, with the reclaimed water recharging the ground-water basins from which it is pumped and used again.

America has entered the period when water management, rather than development, is

the main engineering task—based on clean streams, natural scenery, and other values for recreation and beauty, which may compete with, or supplement, the economic possibilities for resource development. It must be based on making water available in proportion to supply, rather than on the dangerous disruption of entire ecological systems.

Attention has long been placed on apportionment and control of water. Now the emphasis at last is on water quality. When rain falls on bare ground, it flows overland, picking up undesirable salts, sediment and other surface pollutants. The accumulating sediment from muddy waters steadily reduces storage capacity in reservoirs. Protected, healthy watersheds, with adequate vegetation, improve water percolation through the soil to produce high quality, clear water for recreation and industry. Plant cover regulates the flow of heavy rainfall into stream channels, reducing the threat of floods. The wetland habitat for fish, waterfowl, and other wildlife is safeguarded from siltation when watersheds are healthy and streams are clean and even-flowing.

Geologists, physicists, and other scientists are expressing new doubts about the validity of dam construction. Of course, nearly all feasible dam sites on major rivers have already been used. Flood plain zoning in many circumstances is a cheaper, more feasible method of flood control. I recently read an interesting report by Don Dederer, a fine Arizona writer, on Glen Canyon Dam and Reservoir, much heralded by the Bureau of Reclamation as "a recreational wonder" for boating, fishing, and camping. This is not a Corps project, but it is revealing. According to Dederer, a group of eminent scientists called the Glen Canyon Study Group is deeply concerned about "enormous losses of water, the uglification of gorgeous wilderness, raw changes in the balance of nature, and portents of pollution." They found leakage into surrounding sandstone walls at the rate of one million acre/feet a year—an equivalent of 15 percent of the flow of the entire Colorado River. Evaporation off the lake, swept by high, dry winds, is around 5 feet a year—so great, in fact, that humidity of the area is substantially increased.

The engineers who design and build such facilities have often been accused of past insensitivity to problems of ecology. They may be guilty as charged, but so too have been the promoters, politicians, industry, agriculture—in fact, nearly everyone. The urgent need is to break the cycle. This is the key issue in the debate over the Corps that conservationists must not overlook.

"Is a congressionally authorized project authorized in perpetuity despite vastly changed circumstances?" asked Senator John Sherman Cooper, of Kentucky, in reference to the notorious Tocks Island Dam and Reservoir.

Then he went onto say, "More perplexing is the fact that Congress may be the only effective forum or mechanism, public or private, available for review of such authorizations. Consequently, if the legislative committees of the Congress do not review an authorization in the light of changed circumstances, the public is precluded from effectively challenging that authorization and can direct appeals only to the annual appropriation of funds—no matter how substantially the project has been changed."

There is only one way true progress can be achieved: the voice of the people must be raised and heard. "Every project we build is in response to a directive by Congress, which in turn is responding to an expression of need by some segment of the public," says General Clarke.

But to which segment does Congress respond?

Jack Paxton, of Champaign, Illinois, appeared before the Senate Appropriations Sub-

committee on Public Works last May in behalf of the Committee on Allerton Park to speak against the Oakley Dam and Reservoir project. The subcommittee consists of seventeen members, yet only one, Senator Alan Bible, of Nevada, was present to hear testimony and ask questions.

Congress would be more attentive and interested if the "little people"—the hunters, fishermen, and all lovers of the outdoors of whom we have written in *FIELD & STREAM*—were exercising more political muscle. For much too long national conservation organizations have been willing to settle for crumbs from the table dispensed by the old guard in Congress, without carrying the tough challenges to the people.

Now, at last, the public is learning. The time to get involved is at the beginning, when a project is first announced and hearings are scheduled. The place to apply the immediate pressure is within one's own state—on Congressmen, the governor, and ranking state officials.

"These Temple Destroyers, devotees of ravaging commercialism, seem to have a perfect contempt for Nature, and, instead of lifting their eyes to the God of the Mountains, lift them to the Almighty Dollar," wrote John Muir in 1913, while he was fighting the Hetch Hetchy Dam (not a Corps project) that ultimately destroyed one of the most beautiful valleys in Yosemite National Park. Have we learned since then the glory of God's mountains and flowing streams in their own right? If so, then the people will protect them, while the Corps of Engineers, and all other agencies, will respect, rather than resist, the public need and desire.

#### A. J. PORTH—PRISONER OF THE ESTABLISHMENT

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. RARICK. Mr. Speaker, Mr. A. J. Porth of Wichita, Kans., long a foe of income taxes and the Internal Revenue Service's administrative bureaucracy, last month began serving a 5-year term for income tax violations.

Mr. Porth's book, "I Pay No Income Taxes" and his flier, "Prosecute Me" present thought-provoking reasoning as to just how far the establishment in control has detoured from constitutional government.

Mr. Porth's self-sacrifice, in order to dramatize his philosophy acknowledges the 16th amendment to the Constitution of the United States, but questions that the income tax amendment repealed the Bill of Rights and other constitutional protections and provisions.

Mr. Porth's position is that if the fifth amendment could be pleaded by criminals to avoid prosecution, if Communists could not be compelled to incriminate themselves, then likewise a law-abiding American citizen could not be constitutionally compelled by administrative rules and court interpretations to produce his own records to prosecute himself.

Following conviction, Mr. Porth is said to have charged he was the victim of administrative rules and regulations and had been prosecuted illegally under the same rules and regulations which he felt were in themselves unconstitutional. His plea to the court was that he wanted to

be tried under civil procedures—not as a criminal.

So, while anarchists and bomb-throwers continue at large, Cassius Clay continues to fight, and the Chicago 7 are on an exhibition tour, the 69-year-old A. J. Porth, who tried to defend the Constitution by proving to the American people just how far we have left constitutional principles, has been sentenced to 5 years in prison and is presently undergoing psychiatric examination at the Springfield, Mo., Regional Diagnostic Clinic at the Medical Center for Federal prisoners.

Certainly Mr. Porth is a dedicated American who has been uncompromising for constitutional Government as he understood that great document.

I ask that several news clippings follow:

[From the Wichita Beacon, Nov. 6, 1970]

PORTH STILL FIGHTING AS JAIL DRAWS NEAR

(By Frank Garofalo)

A. J. Porth, longtime foe of the Internal Revenue Service, today called himself "a law-abiding citizen who honors only the Constitution of the United States" a few hours before he was to surrender himself to start a federal prison sentence.

In a press conference at his home, 1806 S. Everett, Porth said in a quivering, emotional tone:

"I'm not a criminal. No, I am a law-abiding citizen who honors only the Constitution of the United States, which is the supreme law of the land."

Porth, who started his battle against the income tax 20 years ago, was scheduled to surrender to the U.S. marshal late this afternoon to start a five-year sentence for conviction of tax law violations.

But in his inimitable way, Porth vowed to continue the fight to support the Constitution and promptly announced he had filed with the U.S. magistrate here, criminal charges against U.S. District Court Judge George Templar; U.S. Atty. for Kansas Robert Roth; Harry F. Scribner, director of IRS for Kansas, and Jack E. Nichols, an IRS employee.

Porth alleges in the four-count criminal complaint that the defendants conspired to prevent him from exercising the Constitution, depriving him of the rights and privileges of the Constitution, obstruction of justice and violation of their oaths of office.

Porth further charged he is the victim of administrative rules and regulations and was prosecuted illegally under the same rules and regulations. He said that in itself is unconstitutional.

He strongly emphasized he should have been proceeded against under "civil procedures" by the U.S. government and not as a criminal.

Porth said he also was prepared to file a habeas corpus proceeding in U.S. District Court the moment he is taken into custody today by the U.S. marshal. "It will be filed then," he explained.

The 69-year-old Wichitan, who has not paid any income taxes since 1960, was ordered 10 days ago to surrender himself. He was convicted in 1967 by a U.S. District Court jury of five counts of income tax and Social Security law violations. All appeals have failed in the U.S. Circuit Court of Appeals, Denver, and the U.S. Supreme Court.

However, one legal action is pending. A hearing is scheduled for Nov. 13 on Porth's appeal in U.S. District Court for a new trial. It is based on "new evidence."

Porth, who was convicted of counts of failing to withhold income taxes and Social Security funds from "employees' wages, contended once again this morning he "was never an employer or ever had employees."

"I don't think I was required to withhold the withholding tax or file the proper forms because I wasn't an employer," he insisted.

Porth was supported at the press conference by Austin T. Flett, Chicago, Ill., resident, who said he hasn't paid any taxes since 1958 and the government "is afraid" to prosecute charges filed in 1965.

Flett said Porth "is being made the victim of a secret government operating under administrative law (Title 26, U.S. Code), which is unconstitutional."

### 3½-YEAR TAX FIGHT: A. J. PORTH SURRENDERS TO BEGIN PRISON TERM

(By Bob Jordan)

After nearly three and a half years of appeals and motions, A. J. Porth, Wichita, surrendered to the U.S. marshal Friday to begin serving a five-year prison term for tax violations.

"I don't hold any ill feeling toward anyone," the tall, soft spoken Porth said as he walked to the marshal's office. "I'm sure I'll get justice eventually."

Porth was convicted in 1967 by a jury on five counts of income tax and Social Security law violations. He was sentenced in July 1967, and has since been free on \$1,500 bond as a number of appeals were considered.

A few hours before he surrendered, Porth handed U.S. Magistrate John B. Wooley a criminal complaint against U.S. District Court Judge George Templar, U.S. Attorney for Kansas Robert Roth; Harry F. Scribner, director of the Internal Revenue Service (IRS) for Kansas, and Jack E. Nichols, an IRS employe.

He charged that defendants in his complaint "repudiated their oath of office to preserve, protect and defend the Constitution of the United States, and the basic rights of all citizens thereunder."

In the complaint, Porth further charged them with "unlawful harassment, intimidation, threats, obstructing justice, deprivation of citizenship rights, character assassination and premeditated criminal libel."

Porth said he was the victim of administrative rules and regulations and was prosecuted illegally under those rules.

At a press conference Friday, Porth strongly emphasized he should have been proceeded against by "civil procedures" by the U.S. government and not under criminal statutes.

"I'm not a criminal. No—I am a law-abiding citizen who honors only the Constitution of the United States, which is the supreme law of the land," he said.

Porth, who has not paid his income taxes since 1960, was ordered to surrender 10 days ago by the U.S. Circuit Court of Appeals, Denver. It affirmed judgment of the Topeka federal district court which had denied Porth a new trial, sought on the basis of new evidence.

He has since filed a new motion, against alleging new evidence is available and asking that the district court stay judgment and rehear his case.

A hearing on the motion is scheduled for next Friday in Topeka, U.S. Atty. Roth said Friday that Porth will be retained in the Sedgewick County jail until Monday when he probably will be transported to Topeka for the hearing. Pending outcome of the hearing, Porth will go to Springfield, Mo., for a complete examination, to be prepared for the parole board.

### COURT DENIES PORTH APPEAL (Special to The Beacon)

TOPEKA—A motion for a new trial by Wichitan A. J. Porth, who began last week serving a five-year prison term for tax violations, was denied Thursday in Topeka U.S. District Court.

Porth, who has been fighting his conviction for over three years, based his new appeal on newly discovered evidence.

The court denied his appeal and Porth will be transferred to Springfield, Mo. for

examinations as soon as possible, U.S. Atty. Robert Roth of Wichita said today.

### PROSECUTE ME

Since 1961, A. J. Porth has refused to pay any income taxes and has filed his form 1040 in blank, declaring simply, "I plead the Fifth Amendment to the Constitution of the United States." As his experience and knowledge of the Constitution and constitutional law grew, Porth became aware of some 26 protective clauses in the Constitution and body of constitutional law extant to 1929 which caused him to amend his final 1963 return in the spring of 1964 to read: "My rights under the Constitution and its Preamble are effected as follows:

1. The Preamble
2. Art. I, Sec. 1
3. Art. I, Sec. 2, Parg. 3
4. Art. I, Sec. 3, Parg. 1
5. Art. I, Sec. 3, Parg. 2
6. Art. I, Sec. 3, Parg. 5
7. Art. I, Sec. 3, Parg. 6
8. Art. I, Sec. 9, Parg. 2
9. Art. I, Sec. 9, Parg. 3
10. Art. I, Sec. 9, Parg. 4
11. Art. I, Sec. 9, Parg. 7
12. Art. I, Sec. 10, Parg. 1
13. Art. III, Sec. 1, Parg. 1
14. Art. III, Sec. 2, Parg. 1
15. Art. IV, Sec. 1, Parg. 1
16. Art. IV, Sec. 4, Parg. 1
17. Amendment I
18. Amendment IV
19. Amendment V
20. Amendment VI
21. Amendment VII
22. Amendment VIII
23. Amendment IX
24. Amendment X
25. Amendment XIII
26. Amendment XIV, Sec. 1

This recalcitrant action on the part of an individual sorely vexed the administrative officers of the Internal Revenue Service with the result that Mr. Porth began to receive "threatening" letters. On May 18, 1962, from the Department of Revenue in Topeka, Kansas, came this letter from Graydon D. Luthey, Acting Chief Attorney, which said in part:

"We received from you what apparently was intended to be a Kansas income tax return; however, under the laws of this state . . .

"Unless a proper return is filed within 10 days from the date of this letter—further action will be taken by this Department."

In a two-page letter Mr. Porth replied:

"You and your office treat me as if I were a slave. You are going to make me pay regardless of the number and volume of taxpayers and tax dollars exempted . . .

"I will be glad to meet with you in the Wichita office or in my home and discuss this problem further. I do not believe in law violation. There is no choice in our present system, it is wrong if you comply and it is wrong if you do not."

Mr. Porth has heard no more from the Kansas office these past two and a half years. This troubles him because public servants are bound by law to carry out their duties, and when they fail to prosecute any individual citizen guilty of offenses against the state they become negligent of their duties. Now for a civil servant to be negligent in his duty involves very serious penalties and imprisonment. However, reasoning that the Kansas Income Tax administrators are probably awaiting action of the Federal Income Tax people, Mr. Porth has very patiently and kindly withheld pressing charges.

The Federal Government on the other hand has not appeared to be so lenient.

On June 14, 1962, Porth received a letter from the office of the United States Treasury, Internal Revenue Service, Box 1500, Omaha, Nebraska, over the signature of Frank C. Conley, Regional Counsel, the meat of which is contained in the following paragraph:

"This office has under consideration a recommendation that criminal proceedings be instituted against you for willful failure to supply information on your 1962 Income Tax return, in violation of Section 7203 of the Internal Revenue Service Code of 1954."

Section 7203 of the Internal Revenue Service Code is indeed an awesome section. It provides a penalty of "not less than \$10,000.00 or one year in prison or both."

So Mr. Porth felt he had better make arrangements to investigate this. Reluctant to appear for a hearing at the time set forth, and firmly opposed to the idea of traveling some 600 miles, he asked that the hearing be held in Wichita. The request for change of venue was denied. There was difficulty of mutually agreeing upon the date of July 9, which happens to be his birthday. What is a defenseless salve to do but comply? The original date as set up by the Regional Office of July 2 at 10:00 a.m. was agreed upon.

With his accustomed patience he carefully explained how these officials were not only encroaching upon his constitutional rights but were likewise indulging in a little bit of criminal violation contrary to Title 18, Sec. 241 of the United States Criminal Code. Whereupon these gentlemen decided to give the matter further review.

On Sept. 21, 1962, Mr. Frank C. Conley advised Mr. Porth as follows: "The above captioned matter, which this office has had under consideration from the standpoint of possible criminal prosecution was returned to the District Director of Internal Revenue at Wichita, Kansas, for settlement of the civil liabilities.

"Any further correspondence on the matter should be directed to the Audit Division of the Wichita Office."

The Wichita office compounded its felonies, by filing tax liens running into some \$4,000.00 in the County Clerk's office in the City of Wichita. Especially in view of the fact that Mr. Porth had not pressed action for this office to "do its duty"; he did not feel that this was a very sporting thing to do, at least it was not in his book of rules. A little investigation proved that the local Internal Revenue Service had similar contempt for taxpayers because there are on record in Sedgewick County Courthouse some 1000 liens filed by the Internal Revenue Service.

This, Porth decided, was carrying things a little too far, so on August 21, 1964, he addressed a letter to Mr. Harry Scribner, Director of Internal Revenue in Wichita District Office, reciting his indignities and summarizing his feelings as follows:

"You are attempting to rob me." "I am giving you 30 days time in which to lift the two liens or you will force me to exercise my constitutional rights and stop you from further taking private property for public use without just compensation."

Apparently this struck a responsive chord because on Sept. 25, Mr. F. Lynwood Judson, Chief of the Intelligence Division, addressed a letter by certified mail to Mr. Porth which contained these statements:

"Consideration is being given to a possible recommendation that criminal proceedings be instituted against you for your willful failure to file required returns . . .

"Therefore, it is deemed appropriate to grant you a formal interview before final decision is made . . .

"Accordingly, a time for the interview has been set for 9:00 a.m. on Tuesday, Oct. 6, 1964."

Porth's joy over the prospect of finally getting this matter cleaned up was short lived. His calendar showed a previous engagement. Besides, Porth's sense of civic responsibility had led him to accept the nomination to the position of State Auditor by the Conservative Party.

So he called the Internal Revenue Service office and asked for an extension of time until after the election. The request was denied. Whereupon Porth stated that he was immediately available. It was so arranged. At

least associates and a clerk might attend. So once again he faced three officials of the Internal Revenue Service alone. Until the next of kin are notified their names will be withheld. From the scanty notes that Porth was able to take himself—and let it be said here that the Internal Revenue Service denied the use of its own notes on the "hearing" to Porth—the procedures went something like this:

Of his personal feelings, Porth notes, "I was very fearful at first, because events unfolding in which a person's individual welfare, liberty the pursuit of happiness, and convictions are involved sustain misgivings. After all, I was summoned by a registered letter to a strange room with doors closed and three men opposed to my views of freedom."

The line of questioning brought forth his answer, "I do not intend to do or say anything that will waive my constitutional rights. Before answering further questions I must determine if this formal hearing is developing into a criminal prosecution?"

The reply was, "No," and it was stated that his constitutional rights would be respected. "Do you keep books and records?"

"I do keep books and records for my own use and purpose."

"Are the books and records kept on a daily basis?"

"I keep them to the best of my ability. Nobody pays me for this loss of time. My first obligation is to provide a living. Keeping books and records is a secondary operation."

In response to the question concerning "amended" past returns filed 3/15/64, Mr. Porth stated, "All of my returns have been amended from 1961 through 1963, due to information I obtained reading a Supreme Court decision, U.S. vs. Manly L. Sullivan, in 1929. It became evident to me that my position could be made more protective by including all of the mandates of the Constitution lost by taxpayers who filed according to the Code requirements."

From here on Mr. Porth recited, "A free-wheeling conversation came forth on my part. The staff listened. I went into the Preamble of the Constitution. A Supreme Court's decision was recited in regard to a clause within the 5th Amendment which makes null and void, I believe, the XVI Amendment. This decision reads: 'The taking of private property for public use without just compensation not only violates the United States Constitution amendment, Art. 5, forbidding it, but is a violation of natural rights and justice.'

"I commented upon rape. It is wrong to take that from any lady not volunteered freely. The taking of private property in this instance is and always has been governed by natural law or will. The respect and dignity afforded a lady in this instance was one enjoyed and protected even before the Constitution of the United States was adopted. So it must be with all private property. The taking of it is a constitutional violation as well as a violation of natural laws and justice."

"The protection afforded to taxpayers in the 13th Amendment were gone into. The Bill of Attainder was explained. Protection afforded citizens in the fourth and fifth Amendments was discussed. And then a strange question was asked me that made me realize to what extent the Internal Revenue Service had been investigating into my private affairs. 'Did you write this letter to the Governor of Illinois?' I was given a look at the letter but refused to answer the question on constitutional grounds—the 5th Amendment."

"And so the hearing ended with my being advised that this could not be decided locally and the case would be referred to the Regional office in Dallas, or possibly to the Justice Department, Washington, D.C."

"Here I sit with illegal liens filed against me discrediting me financially making it impossible for me to earn a living as a businessman, with no idea as to when I shall be prop-

erly prosecuted. The Internal Revenue Service claims I owe them \$4,000.00; I say I do not. The 7th Amendment under the Bill of Rights says:

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved."

"All I am asking for is a trial by jury. I am not aware of any constitutional amendment even suggested that will do away with this section. The question is, 'What is the LAW OF THE LAND? Is it this great body of administrative law that has grown up under the influence of the socialist bureaucrats who think they have been ordained to run our government and exercise dominion over us? Is it the United Nations Charter approved by Congress 19 years ago in defiance of our Constitution, or does our Constitution still hold water despite the arbitrary Supreme Court decisions? Or has law been forsaken completely as Dan Smoot cites in his current report dated Oct. 5, 1964?"

"If the Constitution is the 'Law of the Land' and it would appear that it is still respected then the Income Tax is dead. If administrative law governs, then the Constitution is dead. My question is, 'Are not the American people entitled to know the truth?' Until I am prosecuted within the terms of the Constitution I say to all the world that the individual income tax laws are dead and that the Internal Revenue Service has no authority to prosecute anyone if they don't prosecute me."

ARTHUR J. PORTH,  
Tax Consultant,  
Bookkeeping Service.

#### RAILROADS IN TROUBLE

### HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. LUKENS. Mr. Speaker, it is becoming increasingly evident that there will be a real demand for greatly expanded rail service in the very near future. Already the railroads move 71 percent of household appliances, 78 percent of lumber and wood, 73 percent of the cotton crop, 76 percent of automobiles and parts, in addition to 40 percent of the Defense Department's freight. According to a recent study by America's Sound Transportation Review Organization, railroads will have to move about 46-percent more freight than they do now by 1980. And, as ASTRO puts it:

Our cities are in the throes of air and highway congestion, access to the metropolitan cores is already difficult and in peak periods, nigh impossible. Air pollution has reached intolerably dangerous levels.

However, there is one mode of transportation that could move goods and people very efficiently without contributing to pollution or congestion—the railroads.

The railroads, though are in deep trouble. The industry's capital needs for expansion and improvement are in the billions of dollars. Labor costs eat up over half of every railroad dollar earned. The railroads are saddled with an excess of Government regulations which prevents them from freely raising or lowering prices to increase revenues or attract new business, prevents them from automatically discontinuing unprofitable and costly services.

No program of financial help is going to really solve the railroads' problems without an overhaul of present Government regulations which continue to choke an industry whose growth is so vital to this country's future.

#### LASER BEAMS TO THE MOON

### HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. PICKLE. Mr. Speaker, as we all know, in July of 1969, Apollo 11 astronaut Neil Armstrong placed a small reflector on the moon's surface. This reflector was part of the lunar laser ranging experiment being conducted at the University of Texas McDonald Observatory.

Scientists at the observatory fire a ruby laser at the reflector and can use this as a precise landmark to measure distances and to study such phenomena as polar motion of the earth, continental drift, the length of a day, and information on gravity and relativity.

Recently the University of Texas published an update on the progress of this experiment. I insert that report at this time:

FORT DAVIS, TEX.—The project scientist in charge of the lunar laser ranging experiment being conducted at the University of Texas McDonald Observatory said here Wednesday (Nov. 25) the project has become an "unqualified success."

"Our breakthrough in data rates indicates we will be able to fulfill all of our original objectives," said Dr. Eric Silverberg, who heads a five-man team conducting round-the-clock sightings.

The lunar ranging experiment was initiated in July 1969, when Apollo 11 astronaut Neil Armstrong placed the first reflector on the moon's surface.

It took a month for UT astronomers to locate the small (18 by 18 inches) reflector. Once located, the project accelerated at a rapid pace.

"We have had 46 acquisitions (both visual and computer guided sightings) of the moon within the past two months," Dr. Silverberg said during an interview. "And those acquisitions have had an accuracy to about two feet—or a thousand times better than any measurements previous to the laser experiment," he continued.

Dr. Silverberg said the project has a life expectancy of at least 10 more years. During that time the scientists expect to satisfy their objectives. Eventually, several ground stations operating throughout the world will be required.

Dr. Silverberg predicted that Japan, France and the Soviet Union will soon join UT McDonald as routine observing stations.

"To fulfill the objectives of individual experiments, we must all cooperate with one another," the Massachusetts native continued.

The Soviet Union has just initiated its own lunar ranging program. According to TASS, the official Soviet news agency, a corner reflector was landed on the moon by their lunar vehicle last week.

"This indicates they, too, will probably have an active lunar ranging program within the near future," Dr. Silverberg said.

At the present time, Dr. Silverberg and his staff of four scientists work a 25-hour day in their ranging-acquisition program.

"Every day we have to get up 45 minutes later in order to follow the moon's cycle,"

he said. The crew generally makes three "shots" a day, weather permitting.

Having brought the ranging program from infancy to the point where data accumulation has "become an automatic thing," the astronomers are looking forward to the Apollo 14 lunar mission which is scheduled for Feb. 5, 1971.

Apollo 14 astronauts will carry still another reflector when they descend on the moon's surface.

"Weather permitting, we will fire within four or five minutes after they put the reflector in place," Dr. Silverberg said. "The astronauts may even be able to see the ruby laser while they are on the moon."

The pulsed ruby laser emits a 36-inch-long brilliant pulse of light which is beamed directly through the 107-inch mirror of the gigantic telescope which sits high atop Mount Locke in the Davis Mountains of West Texas. It takes about 2.5 seconds to make the round trip to the reflector and back.

The point-to-point measurements made at UT McDonald Observatory determine the distance at any given time between the observatory and the reflector on the moon.

The value of one or more compact arrays of high-precision optical corner reflectors deployed on the surface of the moon is that they will serve as a bench mark to which precise range measurements can be made.

From the data retrieved, scientists can study such phenomena as polar motion of the earth, continental drift (the earth's crustal motion), the length of a day, and information on gravity and relativity.

#### UNIFORM OR MINIMUM STANDARDS FOR THE CABLE TV INDUSTRY

### HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. TIERNAN. Mr. Speaker, communications technology is one of America's most precious and fundamental assets. We are the world leaders in this rapidly developing field. And the 1970's promise greater expansion and new technologies, which will surely transform the realm of communications. If America wants to maintain its leadership role, we in Congress must formulate the legislation which will establish the necessary guidelines and policy.

For the past 5 years, we have heard of the fascinating potential of cable television. CATV has been billed as the great new hope for diversification and creativity in the broadcasting field. CATV certainly has the chance to revolutionize the medium within the next 10 years. It has the potential to offer a wide range of new services geared to the sundry needs of the many groups within our country. There are opportunities for two-way communication between doctor and patient, consumer and businessman and a host of new and exciting ideas. CATV has the opportunity to offer increased channels. The problem is that all these dreams will remain mere hopes, unless we in Government decide to act, and act now.

We in Congress must give the innovators a chance to operate their cable systems in an orderly manner with definite regulatory guidelines. It is here that the problem arises. At the present time there are over 2,350 operating CATV

systems in America serving over four and a half million subscribers. These systems are being regulated and franchised by various governments and governmental organs all over the country. The cities are involved as well as the State public utilities, towns and the Federal Government. The trouble is that the lines of jurisdiction for this regulation are not clearly drawn. What is needed is Federal guidance.

I am today introducing legislation to amend the Communications Act establishing in the Federal Communications Commission the exclusive jurisdiction for regulation over all aspects of cable television systems. This will enable the FCC to establish uniform or minimum standards for the cable industry. Certainly cable television is an integral part of the inter-State movement of electronic communications and should be regulated by the FCC. In my opinion only the FCC can establish the needed regulatory guidelines which will enable CATV to begin to strive toward its potential. We need uniform regulation throughout the country in order to make CATV an effective communications tool. This cannot be accomplished if authority for regulation is left to the State and local governments. As has been pointed by many studies, such diffusion of regulation results in confusion and tension.

I would point out, that this legislation contains a provision which would allow the FCC to permit State or local governments to regulate certain areas of the CATV if such regulation was found to be in the public interest.

Mr. Speaker, this legislation is needed to insure that the FCC will have regulatory control over CATV in order to make certain that it is used in the "public interest, convenience and necessity." The FCC is the body which we entrusted with regulating over the air broadcasting. We must now make certain that the FCC has the mandate to regulate cable broadcasting so that it will work with and not damage our over-the-air broadcast outlets. The FCC and not the local community has the technical expertise and the staff.

Mr. Speaker, we should not remain silent on the CATV question any longer. The new modes of communications hold great promise for the fulfillment of national goals. The Federal Government should take these steps to help in this task.

#### MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

#### WHY NOT START A PEACE CRUSADE?

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. ZWACH. Mr. Speaker, the season of Christmas is the season of peace and good will.

It is in this spirit that I submit for inclusion in the CONGRESSIONAL RECORD a column by David Lawrence "Why Not Start a Peace Crusade?"

Columnist Lawrence echoes thoughts on this matter that I have long held.

I believe our country and men of good will everywhere should actively engage in a crusade for peace. This is our only hope for the future.

The article follows:

#### WHY NOT START A PEACE CRUSADE?

(By David Lawrence)

Twenty-five years have elapsed since the guns were silenced as World War II came to an end. But there is still no assurance of peace.

In fact, the danger zones in Southeast Asia and the Middle East are only symbols of a world unrest—an almost universal fear of terrorism and guerrilla warfare motivated by terrorist groups that threaten the stability also of many countries in Africa and Latin America.

Europe is by no means free from apprehension. The 10 European members of the North Atlantic Treaty Organization have just told Defense Secretary Melvin Laird that they have agreed to add \$1 billion to their contributions to NATO defenses in the next five years, with West Germany bearing the biggest burden of the increase.

Mr. Laird has declared that America doesn't intend to make any significant reductions in its manpower or combat strength in Europe.

The unanswered question is why after 25 years the United States and the nations of Western Europe should feel it necessary to maintain a military organization to ward off a possible attack from Eastern Europe that could be initiated by the Soviet Union.

Commercial progress has been good in many parts of Europe, but it would have been even far greater if intercourse between Eastern and Western Europe were devoid of Communist domination.

For, although there has been no war on the European continent, the possibility of a major conflict has never been out of the minds of the people in Central and Western Europe who have feared that sooner or later big armies from the East would invade their lands.

The United States maintains now about 300,000 troops on the European continent, and there is pressure from certain factions in Congress here to bring about the withdrawal of at least 2½ of the 4½ divisions in Europe.

The military situation there, however, is being given moral support by the United States in addition to the deployment of certain military units as, for instance, the strengthening of the U.S. 6th Fleet in the Mediterranean.

None of the European countries is strong enough by itself or even in combination with its neighbors to withstand an attack from the Communists.

What the United States is doing by its backing of NATO and the presence of its fleet in the Mediterranean may not be widely noted or discussed in this country, but it means a great deal to the Europeans.

There has been lots of discussion lately about the limitation of armament, and the talks with the Soviet Union have been expected to bring some halt in the expansion of military power, particularly in the field of nuclear and strategic arms. But the surprising thing is that there is and has been no crusade for peace.

Such an effort could, if properly organized, reach the hearts and minds of people in all countries of the world, and would do more to reverse the trend toward another war than anything else.

Ways are available for talking in the languages of all nations by radio—words which can be transmitted by the use of satellites and heard everywhere. Peoples could, in effect, talk to one another about the issues that keep them apart.

A peace movement is needed right now to win over the people of North Vietnam so that American prisoners can be released and progress can be made toward a settlement with the South Vietnamese.

A peace movement also is needed to assure the peoples of the Soviet Union that the United States has no unfriendly intent toward them. Their leaders could provide many benefits to their country if a cooperative effort toward peace were undertaken with the help of the American people. This could secure peace, not merely in Europe and Asia, but in all the continents of the world.

Nobody wants more wars, but there is very little action of a meaningful nature being taken to prevent the growth of the artificially stimulated hostile feelings which could bring a recurrence of the bloodshed and tragedies of 25 years ago.

## BILL OF RIGHTS

### HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. ROUSSELOT. Mr. Speaker, each December 15 it is important and appropriate that we pause and thoroughly contemplate the total meaning of the Bill of Rights. One of my distinguished constituents, Mr. Ross M. Blakely, has been active for some years in an effort to properly commemorate the Bill of Rights, which effort was originally begun by the late distinguished Joe Crail. This Bill of Rights Commemorative Committee has encouraged a wide variety of Americans from every walk of life to take special note of the protection provided for individual's rights and, especially, to encourage young people to not only know about the Bill of Rights but also to study its deep meanings.

I am pleased to submit for your consideration an editorial by Herb McCormick, publisher of the Sar Marino Tribune, which appeared in its pages on December 3, 1970:

#### BILL OF RIGHTS

Why a Bill of Rights—an addendum of ten amendments to what seems like a United States Constitution with the ink hardly dry when one looks back from the 1970's?

As we approach the 179th anniversary of the adoption of the Bill of Rights, December 15, 1791, the rationale for the amendments is worth re-examination.

And here in Southern California, where the late patriot, San Marinar Joe Crail, founded Bill of Rights Week in 1941, we have a special reason for being aware that protection of individual rights is not some-

thing discovered recently by the "New This" or the "New That."

Appropriately, the distinguished Bill of Rights Commemorative Committee has dedicated the 30th annual observance to Mr. Crail's memory.

Now a nationally observed tradition, the December 9-15 "Bill of Rights Week" will again provide an occasion for calm recognition of the foresightedness of our early statesman. And, perhaps, a realization of the shortsightedness of some who today challenge the basic tenets of our Constitution and its Bill of Rights.

That there should even be a Bill of Rights "immediately" following the Constitution which draws so many accolades may seem a paradox to some. In fact, there are legalistic historians—who should know better—who claim many of those first ten amendments are redundant. That they are inherent in the original Constitution, hence rights are not strengthened by restatement in amendments.

A mainstream of evidence is easily understood by those who want to understand. The early leaders, and also their constituents, still could smell the muket-smoke . . . they still, figuratively, were bloodied from the battle against absentee tyranny. That they wanted to underscore their rights as individuals to be free from such things as the "quartering" of troops or the establishment of a state religion is understandable to a sensible man.

(In today's context, many groups have fought against the "quartering" of anti-missile installations in particular communities. Entirely aside from the pro-and-con arguments about the need militarily, it might well be emphasized that some have thwarted the military's plans, thanks to the protections built into the American system. Not all of them have stopped to realize that it was the very philosophy of the Bill of Rights which provided their "victory" over the establishment.)

On a lighter note, as schools, patriotic groups and public offices plan commemorations, it might be pointed out that the "neat package" of ten amendments often leads people to forget their history and consider the Bill a mystic entity "enacted" by Congress.

In truth, many more were suggested and Congress actually proposed twelve amendments—and there was ample debate before ratification of the ten amendments by the thirteen states. As originally proposed by James Madison in the form sent by the House to the Senate, the Bill of Rights comprised seventeen amendments!

Read the Bill this month. It takes only a few minutes, but it helps bring some basic facts back into focus.

## THE PROS ARE STILL AROUND, THANK GOD

### HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. ROBERTS. Mr. Speaker, recently an article in the Retired Officer gave proper recognition to our professional military families who have served this country so well.

I am pleased that the family of our distinguished colleague from Texas, Hon. EARLE CABELL, was one of the families listed.

This family has provided many of the leaders in the civilian and military life of our Nation. I congratulate our colleague and his brother, Gen. C. P. Cabell, as well as other members of the Cabell family upon this deserved recognition.

The article follows:

## THE PROS ARE STILL AROUND, THANK GOD

(By Maj. Gen. Perry B. Griffith,  
USAF-Ret.)

Opinions and decision-making are so influenced today by strident articulation, threats, cavalier disregard for fact and hysterical violence that a quiet group amongst us, forever affected by the wars we fight, is forgotten.

These are the families of our professional fighting men—America's hereditary military aristocracy: whose sisters and daughters inter-marry with other pros, and whose sons and brothers traditionally close the formation when a relative dies, retires or is killed.

Living in genteel poverty, they have willingly exchanged material wealth for a measure of pride, satisfaction and social position. Physical and mental hardship is a way of life. The women went West with their 7th Cavalry husbands, bearing and losing children along the way, but always alongside their men, during oppressive times and occasional, between-wars, good times.

They were in Panama dying of Yellow-Jack and they saw machine gun bullets and frag bombs chew up barracks, aircraft and ships of the line, and the men in them at Hickam, Ford Island and Pearl.

Like a British peer, the men die first in any war. For example, West Point's alumni magazine is loaded with the names of fallen graduates from subaltern to general officer. And today—in an unbelievably cruel situation, one receiving scant attention from our easy-living, left-wing-inflamed public—women folk mourn dead husbands or wait patiently for some who may be prisoners in Laos, North Vietnam and VC compounds in South Vietnam. But even so, they barely exist, with no assurance that their men are alive or dead, thanks to a sub-human foe we fight with Marquess of Queensbury rules in South East Asia.

And these dependents are all mixed up too; because never before has the U.S. seen vicious hostility toward those doing their duty in the highest tradition; fighting this war—yours and mine, not the pros' alone. They don't understand this, nor did their dead husbands, brothers and fathers and their other blood and by-marriage relatives.

Few civilians know much about the father to son paths a handful of our families has followed since 1802: from West Point, Annapolis and Air Force and also up from the ranks. Household names in the service, some are known outside, but most remain in obscurity away from their small, clannish, professional and social gatherings.

They are such as the FitzHugh Lees, the McCains, Mustin, Hanlon, Vandenberg, Olds, Arnold, Ryan, Clay, Cabell, Collins, Grant, Patton, Parker, Honeycutt, Puller, Carney, Polk, MacArthur, Kirby-Smith, Rodney families—among a few scores more in all services.

And there is, or was, the Bunker family: archetypical of this class.

If you never heard of the Bunkers, some history is in order, to be reflected on when Molotov cocktails are next heaved into an ROTC armory or rocks shied at a young veteran trying to get his degree, or that man—lately wearing a soldier suit—probably faced death for you and me, and for his flag (not a Viet Cong flag either, grasped in some rabble-rouser's palm, at Stanford, Berkeley or Harvard or Columbia or Yale or San Francisco State).

Paul Delmont Bunker finished West Point in 1903—MacArthur's, Wainwright's and Selfridge's class. A legendary football hero, he twice made Walter Camp's All-Time, All-American Team; and in 1969, joined nine other West Pointers in America's Football Hall of Fame.

He sired a daughter and two sons and both became officers. The elder was killed in a peacetime accident when his aircraft dug a hole in a Hawaiian pineapple field on a strafing run. The daughter married a sec-

ond son's 1934 USMA classmate and fellow swimming team star, Thompson Brooke Maury III.

When WW II started, Brooke Maury and his father-in-law were in the Philippines. Two years later, when retreating Japs were moving to internal lines, Maury—a prisoner—was aboard an over-loaded ship which was mistakenly attacked; and, with hundreds more, he died.

Meanwhile, COL Bunker was on Corregidor. At the end, he cut a piece from our flag, flying over the Rock, and sewed it under his shirt. Dying in a POW camp, he whispered to a fellow prisoner, the piece was transferred and secreted to war's end. Today, with the Stars and Stripes desecrated and scorned, a bit of U.S. history is venerated in West Point's Museum: this piece from under COL Bunker's shirt.

The second son did well. And a few months ago, with responsibility to safeguard the Army's and taxpayer's interests during the Cherokee investigation, he paid those dues sometimes exacted of over-burdened leadership. For when all the Congressional fuss has ended, LGEN William B. Bunker lay dead of a heart attack—a professional casualty, lost and just as finished as had he succumbed to an enemy bullet.

So, now, the books are closed on the Bunker family.

To some, country comes first: selfish, isolationist pragmatists are, as a matter of course, relegated to the rear ranks. A heartening reality, when gut issues must be faced head-on—by someone.

And they'll always be met by men who spend their lives wading through swamps or in an Arctic gale or sloshing ashore on an enemy beach or fighting the wash of black water across a rolling destroyer's deck or with an engine afire, and a crew depending on the aircraft commander's skill to return them hundreds of miles to safe haven. These are the pros, and their families.

Thank God we've still got them around.

#### "DELTA QUEEN"

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. FINDLEY. Mr. Speaker, today the House takes up the fate of the *Delta Queen*, the sternwheel passenger vessel which for 44 years has carried Americans along the Mississippi, Ohio, Tennessee, and Cumberland Rivers. She is the only passenger vessel with overnight accommodations and operating solely on the inland rivers of the United States. The provisions of Public Law 89-777, enacted in 1966, would end the *Delta Queen's* long, colorful history of service for the reason owners are unable to make her comply with all the safety regulations imposed by that law. The bill we have presently pending before us would exempt the *Queen* from these provisions for the next 3 years, and I feel it is indeed worthy of thoughtful consideration.

The *Delta Queen* is an important remnant of our past and of America's history. She has served us well and we must not abandon her now.

I am including the text of letters from two residents of Illinois deeply interested in her fate, and these represent most eloquently the feelings of the many others who have written to me in this regard:

CARTHAGE, ILL.,  
October 26, 1970.

Representative PAUL FINDLEY,  
Washington, D.C.

DEAR MR. FINDLEY: I am writing to you to ask that you do all in your power to keep the *Delta Queen* running on the Mississippi. I understand there is now a bill proposed that would keep this fine steamer and relic of our heritage running and I surely feel that it should be kept going on our inland rivers.

We are so hasty at times it seems to do away with many precious things in our eternal search to make our country a safer and better place, but I feel a bit of our haste could be done away with in this case, and it could be exempted from the maritime safety laws and allowed to continue giving pleasure to so many people as it has over the years.

I realize you are very busy, but have always felt that you did listen to us people here in your district, so we will help you and you kinda keep an eye out for this bill for us and do all you can for us on it.

Thanking you, I remain,  
Sincerely,

ZELDA BAXTER.

NOVEMBER 16, 1970.

Mr. KENNETH A. SCHAAF,  
Franklin, Ill.

DEAR KENNETH: I appreciated very much receiving your recent letter concerning the preservation of the *Delta Queen*. As you know, the effort in behalf of the riverboat is still very much alive. A private claims bill which recently passed the House was revised in the Senate to include a provision to extend the life of the *Queen* until November 1, 1973, presumably until such time as a replica vessel could be constructed which would conform to the safety standards under existing protective legislation.

The proposal is now on the Speaker's desk, and of course must once again be considered by the House with the amendment intact. If the House fails to go along with the revision, the measure will then go to a House-Senate conference committee, hopefully to resolve the differences.

I of course have seen much correspondence both pro and con on this issue, and assure you that I will weigh both factors most carefully during consideration of the bill.

Thanks for letting me have your views, Kenneth. Best wishes.

Sincerely yours,

PAUL FINDLEY,  
Representative in Congress.

FRANKLIN, ILL.,  
November 10, 1970.

HON. PAUL FINDLEY,  
Washington, D.C.

DEAR PAUL: Due to health impairments I failed to attend your meetings hereabouts during the campaign time. However I was with you in spirit, and I rejoiced over your hospitality on shipboard out of Beardstown. I've been interested in river navigation since boyhood days and the heydays of Mark Twain, so much so that I whiled away a lot of time studying the time-table of the Storchbees Line of Steamers out of Saint Louis. I was heartily elated when the *Delta Queen* made her debut on our waters—the Ohio river, the Mississippi and the rivers of Tennessee and Kentucky.

Recently, I have been shocked over the idea that the *Delta Queen* might be retired soon. I feel that she is good for several more years of safe service and so I am hoping you will be interested in voting "yes" on November 16 when Congress considers a bill to exempt the *Delta Queen* from Coast Guard regulations.

I would be very happy to know that this well-built, magnificent ship will continue in passenger service for many years. Her voyages really have educational value, and help to keep people in touch with our rich historical heritage.

With every good wish, dear Senator Paul, and hoping to visit you sometime in Washington.

Most respectfully yours,

KENNETH A. SCHAAF.

NOVEMBER 16, 1970.

Mr. EUGENE E. TINKER,  
Principal,  
Roseville High School,  
Roseville, Ill.

DEAR MR. TINKER: I appreciated very much receiving your recent letter concerning H.R. 6114, which includes an amendment for the preservation of the *Delta Queen*.

As you may know, this is a private claims bill and the Senate attached an amendment passed the House without such a provision included. The provision of course would grant an extension of time the *Delta Queen* would be able to function until a replica vessel could be constructed which would conform to the safety standards under existing protective legislation. The time limit under this bill would be November 1, 1973.

I certainly realize the tradition and heritage attached to this fine old riverboat, and will consider all factors involved most carefully when we once again have the opportunity to vote on the issue. I appreciate this expression of interest on your part.

Best wishes.

Sincerely yours,

PAUL FINDLEY,  
Representative in Congress.

ROSEVILLE HIGH SCHOOL,  
Roseville, Ill., November 9, 1970.

Mr. PAUL FINDLEY,  
Federal Building,  
Washington, D.C.

DEAR REPRESENTATIVE: I am writing to you on behalf of Bill HR6114—"Save the *Delta Queen* Amendment"—with the hope that you will do everything within your power to keep the *Delta Queen* on the Mississippi River.

I think it will be terrible if she is taken off the river. If the *Delta Queen* was unsafe, then I would strongly favor her end. But from talking to many qualified persons, I am told she is very safe.

Mrs. Tinker and I went to Lock 18 at Gladstone on Sunday, November 25, to see the *Delta Queen* come down river on what could be but, I pray not, her last trip. What a beauty she was as she rounded the bend and sounded her steam whistle in the early morning fog.

Hundreds of people were in Gladstone at the early hour. At Burlington and Nauvoo, and everywhere along her route, she was greeted by thousands of friends. Most of the people who greeted her will not write to you, but they all were sad to think that this might be her last trip. I know they want her to continue.

When the last steamboat, the *Delta Queen*, is taken, America will never be quite the same.

Please do all you can to save the *Delta Queen*.

Sincerely,

EUGENE E. TINKER,  
Principal.

### HARRY MARTINEZ—NICE GUY FINISHES FIRST

### HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. HÉBERT. Mr. Speaker, 30 years ago when I first came to Congress my district secretary was a promising young man named Jimmy Messina. After a

short time he resigned the position noting "this job doesn't look like it will be permanent."

Last week in New Orleans, Harry Owens Martinez, dean of New Orleans newspapermen and sports editor of the States-Item since 1924, retired after a 60-year career. Recalling the day he became sports editor 46 years ago, Martinez said:

You know my first assistant was Eddie Hébert, who later became city editor and has served in Congress since 1941.

A little different from my young secretary who did not think his job permanent, I knew if I hung around the job would be permanent and for 46 years I would have been assistant sports editor and would have only become sports editor last week.

Fortunately, I decided the end of the rainbow was in a different direction after serving 2 happy years as Harry's assistant.

I do not know anyone in the newspaper business who is better liked or loved than Harry Martinez.

He is the antithesis and contradiction of Leo Durocher's observation that "nice guys finish last." Harry was always first in the hearts of those who knew him. He leaves behind a wonderful tradition of friends and friendships.

I think it only fitting that I reproduce an excellent story written by Kermit Tarleton about Harry and his career.

And though you do not know the man, after reading about him I know you will wish you had.

I was fortunate.

The article follows:

[From the New Orleans States-Item,  
Nov. 27, 1970]

**MARTINEZ RETIRES AFTER 60-YEAR  
NEWSPAPER CAREER**

(By Kermit Tarleton)

Harry Martinez, dean of the New Orleans sports writers, climbs down from his Crow's Nest today, ending a 60-year newspaper career.

The venerable, 75-year-old Gray Eagle, as Martinez is known to his many friends, goes into retirement with a warehouse full of memories covering six decades in the sports world.

"I've often been asked what my most exciting moment has been in sports, but I can't single out any one thing. I've covered so many kinds of events," Martinez explains. "It's the same with trying to pick the greatest athlete. Times are different, conditions change, I wouldn't even attempt it."

For Martinez, his greatest thrill may be among any number of great spectacles he has covered—the long count Dempsey-Tunney fight in Chicago's Soldiers Field; his first Kentucky Derby when he picked the finish one, two, four, three; the 1934 World Series when the Dean brothers dumped the Detroit Tigers; New Orleansian Nelson Whitney's victory over the great Bobby Jones in Southern golf competition, or the great Tulane football teams of the 1920s. Who knows? His list is endless.

For Harry Martinez the long trail through the sports world began in 1910 with the old New Orleans Item.

"It was a funny thing, I started off as a \$2 a week copy boy, but came to the States shortly after when they offered me \$3," he recently recalled. "In those days the sports editor was a man named Henry J. Reiter, who wrote under the name of Col. Cluke. I was a

police reporter at the time. Then one day Col. Cluke got sick and had to go to the hospital. They called me in and told me I'd have to put out the sports page. It was a one man operation in those days.

"After Col. Cluke got well they put me on as his assistant. Finally, one morning when I got to work there was a note in my typewriter. 'I have just quit, you are the sports editor,' it said. That was in March, 1924, and I've been at it ever since."

"You know my first assistant was Eddie Hébert (who later became city editor of the States and has served the First District in Congress since 1940)."

How about that nickname, the Gray Eagle? "Oh that was Keefe," he said with a chuckle, referring to the late William McG. Keefe, long time sports editor of The Times-Picayune and a Martinez crony for many years.

"We used to go to the Pelican games and I'd sit down front and he'd holler 'there's the old Gray Eagle,' I was gray even then."

And the Crow's Nest, the name of the Martinez column?

"That was Keefe, too, he started that. I had a column with some name they didn't like. Fred Digby on the Item was writing 'Looking Em Over' and Keefe's column was called 'Viewing the News.' He put that Crow's Nest name on it. Then, too, I had been in the Naval Reserve during World War I and all the ships had Crow's Nests, so it stuck."

As Harry Martinez what sport he likes the best and he'll tell you it's baseball, but start him off reminiscing and he'll jump to boxing first.

"I remember that Dempsey-Tunney long count fight in Soldiers' Field in 1927 well," he recalls. "It looked to me Dempsey was saving himself for one big round. Finally in the seventh he really tore into Tunney with both hands and knocked him down. Tunney had one knee on the canvas, but the referee wouldn't start counting until Jack went to a neutral corner. That cost him maybe three or four counts. Then Tunney came back and boxed circles around Jack."

"Finally when Tunney retired undefeated (in 1928) there was pretty much of a scramble among the heavyweights. I especially remember that Max Baer-Primo Carnera fight out in Long Island (in 1934), when Baer won the title. He had Carnera down 11 times in that one."

"Joe Louis came along and took Jimmy Braddock in the White Sox Park (in Chicago in June 1937). That Louis was a good one. He could hit."

Asked for a comparison of Louis and fighters of today and Martinez sidesteps with even more grace than Cassius Clay.

"I was at ringside when Pete Herman won the bantamweight title from Kid Williams in 20 rounds. I followed Herman all through his career," he says with obvious pleasure.

Was he the best of New Orleans fighters you watched?

"I guess so, he and Joe Mandot, the Baker boy they used to call him."

"I remember one time Herman made a trip to England to fight the flyweight champion of the world. He never got paid for that, the promoter skipped out with the money. It was a funny thing, Sammy Goldman, who managed Herman, also handled Tony Canzoneri. Canzoneri fought Eddie 'Kid' Wolfe here and the promoter skipped out with that purse too."

"He was smart enough to leave Uncle Sam's money here, though. Wolfe, who has a place up on Broad near the Fair Grounds, had been building up for this one big shot hand when he got it, the promoter takes off with the money. It was a terrific fight though."

"Mandot was a great one, I remember he fought on Nov. 4, 1912, a 10-rounder against

Ed Wolgast. There were so many people trying to get into that one they almost tore down the fences to get in.

"Mandot never won the title but he was a great boxer. He didn't have a knockout punch. There was one fight he had with Johnny Dundee in McDonoghville across the river. Neither one could break an egg, but it was just like a cockfight. They really went at it."

"In the early days of Herman's career we had quite an array of bantamweights here. They used to have weekly shows at the old Orleans Arena on Bienville near Rampart. Johnny Fisse could take Herman sometimes, Eddie Coulon could handle Fisse and Herman could beat Coulon and they just kept going round and round."

"I knew Herman well, we were in the Naval Reserve together and Herman used to go around then fighting exhibitions. It was in Philadelphia in December, 1917, that a guy named Gussie Lewis put his thumb in Herman's eye and that was what really started him to go blind."

"Herman told me later Lewis apologized to him for that but in those days there was plenty of that and rabbit punches and so on."

Talk baseball to Martinez and you're sure to hear about the 1934 World Series between the St. Louis Cardinals with Dizzy Dean and his brother, Paul, and the Detroit Tigers.

He is particularly fond of the story when Dizzy got himself into the fourth game as a pitch runner. On a ground ball the throw went to second and the shortstop is relaying to first for the double play hit Diz, the base runner, in the head and laid him out. They had to carry Dean off on a stretcher and he was supposed to be finished for the series.

Then with Detroit holding a three-to-two game edge, Paul came back and tied that series and the next day Dizzy shook off his injury and won the last game 11-0 for the World's Championship.

But baseball to the Eagle has to center around the old Pelicans.

"I remember one time when Johnny Dobbs, who used to manage the Pelicans, was managing Birmingham and they came here for a Sunday doubleheader. In those days we drew crowds standing all around the outfield. Ray Gardner was at bat for the Pelicans and he thought the pitcher was trying to dust him off, so he went charging out to the mound with the bat in his hand. The Birmingham second baseman went to the pitcher's aid and out of the stands came an off-duty policeman dressed in civilian clothes to restore order."

"The second baseman took him for a fan and charged the officer, winding up in jail. Dobbs put up a big squawk and wouldn't play the second game until his man was released. Well, of course, it took a while to get him out of jail so there was no second game that day."

"Dobbs refused to play here any more until his team got police protection. In those days the teams had to walk around the end of the grandstand to get to the clubhouse and the fans used to throw pop bottles and anything else they could at them. It was then that they put a tunnel from the dugout to the dressing room and Dobbs agreed to come back."

Unlike his old pal, Bill Keefe, Harry Martinez was never considered much of a prankster, but in the Eagle's opinion old Alex Heinemann, former Pel owner, was one.

"He used to have several new, good hats in his office, but when he went out into the stadium he used to put on an old beat-up straw hat so he could hear the fans call him a bum and shout 'when ya gonna break down and buy a new hat?'"

"The Pelicans had an outfielder named Ollie Tucker. He ran into the wall one day to catch a fly ball and knocked out a board in

the fence. As they came in after the inning, Heinemann told me, 'Eagle, watch this.' Say Tucker, that'll cost you ten bucks for that fence, he yelled. Well the people went wild. 'You bum, whatcha doin chargin him for that fence, you cheap so and so.' The fans really got after him but he loved it."

Martin made his first trip to Louisville for the Kentucky Derby in 1934.

"I remember it well. I picked the finish to be Cavalcade, Discovery, Mata Hari and Agrarian. Actually Mata Hari finished fourth. I picked her to show because I knew fillies had little chance of winning, but I felt she was really outstanding and should at least be in the money. Actually she led all the way to the stretch.

"In 1948 I picked them one, two, three. I had Citation, Coaltown and My Request in that order.

"I remember one derby, I think it was an anniversary running, when they decided to put on quite a show. They hired a number of Kentucky university students to dress up with flowing capes and ride thoroughbreds. While they were on the track, the bugle blew to call out the horses for the race and the noise scared the parade horses, spilling youngsters all over the track. It ruined the whole thing.

"Actually the Kentucky Derby is just another horse race. I can remember some great finishes right here."

Asked to pick a favorite among race horses, the Eagle chooses Whirlaway. "I guess I always liked him, he was a great runner, a picture horse with his long tail."

"Then there was a horse named Best Pal," he recalls, "who kept on winning and winning. Roxy Romanelli, the jockey who rode him, told me later he bet on the horse only once and that time he lost.

Martinez can remember when horse racing was legislated out of business and when it came back with oral or bookmaking type betting.

Other horses that caught his fancy were Black Gold and Pan Zaretta, both of whom are buried in the Fair Grounds infield.

"Black Gold was a good little horse. A lot of people think that he won the Louisiana Derby and injured himself on the same race-track, but that's not true. He won the Louisiana Derby at old Jefferson Park, went on to win the Kentucky Derby and retired to stud. When he failed as a stallion he was brought back and broke his leg at the Fair Grounds.

Football, quite naturally, has a warm spot in the Eagle's heart. He has seen every Sugar Bowl and was particularly close to Tulane's gridiron fortunes.

"Clark Shaughnessy came here in 1915 and it took him a little while to get going; finally in 1924 he had what he thought was his best team and he brought his old coach Doc Williams here from Minnesota to see them perform.

"That year they beat Vanderbilt, a good team and it was a great victory for Shaughnessy. He beat Spring Hill the following week, but Mississippi State beat him.

"In 1925 he bounced back and beat a good Northwestern team. Shaughnessy always had an ambition to go back to the Mid-west, where he was from, and win.

"That year Tulane got a Rose Bowl bid but declined because Tulane said it would take the kids away from school too long. Instead, they tried to make it up to them by scheduling a post season game with Centenary and came near getting beat.

"Bernie Bierman came in 1927 and it took him a couple of years, too. His three greatest teams were in 1929, 9-0; 1930, 8-1, and 1931, 11-0. The only loss in three years was to Northwestern, 14-0 in 1930.

"They went to the Rose Bowl and lost 21-12. Actually they surprised everybody. The California sports writers had ridiculed Tulane, but they made a great showing.

"Of course, Tulane played in the first Sugar Bowl and Monk Simons ran 85 yards for a touchdown.

"I remember one LSU game in particular when Biff Jones was there. It was a post season game with Oregon and it turned out to be the coldest football game I ever sat through. No one showed up except the people in the press box and I mean that, nobody else was there."

And so he goes with the past, but how about the future?

"Well I really don't know," Martinez says. "Both my children live out of town, so I guess I'll be going back and forth between them."

His son Owen is director of operations of for the Astrodome in Houston and his daughter, Mrs. Jackie Chol, lives in Lake Charles.

In 1952, when the mayor and representatives of 30 amateur and professional sports organizations gave Martinez a testimonial, his old pal Bill Keefe wrote this:

"Harry is fair and square in all his dealings, kind and considerate, patient and sportsmanlike and generous in his daily life. Few and far between are the persons blessed with the sweet disposition of the sterling chap who has been a lifelong friend to hundreds as well as to me."

#### "NO" TO THE SST

### HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. FISH. Mr. Speaker, arguments of national pride, remaining first in aerospace of the future and employment needs in the aircraft industry have been advanced in support of continuing appropriations for the prototype of the SST. In opposition are the demands for more basic means of transportation; the small number of American travelers who ultimately would benefit from the SST; the enormous cost involved at a time of pressing human needs and the serious questions raised concerning the impact of the supersonic transport on the environment.

I oppose a further expenditure of \$290 million on the prototype.

In this time of growing contrast between rich and poor, black and white, the Congress should not, in conscience, allow the expenditure of untold sums of taxpayers' money for a supersonic airplane which, when completed, will serve a very small percentage of our citizens. Higher priority, for example, should be given to the development of safe, fast, clean commuter rail service for the hundreds of thousands of Americans who need to get to work each day. The issue in 1970 is not solely \$290 million dollars. The Federal Government has already invested \$703 million in the SST and estimates for the prototype alone are double this figure. The financing of eventual production costs is still not clear.

I believe a pivotal issue is the environmental impact of the SST, which at this time is not fully known. For example, serious questions are being asked as to the effect such a jet would have on the world's upper atmosphere. These large jets, traveling in the upper atmosphere, will release water vapor at a weight 40 percent greater than the weight of the fuel consumed. Unanswered is whether

the introduction of this additional water vapor would alter the radiation balance, possibly affecting the general circulation of atmospheric components. Also, previous testimony on the SST indicates that the noise level at takeoff will be equal to the noise level of 50 subsonic jets taking off simultaneously. Here we face the issue whether localities will allow them to operate at that noise level.

We in the Congress daily face the problems of underfunding human needs because of economic conditions. In my view higher priorities should be accorded hospital construction and assistance in the education of medical professionals, housing, education, and environmental preservation than to the SST.

There is, furthermore, a real question of the financial condition of the airlines to purchase supersonic craft. A delay in development and production may well relieve U.S. airline companies of the competitive pressure to purchase such a plane.

We are all concerned over rising unemployment, but it makes little sense to argue that we ought to produce something we do not need because we need the employment. This is particularly true today when social needs are great and there is much we can do to fulfill these needs which would increase employment.

#### DECEMBER AT THE SMITHSONIAN

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the schedule of events for the month of December 1970 of the Smithsonian Institution.

I am sure that those who have an opportunity to visit the Smithsonian Institution during this month will find the exhibits and programs outstanding and interesting.

#### DECEMBER AT THE SMITHSONIAN

WEDNESDAY, DECEMBER 2

Lunchbox Forum.—Kurt Stehling, Marine Sciences Council, discusses *Iceland: Volcanoes, Geysers, and Fish (Aircraft Survey)*. Sponsored by the National Air and Space Museum, Room 2169, Arts and Industries Building, noon.

THURSDAY, DECEMBER 3

Creative Screen.—*Dream of the Wild Horses*—A classic film poem of the wild horses of Camargue with dream-like photography against soft-focus backgrounds and musical accompaniment of electronic sounds; and *Allegro Ma Troppo*—The rapid tempo of modern urban life cleverly edited with a Parisian touch. Continuous half-hour showings beginning 11 a.m.; last showing at 2:30 p.m., National Collection of Fine Arts.

SATURDAY, DECEMBER 5

Creative screen.—*Dream of the Wild Horses*; *Allegro Ma Troppo*. See Dec. 3 for details.

MONDAY, DECEMBER 7

Perceptions 3.—*Electric Stereopticon*. Electronic music concert performed by an eight-member group. The *Electric Stereopticon* is sound and sight and jazz and bright and blues and black and electronics and stroboscopes and costume and color and . . . and

... and ... Presented by the Division of Performing Arts and the Smithsonian Associates. \$3.50 Associates; \$4 non-members. Natural History Building auditorium, 8:30 p.m. For information call 381-5407.

TUESDAY, DECEMBER 8

Perceptions 3.—*Electric Stereopticon*. See Dec. 7 for details.

WEDNESDAY, DECEMBER 9

Lunchbox Forum.—William A. Barden, Defense Communication Center, discusses *Technical Information Exploitation*. Sponsored by the National Air and Space Museum. Room 2169, Arts and Industries Building, noon.

Lecture-Demonstration.—*Ornamenting the Messiah Solos*. Kenneth Pennington, Chairman of the Voice Department, University of Maryland, assisted by Sharon Shafer, soprano, Louise McClelland, mezzo-soprano, and LeRoy Dorsey, 1:30 p.m. Hall of Musical Instruments, Museum of History and Technology.

THURSDAY, DECEMBER 10

Concert.—Air Force Woodwind Quintet. 8:00 p.m. History and Technology Building auditorium.

Lecture.—*Wildlife Annals*, by Edward M. Brigham, Jr., Director, Kingman Museum of Natural History, Battle Creek, Mich. Annals on film of birds, flowers, insects and small mammals throughout the changing seasons, including visits to noted sanctuaries in Northern U.S. and Canada. Sponsored by the Audubon Naturalist Society. Natural History Building auditorium, 5:15 and 8:30 p.m. Open to the public.

FRIDAY, DECEMBER 11

Concert.—Kilby Snow, autoharp virtuoso, accompanied by Mike Hudak, will present a wide range of music from traditional and old-timey songs to modern pop material. Sponsored by the Folklore Society of Greater Washington and the Smithsonian Performing Arts Division. 8:30 p.m., History and Technology Building auditorium. Free to Folklore Society members; \$1, non-members.

Lecture.—*Shadows Over the Wilderness—Can It Survive?* Michael Frome, Conservation Editor of *Field and Stream*, presents a camera-led review of the National Parks and National Forests and discusses how the two original purposes of these areas—preservation and visitation—are now in conflict. Sponsored by the National Parks and Conservation Association, 8 p.m., Natural History Building auditorium.

SATURDAY, DECEMBER 12

Lecture.—*Problems in Conservation of Oil Painting*, by Charles H. Olin, Head Conservator, Fine Arts and Portrait Galleries. 3 p.m., Lecture Hall, National Collection of Fine Arts.

Saturday Jazz.—Featuring *The Last Poets* in jazz theater. *The Last Poets* are the fore-runners of an emerging tradition of revolutionary black poetry. Presented by the Left Bank Jazz Society and the Smithsonian Division of Performing Arts, 8 p.m., Cramton Auditorium, Howard University. \$3.50 per person; for further information call 381-5407.

WEDNESDAY, DECEMBER 16

Lunchbox Forum.—Donald Merchant, National Air and Space Museum, discusses *A Glimpse Behind the Scenes*. Sponsored by the National Air and Space Museum. Room 2169, Arts and Industries Building, noon.

THURSDAY, DECEMBER 17

Creative Screen.—A Happy Holiday Package of three films: *Christmas Cracker*—A Norman McLaren frolic filled with animated tricks; *Do-It-Yourself Kit*—An effervescent and humorous offering; and *The Great Toy Robbery*—A Western cartoon starring the world's most wanted good guy, Santa Claus alias Father Christmas. Continuous half-hour showings beginning 11 a.m.; last show-

ing at 2:30 p.m., National Collection of Fine Arts.

FRIDAY, DECEMBER 18

Exhibition.—Prints by Pakistani artists from the Smithsonian's workshop in creative printmaking. These prints were made in Pakistan during the fall of 1967 under the direction of graphic artist Michael Ponce de Leon. Sponsored by the International Art Program of the National Collection of Fine Arts. Arts and Industries Building, through mid-January.

SATURDAY, DECEMBER 19

Creative Screen.—*Christmas Cracker; Do-It-Yourself Kit; The Great Toy Robbery*. Repeat. See Dec. 17 for details.

MONDAY, DECEMBER 21

Exhibition.—*Founders Day*. Commemorates the 350th anniversary of the landing of the pilgrims on the North American continent. Mall entrance, Museum of History and Technology.

WEDNESDAY, DECEMBER 23

Exhibition.—*Paulanship: Drawings and Sculptures*. Fifty drawings and 15 small figurative and animal sculptures by this American artist (1885-1966), all from the NCFCA's collection. Most of Manship's drawings, done mainly in pencil, were studies for his sculptures. National Collection of Fine Arts, through Jan. 31.

WORKSHOPS AND TOURS

(Sponsored by the Smithsonian Associates—By Subscription Only—Phone 381-5157)

Dec. 3 and 5 *Exploration Washington*. A unique tour of both prominent and little known historical monuments in the Washington, D.C. area, conducted by James M. Goode, Chief, Architectural Drawings Index. For Associates members.

Dec. 6 *Enameling Workshop* for adults, under the direction of Bill Cook.

Dec. 6 *Creative Candles Workshop* for young people (8-12 years old).

Jan. 22-24 *Associates Winter Weekend*. "Open fires—roasting chestnuts" and other amenities of 18th century hospitality at Old Sturbridge Village, Mass., for a relaxing mid-winter weekend. For Associates members.

CONTINUING EXHIBITIONS

Arts and Industries Building

*Hand of Man on America*. Photographs by David Plowden depict man-made objects and their impact on the American continent—past, present and future. On display indefinitely.

*Early Bird Replica*. An operating backup model for the world's first communication satellite. On display indefinitely.

*The Genteel Female*. Lithographs depict the romantic view of the American woman of the 19th century. On display indefinitely.

*Beechcraft*. The history of the Beech Aircraft Co. traced through the use of scale models. On display indefinitely.

*Finnish Design*. 300 objects in stainless steel, plastic, glass, silver and porcelain by Tapio Wirkkala. Through Jan. 3, 1971.

Freer Gallery of Art

*Whistler's Landscapes and Seascapes*. Forty paintings show Whistler in his forgotten role as an avant garde artist. On display indefinitely.

*Whistler's Etchings*. Twenty-six prints and 16 canceled copper plates. On display indefinitely.

Museum of History and Technology

*Do It the Hard Way: Rube Goldberg and Modern Times*. The cartoons, writings and sculptures of Rube Goldberg with emphasis on his cartoon "inventions." On display indefinitely.

*Contemporary Counterparts of Early American Craftsmen*. Jeweler Mary Renk is featured. Hall of Everyday Life in the American Past. On display indefinitely.

*Iron and Steel Hall*. Exhibit of the American iron and steel business dealing with modern practices and some of the historical background. On display indefinitely.

*South Carolina Paper Money, 1770-1933*. The paper money provides not only a monetary history, but also a record of political issues, technical accomplishments, cultural habits and artistic taste. Through Dec. 31.

Museum of Natural History

*Indian Images*. Historic photographs of North American Indians (1847-1928). On display indefinitely.

*Moon Rock Research*. Finds of research on lunar samples by Smithsonian scientists. On display indefinitely.

Natural Collection of Fine Arts

*Jasper Cropsey*. Ninety paintings and drawings comprise the first major show of this 19th century landscapist. Through Jan. 3.

*Winslow Homer*. Fifty-one oils, watercolors, drawings, and graphics, mostly from the artist's popular early period. On display indefinitely.

*A Look at the World: Mid-Century*. Twenty-six American paintings and small sculptures give an individualist view of the 1950s. On display indefinitely.

National Portrait Gallery

*John Quincy Adams*. Thirty-five portraits from life, together with letters, documents, and material depicting Adams' involvement in the anti-slavery movement, constitute a look at the life and times of the sixth U.S. President. Through Jan. 3, 1971.

*Along This Way*. Portraits, photographs, death mask, and other artifacts of black culture exponent James Weldon Johnson. A teaching exhibition. Through June 30, 1971.

SIMONAS KUDIRKA, THE LITHUANIAN SEAMAN

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Tuesday, December 8, 1970

Mr. MINISH. Mr. Speaker, as we receive more information about the attempted defection by a Lithuanian sailor, Simonas Kudirka, the story becomes sorer and sorer.

While we in the United States pride ourselves on our concern for human life, somehow we permitted this unfortunate seaman to be cruelly beaten while on U.S. territory and then taken out of our jurisdiction.

A request for asylum should presuppose that the matter will be investigated before a decision is rendered. Otherwise, as in the case of Simonas Kudirka, there is little that can be done once he has been dragged off to Soviet jurisdiction.

The shocking truth is that there is no methodical and consistent handling of defection cases. In view of the brutality of the Kudirka incident, some humane procedure should be established at once.

While the State Department and the Transportation Department have prepared reports showing what went wrong, there is still no assurance that a similar incident will not happen in the future.

Hearings underway by the Foreign Affairs Committee and the Merchant Marine and Fisheries Committee should establish a proper procedure for humanely handling such cases. Such assurance is absolutely necessary in view of Seaman Kudirka's brutal treatment.

Two letters that I received on the

matter should be of interest to my colleagues, because they are reflective of public opinion. The letters follow:

LITHUANIAN COUNCIL OF  
NEW JERSEY,  
Orange, N.J., November 30, 1970.

HON. JOSEPH G. MINISH,  
House Office Building,  
Washington, D.C.

MY DEAR REPRESENTATIVE: I am writing to you in reference to the Lithuanian sailor who was forcibly returned to the Russians by the United States Coast Guard, one mile off Martha's Vineyard, in what seems to be a total disregard of the Geneva Convention protocol on political asylum.

On behalf of all the Lithuanian organizations of New Jersey I request you to speak out against this action and call for a full Congressional investigation.

I will appreciate hearing of your action on this matter.

Sincerely,

VALENTINAS MELINIS, President.

HON. JOSEPH MINISH, M.C.  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN MINISH: It was with a great deal of shame and heartsickness that I read the account in Sunday's Times of the disgraceful incident aboard the Vigilant. Have we become as unchristian and inhuman as the Soviets?

Despite orders from his superior, Admiral Ellis, did not Commander Eustis have a moral obligation to offer at least temporary asylum to the man who risked his life to escape oppression—what is wrong with American spirit and morality that it would allow a pleading, begging human being, to be beaten, bound and kicked into unconsciousness and then dragged back to, God only knows, what torture? This happened on an American ship in front of an American crew in American territorial waters. Is this how justice and humanity are observed in our Services? We prosecuted the Nazi at Nuremberg for "obeying" orders (against humanity).

Certainly this situation cries out for investigation. There was no need to immediately turn this poor man over to the Soviets—he could have been detained indefinitely and investigated. To allow his brutal captors to escape was a crime.

I have tried to teach my children that this great country of ours was founded on justice and love. How do I explain such inhumanity? No wonder the youth are distrustful of the military. It is difficult—no, impossible—to justify this abomination. Nothing we do now can help the poor, trusting soul who vainly sought our aid. America was the land of opportunity which warmly welcomed the poor and oppressed with open arms. What has happened to us? Why are we faltering? Can no one trust us now? Such a travesty should never be permitted to happen again.

Congressman Minish, the Congress should ascertain who was responsible for this reprehensible crime. Some one should be made to answer for this gross miscarriage of justice. I would appreciate knowing just what steps are being taken in Congress to get to the bottom of this sordid affair.

Very truly yours,

CATHERINE M. DUFFY,  
Mrs. Wm. J. Duffy.

THE 50TH YEAR OF KDKA RADIO  
IN PITTSBURGH, PA.

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 8, 1970

Mr. SCOTT. Mr. President, KDKA Radio in Pittsburgh, Pa., is celebrating its 50th year of radio broadcasting today.

Broadcast journalism and entertainment for all of the people in America and abroad has come a long way thanks to KDKA, the first radio station. My colleagues in the Pennsylvania Congressional Delegation join with me in a salute to KDKA in their 50th year of broadcasting. May the future be as bright as their past accomplishments.

#### A POW WIFE SPEAKS OUT ON RESCUE MISSION

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. GOLDWATER. Mr. Speaker, there has been much comment on the recent American effort to rescue some of our men from a prisoner of war camp in North Vietnam. Some in the Congress have played politics with the raid, columnists and editorialists have had their say, but entirely too little attention has been paid to those with perhaps the most at stake in the whole matter; the wives of the POW's themselves.

In the recent issue of the Republican National Committee's weekly publication, Monday, Mrs. Bobby G. Vinson, National Coordinator of the National League of Families of American Prisoners Missing in Southeast Asia, has expressed her opinion of the raid. The article follows for my colleagues' interest:

#### A POW WIFE SPEAKS OUT ON RESCUE MISSION

The families of men who are held as prisoners of war and who are missing and believed to be prisoners of war in Southeast Asia will surely be heartened by this new evidence of concern on the part of the Nixon Administration.

Despite the failure of the rescue mission, it was daring and courageous in concept and execution, and we owe a debt of gratitude to those volunteers who were willing to risk their own lives in trying to aid our husbands and sons.

We can only reiterate what is only well known to the American people: That North Vietnam and her allies consistently have treated the POW issue as a political issue when it is in fact a humanitarian issue. Their continued refusal to abide by the Geneva Conventions serves both to prolong the war and impede the peace negotiations. If they would agree to an immediate exchange of all prisoners, we feel certain the action would encourage our citizens to demand accelerated efforts in Paris to bring the war to an end. Meanwhile it must become more apparent to North Vietnam and her allies with each passing day that the world community ultimately will hold them responsible for the lives and well-being of the prisoners.

Scores of families have contacted us and their spirits have been uplifted by this magnificent effort to rescue these men. Some families have expressed concern about possible reprisals against the prisoners as a result of the rescue mission. The National Headquarter of the League is aware, however, that there can be no reason or justification for the North Vietnamese to retaliate against the prisoners. The prisoners themselves have done nothing which would warrant reprisals and furthermore, any such

action on the part of North Vietnam would not be tolerated by the more than 120 nations which signed the Geneva Convention.

We are becoming increasingly concerned about the welfare of the prisoners because there is evidence that they are dying in the camps.

#### JAILING CESAR CHAVEZ

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1970

Mr. EDWARDS of California. Mr. Speaker, Cesar Chavez is in jail because a delinquent Congress has failed to pass legislation which would give farmworkers the same rights as other workers enjoy in this country and have enjoyed for 35 years. How can we expect the growers to respect Chavez' movement when we refuse to respect it ourselves by recognizing legally its right to bargain. Cesar Chavez' incarceration is a case where the law suffers from lack of law. I include the following article from the New York Times as a part of the RECORD and ask that its comments be well heeded by the Members of this body:

#### JAILING CESAR CHAVEZ

The imprisonment of Cesar Chavez, leader of the California lettuce strikers, is an exercise in legalism of the kind that serves only to discredit the law. Mr. Chavez, as firm in his dedication to nonviolence as Mahatma Gandhi, is a symbol of emancipation for the most exploited of the nation's workers, the agricultural laborers.

The boycott for which he was jailed stems from the failure of Congress to extend to farm workers the same democratic machinery for determining union representation that millions of other workers have had for 35 years. If that machinery were available to record the preferences of lettuce pickers in the Salinas Valley, Mr. Chavez would have the law as ally, not obstacle, in his drive for economic justice.

The growers are hiding behind whirlwind contracts they signed with the International Brotherhood of Teamsters last July, a day after the Chavez union achieved final victory in its long grape strike and announced its intention of concentrating on the lettuce workers.

The leaders of the truck union, both nationally and on the West Coast, have acknowledged that their union has no business in this field. But most of the Salinas growers refuse to relinquish their pacts with the teamsters, even though that union has instructed its locals not to collect any dues or provide any service under the rush contracts.

None of these facts, of course, cast any doubt on the technical correctness of the order under which Mr. Chavez was imprisoned for violating a local judge's antiboycott injunction. Indeed, the union chief himself voices no bitterness at having to pay the price for civil disobedience.

But the reality is that the incarceration will merely add intensity to the boycott, the weapon the Chavez union used with such success in unionizing the vineyards. It is a weapon subject to gross abuse. The proper way to eliminate it in future conflicts of this kind is Congressional passage of a law that would make such tactics unnecessary.