

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONAGAN:

H.R. 20014. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to public museums and to agencies of States and their political subdivisions which are operated primarily for environmental protection or for the provision of services to schools or school systems, and for other purposes; to the Committee on Government Operations.

By Mr. MORGAN (for himself, Mr. ALBERT, Mr. GERALD R. FORD, and Mr. ADAIR):

H. Res. 1321. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. ADDABBO, Mr. CELLER, Mr. CORMAN, Mr. DOWNING, Mr. FULTON of Pennsylvania, Mr. HALPERN, Mr. HORTON, Mr. KOCH, Mr. MEEDS, Mr. MOORHEAD, Mr. PODELL, Mr. ROONEY of Pennsylvania, Mr. VANIK, Mr. WOLFF, Mr. HECHLER of West Virginia, Mr. RYAN, Mr. YATES, Mr. HAYS, Mr. LONG of Maryland, Mr. BOLLING, Mr. ROSENTHAL, Mr. FARBERSTEIN, Mr. HAMILTON, and Mr. CULVER):

H. Res. 1323. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. BINGHAM, Mr. DEVINE, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STEELE, Mr. PELLY, Mr. DENT, Mr. GARMATZ, Mr. WALDIE, Mr. HANNA, Mr. CAREY, Mr. BURTON of California, Mr. GREEN of Pennsylvania, Mr. BRASCO, Mr. MINISH, Mr. MIKVA, Mr. MURPHY of New York, Mr. ESHLEMAN, Mr. EILBERG, Mr. BYRNE of Pennsylvania, Mr. GILBERT, Mr. GAYDOS, and Mr. CLARK):

H. Res. 1324. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. FRASER, Mr. SLACK, Mr. PIKE, Mr. HAWKINS, Mr. FINDLEY, Mr. SAYLOR, Mr. WIDNALL, Mr. TAFT, Mr. SMITH of New York, Mr. ROBISON, Mr.

LYOYD, Mr. ZWACH, Mr. PUCINSKI, Mr. THOMSON of Wisconsin, Mr. DAVIS of Wisconsin, Mr. SHRIVER, Mr. MONAGAN, Mr. DONOHUE, Mr. DERWINSKI, Mrs. GREEN of Oregon, Mr. STRATTON, Mr. NIX, Mr. BARRETT, and Mr. ANNUNZIO):

H. Res. 1325. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. ADAIR, Mr. ALBERT, Mr. GERALD R. FORD, Mr. HUNT, Mr. CONTE, Mr. BETTS, Mr. STEIGER of Wisconsin, Mr. BROTZMAN, Mr. BOW, Mr. TEAGUE of California, Mr. CONABLE, Mr. CEDERBERG, Mr. BEALL of Maryland, Mr. RUTH, Mr. KEITH, Mr. SCHWENGEL, Mr. VANDER JAGT, Mr. PIRNIE, Mr. COLLINS of Texas, Mr. BROYHILL of Virginia, Mrs. DWYER, Mr. MCCLOSKEY, and Mr. GUDE):

H. Res. 1326. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. ADAIR, Mr. ALBERT, Mr. GERALD R. FORD, Mr. BELCHER, Mr. NELSEN, Mr. HANSEN of Idaho, Mr. MACGREGOR, Mr. HOGAN, Mr. MCDADE, Mr. POFF, Mr. QUILLLEN, Mrs. HECKLER of Massachusetts, Mr. BROWN of Michigan, Mr. MORSE, Mr. STAFFORD, and Mr. COUGHLIN):

H. Res. 1327. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. ADAIR, Mr. ALBERT, Mr. GERALD R. FORD, Mr. SPRINGER, Mr. BRAY, Mr. WATSON, Mr. WAMPLER, Mr. CAMP, Mr. SCHADEBERG, Mr. WILLIAMS, Mr. SCHNEEBELI, Mr. LATTI, Mr. QUIE, Mr. CHAMBERLAIN, Mr. REID of New York, Mr. PETTIS, Mr. BROWN of Ohio, Mr. ROTH, Mr. DICKINSON, Mr. KING, Mr. WARE, Mr. FORSYTHE, and Mr. BIESTER):

H. Res. 1328. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI (for himself, Mr. O'HARA, Mr. MAILLIARD, Mr. FRELINGHUYSEN, Mr. KEE, Mr. FLOOD, Mr. BURKE of Massachusetts, Mr. PRICE of Illinois, Mr. BIAGGI, Mr. STEELE,

Mr. ANDERSON of Illinois, Mr. THOMPSON of New Jersey, Mr. BRADENAS, Mr. MATSUNAGA, Mr. NEDZI, Mr. KLUCZYNSKI, Mr. PASSMAN, Mr. GONZALEZ, Mr. VIGORITO, Mr. DANIELS of New Jersey, Mr. ROE, Mr. ROBINO, Mr. SYMINGTON, Mr. UDALL, and Mr. REUSS):

H. Res. 1329. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Res. 1330. A resolution condemning the persecution of any persons because of their religion in the Soviet Union; urging the Soviet Union to permit the free exercise of religion and pursuit of culture by Jews and all other citizens; and urging that the Soviet Union allow the emigration of its citizens who wish to emigrate; to the Committee on Foreign Affairs.

By Mr. DEVINE (for himself and Mr. KING):

H. Res. 1331. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H. Res. 1332. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania:

H. Res. 1333. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. SHRIVER:

H. Res. 1334. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. TIERNAN:

H. Res. 1335. A resolution concerning the continued injustices suffered by the Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

656. The SPEAKER presented a petition of the Council of the City of New Orleans, La., relative to keeping the New Orleans Public Health Service Hospital in operation; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

PRICE STABILITY

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. O'HARA. Mr. Speaker, one of my constituents, Mr. Robert Hayworth Beal, has been thinking about some of the problems that confront the Nation in the field of economic instability. He has put his thoughts together in a document entitled "A Petition for a Coordinated and Credible Program for Price Stability", which he has asked me to present to the Congress.

Certainly, in exercising his first amendment right to petition the Congress, Mr. Beal is well within his rights in asking that his suggestions be put before this body for its consideration.

I include the petition at this point in the Record for the attention of the Members of this House:

A PETITION FOR A COORDINATED AND CREDIBLE PROGRAM FOR PRICE STABILITY

This is a Request to the President and to the Congress to sponsor still another Study Commission. This Commission would be charged with making recommendations for A Coordinated and Credible Program for Price Stability.

It would seem proper that the petitioner indicate the nature of the problem, that a few suggestions be made to the Commission and that some thought be expressed as to the direction Commission Recommendations might take.

THE NATURE OF THE PROBLEM

Congress has given authority to the Federal Reserve Board to effect changes in the quantity of money and credit.¹ We are all

¹ The Federal Reserve Act of 1913, as amended, gives the Board authority to change

pretty guilty of pointing our fingers at the Board² and in effect saying, "You can control the quantity of money and by so doing can control its value." Now provide us with a finely tuned, dynamic, expanding, free enterprise economy, gently stimulated by mild, mannerly inflation and an abundance of long-term, low interest credit, and an economy which provides full employment with free collective bargaining for all public employees as well as those in the trades and industry, and an economy which will allow our Congress and our President freedom to

the rediscount rate when member banks borrow; to change reserve requirements of member banks and to buy and sell bonds on the open market.

² The Board "and/or the President who has some standby authority."

³ A restrained definition of the Quantity Theory of Money would be "Other factors remaining constant, the value of money will tend to vary inversely with quantity in circulation."

pursue policies of expediency, though these may contradict or negate action taken by the Federal Reserve Board to control the value of money."

But inflation continues and there is unemployment! Some things will have to change.

Would you like to serve on the Commission? Friends might liken you to the Biblical David facing Goliath, but they are apt to say, "We should have had such a Commission a long time ago."

SUGGESTIONS TO THE COMMISSION

No one expects the Commission to really accomplish their purpose unless they deal with sensitive issues and situations in a matter of fact way.

The Commission will need to spend time in reviewing recent decades of United States history and may illustrate with examples the problems of securing timely, coordinated and responsible action under our Constitutional System of Government. A Republican President with his advisors, a Democratically controlled Congress with key committees chaired by the seniority system, frequent elections where the immediate pocketbook issue seems to prevail and the Federal Reserve Board with limited standby authority to act, all together, do indeed make a different mix!

The Commission will need to note other factors affecting prices than the Federal Reserve Board's authority over the quantity of money. These other factors will need to be harnessed and used in harmony with the standby authority of the Board. Guidelines will need to be developed.

A review of the Constitutional delegation of powers by the people is suggested; particularly the powers of Congress "to coin money and regulate the value thereof" and "to borrow money on the credit of the United States" and "To pay the debts". A significant question would be, "When Congress authorizes others to act, who has ultimate responsibility to the people?"

The Commission will need to face the issue of the total productivity of the people and the like total sum of the portions available to individuals. At what point do negotiated employment contracts become inflationary and deprive others, unorganized or in a weaker bargaining position of real income?

Little note has been taken of the recent and growing impact of public employee bargaining on the financial condition of our cities and school districts,⁴ nor has the effect on vital services subject to government rate determination been noted.

Unless a sincere and determined effort is made to cite and make effective recommendations to correct other inflationary forces, those employed under negotiated contracts will rightly resent recommendations curbing excessive settlements from collective bargaining.

No real estimate has been made of the annual levy or toll taken by inflation on the stored purchasing power dollar assets of all of the people.

Nor has the damage to credit of all who would borrow been assessed; not damage in the sense of risk of repayment of the sums borrowed, but in the kind of dollars anticipated in repayment.⁵ Nor do we have an

⁴ The 1969, 30-40% voted pay increases for Congress, the President and his top administrators and for the Federal Judiciary were noted by all the people and have been cited across countless bargaining tables. They were not in harmony with the Federal Reserve Board's action in increasing the rediscount rate.

⁵ Their chronic deficits, layoffs and unending appeals for more and more tax money and aid.

⁶ The high interest rate on bonds may include a factor for anticipated inflation.

estimate of the future borrowing needs or an explanation of how these needs will be satisfied.⁷

The Commission may wish to examine several popular ideas regarding easy solutions to our problem and note the extent of accepting, accommodating and remaining mute to inflation as a way of life.⁸

The people will be grateful to the person capable of putting Commission recommendations into plain and concise language.

DIRECTIONS COMMISSION RECOMMENDATIONS MIGHT TAKE

1. A recommendation for Statesmanship.
2. A recommendation to substantially increase the Federal Reserve Board's authority to act.

(Such as authorizing the Board for limited periods of time to: (a) invoke and revoke a surtax, (b) require compulsory arbitration when settlements threaten to exceed cost of living and increased productivity.)

3. A recommendation that the Chairman of the Federal Reserve Board report regularly to the people.

4. A recommendation that a Known Schedule of Action go into effect as the Price Index moves significantly (between 1-2% annual rate) from the Base Year.

5. A recommendation that A Guideline for Coordinated Action be respected.

(One part of the Guideline dealing with Actions Known to Have a Stimulating Effect on the Economy and Prices, and one part dealing with Actions Known to Have a Restraining Effect on the Economy and Prices.)

6. A recommendation that the Congress and the President commit themselves to the Program for Price Stability by a positive act (or acts) of commitment.

(This could be the most effective place to make a Coordinated and Credible Program for Price Stability work. One possible act of commitment is suggested here: Congress has "borrowed on the credit of the United States" and has used the "credit" to guarantee repayment of debt contracted by other authorized agencies. The present debt requires constant refinancing and there will be additional borrowing.

It might make sense to commit ourselves to a Coordinated and Credible Program for Price Stability by Congressional Enactment of a modified debt repayment escalation clause for all debts guaranteed by the credit of the United States; i.e., which would allow some reasonable annual price change (say 1½% or even 2% annually) cumulative over the term of the debt.

Such a modified debt payment escalation clause would allow "elbow room" for the President and Congress and some stimulus to the economy. But it would force everyone to think and to carefully weigh the price of yielding to expediency.

THE ENVIRONMENTAL DEFENSE FUND

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. OBEY. Mr. Speaker, if there are two subjects which we often hear associated with the young people in this country, it is their concern with the en-

⁷ Many believe credit can be created endlessly and that the use of the savings of the people is secondary. A review of the history of the E Bond program is suggested.

⁸ Escalation clauses and equities in real property make people feel more comfortable.

vironment and their alleged belief that "the system does not work."

I am asking that an article be printed below which shows how well one organization concerned about the protection of our environment—the Environmental Defense Fund—has worked within our governmental institutions.

The article appeared in the Stevens Point Daily Journal, Stevens Point, Wis., and follows:

THE ENVIRONMENTAL DEFENSE FUND (By Brian Sullivan)

An organization housed in a 100-year-old farmhouse far out on New York's Long Island has swiftly become the public defender of the environmental movement.

It is called the Environmental Defense Fund and it is a nonprofit organization of lawyers, scientists and citizens dedicated to the protection of environmental quality.

The work the fund is now doing, many observers believe, will probably shape much of the course of the fight to save the environment in the years ahead.

It is in the courts, the fund believes, that the citizen will be able to effectively challenge the grants of government and industry.

"The Environmental Defense Fund," it says, "believes that the judiciary is the one social institution already structured to provide the wise response that may enable us to avert ecological disaster."

The EDF has recently sued the Montrose Chemical Corp. to compel it to stop discharging DDT into the Los Angeles sewer system, which empties into Santa Monica Bay and the Pacific Ocean.

The EDF is awaiting a hearing on its motion for a preliminary injunction to stop further construction by the Army Corps of Engineers of the Cross-Florida Barge Canal, which the EDF says will destroy the wild Oklawaha River.

The EDF also has filed suit against the Army engineers to block construction of a dam on the last major free-flowing river in southern Arkansas, the Cossatot River.

The EDF has started legal action against the Federal Aviation Administration on the SST, the Agriculture Department and the Health, Education and Welfare Department on pesticides and a fire ant eradication program and on the elimination of lead from auto exhausts.

The Environmental Defense Fund was born in the controversy over DDT, first on Long Island, then in Michigan and Wisconsin. It was incorporated in October, 1967, originally supported by the National Audubon Society, but until early this year was running without substantial funds.

"At the beginning of this year, EDF was a fragile organization," says Edward Lee Rogers, EDF general counsel and a former Justice Department lawyer. "We were at a low ebb financially."

Rogers, with executive director Roderick A. Cameron, and others, talked of becoming a general membership organization. To avoid becoming unmanageable, they decided members would not vote, there would be no fancy magazine.

"We said we'd tell the members we'll give them what they want—action, in the courts," Rogers says.

The turning point came when Cameron decided to spend about \$5,000 of the organization's total remaining assets of \$23,000 on an advertisement in the New York Times on Sunday, March 29, headlined "Is Mother's Milk Fit for Human Consumption?" It referred to the amount of DDT in the human body.

The ad appealed for members, starting at \$10 for a basic membership. It produced \$7,000, a profit, and the EDF turned to a direct mail campaign and now has 10,000

members, a stable financial base and a chance at major foundation support.

EDF has enough money to continue operating for about four months if money stopped coming in—it continues to come in—and hopes to maintain that kind of financial backlog. "We're not trying to maintain a big kitty," Rogers says. "We run lean."

EDF has 23 cases in some phase of prosecution throughout the country and is looking into several others. Rogers says the EDF chooses its spots carefully: "We're militants, but we're not zealots."

Among those on the EDF board of trustees are Dr. Charles F. Wurster, a specialist on pesticides at the State University of New York at Stony Brook; former Interior Secretary Stewart L. Udall, and a new member Democratic Rep. Richard L. Ottinger, recently defeated in a bid for the U.S. Senate from New York.

A major aspect of the work the EDF is doing concerns the setting of precedents in environmental law, while at the same time solving specific environmental problems.

Two years ago, for example, EDF filed suit in Montana against the Hoerner-Waldorf Corp., charging that the firm's pulp and paper mill was causing extensive air pollution in the Missoula Valley.

The case moved slowly in court, EDF says, and recently the court dismissed the case on a technicality. The EDF claims that "as a result of pressures aroused by the litigation, the company undertook a \$13.5-million air pollution abatement program that is well on the way to solving the problem."

And further, the EDF says, the decision in the case contained language that for the first time in a federal court recognized the constitutional right of citizens to a healthful environment.

In the ruling, Senior U.S. District Judge W. D. Murry said:

"I have no difficulty in finding that the right to life and liberty and property are constitutionally protected. Indeed the Fifth and Fourteenth Amendments provide that these rights may not be denied without due process of law, and surely a person's health is what, in a most significant degree, sustains life.

"So it seems to me that each of us is constitutionally protected in our natural and personal state of life and health."

The EDF commented: "litigation is a process where it is sometimes possible to win by losing."

YOU ARE NEVER TOO OLD TO FEEL YOUNG

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 29, 1970

Mr. RANDOLPH. Mr. President, this past October, while conducting a hearing for the Committee on Aging in Charleston, W. Va. on "Older Americans in Rural Areas—Transportation," I had the opportunity of watching a remarkable calisthenics demonstration by a group of older people.

These individuals, who range in age from 65 to 85, were all either suffering from chronic conditions or recovering from acute physical disabilities—conditions which had rendered them almost completely immobile. But that was before they began participating in a program of "Physical Fitness for Senior Citizens" developed by the Lawrence Frankel Foundation, and funded by a

title III Older Americans grant from the West Virginia Commission on Aging.

Only 6 months after beginning a series of carefully supervised, individualized calisthenics classes they are able to participate in community activities and social contacts, instead of watching from the sidelines in loneliness and depression, as was the case for many of them previously.

I feel the inclusion of this demonstration added an important dimension to a hearing which focused on transportation needs of the elderly, because without the ability or capacity to be mobile, there is very little an older person can do about making use of the public transportation that is available to him, or overcoming the barriers of inadequate or nonexistent transportation.

The program is a pilot project on which a statewide plan for physical fitness programs for the elderly will be based. If this type of effort is beneficial for older people who suffer from physical disabilities and ailments, then it may well prove a preventive measure for others, against the decline in physical condition that accompanies old age.

This activity has meant much to the older persons participating, and as Lawrence Frankel observed in his interim report on the project:

With . . . dedicated leadership, carefully administered regimes and a sprinkling of warm affection, previously apathetic, disinclined and even fearful and despairing . . . older citizens can be motivated toward changed life patterns of activity reduction in their . . . symptoms and to almost become missionaries on their own, for a way of life that can only enhance their health and their joy in living.

If the goals of the project are met, then it could well be the model for a nationwide physical fitness plan for older Americans.

I feel that such a program is worthy of our careful attention. A recent article in the Charleston Daily Mail describes the program, and what it has meant to the West Virginia elders who participate. I ask unanimous consent that the article, entitled "Group Finds You're Never Too Old To Feel Young" be printed in the Extensions of Remarks.

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

GROUP FINDS YOU ARE NEVER TOO OLD TO FEEL YOUNG

(By David McCorkle)

Carrie Minotti is 72.

She has a twinkle in her eye, an aura of excitement about her and something to beam about.

But life was not always so felicitous.

For the past three years she had languished at a residence home doing little except reading, viewing television and watching others like herself sit in limbo.

Mrs. Minotti's husband died in 1950. Shortly afterward she broke both legs and doctors told her she wouldn't be able to bend one knee, perhaps never walk again.

Like so many others her age, Mrs. Minotti found it easier to accept her situation than to do anything to correct it.

This path led to lethargy and depression, and existence took on a sense of futility.

Today things are different. Mrs. Minotti has a wholly new outlook, an enlivened style. And this style centers around a class, which

she anticipates with the excitement of a school girl. She walks three afternoons a week to these sessions.

It is a pilot program of the Lawrence Frankel Foundation and was established June 1 through a contract issued by the West Virginia Commission on Aging.

The contract outlines that the program is to be for "the development of the statewide plan for physical fitness programs for senior citizens, and for a survey of the relevant literature."

The group of 15 special students under the tutelage of Frankel, has become known as "The Ageless Aesculapians." Frankel explained that Aesculapius was the Greek god of healing, and that it is the hope of the project that it will be a preventive for some of the infirmities of old age.

Frankel reflected on the vast need of help for the aged. Figures show what has to be done, he said. There are 20,000 senior citizens in Kanawha County and 190,000 in the state.

"Those over 65 need to be able to achieve their dreams, but nobody is doing anything about it," he said.

Dr. Hans Kraus, who served as the late President Kennedy's back specialist, after reading of Frankel's program, said "I think your plan is excellent and is well formulated. It is indeed one that is very much needed."

The plan involves formulating an individualized regime of exercises for each person according to his or her specific need, age and training.

The program centers around the philosophy "that exercise can slow the aging process by enhancing health and creating self esteem," Frankel said. "This can change the later years from a time of idleness and physical discomfort and misery to a time of happiness, independence and usefulness."

The students, all of whom have a doctor's clearance to participate in the program, have spent a month and a half at strenuous work. The results speak for themselves.

Barbara Larson, 69, a year ago had a heart ailment, suffered from arthritis of the spine, and a nerve condition. Each night for the past year she had taken a sleeping tablet before retiring.

Now she does sit-ups, strength exercises and balances on the balance beam, maneuvers she heretofore believed impossible for her. "And," she said, "I haven't had a sleeping tablet since I started exercising."

Claude L. Board, 81, of Brooks Manor, two years ago totally was incapacitated after a spinal operation. After the operation he rarely walked without a cane. Now, he walks confidently and unassisted three blocks to the Institute.

As many others, he is astonished with the effect of the program. "I feel as if I will be able to live normally, to do things I did before and enjoy life in the late years."

Carrie Minotti's only exercise for three years consisted of pushing elevator and washing machine buttons. She said the more she sat, the more she couldn't get around, until she had lost all interest, even in walking.

"Now I can walk and move around freely," she said. "If I can do that much after four weeks, you don't know what I'll be doing in six months, I may be a go-go-girl."

Who knows? She may not be kidding.

HAROLD H. KAHN

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FEIGHAN. Mr. Speaker, it was with deep regret that I learned of the

passing of my dear friend, one of Greater Cleveland's most outstanding citizens. Mr. Kahn gave unselfishly of his time and efforts on behalf of his fellow man and his contributions will be long remembered.

Harold H. Kahn, prominent attorney and community leader, passed away at Mt. Sinai Hospital at the age of 64. Mr. Kahn suffered a heart attack but seemed to be recovering when he died.

Mr. Kahn served as president of the Citizens League and the Jewish Convalescent and Rehabilitation Center, and last month was honored for his years of distinguished service to the latter organization.

He was recently chosen by Mayor Carl B. Stokes, of Cleveland, to serve as a member of the Cleveland Community Relations Board.

Many other organizations benefit from his devotion to a variety of causes. He was a longtime member of the board of trustees of the Jewish Community Federation of Cleveland and was chairman of some of its most important committees. He was a former president of Beechmont Country Club and served as a member of Selective Service Board No. 236B.

Mr. Kahn was for many years a member of the board of trustees of Fairmount Temple. He was a practicing attorney for 39 years and served on many corporate boards.

He was senior member of the law firm of Kahn, Kleinman, Yanowitz & Arnson.

He is survived by his wife, Jean, his daughter, Evelyn Safran, son William, and three grandchildren to whom I extend my sincere sympathy.

CLEMENCY NEEDED IN MOSCOW

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. BUCHANAN. Mr. Speaker, last week we witnessed a blatant example by the Soviet Union of the violation of rights which we in the United States hold so dear.

The sentencing to death of two Jews for conspiracy to hijack a Soviet airliner is outrageous to me, not only because it is a further indication of a continuing pattern of persecution of Jews but because of the inhumane severity of the sentence itself.

There is no question that hijacking is a grave international problem. But convicted hijackers in other nations have not received death sentences for actually carrying out the crime, let alone an individual accused only of planning to hijack an airliner.

As you know, Mr. Speaker, a Soviet court last week convicted 11 persons, nine of them Jews, for conspiring to hijack a plane. They were arrested at an airport while boarding a plane for a domestic flight and were not charged until later with attempted hijacking.

Their trial was held in virtual secrecy with the outcome being conviction in all 11 cases. Two men were condemned to

die and the remaining face from 4 to 15 years in labor camps.

There are, in my judgment, grave questions concerning the validity of these charges. Reports out of the Kremlin indicate that they may be fabrications of the government to deter further hijackings.

Apparently, in response to loud outcries of horror throughout the world from both Communist and non-Communist nations, the Soviet Union has scheduled for Wednesday a hearing on the appeal for clemency by these men.

At this hearing, Mr. Speaker, the Soviet Government has the opportunity to prove to the rest of the world the veracity of its claims that it does not persecute ethnic groups.

However, I have my doubts as to the accuracy of this claim.

During my own personal visit to the Soviet Union, it became clear to me on a firsthand basis that the disturbing reports of anti-Semitism in the Soviet Union are a reality.

At that time, we visited the only synagogue in Moscow, a city containing an estimated 500,000 Jews. Other synagogues, we learned, had been closed and there were indications that Soviet Jews courted the disfavor of Russian officials by openly practicing their customs and religious observances.

And, since that time, these reports have not abated—they have increased.

Jews, as an ethnic group in the Soviet Union, have been relegated virtually to the status of less than second-class citizens.

They cannot, as the nine convicted Jews attempted, emigrate to Israel.

They are discouraged from observing their customs and often cannot obtain jobs because of their ethnic backgrounds.

Earlier this year I was a member of a special subcommittee conducting hearings in New York on the persecution of Jews in the Soviet Union and heard testimony of continued acts of anti-Semitism there.

Mr. Speaker, in my judgment, this latest sentence—and I understand there are more than a score of other Jews awaiting trials on similar charges—is evidence of religious and ethnic prosecution of the highest degree.

But I would hope that in the case of these specific individuals, the Soviet Government would accede to their request for clemency.

It is also my sincere hope that the U.S.S.R. will alter its national policy which has prevented virtually thousands of Soviet Jews from emigrating to Israel and elsewhere and that it would end the religious persecution of persons of all faiths within the Soviet Union.

IOWA LEADS THE NATION IN GROWTH RATE OF AGRICULTURAL EXPORTS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. SCHWENGEL. Mr. Speaker, one of the major reasons for which I opposed

the Trade Act of 1970, is the fact that I feared retaliations to the quota provisions would endanger Iowa's growing agricultural export business. In my remarks on that legislation, I noted that farm exports reached \$6.5 billion last year. Figures recently made available to me by the Iowa Development Commission reveal rather pointedly the extent to which Iowa contributes to that \$6.5 billion. During the years 1960 to 1970, Iowa rose from sixth place to third place in the value of agricultural commodities exported to foreign countries. More important, Iowa's growth rate in agricultural exports leads the Nation. The December newsletter of the Iowa Development Commission contains the following additional information:

IOWA'S GROWTH RATE IN AGRICULTURAL EXPORTS LEADS THE NATION

EXPORTS

During the ten years from 1960 to 1970, Iowa rose from sixth place to third place in the value of agricultural commodities exported to foreign countries.

The rise from 211 million dollars to 505 million represents an increase of 139 per cent, the largest increase among the top ten exporting states. Illinois, which currently exports the greatest amount (650 million dollars in fiscal 1970), experienced an increase of 115 per cent. California is in second place with 556 million dollars for an increase of 109 per cent.

Fifteen states showed a decline in value of agricultural exports over the past decade.

AGRICULTURAL ACTIVITIES OF THE IOWA DEVELOPMENT COMMISSION

"The reaction from our foreign buyers of farm export commodities to passage of the foreign trade bill currently in Congress would very likely cause financial hardship to Iowa farmers and to Iowa's whole economy", according to Del Van Horn, Director of the Agriculture Division.

The bill, H.R. 18970, which has already been passed by the U.S. House of Representatives and is now being considered by the Senate, would set new import restrictions on such things as textiles and shoes.

"Retaliation against this restrictive trade measure", says Van Horn, "could mean the loss of a large part of the foreign markets that agricultural interests have worked to build. Iowa, in the fiscal year of 1970, received 505 million dollars from this export business and currently ranks number one in exports of meat and animal products, second in exports of soybeans and feed grains, and third in the overall value of agricultural exports."

"We have a great deal to lose. And this loss would not only be felt by farmers in lower prices but by all segments of Iowa's economy."

"The Agriculture Division", he continues, "will support the efforts to defeat passage of this trade bill in any way that it can."

WALTER TROHAN ON THE ORDEAL OF SIMAS KUDIRKA

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. PUCINSKI. Mr. Speaker, we are all shocked and dismayed at the unprecedented actions of the U.S. Coast Guard and the Department of State in turning back the would be defector, Si-

mas Kudirka, to the Soviet ship, *Sovietskaya Litva*. The picture of Russian crewmen searching after and beating this defector aboard an American vessel is totally repugnant to all of us.

Mr. Walter Trohan, the very able distinguished columnist of the Chicago Tribune, has placed this incident of tragic incompetency into the proper perspective. Mr. Trohan has written of the firsthand observation of Mr. Robert Brieze, an American civilian, aboard the Coast Guard cutter, *Vigilant*.

Mr. Brieze appeared today before the Foreign Affairs Subcommittee investigating this case. As Mr. Trohan writes, this is a well justified probe and I want to commend the House committees who are attempting to sort out all of the facts and whose goal is to see that such bungling and malfeasance never occurs again.

I also commend Mr. Trohan's column to my colleagues:

A PROBE THAT IS WELL JUSTIFIED
(By Walter Trohan)

WASHINGTON.—Congress has rightfully launched an investigation into what appears to be one of the most shameful acts of commission and omission in recent American history—the denial of political asylum to a Lithuanian crewman of a Russian fishing vessel. President Nixon has been quoted as branding the incident as "outrageous."

The facts are clear and have the support of an eyewitness. About 10:30 a.m. on the morning of Monday, Nov. 23, the United States Coast Guard cutter, *Vigilant*, and a Russian fishing vessel, the *Sovietskaya Litva*, met in American waters off Martha's Vineyard to discuss the overharvesting of the yellow tail flounder. Civilian representatives of American fishing organizations, including Robert Brieze, president of the New Bedford Products Seafood Association, were also present.

At 2:30 p.m., Edward L. Killham Jr., head of the Soviet affairs desk at the State Department, was advised by the Washington headquarters of the Coast Guard that a Russian sailor had indicated he wanted to defect. Killham told the Coast Guard the U.S. did not want to encourage defection. Killham conferred with superiors, including U. Alexis Johnson, undersecretary for political affairs, and W. B. Macomber, deputy undersecretary for the administration.

At 3:30 p.m., Killham received another call, saying there had not been any defection as yet, but revealing that an English-speaking radio operator on the ship, known only as Simas, had made known his intention to seek asylum. At 7:46 p.m., the State Department was advised that the defection had, in fact, occurred, but that the seaman, evidently in line with State Department wishes, had been returned to his ship and the ship was being escorted out of U.S. waters.

However, it was later learned that the defector was still aboard the American vessel at 11 p.m. and that return was not carried out until that time. Further, it has since been reported that Russians were allowed to question the radio operator, a Lithuanian, aboard the American ship and even beat him under the American flag. Whether or not this is so must be developed by the congressional investigation. Coast Guard Adm. Chester R. Bender was informed of developments.

Brieze said Capt. Ralph E. Eustis of the Coast Guard cutter told the Russians that they could use American crewmen to take Simas off the cutter or use Russian crewmen for this purpose. Accordingly, the Russians sent three men to get the radio operator and then sent three more when Simas fought against return, knowing the Russians are not

exactly in love with Lithuanians, having seized the country in 1940.

"We could hear Simas crying for help," Brieze said. "The Russians started beating him and we could hear him crying, 'Help, help, help.'"

Simas was tied in a blanket, bloodied no doubt, and taken back to captivity and further punishment.

American history is without parallel for such an incident except in the years before the War of 1812 when the British impressed seamen of American merchantmen. No doubt many of these were deserters from the British navy, who left for higher pay in America and in protest to recruitment by press gangs in England. The British were not overly cautious about impressment, frequently taking American citizens as well as British deserters.

An American youth, named Pindell, wrote his father begging for release, saying that he would rather "drown himself" than endure his condition aboard the British ship *Belona*. A veteran of the Revolution, David Rumsey, whose son was impressed on a British ship, wrote to the speaker of the House, "If this is all the liberty I have gained, to be bereaved of my children in that form and they made slaves, I had rather be without it." The new nation went to war rather than kneel to British might.

FASCELL URGES CLEMENCY FOR
SOVIET JEWS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FASCELL. Mr. Speaker, I join the Greater Miami Rabbinical Association in their appeal to Soviet authorities to reexamine the judicial proceedings involving the alleged hijacking conspirators. The world, left to its own speculations concerning the facts of this tragic situation, can only conjure up the most ominous forebodings for the future of all Jewish people in the Soviet Union.

The real issue in this situation is the refusal of the Soviet Union to permit Jews to emigrate to Israel. It is contrary to all free and democratic thought to deny an individual the right to make his home where his heart and mind choose it to be.

Therefore, I beseech Soviet officials to open this case to the onlooking world and to exercise clemency with the accused, that faith in the humanitarian spirit of all men might be rekindled.

I call to the attention of our colleagues a news item and editorial which appeared today in the Miami Herald focusing on this tragic situation.

The articles follow:

[From the Miami Herald, Dec. 29, 1970]

MIAMI RABBINICAL GROUP URGES NIXON TO INTERVENE

An appeal for President Richard M. Nixon to intervene on behalf of the eleven persons convicted in Leningrad, Russia, for conspiring to hijack a plane to Israel has been made by the Greater Miami Rabbinical Association.

The Association also called upon Miami's to join in prayer services for the convicted Russians, most of whom are Jews, and in "protest at the inhumanity being perpetrated against a segment of God's children where His light is being threatened with extinction."

Association President Sol Landau said the trial of the group "was done in a kangaroo court style violating every rule of law and justice. The trial had the overtones of rabid anti-semitism which is in keeping with the communist Russia tradition."

One protest rally and prayer service has been scheduled at eight p.m. Wednesday in the Jacob C. Cohen Community Synagogue, 1532 Washington Avenue, Miami Beach.

Speaker for the event will be Dr. Arthur Shneur, President of the InterFaith Fellowship on Russian Jewry. He has been a frequent visitor to Russia and was the only American Rabbi attending the international Rabbinical conference recently held behind the Iron Curtain.

[From the Miami Herald, Dec. 29, 1970]

WORLD MUST SPEAK OUT ON PERSECUTION OF JEWS

All that a watching world feared and nothing for which it hoped emerged from the notorious Leningrad "show trials" of eleven persons—nine of them Jews—accused of plotting to hijack a Russian airplane and leave the country.

There was no actual "hijacking" but only a so-called conspiracy to seize a small, single engine airplane. All of those hauled into court were pre-judged guilty. The severity of the sentences is appalling. Two alleged plotters were given death penalties. Others must serve prison camp terms, ranging from four to fifteen years.

Treason in the Soviet Union is conveniently interpreted as any offense against the state. For example, the desire to leave the country is a criminal tendency, although some are allowed out. In this instance the target is obvious. In the first Leningrad trial and a second postponed until January 6, the culprit is Russian Jewry.

The history of religious persecution in Russia is as old as it is disgraceful. Under the Soviets it is particularly insidious because it is a political instrument meant to intimidate other minorities as well and squelch a rising popular dissent.

It may be fruitless to protest this and other acts of political terrorism, but they should not be unchallenged. The darkest page of modern Western history was the indifference, perhaps born of disbelief, toward Adolph Hitler's calculated persecution of German Jews and the destruction of a whole people by means which must always rest on the conscience of mankind.

There is some evidence that the Soviet Union will bend, if only slightly, before world opinion. At least that is what some Kremlin watchers think.

At best, a process now being directed at three million Russian Jews may be arrested. At very least the death sentences may be altered if there are sufficient expressions of world wide revulsion.

The mailing address of the embassy of the USSR is 1125—16th Street, N.W. Washington, D.C.

TAFT JOINS IN PROTEST OF LEN-
INGRAD TRIALS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. TAFT. Mr. Speaker, along with my colleagues and the rest of this great Nation, I join in protest of the Leningrad trials which recently sentenced two Soviet Jews to death.

This Nation and the world are outraged by the spectacle of misuse of al-

legedly judicial procedures by the Soviet Government to perpetrate national captivity and fan anti-Semitism.

I join with the Jewish community in Cincinnati, Ohio, and throughout the country in protest of the mass indictments against Soviet Jews in the Leningrad trials.

While all condemn aircraft hijacking, to corrupt this fear for antireligious and antiemigration policies cannot be justified.

We cannot stand mute while others seeking to exercise choice of belief and of cause are deprived of this choice by secret accusations of guilt by inference.

You have my prayers and you have whatever assistance I may offer that those persons on trial may be treated humanely.

PROTEST APPOINTMENT OF DR. SIDNEY P. MARLAND, JR. AS COMMISSIONER OF EDUCATION OF THE UNITED STATES

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. MADDEN. Mr. Speaker, I have received a number of letters in protest to the President's submission of the name of Dr. Sidney P. Marland, Jr., for Commissioner of Education of the United States. Several newspapers have written articles and editorials setting out his educational background as being far from friendly to all elements of our educational expansion.

I do think that in the urban areas of the United States our great problems of lack of educational facilities and accommodations for all our American Youth needs somebody to head the program who has a reputation for educational expansion instead of curtailment.

I am hereby submitting for the information of the Members a resolution adopted by the Lake & Porter Counties AFL-CIO Central Labor Union, East Chicago, Ind. This organization represents approximately 75,000 steel and oil workers and employees of many industries of the Calumet Region of Indiana. They have experienced the education crisis which no doubt exists in all industrial urban areas throughout the United States. During the last 20 years millions of workers have moved into urban areas until today 71 percent of the population is located in the large cities of the country.

The resolution follows:

LAKE & PORTER COUNTIES
AFL-CIO CENTRAL LABOR UNION,
East Chicago, Ind., December 21, 1970.

RESOLUTION

Whereas: Dr. Sidney P. Marland, Jr., has been nominated to be Commissioner of Education of the United States; and

Whereas: Dr. Marland has by word and deed taken positions opposing the rights of teachers to have the right of collective bargaining, and

Whereas: As recently as April, 1970, Dr. Marland has appeared before a committee of the Congress of the United States urging the enactment of federal anti-strike legislation against teachers, and

Whereas: Dr. Marland is and has been associated with a newly emerging industrial-educational complex which poses grave threats to the future of public education, and

Whereas: The office of Commissioner of Education of the United States is of importance in formulating the position of the administration of the United States government concerning education, and

Whereas: The Commissioner of Education of these United States should be a person whose statements on educational matters should be given both weight and respect,

Now therefore be it resolved: That the Lake & Porter Counties AFL-CIO Central Labor Union oppose the nomination of Dr. Sidney P. Marland, Jr., to be United States Commissioner of Education, and

Be it further resolved: That Senator R. Vance Hartke, Senator Birch E. Bayh, Jr., Congressman Ray J. Madden, Congressman Earl F. Landgrebe, and other legislators be notified of this position of the Lake & Porter Counties AFL-CIO Central Labor Union and urged to oppose the nomination of Dr. Sidney P. Marland, Jr., as United States Commissioner of Education.

PETER CALACCI,
President.
KERMIT C. RAY,
Financial Secretary.

OPERATION KEELHAUL MYSTERY IS PERPETUATED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. RARICK. Mr. Speaker, the intrigue around the suppressed Operation Keelhaul files and papers deepens.

While President Nixon professes no objection to the declassification and release of the Operation Keelhaul files, he continues to deny their release to the public because of objections from the British Government.

So, the suppression of Operation Keelhaul secrets from the American people is now perpetuated because of the fears of some British bureaucrat.

If it is necessary to get clearance from every nation in the world, even the Russians might object to the American people learning the truth about the Operation Keelhaul massacre.

I include the correspondence between the President of the United States, Richard M. Nixon, and Mr. Julius Epstein of the Hoover Institute of War, Revolution, and Peace in the Record:

HOOVER INSTITUTE OF WAR,
REVOLUTION AND PEACE,
Stanford, Calif., October 9, 1970.

Mr. RICHARD M. NIXON,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was deeply gratified when you said in your speech of October 7th, that all the prisoners should be free "to return to the country of their choice," thus precluding a repetition of the American-British crime against humanity of forcing them back to Stalin.

I have studied the problem of forced repatriation since 1954 and have just finished a book "Operation Keelhaul. The Story of Forced Repatriation."

I also brought legal action against the Secretary of the Army, Mr. Stanley Resor for de-

classification of improperly classified documents, known under the army's code name "Operation Keelhaul." This lawsuit became possible when the Freedom of Information Act went into effect on July 4, 1967.

I lost in the District Court, the Court of Appeals and the Supreme Court denied my petition of certiorari.

By this miscarriage of justice, the Freedom of Information Act was declared a dead letter.

The continued classification of "Operation Keelhaul" cannot any longer be justified.

Therefore, I am appealing to you, Sir, to order declassification and release of the "Operation Keelhaul" dossier on your presidential authority. Historians as well as the American people will always be grateful to you if you release the "Operation Keelhaul" file to the American people.

I'm enclosing Xerox copies of two insertions in the Congressional Record. The material published therein will give you a complete background on the case "Epstein V. Resor."

Most respectfully yours,
JULIUS EPSTEIN.

THE WHITE HOUSE,
Washington, D.C., October 22, 1970.

Mr. JULIUS EPSTEIN,
Hoover Institution,
Stanford University,
Stanford, Calif.

DEAR MR. EPSTEIN: The President has asked that I reply to your letter of October 9, 1970, requesting that he order the declassification and release of the "Operation Keelhaul" files.

The Department of the Army advises that it has reviewed these files on a letter by letter basis. As you know, the great majority of the documents in this file originated in a post World War II joint command and a number of them are British in origin. The concerned departments and agencies of the Executive Branch have agreed that they could be declassified subject to the concurrence of the British Government and an approach to the British was made to secure that concurrence. The British declined to concur on the grounds that they have not yet completed declassifying World War II documents, and since the "Operation Keelhaul" files originated in 1946 and 1947, the British refused to address the question of declassification until they had completed their review of all of their war-time documents.

The U.S. Government has absolutely no objection (based on the contents of the files) to the declassification and release of the "Operation Keelhaul" files. However, given the joint origin of the documents, British concurrence is necessary before they can be released and this concurrence has not been received. Thus, we have no alternative but to deny your request.

Sincerely yours,
TOM CHARLES HOUSTON,
Associate Counsel to the President.

HOOVER INSTITUTE ON WAR,
REVOLUTION, AND PEACE,
Stanford, Calif., October 29, 1970
The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I thank you most sincerely for your reply to my letter of October 9th which I received over the signature of Tom Charles Houston.

Since you have now removed the main obstacle for the declassification of the "Operation Keelhaul" files—classification based upon Executive Order 10501—there remains now only the "British" argument that the files cannot be released because they originated in a combined British-American dossier.

Since a considerable part of the Keelhaul files probably consists of purely American documents, classified by American authorities, I respectfully suggest that you release

these purely American documents on your own presidential authority.

It is hard to believe, Mr. President, that a foreign government should still have the power to prevent the American people from learning their own history from purely American documents classified by American authorities twenty-two years ago.

I have the honor to remain Most respectfully yours,

JULIUS EPSTEIN.

HOOPER INSTITUTION
ON WAR, REVOLUTION AND PEACE,
Stanford, Calif., November 9, 1970.

Mr. TOM CHARLES HOUSTON,
Associate Counsel to the President,
The White House, Washington, D.C.

DEAR MR. HOUSTON: I thank you very much for your letter of October 22, in answer to my letter to the President of October 9.

I was delighted to see that the President has removed the main obstacle to the declassification of the "Operation Keelhaul" files. As you'll know, the courts held that Operation Keelhaul cannot be released because it must be kept secret for the protection of foreign policy and national defense according to Executive Order 10501.

This obstacle has now been removed by the President. The still remaining "British" argument should be easier to remove because the Keelhaul files contain many purely American documents. It should be possible in the long run to declassify and to release them to the American people.

As a historian, I am, of course, interested to learn when the President decided to abolish the reason for classification based upon Executive Order 10501. I would be grateful to you, Sir, if you were kind enough to inform me when the President decided to renounce this argument and what caused him to take this gratifying step.

Did the President see the many insertions in the Congressional record by Congressmen Pucinski and Ashbrook? The latter printed 32 pages in the Record of October 14, 1970.

Many historians and political scientists here at Stanford as well as at many other universities are greatly interested in the case. I thank you very much.

Sincerely yours,

JULIUS EPSTEIN.

MOYNIHAN SUMS UP 2 YEARS WITH ADMINISTRATION

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. CARTER. Mr. Speaker, all administrations have their critics. The present administration has its share of carping, crybaby editorialists. The true picture of achievements during the past 2 years had never been portrayed until Patrick Moynihan did so in his recent speech at the White House.

The words of Moynihan tell of the many accomplishments of the present administration and state that sufficient publicity and sympathetic consideration have never been given to these achievements. I include Dr. Moynihan's address for perusal of the Members:

MOYNIHAN SUMS UP 2 YEARS WITH ADMINISTRATION

As the President has said, we are now in the middle of the journey. Where it will end we do not know. It is no longer even clear where it began, our senses having long since been dulled by the relentless excess of stim-

ulus which is the lot of any who involve themselves in American government.

It may be of some use, then, to try to reconstruct the circumstances in which the President was elected, and formed his Administration, just two years ago.

It seemed the worst of times. It was the habit then to speak of the nation as divided, and to assert that the situation was grave beyond anything since the Civil War itself. This was misleading. The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means, and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

The agony was elemental, irresolvable, and nigh to universal. No matter what one's view of the nation might be, events in Vietnam contradicted that view. Not long before the war in Asia began a French Dominican priest wrote that "Either America is the hope of the world, or it is nothing." An astonishingly large cohort of Americans concluded, in the course of the 1960's that it was nothing.

The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. Racial bondage and oppression had been the one huge wrong of American history, and when at last the nation moved to right that wrong the damage that had been done proved greater than anyone had grasped.

An ominous new racial division made its appearance, and with it also a new sectional division, unattended and underappreciated, but not less threatening.

The economic vitality of the nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

In such circumstances, confidence in American government eroded. Government was not to be believed, nor was much to be expected of it. Save fear. Government had begun to do utterly unacceptable things, such as sending spies to the party conventions in 1968.

It all comes together in the story of the man who says, "They told me if I voted for Goldwater there would be half a million troops in Vietnam within the year. I voted for him, and by God they were right."

How then could it have been otherwise than that the election of 1968 would begin in violence and end in ambiguity. It was clear enough who had won, albeit barely, but not at all certain what had won.

Then came the President's inaugural address with its great theme of reconciliation, and restraint, and—in the face of so much about which we comprehend so little—reserve. "Few ideas are correct ones," wrote Disraeli, "and what are correct no one can ascertain; but with words we govern men."

Those words of January 20, 1969, were and remain the most commanding call to governance that the nation has heard in the long travail that is not yet ended.

How, by that standard, would one measure the two years now past. Not, I think, unkindly. To the contrary, the achievement has been considerable, even remarkable.

In foreign affairs the nation has asserted the limits of its power and its purpose. We have begun to dismantle the elaborate construct of myth and reality associated with the Cold War. The war in Asia has receded, the prospect of arms limitation has gradually impressed itself on our consciousness, the possibility of containing the endless ethnic, racial, and religious conflicts that may now become the major threat to world order has become more believable as here and there things have got better, not worse.

The prospect of a generation of peace has convincingly emerged.

In domestic matters events have been similarly reassuring. Far from seeking a restoration of outmoded principles and practices with respect to issues of social justice and social order, the President, on taking office, moved swiftly to endorse the profoundly immitments, especially to the poor and oppressed, which the nation had made in the 1960's.

He then moved on to new commitments to groups and to purposes that had been too much ignored during that period, and beyond that to offer a critique of government the like of which has not been heard in Washington since Woodrow Wilson.

In one message after another to the Congress, the fundamentals of governmental reform were set forth. More was required of government, the President said, than simply to make promises. It had to fulfill them. It was on this bedrock of reality that trust in government must rest. The restoration of trust would depend on this.

Since that time, mass urban violence has all but disappeared. Civil disobedience and protest have receded. Racial rhetoric has calmed. The great symbol of racial subjugation, the dual school system of the South, virtually intact two years ago, has quietly and finally been dismantled.

All in all, a record of some good fortune and much genuine achievement.

And yet how little the administration seems to be credited with what it has achieved. To the contrary, it is as if the disquiet and distrust in the nation as a whole has been eased by being focused on the government in Washington. One thinks of President Kennedy's summation: life is not fair. But there is something more at work than the mere perversity of things.

In a curious, persistent way our problem as a nation arises from a surplus of moral energy. Few peoples have displayed so intense a determination to define the most mundane affairs in terms of the most exalted principles, to see in any difficulty an ethical failing, to deem any success a form of temptation, and as if to ensure the perpetuation of the impulse, to take a painful pleasure in it all.

Our great weakness is the habit of reducing the most complex issues to the most simplistic moralisms. About Communism. About Capitalism. About Crime. About Corruption. About Likker. About Pot. About Race Horses. About the SST. Name it.

This is hardly a new condition. Tocqueville noted it a century and a half ago. "No men are fonder of their own condition. Life would have no relish for them if they were delivered from the anxieties which harass them, and they show more attachment to their cares than aristocratic nations to their pleasures."

But in the interval this old disposition has had new consequences. What was once primarily a disdain for government has developed into a genuine distrust. It has made it difficult for Americans to think honestly and to some purpose about themselves and their problems. Moralism drives out thought.

The result has been a set of myths and counter myths about ourselves and the world that create expectations which cannot be satisfied, and which lead to a rhetoric of crisis and conflict that constantly, in effect, declares the government in power disqualified for the serious tasks at hand.

The style which the British call "muddling through" is not for us. It concedes too much to the probity of those who are trying to cope, and the probable intransigency of the problems they are trying to cope with. In any event, in so intensely private a society it is hard to get attention to one's own concern save through a rhetoric of crisis.

As a result, we have acquired bad habits of speech and worse patterns of behavior,

lurching from crisis to crisis with the attention span of a five-year old. We have never learned to be sufficiently thoughtful about the tasks of running a complex society.

The political process reinforces, and to a degree rewards, the moralistic style. Elections are rarely our finest hours. This is when we tend to be most hysterical, most abusive, least thoughtful about problems, and least respectful of complexity.

Of late these qualities have begun to tell on the institution of the Presidency itself. A very little time is allowed the President during which he can speak for all the nation, and address himself to realities in terms of the possible. Too soon the struggle recommences.

This has now happened for us. We might have had a bit more time, but no matter. The issue is how henceforth to conduct ourselves.

As I am now leaving, it may seem to come with little grace to prescribe for those who must stand and fight. I would plead only that I have been sparing of such counsel in the past. Therefore, three exhortations, and the rest will be silence.

The first is to be of good cheer and good conscience. Depressing, even frightening things are being said about the administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and compassion in the face of a sometimes awful knowledge of the problems and the probabilities that confront him.

The second thing is to resist the temptation to respond in kind to the untruths and half truths that begin to fill the air. A century ago the Swiss historian Jacob Burckhardt foresaw that ours would be the age of "the great simplifiers," and that the essence of tyranny was the denial of complexity. He was right. This is the single great temptation of the time. It is the great corruptor, and must be resisted with purpose and with energy.

What we need are great complexifiers, men who will not only seek to understand what it is they are about, but who will also dare to share that understanding with those for whom they act.

And, lastly, I would propose that if either of the foregoing is to be possible, it is necessary for members of the Administration, the men in this room, to be far more attentive to what it is the President has said, and proposed. Time and again, the President has said things of startling insight, taken positions of great political courage and intellectual daring, only to be greeted with silence or incomprehension.

The prime consequence of all this is that the people in the nation who take these matters seriously have never been required to take us seriously. It was hardly in their interest to do so. Time and again the President would put forth an oftentimes devastating critique precisely of their performance. But his initial thrusts were rarely followed up with a sustained reasoned, reliable second and third order of advocacy.

Deliberately or not, the impression was allowed to arise with respect to the widest range of Presidential initiatives that the President wasn't really behind them. It was a devastating critique.

The thrust of the President's program was turned against—him! For how else to interpret an attempt to deal with such serious matters in so innovative a way, if in fact the effort was not serious.

It comes to this. The Presidency requires much of those who will serve it, and first of all it requires comprehension. A large vision of America has been put forth. It can only be furthered by men who share it.

It is not enough to know one subject, one department. The President's men must know them all, must understand how one thing relates to another, must find in the words the

spirit that animates them, must divine in the blade of grass the whole of life that is indeed contained there, for so much is at issue.

I am of those who believe that America is the hope of the world, and that for that time given him the President is the hope of America. Serve him well. Pray for his success. Understand how much depends on you. Try to understand what he has given of himself.

This is something those of us who have worked in this building with him know in a way that perhaps only that experience can teach. To have seen him late into the night and through the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it, above all, caring, working, hoping for this country that he has made greater already and which he will make greater still . . .

DUMPING OF POWER TRANSFORMERS—A THREAT TO U.S. JOBS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. CONTE. Mr. Speaker, on September 28, 1970, I took the floor to call attention to the very serious consequences of unlawful price discrimination or dumping in the sale of heavy power transformers—RECORD, 33908. Shortly after that, on October 14, 1970, I authored a letter to the President on this subject. The letter was cosponsored by my good friend and colleague, the gentleman from Pennsylvania (Mr. DENT) and joined in by 17 of our colleagues. I include a copy of the letter at the close of these remarks.

As this letter indicates, concern about this problem is widespread. But nowhere are the effects of this unfair competition more serious than in my own home town of Pittsfield, Mass. General Electric's Power Transformer Division, which employs some 3,000 workers, has recently announced it will reduce some of its activities and manpower. This action is being taken in an effort to preserve GE's position of leadership in the face of the continued threat of this foreign dumping.

Mr. Speaker, I also include at the close of these remarks a copy of a recent article in the New York Times for December 17, 1970, which describes the situation in Pittsfield and the actions which I and others have taken to improve it. I do want to add one point of clarification to that story, however.

The article quotes me correctly as stating on the House floor on September 28, 1970, that the antidumping action filed by Westinghouse may not be completed for another 2 or 3 years. This time period does indeed reflect accurately the time that such cases have taken recently. Today, however, thanks to stepped up, more vigorous action by this administration there is reason to hope for speedier resolution of such cases.

Only yesterday, the other body also accepted the conference report on the sup-

plemental appropriations bill which grants an additional \$500,000 for stepped up enforcement of the antidumping law. I strongly supported that request which will permit the hiring of 66 new employees for this expanded effort.

In view of these developments there is reason to expect that the Westinghouse case may be completed by this spring.

Nevertheless, I remain convinced that the other alternative actions called for in our letter to President Nixon should be taken at once. First and foremost, there should be an immediate moratorium on all foreign buying by Government-owned utilities, such as TVA, which in the last 3 years purchased a staggering 95 percent of their heavy transformers from foreign sources. In our letter we referred briefly to the statutory authority for such a moratorium. Mr. Speaker, I will shortly submit a detailed memorandum spelling out the sources of that authority.

As I said earlier this is a serious national problem. I will also include at the close of my remarks a list of the locations of plants across the country which have been or may soon be threatened by these dumping practices. In the 92d Congress I intend to continue my efforts to focus attention on this problem in order to alleviate, if not eliminate, its harmful effects on American jobs and economic security. I urge all my colleagues to join me in that effort.

The materials referred to follow:

OCTOBER 14, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: American producers of heavy power transmission equipment face a severe challenge from foreign competitors. Unlike some other industries, however, the problem here clearly appears to be one of unfair trade, characterized by foreign manufacturers selling their products at cut rates in the open United States market while their own home markets for similar equipment are effectively walled off from United States manufacturers. Foreign producers often sell electrical equipment in the United States at prices significantly below those at which they sell similar products in their own countries—a practice condemned by law.

The Treasury Department is currently conducting a preliminary study in an antidumping proceeding involving importation of large power transformers from six foreign countries. While we are confident that these allegations of dumping will be substantiated, the resulting relief from such a finding may be many months away.

We believe that swifter remedial action is necessary and should be initiated promptly. We therefore respectfully urge your support of the following measures designed to preserve the health of this industry which employs thousands and is so vital to our national security.

1. First and foremost, we believe our government-owned utilities, such as the Tennessee Valley Authority, Bonneville Power Administration and the Bureau of Reclamation, which in the last three years purchased 95 percent of their power transformers from foreign sources, should cease such buying at once, pending elimination of the inequities of foreign trade in these products. We understand that the agencies have authority for such action either in the exercise of discretion under their respective enabling legislation or under the Buy American Act. A moratorium on purchase of foreign-source equipment by these Government agencies is especially appropriate because their massive pur-

chases of foreign equipment constitute a virtual endorsement of practices which violate the principles of free and fair competition as advocated by the United States. Government-owned utility purchasing obviously affects the purchasing practices of non-governmental electric utilities. In the period 1963-1969, \$170 million of transformers and other transmission products were purchased from abroad.

We believe such a moratorium would be the most effective immediate means available to induce foreign governments and foreign sellers to abandon dual pricing, export subsidies and other discriminatory practices in the international trading of these products.

2. It would be helpful to set time limits on the period within which antidumping findings must be made. We understand that such changes could be made administratively without legislation. We urge prompt adoption of such changes to eliminate the present inordinate delays.

3. We are well aware of the extreme pressure on our understaffed Bureau of Customs which investigates suspected dumping into the United States. We intend to urge Congressional support of increased manpower and funding for the Bureau so that it can exercise its powers promptly and as fully as facts warrant. We solicit your active leadership in this regard.

4. Only a full understanding of the problems involved in international trade in these products will contribute to the development of effective remedies. Not only do most European countries and Japan maintain effective exclusion of U.S.-made electrical equipment from their home markets; they also maintain a veil of secrecy as to prices paid, conditions of sale and other essential information concerning the purchase of such products by their domestic utilities and other buyers. American manufacturers are frustrated when seeking such information, and the resources of our Government are needed to obtain basic commercial knowledge relating to electrical equipment. Several devices for fact-finding and possible corrective measures are available in existing U.S. statutes.

a. The Tariff Commission has authority under Section 332(b) of the Tariff Act of 1930 to investigate broadly the "conditions, causes and effects relating to competition of foreign industries with those of the United States," and to make appropriate reports to the President and the Congress. We believe an immediate and thorough investigation under this section would be most helpful.

b. The Office of Emergency Planning has broad authority under Section 232 of the Trade Expansion Act of 1962 to determine the effects on the national security of imports of particular articles. We believe there is good cause to conduct an investigation of imports of electrical transmission products, including a thorough analysis by the OEP of the economic circumstances fostering these imports and their national security implications for United States electrical utility systems, for essential research and development of extra-high voltage technology in the United States, and for maintaining a viable industry in the United States for manufacturing such products.

c. The Secretary of the Treasury is required by Section 303 of the Tariff Act of 1930 to exact countervailing duties upon imported products which "directly or indirectly" have been subject to "any bounty or grant upon the manufacture or production or export" in a foreign country. The Secretary has an explicit statutory obligation to ascertain and determine the amounts of such bounties or grants. A number of specific examples of manufacturing or export bounties are identified in the attached statement from the Congressional Record, dated September 28, 1970, at page 33910.

5. In consonance with the foregoing, we urge you to re-emphasize to members of the OECD and the GATT the necessity of promptly eliminating trade inequities and trade barriers which apply to these products.

We respectfully request your attention to this serious problem. We understand and share your concern, expressed in your recent message to the Congress, about the dangers of a trend toward protectionism, but know that you appreciate the distinction we are carefully making between such tendencies and our concern over unfair trade practices.

Finally, we are grateful that, at your request, the Tariff Commission will soon be holding broad hearings on the competitive position of U.S. industries in world markets. Nevertheless, in view of the convincing evidence of unfair international trade in electrical transmission products, we hope you will give separate and primary consideration to the corrective measures we have suggested.

We stand ready to assist you in any way possible to eliminate these trade practices.

Thank you for your consideration.

Sincerely,

Silvio O. Conte, Massachusetts; John H. Dent, Pennsylvania; James G. Fulton, Pennsylvania; Joseph P. Vigorito, Pennsylvania; Joseph M. Gaydos, Pennsylvania; James A. Byrne, Pennsylvania.

William A. Barrett, Pennsylvania; Fred B. Rooney, Pennsylvania; Frank M. Clark, Pennsylvania; Thomas E. Morgan, Pennsylvania; William J. Green, Pennsylvania; Joseph M. McDade, Pennsylvania.

John P. Saylor, Pennsylvania; Laurence G. Williams, Pennsylvania; James A. Burke, Massachusetts; Hastings Keith, Massachusetts; John T. Myers, Indiana; David Pryor, Arkansas; John W. McCormack, Massachusetts.

[From the New York Times, Dec. 17, 1970]
NEW JOLT FOR PITTSFIELD—G.E. JOBS AT STAKE
IN DECISION ON "DUMPING"

(By Gene Smith)

PITTSFIELD, Mass.—The future of some 3,000 electrical workers here could be decided next year in Washington—or possibly in Sweden, Switzerland, France, Italy, Great Britain or Japan.

The General Electric Company is the principal employer in this city, nestled in the Berkshire Hills. At times of peak economic conditions, G.E. employed some 13,000. Today's total is roughly 11,000 of whom about half work on various manufacturing operations for the electric utilities. The city population numbers about 57,000.

The basic problem of work or unemployment centers on the manufacture of large electric power transformers—those bulky pieces of equipment that dot the countryside at the end of high-voltage power lines.

A transformer is an electromagnetic device that changes the voltage of electricity to usable levels as it comes to substations on transmission lines.

American manufacturers have alleged that foreign competitors are "dumping" these products in this country and warned that if the practice was allowed to continue, manufacturing facilities, such as the local G.E. plant, would have to close down.

Mayor Donald G. Butler said that local officials have been kept posted on these developments and that it would be "nothing short of criminal" if the plant had to close.

"I believe in helping to support the rest of the world somewhat," he said, "but Pittsfield is not a city with diversified employers. G.E. has just invested some \$30-million to have the most modern power transformer manufacturing facility. I can't see how the Federal authorities could allow foreign competitors to keep dumping their transformers in this country if it means the G.E. plant would be forced out of business."

Mayor Butler, a Republican, is a former G.E. employee who worked in the punch press department and later as an assistant production supervisor in the chemical department.

The major labor union, Local 255 of the International Union of Electrical Workers, is backing G.E. in its efforts to secure support for its charges of dumping.

"We're giving them our whole-hearted support at hearings in Washington and with local Congressmen," Albert F. Litano, business agent for the 5,200-member local, said. "If they can't prove that the foreign manufacturers are dumping, it could hurt the national economy as well as our local problems."

Businessmen and local reporters said that "probably for the first time in local history there is great concern in this community and an attitude of 'Let's get together behind G.E.'." Editorial support has developed for the company's attempt to compete freely in world markets.

Last March 11, the Westinghouse Electric Corporation, G.E.'s major competitor in the industry, filed charges with the Bureau of Customs against manufacturers of this equipment in Japan and five European nations. Westinghouse asked the Government to investigate "unfair and unlawful trade" in such transformers.

John W. Simpson, president of power systems at Westinghouse, charged that manufacturers in the six countries had been selling transformers in this country at prices "significantly below the prices they charge customers in their own countries." He said that, as a direct result of such alleged "dumping," Westinghouse had been forced to lay off 346 employees at its Muncie, Ind., plant.

"This dumping pure and simple and is clearly unfair and unlawful trade," Mr. Simpson added.

Robert W. Lewis, vice president and group executive of G.E., said at the time that he "applauded Mr. Simpson's action."

But G.E. took no legal action for a variety of reasons, including the possibility of some Government antitrust actions if the company appeared to be working in a concerted effort with its leading competitor.

In mid-June, the Customs Bureau called on the European and Japanese manufacturers to supply detailed data on selling prices of the transformers here. It now appears that a final decision might be handed down early next year and most persons in the industry believe that Westinghouse has proven that dumping exists.

If that is the case, the Tariff Commission will determine in separate inquiries the percentage duties that should be added to the prices paid by American users for transformers from abroad.

The British Government was quick to issue a denial of Westinghouse's allegations last March. Philip Ridley, commercial counselor at the British Embassy in Washington "does not subsidize the exports of heavy electrical equipment."

The Swedish State Power Board issued a similar denial in mid-August, and listed purchases of a variety of electric power equipment from manufacturers in this country. Neither the manufacturers nor the power projects were identified in specific terms.

The G.E. approach to the problem of dumping was to go to various Government agencies and explain the situation, in the belief that, if the case were made clearly enough, appropriate legislative action might be taken. Rep. Silvio O. Conte, Republican of Massachusetts, brought the whole problem before Congress last Sept. 28.

While tracing the history of the Westinghouse case, Mr. Conte warned that a decision might not come "before two or three years [and] in the meantime, irreparable damage may be done unless other steps are taken to alleviate the problem."

This was followed by a letter to Congressional colleagues in Wisconsin, California, Pennsylvania, Missouri, Virginia, Ohio, and Arkansas—all states where power transformers, circuit breakers and allied equipment were produced. Mr. Conte warned that "these domestic industries cannot endure this continued, unlawful assault on our markets."

A somewhat similar letter was sent to President Nixon and signed by Sen. Edward W. Brooke, Republican of Massachusetts; Sen. Vance Hartke, Democrat of Indiana; Sen. Hugh Scott, Republican of Pennsylvania; Sen. Gaylord Nelson, Democrat of Wisconsin; Sen. William B. Spong, Jr., Democrat of Virginia and Sen. Richard S. Schweiker, Republican of Pennsylvania.

At stake is a market that hit a peak of \$200-million on an industry basis in 1967. It takes roughly 12 months for the manufacture of a large power transformer and market projections call for a total value of about \$300-million in 1974.

G.E. spokesmen point out that, to date, about \$150-million of this market has gone offshore, particularly from 1964 to the present. Around 1967, Sweden, and more particularly A.S.E.A., the large Swedish manufacturer, reached an equality level with Great Britain in orders from the United States.

In 1969, about 19.2 per cent of the total of all orders in the United States went overseas. Today the level is somewhat above 20 per cent and A.S.E.A. alone is expected to ship some \$20-million of transformers to the Tennessee Valley Authority.

More important, between 1966 and 1969, roughly 88 per cent of all T.V.A. purchases were awarded to foreign manufacturers; 97 per cent of all Bonneville Power Administration orders; 22 per cent of the Consolidated Edison Company's business; 19 per cent of Commonwealth Edison Company of Chicago, and 30 per cent of the American Electric Power System.

G.E. has prepared elaborate cost comparisons for the various components of transformers. They show that most raw materials cost roughly the same here and abroad but the labor costs are entirely different: \$61.17 a week for an assembler in the United Kingdom; \$68 in France and Italy; \$77.70 in Sweden; \$76 in Switzerland, and \$180 in this country.

"The proof of the pudding is that they do not sell to each other; they sell only here," William R. Tackaberry, vice president and general manager of G.E.'s power transmission and distribution sales, said here last week.

"The technological breakthroughs always start here but in short order the foreign manufacturers have the same thing," G. Ronald MacArthur, general manager of the power transformer department, noted, "If things continue as they are for the next five years, there's just no way we could be profitable and, as Westinghouse has already pointed out, there'd be no way to continue investing money in such an operation."

POWER TRANSMISSION EQUIPMENT INDUSTRY— DOMESTIC PLANT LOCATIONS*

I POWER TRANSFORMERS

(a) Large manufacturers

Allis Chalmers, Milwaukee, Wisconsin (West Allis).

Federal Pacific, Milpitas, California (San Jose).

General Electric, Pittsfield, Massachusetts.
High Voltage Power Corp., Westborough, Massachusetts.

McGraw Edison, Canonsburg, Pennsylvania.

*This list includes, in addition to manufacturers of the largest power transformers and circuit breakers which are most affected by dumping now, a number of companies producing medium-sized transformers which are expected increasingly to face the same problem in the near future.

Moloney, St. Louis, Missouri.
Wagner, St. Louis, Missouri.
Westinghouse, Sharon, Pennsylvania, Muncie, Indiana, Southern Boston, Virginia.

(b) Smaller Manufacturers (at lower end of power transformer scope; not yet as seriously affected)

Standard Transformer, Warren, Ohio.
Uptegraff Transformer, Scottsdale, Pennsylvania.

Central Transformer, Pine Bluff, Arkansas.

II POWER CIRCUIT BREAKERS

Allis-Chalmers, Boston, Massachusetts.
ITE, Los Angeles, California, Philadelphia, Pennsylvania.

McGraw-Edison, Canonsburg, Pennsylvania, Milwaukee, Wisconsin.

Westinghouse, Trafford, Pennsylvania, Bloomington, Indiana.

THE BERRIGAN BROTHERS— REVISITED

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. BINGHAM. Mr. Speaker, our colleague from Tennessee, WILLIAM ANDERSON, recently took a courageous stand when he attacked this Nation's top policeman, J. Edgar Hoover, for placing the Berrigan brothers on trial in the press, instead of in the courts. I want to commend my colleague for his concern and his willingness to speak out.

The Village Voice of December 17, 1970, carried an article by Paul Cowan who describes our colleague as "one of the most open-minded yet forceful and committed politicians I have ever met." Mr. Speaker, I would like to include the full text of the Village Voice article at this point:

ANDERSON ON HOOVER: A POPULIST CONGRESSMAN: NORTH POLE TO DANBURY
(By Paul Cowan)

WASHINGTON, D.C.—Congressman William Anderson, 49, Democrat from Tennessee, a former career Navy officer who piloted the atomic submarine Nautilus on its maiden trip to the North Pole, attacked J. Edgar Hoover in a House speech last week for Hoover's allegation that Daniel and Philip Berrigan had been part of a bombing and kidnapping plot. Anderson's speech, which demanded that the FBI or Justice Department either prosecute the Berrigans or apologize to them, contained some of the harshest criticism an elected official has ever directed at Hoover.

It could not have been an easy talk to give. It had the determined, willed tone of a man whose reason has forced his instinct to admit that an idol was involved in treachery. "As a lifetime admirer of Mr. Hoover and the FBI I am convinced that he would not purposely subvert the Constitution or undermine the democratic process," Anderson said. "Yet it is manifest that on Friday, November 29, 1970, he did so."

"Hoover has resorted to tactics reminiscent of McCarthyism, using newspaper headlines and scare dramatics rather than the due process of law he has so proudly upheld in his distinguished career."

The speech also contained the unalloyed anger of a man who has seen treasured friends mistreated by institutions he'd always been taught to respect. Anderson, who has visited the Berrigans three times in the Danbury prison, listed some of the ways the priests have been harassed since their arrests. He recalled Philip Berrigan's stint in solitary

while Daniel Berrigan was still at large, and cited Phil's claim that the Justice Department and the FBI were trying to force him to reveal Dan's whereabouts. Recently, Anderson said, prison authorities transported Dan Berrigan from Danbury to Rochester, where he was supposed to testify in the Flower City conspiracy trial, without ever telling Dan where he was going or why. At Danbury, Anderson continued, neither priest is allowed to say mass with the voluntary attendance of either prisoners or guards.

"Thus we see a connective pattern emerging—a pattern so compacted in only four months in prison that one must conclude the presence, in the Justice Department, of a tolerant attitude towards repressive harassment."

Anderson's speech was part of his rapid metamorphosis from a rather quiet, hawkish Southern conservative to an outspoken dove who sees his political roots in the tradition of battling populism that Tennessee names like Andrew Jackson and Estes Kefauver still evoke.

Anderson, a fourth-term congressman, comes from one of the most rural districts in America, Bible Belt country where Tennessee walking horses are bred, tobacco is grown, Johnny Walker whiskey is distilled. The district which surrounds Nashville but doesn't include it, gave George Wallace 66,166 votes to Hubert Humphrey's 36,667 and Richard Nixon's 30,987 in 1968. That year Anderson won with 61 per cent of the vote. This year, when the three major issues were gun control and school busing, which he opposed, and voluntary school prayers, which he favored, he widened his margin to 81 per cent.

If he was still conservative on domestic issues, though, he was increasingly outspoken about the war. Last summer when he and Augustus Hawkins, Democratic congressman from California, visited Vietnam, Don Luce took them on a tour of the Tiger Cage prisons near Saigon. Back home, the two men tried to publicize the dreadful conditions in the jails—and the United States' responsibility for them—as widely as they could. "Becoming involved in the Tiger Cage issue made it clear to me that there's a vast amount of repression and graft under the South Vietnamese government," Anderson says now. "I think our best policy would be the classic maneuver of getting the hell out."

When Anderson returned to the United States he read some books by the Berrigans and decided he wanted to meet them. As far as he knows he is the only congressman who has visited them in jail. "Seldom do men of such great intellectual capacity come along," he wrote Hoover after the FBI director's testimony. "Even more rarely do we see men so committed to the poor, the oppressed, and the victims of war as to purposely risk imprisonment in order to project and demonstrate their beliefs."

This fall's campaign affected him deeply, too. "It was the dirtiest political campaign I've ever seen," he says. "Of course I saw it at its worst in Tennessee, where Nixon and Agnew were trying to get rid of Gore. 'This may be a little harsh, but sometimes I wonder whether we really have a President of the United States. I heard him take the oath of office, but I never saw him make the transition from political candidate to President. I've been thinking back to FDR, to the extreme problems he faced when he was in office. He was able to face them candidly, to be honest with the people. There's a remarkable, disturbing contrast between that period and the way things are being handled now.'"

Anderson realizes that his decision to attack Hoover, the Justice Department, and the administration in such harsh terms may involve some political risk, but his experiences in the past few months seem to have made him almost welcome the fight. He appears to see it in almost classic populist terms: as a battle between an increasingly powerful ex-

ecutive branch and an oppressed people who soon may have no institutions through which they can express their will.

"The executive means to want to dictate everything, here and in Vietnam," he says. "If they have their way Congress might just as well leave town. It's reached the point where somebody has to draw the line. The future of the country is at stake. If things keep going the way they are now, it won't make any difference if I win 1000 elections. It's time for a lot of politicians to stop worrying about elections and speak out against the executive tactics of fear, division, and distortion."

Anderson has an extremely deliberate manner of speaking—his sentences came so slowly that I could copy them verbatim—and his words tended to be rather plain. He must have some deep tension, despite his relaxed manner, since he chain-smoked throughout the interview. I'd hoped to spend most of the day with him, to see aspects of his personality that could never emerge during a first conversation, but he's been extremely busy ever since he started to criticize Hoover, and we spent only about an hour together in his office. Our discussion was more abstract than I would have liked, and frequently interrupted by phone calls or the buzzers that ring in every congressman's office announcing votes on the House floor. Still, I came away from it feeling that Anderson was one of the most open-minded yet forceful and committed politicians I have ever met.

"I don't want to sound self-righteous, but I've done a lot for this country, in the military and in the House, and I've met with some success. Now I have x amount of time left, only the good Lord knows that x figure is, to help reverse some very, very dangerous trends.

"In a small way I may be in a unique situation. I'm already in the fourth grade readers through the good fortune of leading a mission that was a first, so I don't have to worry about my place in history. I don't have to worry about being called a Communist or an extremist so I'm going to do what I think is best for the people of this country."

In the past few months he has begun to work fairly close with congressmen like Benjamin Rosenthal and William Pitts Ryan, and now he hopes to help form a coalition between such liberals and the "centralists," a term he uses to describe himself. "There are many congressmen who feel the way I do," he says, "people who haven't spoken out yet, and I'd very much like to help bring them into a movement that will face up to the problems of the country and restore the dignity of Congress."

So far the reactions to his attack on Hoover, his first really controversial act, have been quite mixed. The FBI director sent him a curt letter saying that all information about the alleged plot had been turned over to the Justice Department and complaining that "your letter was released to the press prior to its receipt by me." As of Friday, the only congressmen who had attacked his speech were conservatives like Richard Ichord of the House Internal Security Committee (formerly HUAC)—"Hoover alumnae," as Anderson calls them. But only liberals like Ryan, Don Edwards, and Abner Mikva rose to take his side. The "centralists" he hopes to reach remained silent.

His office says the mail has been running about 70 per cent in his favor, though most of it is from liberal country, the East and West Coast. Anderson says he has also received support from friends whose praise he would not necessarily have expected. For example, while I was in his office he received a phone call from another retired Navy officer who congratulated him on his speech and said that, in his opinion, Hoover was senile.

He hasn't received much correspondence from his district, though his staff is sure that some Bible Belt voters resent his defense

of two radical Catholic priests even more than his criticism of the FBI. But Anderson is convinced that the voters in his region, however they might feel about his fight with Hoover, are not nearly so reactionary as their support for Wallace suggests.

As he spoke about them I began to understand why he, rather than any congressman or senator who describes himself as liberal, felt called upon to visit the Berrigans in jail, to respond to their brave words and actions by displaying enough courage of his own to fight Hoover in public.

He doesn't doubt (as many liberals and radicals do even after they acquire power) that heartland America is as much his country as Hoover's or Nixon's. He is still certain that America possesses a special spirit, a democratic decency, that has lately been lost but that can be redeemed. And Americans possess that spirit, though it is locked tight inside them now. Bravery and honesty are the qualities that will release that spirit. One name for it is populism.

"You have to understand that until recently our district was one of the most liberal in the state. There's a long tradition of populism in Middle Tennessee, going all the way back to Andrew Jackson—he took on the whole Eastern banking establishment, you remember—and it's still alive. Middle Tennessee was Kefauver country, and there are still a tremendous number of people who were part of his movement.

"I don't believe that the Wallace vote was the result of racism. In Middle Tennessee integration of public schools was carried out without a hitch. I think Wallace's main appeal was to people who saw him as a populist, a little guy fighting the establishment. He's weakened a lot since then, I think. Now Muskie seems to be very popular in our district. I've heard a lot of favorable comments about his speech the night before the election. People seem to like his quiet, straight manner."

When I asked Anderson whether an integrationist, populist candidate could be elected to the Senate, whether Gore's defeat was a fluke, he said that he wasn't sure about Eastern and Western Tennessee, but that such people could still reach voters in his part of the state. "Things are changing quietly but very rapidly. For example, on the issue of the war, four years ago people were saying 'we're in, let's win.' Two years ago they said we should win or get out. But in the last campaign every voter who talked to me said that the United States should admit that Vietnam was a mistake and bring the boys home now.

"Most of the voters in the district see things pretty much the way I do. They're as worried about what's happening in the country as I am. But the government hasn't been honest with them. It doesn't seem interested in listening to them. So they get frustrated. Some of their ideas sometimes get warped.

"I think that would change if there were an open, humble, cordial relationship between the government and the people. Jefferson, you know, talked about the importance of that time and again. Jackson of Tennessee expressed it when he said let the people rule."

TYPICAL DAY IN CONGRESS ANOTHER CONVINCING ARGUMENT FOR MAJOR REFORMS

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. COUGHLIN. Mr. Speaker, as we wend our pitiful way through this unfortunate lame-duck session, I feel that

the citizens of this country view us with even more suspicion. They become more convinced that we are out of tune, out of touch, and out of time with the demands and challenges of modern-day America.

For those of us who believe the Congress must enact major reforms of its rules and procedures, I think the article printed in the December 27, 1970, edition of the Philadelphia Evening and Sunday Bulletin is must reading for everyone of us who has been elected as Representatives in the 92d Congress. I commend its author, Richard Frank of the Bulletin's Washington Bureau. The article is remarkably underplayed with an emphasis on facts.

The headlines and text of the article follow:

IS CONGRESS OBSOLETE? TYPICAL DAY SHOWS TROUBLE

(By Richard Frank)

WASHINGTON.—By the casual standards of the 91st Congress, last Oct. 14 had to be considered a fairly typical day.

For those who think Congress needs to reform, the day's events gave vivid evidence of what ails the legislative branch.

The Senate met for slightly more than seven hours, the House for just over five. Each processed its usual volume of legislation as senators and representatives, responding to frequent and time-consuming roll calls, strolled in and out of the chambers.

Each house separately voted to approve a drug control bill that President Nixon had asked for and a measure granting federal aid for intercity passenger train travel which the President wished they hadn't passed.

Each also took time to hear what some members had to say on such subjects as campus unrest, urban housing, the sale of U.S. arms to Pakistan, the rising price of hamburger, the 100th birthday of a senator's widow and an improved system of egg inspection.

A failure

And each house, as is so frequently true in Congress, failed that day to come to grips with some of the most urgent legislation on the agenda.

A full 21 months after it first convened and only a few weeks before election of the next Congress, the 91st still had not completed its essential duties.

It was preparing to quit the next day for the election campaign, putting aside its affairs until a lame-duck session a month later.

The Government's budget year had begun on July 1, but most of the money the Government requires to maintain itself and to finance various programs still was unappropriated on Oct. 14.

Welfare reform, centerpiece of the President's domestic program, was snagged in the Senate Finance Committee, more than a year after he proposed it and a half a year after the House had overwhelmingly voted its approval of the reform legislation.

Direct election

The heralded constitutional amendment for direct election of the President, approved a full year earlier by the House and the clear choice of a majority of the Senate, was the victim of a Senate filibuster which denied it a vote on its merits.

Another constitutional amendment, granting legal equality to women, also was near death as the election recess began, victimized by the implacable hostility of a willful and powerful House committee chairman.

Not a particularly unusual day, last Oct. 14, but it does illustrate what many students of Congress have been saying for years: Congress desperately requires major structural reforms.

Just before its recess, Congress did enact a legislative reform bill, the first comprehensive package of congressional reform since the landmark Legislative Reorganization Act of 1946.

But the 1970 law was as noteworthy for what it failed to do as for what it did.

Untouchable

The seniority system, elevating to critically important committee chairmanships senior members of the majority party, regardless of their other qualifications—or disqualifications—was untouched.

The procedural rules and the web of tradition and practices which allow autocratic chairmen to determine which bills go to the House floor and which linger and die in committee remained largely intact.

The Senate's cloture rule, which permits a third of the Senate to thwart the will of the other two-thirds through the power of the filibuster, was not even a subject of the latest reform bill.

Perhaps more important, the tools Congress needs to cope intelligently with the budgetary and fiscal policies which shape the nation's priorities were not provided by the Legislative Reform Act of 1970.

Disorganization

"Congress is simply not organized to come to grips with the issues," says Robert F. Steadman, who directed a recent study of congressional effectiveness by the influential Committee for Economic Development, composed principally of corporation chief executives and university presidents.

The CED recommended a broad array of legislative reforms, all of which could be implemented without amending the Constitution and all of which, in the committee's judgment, are immediately achievable in terms of congressional acceptability.

In each of its recommendations the committee points toward the same goal: Make Congress more responsive to changing economic and social conditions and more effective in making its influence felt in the federal establishment.

The CED study proposes basic changes in the way Congress handles fiscal and economic policy.

Suggestions

It suggests:

Fundamental alterations in the congressional committee structure, including abandonment of the seniority system.

Increased democracy on the House and Senate floors.

Changes in campaign financing and lobbying controls to protect and enhance the prestige of the legislative branch.

The proposals are not new or unique. Other critics of the congressional system have made many of the same points.

Most who worry that Congress is heading toward obsolescence and irrelevance insist changes must be made in these same areas.

COMMITTEE SYSTEM

When the Senate, just before recessing, voted to add a pair of riders to the pending constitutional amendment on equal rights for women, most members were well aware that the result was likely to be the eventual outright defeat of the measure.

It was widely known that the women's rights amendment was strongly opposed by Rep. Emanuel Celler, chairman of the House Judiciary Committee. And Celler would lead House members conferees assigned to iron out differences between the House and Senate versions of the amendment.

The amendment had, in fact, come to a House vote in early August only over Celler's strenuous objections and only by recourse to a rarely used parliamentary stratagem to take the amendment out of Celler's committee and bring it before the House.

Traditions

As every senator was aware last October when the Senate acted as it did, giving Celler a second crack at the measure almost surely would doom its prospects for approval in the lame-duck session.

Celler's power flows from the rules and traditions of Congress, which give committees and their leaders almost unlimited influence over the content and course of legislation.

The work of Congress is done in its 37 standing committees and almost 300 subcommittees. Committees determine which bills get in the floor, when they do and what form the bills will be in when they get there.

The chairman dominates his committee. It is against this that much criticism of the system has been directed.

The chairman drafts his committee's agenda, decides when to have meetings and when to hold hearings, appoints subcommittee chairmen and assigns subcommittee subjects, chooses the staff and exercises a real measure of control over committee reporting of bills to the House or Senate floor.

Women's rights

House action on the women's rights amendment illustrates both the extent and limits of a chairman's power.

Although such an amendment has been introduced in almost every session for at least two decades, Celler has never held a hearing on the legislation.

Supporters bypassed Celler and his committee by obtaining signatures of 218 representatives—an absolute majority of the House—on a petition to bring the bill to the floor for a vote.

So rare is the discharge procedure—because of the reluctance of Congress to circumvent the committee process—that it has succeeded only 24 times since it was adopted in 1910.

There are constant complaints that committees—and particularly the chairmen—are not responsive to the views of the party that controls Congress.

No real choice

Seniority—how long a member has served on a committee—determines committee rank. Party caucuses and subsequently the full House or Senate merely affirms the automatic workings of the seniority system, electing as chairman the senior committee member of the majority party.

Republican leaders in the House already have announced their intention to put the party on record in the new Congress in support of a proposal to scrap the seniority system and give to the party caucus the real choice of chairmen.

For the Democrats, who have controlled Congress for most of the past 40 years, the problem is even more acute, since almost half the major House committees and two-thirds of the most important Senate committees are chaired by veteran Southern congressmen often out of step with the national Democratic Party.

Thus, an effort by the Democrats to abolish the seniority system will be more meaningful at this time and far harder to accomplish, but the attempt will be made.

Substitutes

Over the years a variety of substitutes for seniority have been offered. Two—election of chairmen by the majority leader—were proposed as amendments to the 1970 Legislative Reforms Act in the Senate. Each was handily rejected.

Republican leaders favor selection of chairmen by a party Committee on Committees, subject to ratification by the party's caucus.

Ironically, there is general agreement that if seniority were dropped as the sole rule for determining committee rank, the senior majority member of each committee would,

in most if not all cases, continue to be picked as chairman.

But election by his party colleagues instead of anointment in accordance with the inexorable and impersonal workings of seniority would, it is felt, convince a chairman of an obligation to be responsive to his party's wishes.

Beyond seniority, there are other complaints about the committee system, such as unnecessary secrecy, inadequate staffing and fragmentation of policy among too many committees.

Mixed feelings

There are mixed feelings among congressional critics about the number and jurisdiction of standing committees.

Before 1946, the house had 48 committees and the senate 33. Some had very narrow jurisdictions.

The 1946 Reform Act merged the House committees into 19 (there are now 21) and the Senate units into 15 (now 16), but there are now also more than 250 subcommittees, joint committees and select committees with overlapping or confused jurisdictions.

Thus, the congressional approach to legislative problems is at least as fragmented as before 1946.

Half the subcommittees can properly assert some jurisdiction over urban policy, such as housing, transportation or pollution. In national security, six committees have primary jurisdiction, a dozen more some marginal roles.

Some critics suggest that the number of committees must again be reduced and their jurisdictions broadened, that whatever benefits are derived from specialization of knowledge are negated by the high degree of overlap.

Congress, meanwhile, has moved in the direction of more committees. A Senate Veterans Committee has been established and proposals have been made that the house and Senate committees in charge of education, welfare and labor be split in half.

MAJORITY RULE

At patriotic rallies, members of Congress pay tribute to the principle of majority rule. It is not, however, one of the rules by which the Senate and House regulate their own procedures.

In the senate, a solid majority can line up in favor of a bill, yet be denied the right to vote on it. In the house, the Rules Committee regulates legislative traffic and can thwart a majority by bottling up bills previously approved by standing committees.

The Senate has a tradition of unlimited debate—a filibuster in its most extreme form—and twice last autumn it was thus prevented from going on record for or against a constitutional amendment providing for direct presidential elections.

Under Senate Rule 22, two-thirds of the senators voting can invoke cloture—an end to debate—and force an early vote on a legislative proposal.

Rarely used

Cloture has been imposed to cut off filibusters over major civil rights legislation in recent years, so that two-thirds requirement is not insurmountable. But it has been imposed infrequently even when a substantial Senate majority was ready to act, which shows what an obstacle it can be.

In the opening days of each of the last eight Congresses, attempts to alter Rule 22 have been turned back, most recently on a move to reduce to 60 percent the requirement for cloture.

Another attempt will be made in the 92d Congress.

In the House, a device to get around Rules Committee obstruction was on the rules book as recently as 1967, then dropped after personnel changes made the committee

more cooperative with the leadership of the majority Democratic Party.

There had been a rule permitting the House to take bills out of the hands of the Rules Committee if the committee had rejected or taken no action on them for at least 21 days.

Reformists have called for reinstitution of the 21-day rule.

FISCAL POLICYMAKING

Congress has fallen to a position of near impotence in the rational determination of fiscal and economic policy.

It is unable or unwilling to act coherently on the President's budget, relating revenues to expenditures and the two to the state of the economy.

It cannot or will not respond to rapidly changing economic conditions fast enough to have any impact upon them.

It is reluctant or unwilling to look beyond this year's appropriations to see their relationship to future levels of spending.

It has even failed, in the past two years, to appropriate the money the Federal Government needs before those needs come due.

Two examples

In 1970 as in 1969, the 91st congress had not appropriated a single penny by July 1, the day the Government begins its fiscal year.

By the election recess, it still had not enacted seven of the 14 regular appropriations bills constituting the major part of the \$200 billion federal budget.

The budget submitted near the beginning of each year, is a document which integrates the Administration's judgments on spending, revenue and the national economy.

But Congress immediately breaks it down into 13 appropriations bills, handled by as many appropriations subcommittees in each house.

Each bill is separately processed and separately passed without any reference to other money bills, to the total budget or to the legislation's economic implications.

Joint committee

There is, to be sure, a Joint Economic Committee, created by the 1946 Reform Act, but it cannot even sponsor legislation on its own.

That act outlined several steps to place Congress back in the budget picture, including a legislative budget, to be based on estimated receipts and expenditures and relating one to the other. But Congress ignored its own law and never successfully implemented the procedure.

In 1950, an attempt was made to combine the various appropriations bills into a single appropriation. It died.

CONGRESSIONAL IMAGE

Concern for the good name of Congress has led reformers to advocate tighter reins on campaign spending, lobbying and the involvement of members in outside activities which could result in conflicts of interest.

In his 1966 State of the Union message, President Johnson proposed a constitutional change providing four-year terms for members of the House.

He cited, among other reasons, "the increasing costs of campaigning that biennially impose heavy burdens on those who represent vigorously contested districts and that magnify the influence of large contributors, pressure groups and special interest lobbyists."

His idea was given little consideration then and remains well down on the lists of most reformers.

TV-radio costs

Congress tried this year to impose limits on campaign spending for television and radio. President Nixon, saying the bill did more harm than good, vetoed it.

In its 1946 Reorganization Act, Congress required lobbyists to register and report their

spending, the idea being to identify for the public the pressures brought to bear on Congress.

The law does not limit lobbying itself, however, and is so full of loopholes and so lacking in teeth (only a single conviction in 24 years) that it fails to do its job.

As for the conduct of members themselves, both houses have created ethics committees and adopted codes of ethics requiring partial disclosure of certain aspects of outside earnings, security holdings and business relationships.

Reformers want more steps in the same direction: Fuller disclosure of campaign contributions, complete reporting of lobbying activities and spending and more rigid codes of ethics.

OTHER REFORMS

When Sen. John J. Williams (R-Del) announced he would retire from the Senate at the end of this year, he observed that he would be 72 if he won and served out another term. He said members of Congress as well as other government officials should be required to retire by 70.

With so many important committee chairmanships already held by septuagenarians (and a few in their eighties), adoption of the Williams proposal would radically alter the composition of Congress. But it isn't likely to be adopted.

It is merely one of many suggestions for congressional reform, some rather far-fetched, others more pragmatic.

There are, for example, frequent calls for Congress to adopt an electronic voting system.

Quorum calls and rollcalls consume a good ten percent or more of the time in a typical congressional session. Electronic voting devices would eliminate much delay.

They also would curb secrecy, since instantaneous electronic balloting would eliminate the excuse that quick, non-record votes are necessary to avoid becoming bogged down in interminable rollcalls.

TV hearings

In the recently adopted reform bill, the House caught up with the Senate by authorizing televised committee hearings at the discretion of the committees. Others have proposed that the House and Senate chambers also be open to television and radio.

Congress spends a lot of time legislating for the District of Columbia. Proposals that the district be given home rule are directed in part at allowing Congress to drop this burden.

Other reformers have suggested such drastic changes as election of House members from multi-member districts—perhaps three congressmen from a district—to assure that minority elements receive adequate representation in the House.

In his working draft of a new constitution, Rexford Guy Tugwell, on behalf of the Center for the Study of Democratic Institutions, has proposed that a fifth of the House be elected at large instead of from districts. He also recommended that senators be elected for life and that the senate be left with little but veto power over House-adopted legislation.

And so it goes: From within the ranks of Congress and from outside, the suggestions, the demands, the pleas that Congress reform itself before the public loses all respect for it and for the entire federal system.

The Reform Act of 1946 went part of the way, but not nearly far enough in the estimation of battlers for internal reform.

The 1970 Reform Act surprised even some of its sponsors by the extent of the changes it instituted but there still were disappointments.

Prospects for further progress are considered mixed. Congressional inertia, combined

with the reluctance of those in positions of power to yield or even share their power, is likely to act as a drag on the movement toward reform.

HENNEPIN COUNTY MOVES TO AVOID SEX BIAS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FRASER. Mr. Speaker, the city of Minneapolis, which I proudly represent in this House, is located in Hennepin County, Minn.

December 14, 1970, the Minneapolis Star reported that:

The Hennepin County personnel office is changing county job titles so there will be no suggestion of discrimination on the basis of sex.

This is a salutary development and I commend the county officials responsible for this action.

I am doubly pleased because the county officials recognize that the new job classifications might become the proverbial old wine in new bottles. Striking the sex bias from a job title without simultaneously opening the classification to all qualified persons would be a reform without substance.

The column by Betty Wilson follows:

COUNTY MOVES TO AVOID SEX BIAS

(By Betty Wilson)

The Hennepin County personnel office is changing county job titles so there will be no suggestion of discrimination on the basis of sex, director John A. Hanson says.

Nurse's aides and orderlies, for instance, will be called nursing assistants and paid the same. In the past, nurse's aides were women and were paid 5 percent less than orderlies, who were men. The new pay scale for nursing assistants will start at \$414 for both men and women.

The job classifications of janitor (men only) and janitress (women only) are being dropped in the 1971 salary plan, and the new titles will be custodial worker and custodial worker, heavy.

The custodial workers will be women, however, and will be paid 10 percent less than the custodial workers, heavy, who will be men. The pay difference is not because of sex but because of the difference in work responsibilities, Hanson said.

There's nothing to prevent women from applying for and being hired for the "heavy" jobs, Hanson said, which will require heavy mopping and operating heavy cleaning machines.

Instead of launderers and laundresses, the new job titles will be laundry workers and laundry workers, heavy. The "heavy" laundry workers will be the men who are now launderers and will be paid 10 percent more than the regular laundry workers (all women), but here again, Hanson said, the "heavy" positions are open to women.

There are no restrictions based on sex for any county job, Hanson said.

There are now no women truck drivers heavy equipment operators or highway inspectors but "there's no reason why there couldn't be" he said.

"We've never had women apply for these jobs" he said.

"There are women who can hold their own with any man even physically" he said.

There are no women department heads in Hennepin County.

There are women who have county jobs where the pay is fairly high up the scale, he said.

There are women personnel representatives who will make \$908 to \$1159 a month according to the proposed 1971 salary schedule. There are a number of social worker supervisors whose proposed pay schedule for next year is \$1,001-\$1,342.

Although women haven't been applying for jobs traditionally held by men, there is a recent crossover the other way.

More and more men have been applying for clerical jobs normally considered to be women's jobs in the past.

There are men applicants for a current job opening for a medical payment clerk, starting at \$415 a month. If a man is hired for the job, he'll find himself working in the midst of about 40 women clerks.

REPORT TO THE 10TH DISTRICT OF ILLINOIS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. COLLIER. Mr. Speaker, under leave to extend my remarks in the RECORD, I submit herewith my report to the residents of the 10th Congressional District of Illinois by giving a summary of major legislation and my activities as their Representative in Washington, during the 91st Congress.

This has been a session of Congress that was characterized by a snail's pace movement in dealing with major issues. This Congress has set a record for total days in session while partisan politics delayed adequate solutions. Of the more than 27,000 bills which have been introduced in the 91st Congress only a small percentage have been considered and fewer than 500 have been enacted into law without particular attention to priority.

The wide spectrum of national concerns have been reflected in the more than 90 messages the President has sent to Congress. These messages covered such diverse topics as: electoral college reform, domestic welfare programs, income tax revisions, organized crime, hunger and malnutrition, selective service, drugs, labor disputes, transportation, environmental quality, social security, and many others.

As we all know, our Nation is undergoing a series of dramatic social changes. Improved communications, increased leisure time and growing educational opportunities all have combined to make the American citizen more involved and vocal on matters of national interest. It is apparent that most people want to be heard, and they want their legislators to be more responsive and honest in voting on major issues.

The President has outlined his answers to some of America's most pressing problems. Unfortunately, political maneuvering has stopped many important programs from even being considered. This situation has posed the greatest of obstacles to the individual Congressman in trying to explain to his constituents why

things are not getting done. Traditionally a variance of philosophy and approach could be handled through compromise. Today, with a President of one party and Congress of another, we are neutralizing what might have been sweeping results from broad new programs and losing effective laws in a swirl of politics.

Recognizing the variance of opinion that exists on major issues, I have continually sought the views of all of my constituents through the use of printed questionnaires. Over 25,000 voters from the 10th district responded to my last poll.

The final task of voting, of course, is the responsibility of the individual Congressman. When I vote on a particular bill, I try to determine if the expense involved in instituting the proposal is sound economically and feasible. In many programs the Federal Government is inefficient and wasteful when compared to local governments or private business involved in similar ventures. I contend that any legislator can be a fiscal conservative on one hand without neglecting progress and recognizing priorities on the other. My reasoning has led some to call me a conservative, and I readily accept the title if they mean conserving on Federal spending. It is regrettable that so many groups lobbying for more and more funds often cannot distinguish between the two.

Every taxpayer is concerned about the spiraling rate of Federal spending and increased national debt. From 1960 to 1969 the national debt increased nearly 25 percent. The interest on this debt of \$380 billion is nearly \$21 billion a year or almost equal to a full year's budget over a 10-year period. This type of deficit is directly responsible for the inflation we had to face in 1970. This is something we can and must change.

FEDERAL REVENUE SHARING

With each passing year, local taxing bodies as well as State governments find that property and sales taxes are less capable of meeting increasing demands for public service. In too many instances the application process for securing Federal funds has been complicated. In addition these funds are received too late to provide necessary relief on the local level.

For several years now I have pressed for a system that would return to the States a modest percentage of Federal revenues. President Nixon has now proposed a system whereby \$5 billion would be returned to the 50 States and District of Columbia during the first year of a revenue-sharing plan. Under this plan, no new taxes would be necessary because the rebate proposal will be funded from current revenues under the existing tax system.

Revenue sharing as entailed by this measure would aid States, counties, and communities in a broad and unconditional manner with local needs and priorities determining ultimate distribution of the funds.

The State of Illinois would receive \$211,019,448 of which \$53,416,084 would be redistributed to its city, county, and township governments. Cook County government would receive \$5,676,024. Individual towns would receive sums ap-

proximating \$262,608 for Oak Park and \$160,477 for Des Plaines.

THE TAX REFORM ACT OF 1969

As a member of the Ways and Means Committee, which originally wrote the Tax Reform Act of 1969, I point with some personal pride to the many improvements in our tax structure that are provided by this measure.

Because this bill was one of the most comprehensive tax measures enacted into law since Federal income statutes were first passed in 1913, it is understandable that certain provisions did not meet with the approval of everyone. No comprehensive tax bill can please all of the people nor can it be written to the complete satisfaction of every Member of Congress either. It did correct a host of inequities.

Also significant in the field of tax legislation this year was the repeal of the 10-percent surcharge on all taxable income as recommended by the Nixon administration. It simply means that all taxpayers, regardless of their brackets, no longer pay the surcharge added to their normal taxes. I had an opportunity to personally play an important role in repealing this added Federal tax.

FBI PAYS ITS OWN WAY

The Federal Bureau of Investigation is one agency of the Federal Government that is more than paying its own way. During the past fiscal year, it collected \$345,832,583 in fines, savings, and recoveries from its investigations. This amounts to \$1.57 for every dollar appropriated for the FBI for the year.

ENVIRONMENTAL HEALTH CONTROL

The serious problem of environmental health control has belatedly drawn the stern attention of the American people as the ugly consequences of air and water pollution are felt more with each passing day. In 70 years of life, the average U.S. resident uses 26 million gallons of water, 21,000 gallons of gasoline, 10,000 pounds of meat, 28,000 pounds of dairy products, tons of metal, glass, woods, and plastics. Each U.S. citizen is responsible for the creation of 7 pounds of junk per day. Included in this growing trash heap are the rusting bodies of 7 million cars each year, 100 million tires, and many billions of bottles and cans.

Certainly, the Congress has recognized the need for an all-out attack on pollution, but there are areas of disagreement on the best course of action to take on certain environmental problems. While all new programs of the magnitude needed to solve pollution problems are costly, we must not fall into the trap of trying to measure the effectiveness of these programs merely in dollar signs. Primarily, stricter enforcement of existing laws is as vital as the new laws that must be enacted. I was pleased when President Nixon set up the Council on Environmental Quality and a Cabinet Committee on the Environment. A National Industrial Pollution Control Council is planned. In the past, antipollution operations and activities had been spread through 95 Federal agencies. Now, an important step will be one in which local governments enforce pollution codes and work closely with the Federal Govern-

ment on pollution in the future. I was pleased to see an inefficient system transformed into a specialized agency.

STUDENT UNREST

Despite predictions in some quarters of increased violent student activities during the current school year, it is significant to note that State universities in Illinois have taken a strong stand against those that threaten to riot and destroy public and private property. It is finally being understood that public reaction to tactics of destruction on the college campus pose a serious threat to the very future of higher education in this country. I believe that the Nation will strongly support only those educators who believe that college is a place to learn and not as a forum for disruptive or violent dissent which violates the rights of other students on campus.

PANDERING ADVERTISING

Supreme Court decisions in recent years have opened the floodgates for a torrent of obscenity through the mails. The Post Office Department received more than 200,000 complaints during 1969 from irate parents who had found smut mail addressed to their youngsters. Using existing laws, the Post Office has begun a crackdown on those who use the mail to distribute pornography.

Families receiving unsolicited smut advertising through the mail can ask a postmaster to direct that the promoter send no more mail, of any kind, to them. The sender is also ordered to remove the family's name from any mailing lists he owns, controls, or rents. If a family moves and it wishes to continue the order at the new address, it is necessary to furnish the new address to the postmaster who issues the order. Promoters who violate the Post Office directives may be punished by both a fine or imprisonment.

THE PRESIDENT'S VETO OF THE EDUCATION BILL

While I am in favor of essential education appropriations programs, I felt that the great spending deficit of this and past Congresses justified the President's veto of the Office of Education appropriation bill.

Ninety-two percent of all educational expenses are paid for with local and State funds so that the President's veto represented a cut of less than 1 percent in the overall expenditures for education in this country. Obviously then, his veto was not as serious as some of the news media reported.

At a time when our national debt is a record \$381 billion increased by \$16 billion over last year and a new limit approved by Congress of \$395 billion, the time to tighten our belts and bring some responsible leadership to develop our fiscal policies is long past due.

WHERE THE MONEY GOES

For the first time in 20 years, spending for human resources will exceed defense spending. This is reflected in the 1971 budget and is particularly significant when related to the 1962 budget when 48 percent of the budget went for defense items while only 29 percent was directed to health, education, welfare, retirement programs, and so forth. This

fiscal year slightly more than 35 percent goes for defense and 41 percent for human resources.

One point about deficit spending should be made very clear. Nearly \$95.1 billion of the 1971 budget cannot be cut because of prior commitments made by previous Congresses. In saying this another way it means that 69 percent, or more than two out of every three Federal dollars, is out of reach of budget cutters. Increases in uncontrollable spending now runs \$7 billion a year, and will add \$28 billion to the budget by fiscal 1975. Thus I want to emphasize that the road to reducing tax burdens is an uphill fight to achieve a balanced budget, controlled expansion of Government expenditures in proportion to increases in Federal revenues and expansion of the gross national product.

MILITARY SPENDING

Military spending is in the process of being cut and constantly considered in terms of the strength and security of the United States. During the past year the size of the armed services has been reduced by 75,000. The number of employees in defense industries has been cut by 310,000 and further cuts in military spending are underway. Actually, the budget for fiscal 1971 calls for a substantial reduction in spending on defense, when compared with fiscal 1970.

POST OFFICE REFORM

For many years the Post Office Department has been characterized by inefficiency and constantly rising deficits. For instance, during fiscal 1970 the loss was \$1.6 billion. Outdated equipment and facilities, cumbersome regulations and often politics have hindered the many dedicated postal employees in carrying out their duties. I introduced provisions for adjusting wages in high cost-of-living areas in 1958 and more recently on April 29, 1970. These provisions have been included in the postal reform bill passed this last summer. Other provisions call for the post office system to be designed like a corporation-styled Federal agency. A commission similar to a board of directors will be formed and given a free hand to establish a postal system that can pay its own way. I believe that this is the first major step toward an efficient post office and reduced Government expense, but it is as yet untested.

SOCIAL SECURITY

A major bill which would benefit senior citizens was approved by the Ways and Means Committee early in 1970 and was later passed by the House of Representatives. The bill, Social Security Amendments of 1970, provides for a 5-percent raise for all social security beneficiaries with a triggered in cost-of-living increase as a hedge against inflation.

The measure is at this writing being considered by the Senate and will require an affirmative vote, of course, before going to conference. This action may delay it until next session.

CRIME

Although belatedly, Congress recognized the need for action on the Presi-

dent's recommendations for crime control legislation.

The District of Columbia omnibus crime bill was finally approved in July and is a comprehensive plan including reform of court, criminal and bail procedures; a public defender's system; plus new, court supervised authority to prevent the destruction of vital evidence and further crimes by suspects awaiting trial. Of prime importance is the fact that this bill was designed to be used as a model for all State and local governments in the future.

The Ways and Means Committee became deeply involved in the problem of drug control this summer by holding hearings and approving legislation aimed at drug control.

Until 1968, the control of drugs was scattered among several departments and agencies of the Federal Government. In some cases there were great differences in the way that drug problems were handled. Under the reorganization plan, which went into effect in 1968, control of drugs was under one agency, the Justice Department's Bureau of Narcotics and Dangerous Drugs.

As part of the move to bring together the divergent yet pertinent laws on drug controls, the Ways and Means Committee participated in the formation of a single statute to be enforced by the Bureau of Narcotics and Dangerous Drugs.

If this legislative reorganization is successful, there will be uniform requirements for those licensed to handle narcotics and drugs, and uniform penalties for those who sell or use them illicitly.

The Committee on Interstate and Foreign Commerce reported the bill in September and the recommendations of the Ways and Means Committee were included as title III of the bill.

Title I of the bill authorizes the Department of Health, Education, and Welfare to increase its efforts in the rehabilitation, treatment, and prevention of drug abuse through community health centers and through public health service hospitals and facilities. The bill also provides for increased research and also encourages treatment of narcotic addicts by private physicians.

Control of drug abuse through registration of manufacturers, wholesalers, retailers, and all others in the legitimate distribution chain would stop the illegal traffic in narcotics. Drugs specifically named for control included all hard narcotics and opiates, marihuana, all hallucinogens, amphetamines, barbiturates, and tranquilizers subject to abuse.

The bill also revises the entire structure of criminal penalties involving controlled drugs by providing a consistent method of treatment of all persons accused of violations. While mere possession of controlled drugs is a misdemeanor, manufacture or sale of illicit drugs is punishable by up to 15 years in prison in the case of the most dangerous drugs, and second offenses would carry double the penalty for a first offense.

RAILROAD GRADE CROSSINGS

There finally appears to be a ray of hope for those who are constantly annoyed and delayed by trains at railroad grade crossings.

The recently passed Railroad Safety Act contained a provision that I have sought for many years. It provides for a comprehensive study of the problem of eliminating and protecting grade crossings. This provision was a part of H.R. 14463 which I introduced in 1969.

Another bill that I introduced to lend Federal assistance in improving grade crossings has gotten as far as hearings. It is also in the study stage.

PROBLEMS AT O'HARE AIRPORT

In a continuing effort to block any expansion or addition of runways at O'Hare International Airport, I have held several meetings with officials at the Federal Aviation Agency, the Department of Defense, the General Services Administration, and mayors of the 16 municipalities surrounding O'Hare.

Since the airport is operated by the city of Chicago, little attention has been given to the complaints of the residents of the 10th District by airport officials. Thus, those most responsible for providing relief from the nuisance and aggravation caused by the airport have been unwilling to provide solutions. Unfortunately, the answer to this dilemma may only be found in bringing cases before a court as residents surrounding other airports have frequently done in the past 2 years.

I intend to do everything possible to block any further transfers of Federal land to expand O'Hare Airport by the military and continue investigating every complaint received in my office.

NAVAL ORDNANCE STATION—FOREST PARK

Completely contrary to reports in the local news media, I neither recommended nor approved of the establishment of the South Suburban Bulk Mail Distribution Center in Forest Park. In fact, I believe that the disestablishment of the naval ordnance station was an unpardonable mistake on the part of the Department of Defense. I contend that the aggregate cost of this together with postal center facilities will confirm my original contention with regard to the final imprudence of this decision.

It should be understood that under the Surplus Land Act of 1949, any agency of Government can declare its real estate and physical facilities surplus to their needs, in which event the General Services Administration, not the Congress, determines its subsequent disposal according to specific priorities written into the Federal statutes.

Because I am in the process of reevaluation of both the figures and proposed usage of the facility, I shall withhold all further details pending a complete report within the next 30 to 60 days.

DISTRICT OFFICE

During this last summer my district office was moved to 8909 Cermak Road in North Riverside. The office is open Monday through Friday from 9 a.m. to 5 p.m. My two telephone numbers there are 447-2746 and 447-4006.

I introduced the following bills during the 91st Congress, many of which are now law:

House joint resolution 182: Amend the Constitution to provide for direct election of the President and Vice President.

H.R. 4255: Prohibit the mailing of obscene matter to minors.

H.R. 4256: Limit categories of questions on census.

House joint resolution 420: Amend Constitution with respect to the offering of prayer in public buildings.

H.R. 5583: Strengthen and clarify law prohibiting introduction or manufacture for introduction, of switchblade knives into interstate commerce.

H.R. 7866: Federal Tax-Sharing Act of 1969.

H.R. 8274: Tax deduction for educational expenses.

H.R. 9791: Legislative Reorganization Act of 1969.

H.R. 10004: Amend Social Security Act to increase outside earnings.

H.R. 13030: Elimination of rail-highway grade crossings in Illinois.

H.R. 13241: Sexually Provocative Mail Regulation Act.

House concurrent resolution 356: Humane treatment of prisoners of war.

H.R. 14407: Amend Federal Water Pollution Control Act to provide adequate financial assistance and to increase allotments to certain States.

H.R. 14463: Railroad Safety and Research Act of 1969.

SECOND SESSION

H.R. 15654: Exempt people 65 and older from paying social security deductions.

H.R. 16024: Amend Land and Water Conservation Fund Act.

H.R. 16025: Wastes Reclamation and Recycling Act of 1970.

H.R. 16028: Amend Federal Water Pollution Control Act—comprehensive programs for water pollution control.

H.R. 16029: Amend Federal Water Pollution Control Act—provide financial assistance.

H.R. 16027: Amend Federal Water Pollution Control Act—development of waste water reuse technology.

H.R. 16030: Environmental Financing Act of 1970.

H.R. 16171: Amend Railroad Retirement Act to provide a 15-percent increase in annuities and to change method of computing interest on investments of railroad retirement accounts.

H.R. 18006: Penalty for persons who interfere with conduct of judicial proceedings.

H.R. 18397: Prohibit foreign aid to countries failing to take steps to prevent export of narcotic drugs.

House resolution 1171: The United States maintains sovereignty over the Panama Canal.

H.R. 18689: Amend Public Health Service Act to encourage physicians, dentists, and so forth, to practice in areas where shortages of such personnel exist.

HANDPOWER VERSUS MANPOWER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. CLAY. Mr. Speaker, we recently witnessed the "handpower" of the Presi-

dential veto pen as it fell heavily on the Manpower Act which was passed by Congress. President Nixon's irresponsible, insensitive act not only killed the bill but it also killed the hopes of many disadvantaged Americans.

I believe we can and must do better . . . These are not small problems and people are not statistics.

That was the President talking about unemployment when he addressed the National Association of Manufacturers on December 5.

But it was not in the spirit of Christmas nor in the spirit of those words when a week and a half ago, just 10 days after making that statement—the President refilled his "veto" pen and nullified the Manpower Act passed by the Congress.

This legislation, the product of 2 years study and work by the Congress, would have given meaning to his words. This bill more than any other of the 91st Congress, would have transformed the tragic statistics of unemployment into productivity—for people and for the Nation.

The President wanted to see the manpower programs, most of which were initiated during the Johnson administration—revamped. And the Congress—reviewing the successes and the shortcomings of these programs—agreed, that more should be done to meet the critical employment and training needs of Americans.

The President wanted to turn manpower programs over to the States—even though the States, in their administration of welfare programs have managed only to bind the poor in a maze which enforces poverty.

The bill sent to the President called for a 3-year program and an authorization of \$9.5 billion. It provided that one-third of those funds be allocated to manpower training activities, one-third to special categorical programs such as Job Corps, and one-third to a necessary—if not new—concept of public service employment. Special programs directed toward alleviating the unconscionable existences of migrant workers, Indians, and older Americans were also included.

At a time when this Nation is experiencing its highest rate of unemployment—when the rate in urban poverty neighborhoods now averages 24.9 percent—four times the national rate of unemployment—and when close to half, 34.9 percent, of our black teenagers are jobless, it is hard to respond to the President's veto without emotion or anger. This bill would have put 40,000 people to work in this fiscal year alone and at least four times that number to work in 1974.

The President vetoed the bill with a comment that it would have created too many "dead-end" jobs. Need I point out—without jobs, millions of Americans are condemned to make peace with their "dead-end" existences.

What we have—is a crisis—and an administration bent on leading the Nation down a "dead-end" road to disaster.

It is not a merry thought to contemplate the spirit of the holidays which the President has wrought for those who are callously referred to as "disadvantaged" Americans—who have wished for a sen-

sitive, compassionate, and comprehensive response to their conditions. Let the President talk about "people"—but let the Nation observe that he means—"statistics."

TAKE HEART FROM THE HEARTLAND

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, in recent years, much has been written about the style of politics in America's big cities in general, and about the city of Chicago, in particular. I feel that for the most part, however, these descriptions have been somewhat limited and have failed to get to the core of the matter.

Recently, an article entitled, "Take Heart From the Heartland," which appeared in the *New Republic*, shed much new light on this subject. The article, by Andrew Greeley of the University of Chicago, is a very enlightening study of "big city politics." Greeley's analysis concentrates on the political system of Chicago as it relates to the social structure. I feel that his study draws several valid conclusions which would be of interest to my colleagues in the House. For this reason, I insert Mr. Greeley's article in the RECORD:

TAKE HEART FROM THE HEARTLAND

Arthur Goldberg, candidate for governor of New York, to an audience of Italian-Americans—"I don't like ethnic campaigning; I think it's kind of cheap."

Richard J. Daley, November 4, 1970—"If you are humble in victory and courageous in defeat, you'll always get along in politics. Tonight is a night for great humility."

(By Andrew M. Greeley)

Both Kevin Phillips and the team of Richard Scammon and Ben Wattenberg are agreed that the Middle West is crucial in American politics. Whether it be called the "Heartland" or the "Quadracali," it is the "swing region" in Presidential elections; and as the elections of 1970 quickly become an unpleasant memory, one is forced to say that the heartland has moved to the left. In the massive block of America between the Ohio River and the Rocky Mountains, Democrats managed to hold almost all of their supposedly tenuous Senate seats, score most of their House gains, send a bright new liberal face to the United States Senate, and grab just about every governorship in sight.

How can this be? What happened to the silent majority? Where is the backlash? What became of the crime issue? Apparently, they've all migrated east of the Hudson River.

And, if the heartland has become liberal once again, its capital is the despised Second City on the shores of Lake Michigan. For the hated Daley Organization won what may be its greatest victory. Adlai Stevenson III now holds the Senate seat his father always wanted, having obtained 2,065,154 against his opponent's 1,519,718 votes. Two other attractive Democratic candidates—Alan Dixon, the new state treasurer, and Professor Michael Bakalis, the superintendent of public instruction—joined with Stevenson in leading the first major success for the Organization in previously solid Republican suburbs of Chicago; the Republicans find themselves with almost nothing left in Cook County, and

the Democrats dominate the state legislature in Springfield for the first time in the twentieth century. Not bad at all for the last hurrah.

While Democrats and liberals in New York and Connecticut were busily engaged in committing suicide, Richard J. Daley was picking up every marble on the playground. While progressive New York was helping Mr. Agnew put James Buckley in the United States Senate, benighted, hard-hat Illinois was giving an overwhelming victory to a man whose family name symbolizes all that was supposedly dear in American liberalism. Is it possible that those who do most of the thinking and writing about American politics, who shape the issues and campaigns, who author the columns and the articles in the liberal journals have missed something critical about American politics?

One of my colleagues remarked the day after election that "of course you can elect a liberal in Illinois if his name happens to be Adlai Stevenson." Leaving aside the fact that there was a liberal called Paul Douglas and another called Charles Percy, the question remains why a name which symbolizes the "liberal permissiveness" that Mr. Agnew so cheerfully denounced is political magic in a state supposedly dominated by the silent majority and, to use a term bandied about at a meeting of the American Sociological Association in 1968, "shanty Irish bigots"?

I am contending that the Chicago system deserves a fair investigation in the wake of November 3 to see what it may tell us about the operation of the political process. Martin Meyerson, Edward Banfield and James Q. Wilson have made such investigations on the scholarly level but their investigations are systematically ignored even by their sometime colleagues at the University of Chicago. And the journalists from the East—to say nothing of their alienated imitators from Chicago—are interested only in telling it like they knew it was before they bothered to investigate it in any depth. Let me illustrate.

An Eastern paper the day after the election wrote of a "deal" by which Stevenson agreed to support Daley candidates in return for Daley's support of his senatorial candidacy. The article added that while Stevenson had won easily, the Daley machine had not done well. The facts are such "deals" do not exist in Chicago politics (they are not necessary), that Stevenson was a Daley candidate, and that the Daley organization had won the greatest victory in its history.

The normally fair Howard K. Smith lumped Stevenson (though not by name) with Agnew on the night before the election as an example of campaign demagoguery because Adlai wore an American flag on his lapel, emphasized the crime issue, and put a famous prosecutor on his campaign staff. The facts are that Stevenson had authored crime legislation before it was fashionable to do so and that the prosecutor in question, Thomas Aquinas Foran, receives more hate mail for prosecuting a school integration case in a Chicago suburb, indicting police for the convention disturbances, and pushing faculty integration in the public schools.

Roy Newquist, writing obviously for non-Chicagoans in Fielding's *Guide to Chicago*, observes, "the political complexion of Chicago seems to be undergoing a change. The 1968 Democratic Convention riots upset the natives more than anything else that has happened in decades and citizens of all colors are taking harsh second and third looks at the regular Democratic (or Daley) machinery." Newquist is right, of course, that the natives were upset by the convention demonstrations, but the slightest glance at the public opinion polls ought to have indicated that it was not the organization at which they were angry.

A prize-winning Chicago journalist has quoted several times a sentence from a speech of Foran's after the conspiracy trial in which the prosecutor said, "Our children are

shocked when they hear us saying "wop" and "nigger." He never bothers to add that the next sentence was, "And they are right to be shocked." Nor does he point out that on racial and economic matters Foran has always been a liberal. Indeed, one of the most fascinating, interludes of the campaign was Foran—an impressive TV personality—upstaging Jesse Jackson on a TV talk show with ploys like, "I agree with you completely, Reverend Jackson, but I'd want to go further and take an even more radical stand."

A New Yorker once observed to me, "Everyone knows that Julius Hoffman is the most corrupt judge who ever bought a seat on the bench from Dick Daley." Hoffman is a Republican appointed by Dwight Eisenhower before Daley was mayor of Chicago, and judgeships are not "bought" in Chicago. They are frequently a reward for loyalty, but Chicago has no monopoly on this method of judicial selection.

The ordinary explanation for the "Machine's" triumphs implies that in part the votes are bought or stolen, and that in part they are cast by a patronage army. One gets the picture of vast, unthinking Slavic hordes marching in tight discipline to the polls. The facts are that you cannot steal or buy a half-million votes, and that the patronage army is tiny compared to the size of the city. Furthermore, the black and Slavic voters of Chicago are no less intelligent than voters elsewhere. The blacks have had alternative candidates to the Daley candidates and have, with one or two exceptions, soundly rejected them. Nor are the Polish voters who overwhelmingly endorsed Adlai Stevenson unaware of his racial stand. To explain the Organization's ability to get more than three-fourths of the Polish vote and three-fourths of the black vote in terms of fraud, fear, and theft is to turn the voters of Chicago into dull, stereotypical automatons. Such a strategy is useful for those who don't want to face the possibility that there may be some extremely important political truth that the Organization has discovered. But it is also prejudice in the strict sense of that word.

One moderately militant black summarized the position of many of his colleagues when he told me, "We're loyal to the organization because it works, because we know of no better way of improving our position in Chicago, and because, while it can't give everyone everything he wants, it can give most Chicago groups enough to keep them happy." Such a comment may sound cynical and, from a black, even treasonable. But, from the point of view of Chicago Democrats, it represents the essence of the political process.

The masters of ethnic politics are not intellectuals; they are not given to articulating abstract ideas; only Foran and one or two others look good on TV; their insight into the city and what makes it tick is not phrased in slick social science terminology, but is concrete and instinctual. Any attempt to state their model of the political process in formal terms—such as I will shortly engage in—is bound to lose something of the vigor and flavor of the original. On the other hand, while intellectual types may find the poor diction and malapropisms of some of the ethnic politicians vastly amusing, their amusement should not blind them to the fact that the best of politicians have an intuitive grasp of the city that would make the most skillful social scientist look naive.

The first assumption of ethnic politics is that the city is composed of various groups, national, racial, economic, religious. It is the politician's role to act as a broker among these groups, arranging and rearranging power and resources in such a way as to prevent one group from becoming so unhappy with the balance that they will leave the system. He arranges, usually indirectly and informally, and almost always gradually, compromises among the various power elements within the city, that these elements could not

achieve by direct negotiation among themselves. Thus, Irish aldermen or congressmen are slowly phased out to be replaced by Poles and then blacks (there are three Polish Democratic congressmen, two blacks, two Jews, one Irishman, and one Italian from Chicago, and in the next aldermanic elections about 30 percent of the city council seats will be held by blacks); but there is no great fanfare accompanying such changes. Does the organization slate a black congressman to represent Cicero and Berwyn? It surely does; but it doesn't issue press releases claiming that it is engaged in a revolution.

The "balanced ticket" is a symbol of this power brokerage game. To exclude a group its "place" on the ticket is to insult and offend them. If you should tell an ethnic politician that in one state (New York) the Democratic slate was made up of three Jews and a black and that the party still expected to get the Irish and Italian vote, he will simply not believe you. And if you tell him that in another state (Connecticut) a Unitarian minister with an Irish name and a liberal background led a slate on which, for the first time in many years, there were no Irish Catholics he would assume that the Irish vote would go Republican and wonder who was responsible for such an inept decision.

Nor would he be able to understand why some would consider piece-of-the-pie demands to be immoral. The model of the new politics—enthusiastic college students from "out of the neighborhood," vigorous ideological liberalism, passionate moral self-righteousness—would baffle him. The ethnic politician knows that in most of the districts of his city this model will not win elections.

In his frame of reference you can't afford to lose one economic or racial or ethnic group. If you win an election at the price of turning off one such segment of the city and setting the others against this scapegoat group you're simply asking for trouble. No political leader can afford to lose a major group from his consensus, for he will find it difficult to govern without this group and even more difficult to be reelected.

The ethnic politician also realizes that most people are not ideologues. He knew long before Amital Etzioni's brilliant article in *Transaction* that most people are quite "inconsistent" in their political attitudes; they are "liberal" on some issues, "conservative" on others. Furthermore, the ethnic politician realizes that for all the attention they get on the media, self-appointed "spokesmen" usually represent only themselves and a tiny band of friends. Most citizens are not interested in ideology but are moved by more concrete and pressing matters—jobs, side-walks, garbage removal, streets, transportation, housing, access to the government to get assistance when needed. The vast network of precinct captains is not merely, or even principally a downward channel of communication designed to convey voting instructions. It is also a technique—frequently more effective than public opinion polling—for determining what is on people's minds and providing them with a feeling of access to the system.

Why do you slate an obvious liberal like Adlai Stevenson at a time when the pundits are all persuaded that there is a "shift to the right"? Partly you may do it because you don't read the pundits, but partly because your instincts and your organization say that Adlai is a winner. Why are you undismayed when a smooth advertising firm, relying on poll data and White House advice, turns out clever ads suggesting your candidate is "soft" on student radicals? Mostly because your instincts and your organization tell you that the student issue is not all that important and that Adlai is still a winner. And why do you rejoice when the Vice President arrives on the scene as part of the "realignment" strategy and accuses

Adlai of disgracing his father's name? Because you know your voters well enough to know that they are not going to be "re-aligned" by such foolishness and will certainly resent such an attack on someone about whom they have already made up their minds.

The ethnic politician is also free from the pundit's uncertainty about the nature of the electorate. Before the election, there was much fear that the voter was a narrow, frightened, easily swayed member.

After the election, he looked more like a responsible, discriminating, and sophisticated person. But from the ethnic politician's viewpoint, both images are incomplete. He is well aware of the unpredictability, the strain towards bigotry, the extreme sensitivity to slights, the fear, the impatience with all politicians. But he also realizes that there is a strain towards rationality, openness and trust, and a sympathy for social reform, and that, in his better moments, John Q. Voter is capable of civility, intelligence and generosity. Thus, the ethnic politician is not too surprised when he rises to heights. In other words, you appeal to both the voter's fears and his idealism, his selfishness and his integrity; and, after awhile, you hope that you have become skillful in the art of blending the two kinds of appeals.

The ethnic politician's slogan that social progress is good politics is neither phony nor cynical but simply a statement of political reality as he sees it. He knows that if he is too "conservative" the balance he has established will not shift rapidly enough to keep up with the changing state of his city; and if he is too "liberal" he may attempt to force change on the city before there is a broad enough consensus to support it. In the thirties he supports the trade unions and in the sixties the black demand for power, but he supports both such demands in ways that will not drive other groups out of his coalition. There may be a tendency in such an approach to move too slowly, especially if the organization has poor communication links with a minority group. But the political leader is much less sanguine than his academic critic about the ability of any leadership to correct most social problems in a brief period of time.

The two Stevensons, Paul Douglas, Otto Kerner (who presided over the extremely liberal report on Civil Disturbances), and the present Lt. Governor, Paul Simon, represents a liberal tradition of which any state might be proud. Michael Bakalis, a thirty-two year old university professor (of Greek origin, conveniently enough), and US Congressman Abner Mikva are liberal enough to please Professor Galbraith. The ethnic politician knows that there is a strong liberal strain in his electorate and that an articulate and intelligent liberal can have strong voter appeal. The liberal must of course be able to win, he must want to win (frequently a difficulty for many American liberals) and he must not forget who helped him to win—or run the risk of not winning again. Furthermore, he must realize that he and his fellows cannot claim a monopoly on all office. From the point of view of the ethnic politician, liberalism is good politics, especially when he can find a liberal who is willing to admit that politics can be good liberalism.

While his critics contend that it is patronage which holds the organization together, he knows himself that "loyalty" is more important than jobs. As one young Irish lawyer put it, "a man who is not loyal to his friends will never be loyal to an idea." The mockery to which Arthur Goldberg was subjected by those who thrust him into the political limelight would be unthinkable to an ethnic politician. You stand by your own, even if they have made mistakes, or if they have perhaps grown a bit too old. You wait patiently in line until it's "your turn" to be

slated. You accept the decisions of the organization with good grace and work for the success of the ticket even though you are personally disappointed. You do so because you're convinced that there is no other way to engage in politics and that the alternative is what New York Democrats are currently calling Balkanization.

In his book, *The Irish and Irish Politicians*, Edward Levine tells the story of Nineteenth Ward Committeeman John Duffy who supported Martin Kennelly against Daley in 1955 because of the loyalty that Duffy's mentor, Thomas Nash, felt for Kennelly. According to Levine, Daley is reputed to have said, "If I were Duffy I would bolt." Later Duffy became the organization's president of the county board and worked closely with the mayor. There is a nice etiquette required of those who must balance loyalties, but the phrase "do what you have to do" is fully understood by the ethnic politicians. When he hears that this is "clannishness" the ethnic politician is puzzled. What are the alternatives? To quote one of Levine's informants, "The only thing you have in politics is your word. Break your word and you're dead. The most successful politician is the politician who kept his word." But if he is puzzled by the failure of the "liberal" to understand this truism, the ethnic politician would probably be astonished that such new left political theorists as John Schaar are demanding the same kind of personal fealty from their political leaders. The ethnic leader and the hippy guru may have more in common than they know.

There are obvious faults in such a political model in addition to those which are inevitable in any political model. Its very flexibility and amorphousness may make dishonesty and corruption somewhat easier than the so-called Reform models of politics, but ethnic systems are much less corrupt in most American cities than they have been in the past and ethnic politicians have no monopoly on corruption. Nor is the charge that the ethnic system is not open to the major forces of social change a valid one; quite the contrary, if the system is working properly social change is precisely what it is open to, though it distinguishes between actual social change and that announced by academic theorists.

There are three critical weaknesses however. First, the responsiveness of the system to groups depends to some extent on how well organized and articulate a given group is. The ethnic politician does not really spot a situation where a given group may need his help in organizing itself and articulating its demands.

Second, small but potentially explosive groups can be missed. The basic problem at root of the 1968 turmoil was that organization had little experience with the Youth Culture and was unprepared to deal with it. It learned quickly and there has been no repetition of the scene in front of the Conrad Hilton, but the mistake of playing into the hands of the radicals was a function of the fact that until the convention Youth Culture was not seen as a serious problem to cope with.

Finally, while the ethnic politician is not likely to be swayed by the moralism, the dogmatism and the perfectionism of the academic, his own proclivity to a concrete and instinctual style makes it hard for him to communicate with the intellectual and make use of the intellectual's important contribution to the political process—and, in particular, the intellectual's ability to spot long-range trends and problems.

It is difficult to write such an article for non-Chicago readership. The mere mention of "Chicago politics" or "Richard Daley" or "Irish politicians" erects a barrier in certain segments of American society which is hard to pierce. The system is immoral and corrupt or, to use Mr. Goldberg's word, cheap.

But the "liberal" may want to ponder the thought that the alternative is Nelson Rockefeller and James Buckley till the year 2000. And the "radical" may feel that ethnic politics are part of the "establishment" which must be overthrown in "the revolution"—whether it be the peaceful revolution of Consciousness III or something more bloody. But the "radical" may want to ponder the fact that even after the revolution he will have to contend with the same social groups in the large city with which the ethnic politician must cope, and that if he does not come up with a better method, he will either have to fall back on the ethnic strategic or maintain a very efficient secret police and a very large system of concentration camps.

TRIBUTE TO CONGRESSMAN
ALLARD K. LOWENSTEIN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, very rarely does a man during his first term in Congress win the friendship and approbation of so many of his colleagues as AL LOWENSTEIN has.

Members of every political persuasion, from every area of the country have found him to be sincere, dependable, honest, and fair. Shakespeare has made a mockery of the word "honorable," yet it is still one of the highest compliments that can be paid a man.

AL LOWENSTEIN is an honorable man. He cares very deeply about this Nation and all its people, and he has worked hard and dedicatedly for their benefit.

AL believes very strongly in democracy and has fought to defend it. The battleground has often been the campuses and schools of our Nation, where he has tried to keep youth allied with our political system. He has sought to enlist the young people of the Nation in the search for change through democratic means.

I think that he has been successful. AL will not be satisfied with the degree of his success, but it is admirable. He has shown that there are people in every position in government that do care about significant change.

AL LOWENSTEIN's name was probably the best known of the freshmen of the 91st Congress. But the media did him a disservice. We all have found him to be a great advocate of causes in which he believes, but he is equally a man who is willing to listen fully and openly to every other side. He has shown the fairness and and courtesy of one of those rare breeds of men who is so unbiased and so sincere that he expects no less from others.

I have had the great pleasure to discuss many issues with him that were close to my heart and to his. AL's view of the world is one of careful optimism and unflinching concern.

He has sought the highest goals in legislation and has been just as concerned about the means by which they are reached.

Now AL has been gerrymandered out of his district. It is a compliment to him that the Republicans had to add to an

already heavily Republican district in order to defeat him. His loss is an even greater loss to the people of the Fifth Congressional District of New York. He has worked for them and for the people of every congressional district.

I know, though, that AL will continue to work for the people of New York and the rest of the Nation. He cares too deeply to stop now. I hope that he will be back here with us soon, but I look forward to working with him in other areas, through other forums.

I will miss AL here. I have truly benefited from his friendship, and believe that we have proved educational for each other. I wish him success in all he endeavors.

NATIONAL GALLERY OF ART: CALENDAR OF EVENTS, JANUARY 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of events for the month of January 1971 of the National Gallery of Art.

Once again the National Gallery has planned a variety of exhibits, lectures, and concerts, and I urge all those who can to visit this outstanding gallery during January.

The calendar of events follows:

NATIONAL GALLERY OF ART: CALENDAR OF EVENTS, JANUARY 1971

INGRESS IN ROME

An exhibition of nearly 150 drawings of Rome and its environs by the nineteenth-century French painter, Jean-Auguste-Dominique Ingres (1780-1867), will start a tour of American museums when it opens at the National Gallery of Art on January 24th.

The drawings are largely from the Musée Ingres, Montauban, France, although a small group from the Musée des Arts Décoratifs, Paris, the Fogg Art Museum at Harvard, the Metropolitan Museum of Art, the Art Institute of Chicago, the Rhode Island School of Design, and several private American collections, are also included. The exhibition was organized by the International Exhibitions Foundation, Washington.

The selection from Montauban, comprised entirely of architectural studies, landscapes and views of Rome and its surroundings, will be seen in America for the first time. Most of the nine drawings from American collections are portraits of friends and acquaintances seen against Roman backgrounds. Three small landscape paintings of the same period have been lent by the two French museums.

The drawings from Montauban were chosen for the exhibition by Dr. Hans Naef, Zurich, a recognized authority on the artist's work. Dr. Naef has also prepared the exhibition catalog, in which he quotes Ingres' interest in landscapes: "If I had the time and . . . were in the country, I would paint landscapes: it is a branch of art which teaches one philosophy."

Although later virtually ignored and even hidden by the artist, his lovely, meticulous views of Italian cities and countryside received wider public attention in the twentieth century. Ironically, the young artist's passion for landscapes at this time cost him his first love, when he refused to leave his work and return to Paris to his fiancée and fellow painter, Mlle. Julie Forestier.

The exhibition sponsored by His Excellency Charles Lucet, French Ambassador to the United States, will close at the Gallery on February 21st. It will then travel to Philadelphia, New York and Kansas City.

GALLERY HOURS

Open weekdays and Saturdays, 10:00 a.m. to 5:00 p.m., and Sundays 12 noon to 9:00 p.m.

Please note: The Gallery will be closed on Christmas and New Year's Day.

GUEST SPEAKERS

By inviting distinguished scholars from this country and abroad to deliver the four o'clock Sunday lectures held throughout the academic year, the National Gallery provides the Washington community and Gallery visitors with an opportunity to hear, and meet if they wish, some of the world's outstanding art historians and critics. The talks are illustrated with slides and often arranged in conjunction with special exhibitions. Some of the lectures in January and February are related to the exhibition, *Ingres in Rome*. Agnes Mongan, Director of the Fogg Art Museum at Harvard will speak on Ingres on January 24th. Miss Mongan was responsible for the highly successful Ingres centennial exhibition at the Fogg in 1967. Marjorie Cohn, Assistant Conservator at the Fogg, and Robert A. Rosenblum, Professor of Fine Arts at New York University, will also deliver lectures on Ingres on the Sundays following Miss Mongan's talk.

Other guest speakers, including Vera Daniel, University Lecturer in French at Oxford University, England, Michael Mahoney, Professor of Fine Arts at Trinity College, Hartford, and a former curator and editor at the National Gallery, and John E. Bowlt, Visiting Professor of Slavic Languages and Literatures at the University of Kansas, will talk on French, Italian and Russian art and literature ranging from the seventeenth through the early twentieth centuries.

"CIVILISATION"

"Civilisation," the popular film series narrated and written by Kenneth Clark, begins its 96th showing at the Gallery on January 2 with a new schedule. One film will be shown each week for thirteen weeks on Saturdays and Sundays only at 12:30 and 1:30. Admission is on a first-come, first-served basis.

PUBLICATIONS

Recent publications available in the Gallery's publication area include: *Ingres in Rome*, a profusely illustrated catalog (\$4.95) for the exhibition opening this month at the Gallery; *Great American Paintings from the Boston and Metropolitan Museums*, a fully-illustrated catalog (\$4.95) for the current special exhibition; *British Painting and Sculpture 1960-1970*, an illustrated catalog (\$4.95) for a recent exhibit; and *A Guide to Civilisation*, (\$1.25) published in conjunction with the Gallery's new distribution of the film series to small colleges and universities throughout the country. Limited edition posters for the American and British exhibitions are also available (American, \$5.00; signed and numbered by the artist \$10.00; British, \$2.80).

CONTINUING ON VIEW

The Artist's Father by Paul Cézanne (1839-1906), Lobby D; *Käthe Kollwitz: Prints and Drawings*, prints and drawings gallery, ground floor, through January 31; *American Paintings from the Museum of Fine Arts, Boston and the Metropolitan Museum of Art, New York*, special exhibition galleries, ground floor, through January 10; *British Painting and Sculpture 1960-1970*, main floor, through January 3.

Monday, December 28 through Sunday, January 3:

* **Painting of the Week:** Piero di Cosimo, The Visitation with Saint Nicholas and Saint Anthony Abbot. (Samuel H. Kress Collection) Gallery 13. Tuesday through Thursday and Saturday 12:00 and 2:00. Sunday 3:30 and 6:00.

Tour of the Week: British Painting and Sculpture 1960-1970. Rotunda. Tuesday through Thursday, and Saturday 1:00; Sunday 2:30.

Tour: Introduction to the Collection. Rotunda. Monday through Thursday, and Saturday 11:00 and 3:00; Sunday 5:00.

Sunday Lecture: Russian Art between 1860 and 1930. Guest Speaker: John E. Bowlt, Visiting Professor of Slavic Languages and Literatures. The University of Kansas, Lawrence. Auditorium 4:00.

"Civilisation," I—The Skin of Our Teeth. Saturday and Sunday, 12:30 and 1:30.

Sunday Concert: National Gallery Orchestra. Richard Bales, Conductor. Albert Wasmus, Pianist. East Garden Court, 7:00.

Monday, January 4, through Sunday, January 10:

* **Painting of the Week:** Van Dyck. Henri II de Lorraine, Duc de Guise. (Gift of Cornelius Vanderbilt Whitney) Gallery 42. Tuesday through Saturday 12:00 and 2:00; Sunday 3:30 and 6:00.

Tour of the Week: The Tradition of Duccio. Rotunda. Tuesday through Saturday 1:00; Sunday 2:30.

Tour: Introduction to the Collection. Rotunda. Monday through Saturday 11:00 and 3:00; Sunday 5:00.

Sunday Lecture: The Self-Image of Salvador Rosa. Guest Speaker: Michael Mahoney, Professor of Fine Arts. Trinity College, Hartford. Auditorium 4:00.

"Civilisation," II—The Great Thaw. Saturday and Sunday, 12:30 and 1:30.

Sunday Concert: Nancy Ellsworth, Violin; Eugene Dreyer, Violin; Mark Ellsworth, Viola; Robert Newkirk, Cello; and Emerson Meyers, Piano. East Garden Court, 7:00.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS-AM (570) and FM (103.5).

Monday, January 11, through Sunday, January 17:

† **Painting of the Week:** Joshua Johnston. The Westwood Children (Gift of Edgar William and Bernice Chrysler Garbisch). Gallery 68. Tuesday through Saturday 12:00 & 2:00; Sunday 3:30 & 6:00.

Tour of the Week: The Tradition of Rogier van der Weyden. Rotunda. Tuesday through Saturday 1:00; Sunday 2:30.

Tour: Introduction to the Collection. Rotunda. Monday through Saturday 11:00 & 3:00; Sunday 5:00.

Sunday Lecture: Paul Valéry's Approach to Art. Guest Speaker: Vera Daniel. University Lecturer in French. Oxford University, England. Auditorium 4:00.

"Civilisation," III—Romance and Reality. Saturday and Sunday, 12:30 & 1:30.

Sunday concert: Pierre Huybregts, Pianist. East Garden Court, 7:00.

Monday, January 18, through Sunday, January 24:

* **Painting of the Week:** Giovanni di Paolo. The Annunciation. (Samuel H. Kress Collection) Gallery 5. Tuesday through Saturday 12:00 & 2:00; Sunday 3:30 & 6:00.

Tour of the Week: The Tradition of Leonardo da Vinci. Rotunda. Tuesday through Saturday 1:00; Sunday 2:30.

Tour: Introduction to the Collection. Rotunda. Monday through Saturday 11:00 & 3:00; Sunday 5:00.

Sunday Lecture: Ingres in Rome. Guest Speaker: Agnes Mongan, Director. Fogg Art

* 11" x 14" reproductions with texts for sale this week—15 cents each. If mailed, 25 cents each.

Museum, Harvard University. Auditorium 4:00.

"Civilisation," IV—Man-The Measure of All Things. Saturday & Sunday, 12:30 & 1:30. Sunday Concert: William Whitesides, Tenor. Gertrude Kuehfuhs, Pianist. East Garden Court, 7:00.

Cafeteria Hours: Weekdays, 10:00 a.m. to 4:00 p.m.; luncheon service. 11:00 a.m. to 2:30 p.m.; Sundays, dinner service. 1:00 to 7:00 p.m.

Monday, January 25, through Sunday, January 31:

* **Painting of the week:** Fragonard. A Game of Hot Cockles. (Samuel H. Kress Collection) Gallery 55. Tuesday through Saturday 12:00 & 2:00; Sunday 3:30 & 6:00.

Tour of the week: The Tradition of Rubens. Rotunda. Tuesday through Saturday 1:00; Sunday 2:30.

Tour: Introduction to the Collection. Rotunda. Monday through Saturday 11:00 & 3:00; Sunday 5:00.

† 8" x 10" black-and-white photograph with text for sale this week—75¢ each.

Sunday lecture: Ingres' Technique as a Draftsman. Guest Speaker: Majorie Cohn, Assistant Conservator. Fogg Art Museum. Harvard University. Auditorium 4:00.

"Civilisation," V—The Hero as Artist. Saturday & Sunday, 12:30 & 1:30.

Sunday concert: Upsala Chamber Choir. Richard Toensing, Director. East Garden Court, 7:00.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to 737-4215, ext. 272.

MARYLAND SOLDIER DIES IN VIETNAM ROCKET ASSAULT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. LONG. Mr. Speaker, Cpl. Benjamin R. Nelson, a young man from Maryland, was killed recently in Vietnam. Corporal Nelson, a field medic, was serving his third tour of duty in Vietnam at the time of his death. I should like to commend his courage by including the following article in the RECORD:

ARUNDEL SOLDIER DIES IN VIETNAM ROCKET ASSAULT

Cpl. Benjamin R. Nelson, a 26-year-old career soldier, has been killed in Vietnam, the Army announced yesterday. He is the son of Mrs. Josephine E. Donecker, of the Lake Shore area of Pasadena, Anne Arundel county.

Corporal Nelson, a field medic with nine years service, died November 30 at Chou Lai, the base camp of the Americal Division, when it came under rocket attack. He was "killed by hostile fire," according to the Department of Defense.

Born in Baltimore, Corporal Nelson attended the Lake Shore Elementary School. He enlisted at the age of 17 and finished his high school education in the Army. He also had taken medical courses in the Army.

Russell J. Donecker, Jr., 21, his surviving brother who recently returned from Vietnam where they served together in the Americal Division, said this was his brother's third tour of duty in Vietnam.

Mr. Donecker reported that Corporal Nelson expected to come home late in April and had planned to get married.

Corporal Nelson is survived by his mother and his brother.

FAREWELL ADDRESS OF DANIEL PATRICK MOYNIHAN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, before he left the White House this past week Presidential counselor Daniel Patrick Moynihan gave a unique thoughtful farewell message to his colleagues in the administration.

Dr. Moynihan's advice to the people who run the executive branch of the Government deserves the attention of those of us who work in the legislative branch as well. I am pleased to insert for the RECORD the text of Moynihan's remarks as published in the Wall Street Journal:

[From the Wall Street Journal, Dec. 28, 1970]

MOYNIHAN'S FAREWELL PRAISE AND ADVICE

(Following is the valedictory delivered by Presidential counselor Daniel Patrick Moynihan last week in Washington before a group of 200 cabinet members and other top Administration officials. Mr. Moynihan will return to Harvard University Jan. 1 after two years with the Nixon Administration.)

As the President has said, we are now in the middle of the journey. Where it will end we do not know. It is no longer even clear where it began, our sense having long since been dulled by the relentless excess of stimulus which is the lot of any who involve themselves in American government.

It may be of some use, then, to try to reconstruct the circumstances in which the President was elected, and formed his Administration, just two years ago.

It seemed the worst of times. It was the habit then to speak of the nation as divided, and to assert that the situation was grave beyond anything since the Civil War itself. This was misleading. The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means, and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

The agony was elemental, irresolvable and high to universal. No matter what one's view of the nation might be, events in Vietnam contradicted that view. Not long before the war in Asia began, a French Dominican priest wrote that "either America is the hope of the world, or it is nothing." An astonishingly large cohort of Americans concluded, in the course of the 1960s, that it was nothing.

WAR AND RACE PROBLEMS

The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. Racial bondage and oppression had been the one huge wrong of American history, and when at last the nation moved to right that wrong the damage that had been done proved greater than anyone had grasped.

An ominous new racial division made its appearance, and with it also a new sectional division, unattended and underappreciated, but not less threatening.

The economic vitality of the nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

In such circumstances confidence in American government eroded. Government was not to be believed, nor was much to be expected of it. Save fear, Government had begun to do utterly unacceptable things, such as sending spies to the party conventions in 1968.

It all comes together in the story of the man who says, "They told me if I voted for Goldwater there would be half a million troops in Vietnam within the year. I voted for him, and by God they were right."

How then could it have been otherwise than that the election of 1968 would begin in violence and end in ambiguity? It was clear enough who had won, albeit barely, but not at all certain what had won.

Then came the President's inaugural address with its great theme of reconciliation, and restraint, and—in the face of so much about which we comprehend so little—reserve. "Few ideas are correct ones," wrote Disraeli, "and what are correct no one can ascertain; but with words we govern men."

Those words of Jan. 20, 1969, were and remain the most commanding call to governance that the nation has heard in the long travail that is not yet ended.

How, by that standard, would one measure the two years now past? Not, I think, unkindly. To the contrary, the achievement has been considerable, even remarkable.

In foreign affairs the nation has asserted the limits of its power and its purpose. We have begun to dismantle the elaborate construct of myth and reality associated with the cold war. The war in Asia has receded, the prospect of arms limitation has gradually impressed itself on our consciousness, the possibility of containing the endless ethnic, racial and religious conflicts that may now become the major threat to world order has become more believable as here and there things have got better, not worse. The prospect of a generation of peace has convincingly emerged.

In domestic matters events have been similarly reassuring. Far from seeking a restoration of outmoded principles and practices with respect to issues of social justice and social order, the President, on taking office, moved swiftly to endorse the profoundly important but fundamentally unfulfilled commitments, especially to the poor and oppressed, which the nation had made in the 1960s.

He then moved on to new commitments to groups and to purposes that had been too much ignored during that period, and beyond that to offer a critique of government the like of which has not been heard in Washington since Woodrow Wilson.

RESTORING TRUST

In one message after another to the Congress, the fundamentals of governmental reform were set forth. More was required of government, the President said, than simply to make promises. It had to fulfill them. It was on this bedrock of reality that trust in government must rest. The restoration of trust would depend on this.

Since that time, mass urban violence has all but disappeared. Civil disobedience and protest have receded. Racial rhetoric has calmed. The great symbol of racial subjugation, the dual school system of the South, virtually intact two years ago, has quietly and finally been dismantled.

All in all, a record of some good fortune and much genuine achievement.

And yet how little the Administration seems to be credited with what it has achieved. To the contrary, it is as if the disquiet and distrust in the nation as a whole has been eased by being focused on the government in Washington. One thinks of President Kennedy's summation: Life is not fair. But there is something more at work than the mere perversity of things.

In a curious, persistent way our problem

as a nation arises from a surplus of moral energy. Few peoples have displayed so intense a determination to define the most mundane affairs in terms of the most exalted principles, to see in any difficulty an ethical failing, to deem any success a form of temptation, and as if to ensure the perpetuation of the impulse, to take a painful pleasure in it all.

Our great weakness is the habit of reducing the most complex issues to the most simplistic moralisms. About communism. About capitalism. About crime. About corruption. About liquor. About pot. About race horses. About the SST. Name it.

This is hardly a new condition. Tocqueville noted it a century and a half ago. "No men are fonder of their own condition. Life would have no relish for them if they were delivered from the anxieties which harass them, and they show more attachment to their cares than aristocratic nations to their pleasures."

But in the interval this old disposition has had new consequences. What was once primarily a disdain for government has developed into a genuine distrust. It has made it difficult for Americans to think honestly and to some purpose about themselves and their problems. Moralism drives out thought.

The result has been a set of myths and counter-myths about ourselves and the world that create expectations which cannot be satisfied, and which lead to a rhetoric of crisis and conflict that constantly, in effect, declares the government in power disqualified for the serious tasks at hand.

The style which the British call "muddling through" is not for us. It concedes too much to the probability of those who are trying to cope, and the probable intransigency of the problems they are trying to cope with. In any event, in so intensely private a society it is hard to get attention to one's own concern save through a rhetoric of crisis.

As a result, we have acquired bad habits of speech and worse patterns of behavior, lurching from crisis to crisis with the attention span of a five-year-old. We have never learned to be sufficiently thoughtful about the tasks of running a complex society.

The political process reinforces, and to a degree rewards, the moralistic style. Elections are rarely our finest hours. This is when we tend to be most hysterical, most abusive, least thoughtful about problems and least respectful of complexity.

Of late these qualities have begun to tell on the institution of the Presidency itself. A very little time is allowed the President during which he can speak for all the nation, and address himself to realities in terms of the possible. Too soon the struggle recommences.

This has now happened for us. We might have had a bit more time, but no matter. The issue is now henceforth to conduct ourselves.

As I am now leaving, it may seem to come with little grace to prescribe for those who must stand and fight. I would plead only that I have been sparing of such counsel in the past. Therefore, three exhortations, and the rest will be silence.

The first is to be of good cheer and good conscience. Depressing, even frightening things are being said about the Administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and compassion in the face of a sometimes awful knowledge of the problems and the probabilities that confront him.

The second thing is to resist the temptation to respond in kind to the untruths and half truths that begun to fill the air. A century ago the Swiss historian Jacob Burckhardt foresaw that ours would be the age of "the great simplifiers," and that the essence of tyranny was the denial of complexity. He

was right. This is the single great temptation of the time. It is the great corruptor, and must be resisted with purpose and with energy.

What we need are great complexifiers, men who will not only seek to understand what it is they are about, but who will also dare to share that understanding with those for whom they act.

And lastly, I would propose that if either of the foregoing is to be possible, it is necessary for members of the Administration, the men in this room, to be far more attentive to what it is the President has said, and proposed. Time and again, the President has said things of startling insight, taken positions of great political courage and intellectual daring, only to be granted with silence or incomprehension.

The prime consequence of all this is that the people in the nation who take these matters seriously have never been required to take us seriously. It was hardly in their interest to do so. Time and again the President would put forth an often-times devastating critique precisely of their performance. But his initial thrusts were rarely followed up with a sustained, reasoned, reliable second and third order of advocacy.

Deliberately or not, the impression was allowed to arise with respect to the widest range of Presidential initiatives that the President wasn't really behind them. It was a devastating critique.

The thrust of the President's program was turned against him! For how else to interpret an attempt to deal with such serious matters in so innovative a way, if in fact, the effort was not serious?

COMPREHENSION NEEDED

It comes to this. The Presidency requires much of those who will serve it, and first of all it requires comprehension. A large vision of America has been put forth. It can only be furthered by men who share it.

It is not enough to know one subject, one department. The President's men must know them all, must understand how one thing relates to another, must find in the words the spirit that animates them, must divine in the blade of grass the whole of life that is indeed contained there, for so much is at issue.

I am of those who believe that America is the hope of the world, and that for that time given him the President is the hope of America. Serve him well. Pray for his success. Understand how much depends on you. Try to understand what he has given of himself.

This is something those of us who have worked in this building with him know in a way that perhaps only that experience can teach. To have seen him late into the night and through the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it, above all, caring, working, hoping for this country that he has made greater already and which he will make greater still.

Serve him well. Pray for his success. Understand how much depends on you.

And now, goodbye, it really has been good to know you.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

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

How long?

FULL STORY ON WAR SHOULD BE TOLD

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. MILLER of Ohio. Mr. Speaker, the debate continues on the war in Southeast Asia even as Americans are withdrawn from battle and the South Vietnamese shoulder more and more of the fighting. There has always been a certain amount of puzzlement in this country over the tenacity of the enemy and their continual rejection of peace proposals to end the war. The focal point of this long debate has centered almost solely on Saigon and Hanoi. We have neglected to consider the possible interests and influence of Peking and Moscow in the conduct of the war. Columnist David Lawrence recently described the Soviet Union and Red China as war puppeteers and perpetrators. Even though Mr. Lawrence's comments will be lost in the shuffle now, I am sure that in year's hence historians will take a curious look at the subterranean activities of Red China and the Soviet Union in this tragic war and conclude that they played a dominant role in its conduct and duration.

The article follows:

FULL STORY ON WAR SHOULD BE TOLD

(By David Lawrence)

What is one of the principal reasons for the growth of the anti-war movement on the campuses of the country?

Primarily, it is ignorance. Entirely apart from the likelihood of their being drafted, the students have been told by many faculty members and speakers that the United States is carrying on a war of aggression against a small nation.

Why hasn't the government of the United States revealed to the American people all of the story and declared again and again that it is actually engaged in a war with both Red China and the Soviet Union?

In a book just published, entitled "Khrushchev Remembers," a chapter on Vietnam is most illuminating. Khrushchev, the former Soviet premier, is quoted as saying that North Vietnam—which has been dominated by Red China for the past year—is trying to establish better relations with the Soviet Union now only because the Soviets can supply the arms needed for the Vietnam War.

Khrushchev declares that he does not "think China will release Vietnam from its paws, and the pro-Chinese forces will remain powerful in Vietnam. They will do all they can to make Vietnam eat out of China's hand." He says:

"Our assistance has been decisive because, without material aid from the Soviet Union it would have been impossible for Vietnam to survive under the conditions of modern warfare and to resist as rich and powerful an aggressor as the United States.

"In order to receive adequate arms and equipment, Vietnam has had no choice but to rely on the Soviet Union. In order to achieve

victory, they must have the appropriate arms, and these arms they can obtain only from the Soviet Union. China can't give Vietnam what it needs today."

Further on, Khrushchev says: "There is more at stake in this war than just the future of the Vietnamese people." He adds: "The Vietnamese are shedding their blood and laying down their lives for the sake of the world Communist movement."

Why, it may be asked, have not these facts about the participation of Red China and the Soviet Union in the Vietnam war been made clear by the U.S. government, which has plenty of intelligence sources to confirm them?

Why hasn't a campaign been carried on in the publicity channels of the world, both at home and abroad, to let people everywhere know that the Vietnam war would long ago have been ended except for the action of Red China and the Soviet Union? Why has the United States had to bear the brunt of the blame?

Why have the United States senators and representatives been allowed to convey the impression that America is engaged in a war of intervention in Southeast Asia based on selfishness or materialistic interest?

Why hasn't the government of the United States itself told the people of the world that peace in Vietnam is being blocked by Red China and the Soviet Union and that the North Vietnamese are merely pawns in the hands of two Communist nations?

The United States has continued to talk about peace as if North Vietnam alone is the adversary and as if the latter really had the say. The truth is Hanoi hasn't much power of decision, and peace will come in Vietnam only when the Soviet Union decides to permit it and when the Red Chinese concur.

The committees of Congress are capable of exposing what is going on in other countries, and plenty of information is available concerning the activities of both Red China and the Soviet Union.

It is known, for instance, that approximately a billion dollars a year in assistance is being furnished by the Moscow regime to the Hanoi government. It has been established that planes, missiles and other military equipment have been supplied to the North Vietnamese by the Soviets. Various forms of aid have been provided by Red China.

The United States stands alone as the defender of the small nations of the world against Communist imperialists. But as the speeches of some of the members of Congress are read, it is easy to get the idea that the war was started by this country and is being continued for selfish purposes.

The fact is that it is being prolonged by the Soviets and the Red Chinese, and they are encouraged by the opposition to the war stirred up by critics, inside and outside of Congress, who have been unwittingly inspiring demonstrations throughout the United States.

This is one of the most flagrant examples of lack of support of our government during a war that has been recorded in American history.

BILL MURPHY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. MILLER of California. Mr. Speaker, I want to join my good friend, Congressman FRANK ANNUNZIO, in paying tribute to Congressman WILLIAM MURPHY of Illinois, who leaves Congress of his own volition after many years of great service to his country and his constituents.

BILL MURPHY has served well on the Committee on Foreign Affairs and has worked hard in preparing himself for the very particular duties required of members on that committee.

I wish for Congressman MURPHY and his good wife, Rose, the best of everything in their well earned retirement.

POOR RICHARD CLUB REMEMBERS ITS PATRON

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. EILBERG. Mr. Speaker, on January 16, 1971, the Poor Richard Club of Philadelphia will observe, for the 64th year, its annual commemoration of the birthday of its patron, Mr. Benjamin Franklin, distinguished Philadelphian and citizen of the world.

The Poor Richard Club is the oldest and among the largest of the professional organizations in the United States whose membership is comprised of practitioners in the communications world, in public relations, in journalism, in advertising. Over the years, it has made notable contributions in sponsoring the drive which led to the founding of the world-renowned Franklin Institute in Philadelphia, the Better Business Bureau, the renovations at historic Christ Church, and many other contributions to Philadelphia. The club also sponsors the Charles Morris Price School of Advertising and Journalism.

In accordance with the club's tradition, again this year, it will sponsor a most meaningful day-long set of ceremonies memorializing the contributions which Benjamin Franklin made to his day and time and to the growth and development of this Nation. This observance will take the form of a pilgrimage in which the members of the club and their families will be joined by a number of distinguished Americans—walking in the pathways of Franklin and Washington and Jefferson and so many of our Founding Fathers.

The pilgrimage will depart from the Poor Richard Club at Locust and Juniper Streets, a certified historic structure itself, and proceed to ceremonies at Benjamin Franklin's grave; to services at Christ Church; to ceremonies at Independence Hall; to the Franklin Institute; and to luncheon at the Poor Richard Club.

During these ceremonies, the participants will include the representative of the President of the United States, of the Governor of Pennsylvania, of the mayor of the city of Philadelphia, of the Governments of France, Great Britain, and Italy, of our Armed Forces, of the International Benjamin Franklin Society, and of companion organizations in the field of communications to include the Philadelphia Club of Printing House Craftsmen, the Philadelphia Club of Advertising Women, the Radio Pioneers, the University of Pennsylvania, the Knights of Columbus, and many other organizations.

In this day, I believe the Poor Richard Club is to be warmly commended for its spirit of rededication to those programs and principles upon which our Government was founded and out of which our country flourished.

On the evening of Franklin Day, the club will sponsor its annual banquet to be held at the Bellevue-Stratford Hotel in Philadelphia.

On this occasion, its Gold Medal of Achievement will be presented to a distinguished American with an international reputation in the fields of information and communications, Mr. Robert W. Sarnoff, chairman of the board and president of RCA. Mr. Sarnoff has made contributions to his fellow man in a tremendously broad range of business activity, in education, in the cultural and humanitarian advancement of his fellow man and is to be warmly applauded on the occasion of the presentation of Poor Richard's Gold Medal.

Mr. Speaker, it is worth noting that previous recipients of the Poor Richard Club's Gold Medal include the following: Walt Disney, Will Rogers, Gen. David Sarnoff, Gen. H. H. Arnold, Bob Hope, Robert McLean, Gen. Dwight D. Eisenhower, Gen. Douglas MacArthur, Henry Ford, II, Clare Boothe Luce, Richard M. Nixon, Richard Rodgers, Oscar Hammerstein II, Charles H. Kellstadt, Thomas B. McCabe, and John J. Powers, Jr.

Mr. Speaker, I salute the officers and directors of the Poor Richard Club for this splendid undertaking including its president, Mr. Milton A. Eisenberg, vice president of the Yellow Cab Co. of Philadelphia; Mr. Joseph P. McLaughlin, its first vice president and president of the Beacon Advertising Agency; Mr. John J. O'Shea, its second vice president and chairman of the Franklin Day Committee, president of Thomas J. LaBrum, Associates, Inc., a Philadelphia public relations and advertising agency; Christian T. Mattie, Jr., its secretary and chairman of the Poor Richard Banquet, director of special events, Gimbel Brothers and Reginald E. Beauchamp, life director of the club and assistant to the president of the Evening and Sunday Bulletin.

HON. WILLIAM T. MURPHY

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. HANLEY. Mr. Speaker, this year marks the culmination of 12 years of dedicated service in the House of Representatives by our distinguished colleague and friend, BILL MURPHY of Chicago. I want to take this opportunity to say to BILL and to his wonderful family that we will all miss them.

When I first came to the House, BILL was already a veteran of three terms. I got to know him well right from the start and our friendship has grown since 1965. My esteem for him has also grown. BILL has been a Member whose well-chosen thoughts have always been readily received and respected by all his colleagues. Chicago is losing a very able and

effective Representative and the House is losing a solid pillar. We wish him many years of good health and happiness in the knowledge that he has done his job well and conscientiously.

THE PRESIDENT'S VETO OF THE JOBS BILL

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. O'HARA. Mr. Speaker, the President's recent veto of a jobs bill has been defended by the President and his spokesmen on the grounds that the jobs to be created by that bill would be "dead-end, leaf-raking, WPA-type" jobs. Even if all these adjectives were true, it could be argued that dead-end employment is better than dead-end unemployment. But such an argument is hardly necessary, since the accusations are without validity.

The Evening Star today characterized the President's description as "unfair," and pointed out, as was pointed out on this floor before and after the veto, that the vetoed bill "contained numerous safeguards to assure training and advancement opportunities for workers, and to encourage movement to employment outside the subsidized program."

In a pre-veto edition of the magazine City, a publication of the urban coalition, there appeared two articles which are very relevant to the questions on hand. One of these, by Donald Canty, described how useful the precise kind of public service jobs which the vetoed bill authorized would have been to society as a whole.

The other article, by Lois Craig, put in a good word for the much-maligned WPA. The Craig article ends with a quotation from Franklin Delano Roosevelt to ponder. As the President contemplates his doctrinaire opposition to putting people to work in what he considers "WPA-type jobs," he might do well to think about F.D.R.'s words:

Better the occasional faults of a government that lives in a spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference.

I include, Mr. Speaker, these two articles at this point in the RECORD:

[From The Washington Evening Star,
Dec. 29, 1970]

DUTY TO THE JOBLESS

The President's veto of the manpower bill showed insufficient concern for the nation's unemployed, many of whom owe their idle status to Mr. Nixon's past efforts to fight inflation. Also victimized by the downturned presidential thumb are the financially beset cities, where hard times simultaneously have worsened problems and sapped the resources for dealing with them.

In vetoing the measure that would have authorized spending of \$9.5 billion on a variety of training and employment programs over the next 3½ years, the President did not object to the overall amount. He concentrated on provisions for employing up to 300,000 people in public-service occupations at various levels of government, and on the failure

of Congress to adopt his ideas on reorganizing the present manpower effort, as put forward in 1969.

Mr. Nixon unfairly dismissed the public-service employment program as creating "dead-end" and "WPA-type" jobs. The final bill, while not as restrictive as the House version that the administration was willing to accept, contained numerous safeguards to assure training and advancement opportunities for workers, and to encourage movement to employment outside the subsidized program. The jobs, far from the makework variety, would have filled "unmet public-service needs" in such fields as health care, public safety, maintenance of public facilities, solid-waste removal and pollution control.

The bill did not meet the President's recommendation for eliminating "narrow-purpose categories" for federal manpower spending, and in fact called for some new ones. The measure would have consolidated authority for federal participation in the Labor Department, and decentralized much of the administrative activity among the states and local governments. The President did not get as complete a reorganization as he sought. But Senator Javits, who introduced the administration's original bill, called the final congressional result "a workable compromise on the key issues." And, on the question of "hamstringing" program categories, Senator Nelson pointed to the broad power given the Secretary of Labor to allocate money among the programs.

It would be regrettable if the considerable work that went into this year's legislative effort were to be lost for good. Since the veto has been upheld, a further compromise between administration and congressional thinking on manpower development is the logical course for the next session.

It was President Nixon who, in his economic report last January, drew the connection between the inflation-fighting tactic of promoting a business slump, and the importance of such ameliorative efforts as a more effective manpower program. The presidential forecast of economic slowdown was quickly realized, with an accompanying increase of unemployment from 3.9 percent of the work force in January to 5.8 percent in November. Mr. Nixon cannot complain if critics now contrast his expression of concern about the manpower program, 11 months ago, with his action in vetoing the bill.

THE MULTIPLE PAYOFFS OF PUBLIC-SERVICE JOB CREATION

(By Donald Canty)

Where will the jobs come from, to turn offenders to careers other than crime? In fact, where will the jobs come from, to reverse the upward climb of unemployment—which, as always, is hitting hardest precisely the most volatile and most vulnerable segments of our urban society?

Again as always, because we are also a free-enterprise economy, most of the jobs must be supplied by this economy's continued growth. Yet, as we are in the process of learning once again, total reliance on economic growth to reduce unemployment leaves many behind—and gives others on the bottom of the economic ladder a tragically temporary boost upward.

The manpower programs of the Great Society did rely on the unprecedented prosperity of the times to supply the jobs. These programs concentrated on preparing the poor to take jobs. The final annual report of Lyndon Johnson's Council of Economic Advisers warned that even a slight dip on the curve of prosperity could quickly take the jobs away from those traditionally last-hired and first-fired. Now the dip has come and the warning has been proved accurate. Since it was issued, in early 1969, unemployment as a whole has gone from 3.5 per cent to September's six-year high of 5.5 per cent. In nine cities, in August, the rate was 10 per cent or more

(20.7 per cent in Flint, Mich.)—and clearly rising.

These trends, quite logically, are causing some members of Congress to question whether the Administration's Family Assistance Plan can, as advertised, transfer people "from the welfare rolls to payrolls."

They are also giving rise to a new wave of interest in an idea advanced by virtually every major Presidential commission of recent years to take a hard look at the problem of unemployment: the idea that the federal government must create jobs as well as training slots. The commissions, moreover, have agreed on precisely what kind of jobs should be created; jobs in the area of local public services, from maintaining the parks to providing paraprofessional help in the schools and hospitals.

The commissions and other advocates of public-service job creation through federal subsidy make a convincing case that no other single urban program could have such a multiplicity of deep-reaching benefits. A partial listing of these benefits follows.

1. Such a program would increase the number of jobs rather than the competition for jobs. The Great Society's single-minded focus on training and "hard-core" recruitment generated quite legitimate fears among white workers that they might be pushed aside—especially as the job market tightened. Creating new jobs would diminish this source of urban tension.

2. At the same time, it would get badly needed public business done. Demand for all manner of local public services—from garbage collection to police protection—is rising as the quality of these services declines because of many cities' near-bankruptcy. The money is at the federal level but, as Wilfred Owens of the Brookings Institution has wryly pointed out, the people all happen to live at the local level. The shoddiness of local public services importantly impacts upon the quality of their lives, generating daily irritations that can—at any time—come together in a fire-storm of urban turmoil.

3. Moreover, a public-service job program would provide the cities with precisely the kind of fiscal relief they need most—money to pay people to do things. More than one city recently has built a new library, but the doors remain locked because there is no money to hire staff. The cities' most critical deficiencies are in their operating budgets, where the public service subsidies would go.

4. Finally, these subsidies could effectively tie the delivery of public services to the communities served. Thus, putting a neighborhood mother in an inner-city school as a teacher's aide does more than augment the teaching process. It installs a friendly, familiar presence in the classroom or hallway; someone who shares, and therefore knows, the particular problems of the neighborhood and its residents, young and old.

It also could lead the mother to an upgrading of her own skills and education and, eventually perhaps, a full-fledged teaching assignment—if the subsidy program were designed, as it must be, to offer a genuine hope of careers, public and private, as well as jobs. This would require, first, that every office of local government regard itself, in part, as a training office. It also would require much firmer linkages than now exist between public agencies and private employers.

A second essential element of the program's design would be sufficiency of scale. The need is great, in terms of both the numbers of the unemployed whom the program could help—and the amount of public business perennially left undone. The best measurement of the latter came in a survey of 50 big-city mayors in 1968, in which the mayors said they could usefully put some 300,000 men and women to work on the delivery of essential public services. Certainly any program involving substantially lesser numbers would be a drop in a bucket that is, at present, dangerously dry and getting drier.

BEYOND "LEAF-RAKING": WPA'S LASTING LEGACY

(By Lois Craig)

When community-service employment is debated today, it is not unusual to hear put-down references to the Works Progress Administration and "leaf-raking." Recognizing that the times are different, as are the needs of the potential applicants for community-service jobs, it still is worthwhile to recall the reality of WPA's enormous contribution not only to the preservation but also to the enrichment of American society.

In the chaos of deprivation and despair of the early 1930s, the federal government relied on direct relief aid, the dole, to ease the plight of millions of unemployed workers. By 1936 the federal government was out of the dole business and into the business of work-relief. Fortune magazine observed admiringly that the government, through the WPA, had become "so deeply involved in the relief of the unemployed that it was not only keeping them alive but was also giving them an opportunity to work; and not only giving them an opportunity to work but giving them an opportunity to work at the jobs for which they were peculiarly fitted; and not only giving them an opportunity to work at the jobs for which they were peculiarly fitted but creating for them jobs of an interest and a usefulness which they could not have expected to find in private employment."

When WPA was established by Executive order on May 6, 1935, nearly five million workers were on relief and 11 per cent of these were white collar and concentrated in urban areas. At the head of the new agency was Harry L. Hopkins who would be alternately praised and damned as would be his new agency. Images of "leaf-raking" and "leaning on shovels" would haunt the WPA even in the years beyond its official demise in 1943. At the end of each fiscal year of its existence, its administrators faced an unsympathetic Congress that did not quite dare to destroy it, although not above harassing it with periodic investigations.

Whatever the misunderstandings of its critics, then and now, the main purpose of America's first large-scale federal public employment program was clear in its authorization and to its administrator. Addressing his staff in June, 1935, Hopkins stated: "What is more important, that the fellow who has been kicked around now for years and given a lot of relief, some of it pretty miserable and uncertain, be given a job, or that some great bridge be built and he not get a job? . . . Never forget that the objective of this whole program as laid down by the President . . . is the objective of taking 3,500,000 people off relief and putting them to work, and the secondary objective is to put them to work on the best possible projects we can, but don't ever forget that first objective, and don't let me hear any of you apologizing for it because it is nothing to be ashamed of."

At its peak WPA employed 3,335,000 persons. In the life of WPA, 18,805,000,000 hours of work were performed and a total of \$8,990,597,000 was paid in wages to workers employed on WPA projects. Eight and a half million different persons, with 30,000,000 dependents, worked for the WPA during its eight-year history. Project workers were a constantly changing group indicating the different attitude from private industry toward the problem of turnover. While private industry aimed to retain employees, WPA aimed to assist its employees in securing private employment.

Beyond numbers, the effect on the morale of the nation of putting to work the employable unemployed was incalculable. No cost-benefit analysis could be meaningfully applied to an experiment so heavily weighted by human factors. Certainly the WPA experience demonstrated what economist Garth Mangum would point out decades later to a

Congressional committee: "Useful jobs can be created commensurate with the abilities of almost anyone simply by the expenditure of public funds to purchase their services." The question remains whether administrators can use free labor wisely. Looking back on the work-relief era, Robert Moses, New York's fabled public building czar, decried the ridicule of WPA, pointing out "a dozen recreation centers in New York City built during the WPA period, estimated to have cost \$1.1 million each, not so much higher than a low bid of \$850,000 from a responsible contractor. These centers are alive with kids today, and they certainly don't represent boondoggling or make out Harry Hopkins to have been a mere male social worker."

Originally WPA was envisioned as primarily a construction program for unskilled labor that should employ people then on relief as quickly as possible. Appropriations dollars were stretched by requiring contributing funds and materials from local government agencies. Indeed, the great majority of the projects were planned and initiated by local agencies. Taking into account the number of eligible workers in a community, their skills, and the kinds of projects desired by the community, administrators managed to adapt legislation written for construction projects and an organization structured for handling unskilled labor to devise community work-relief programs in education, recreation, and welfare services. Projects eventually embraced everything from the originally contemplated construction through easel painting, archaeological digs, malaria control, school lunches, and housing inventories. Under an administrative umbrella known as Federal Project No. 1, the WPA coordinated in a national program work in music, art, writing, theater, and historical records.

Whatever the waste inherent in haste and relief work, WPA left behind an immense heritage of useful work. In physical properties alone, the results were impressive—and 75 per cent of WPA projects were in construction. A final report of the WPA summarizes: "the construction or repair of 650,000 miles of highways, roads, and streets, including farm-to-market roads . . . the construction of nearly 40,000 new public buildings and the repair or improvement of more than 85,000 existing buildings; the construction or improvement of thousands of parks, playgrounds, and other recreational facilities; the installation or improvement of public utilities service and sanitation facilities; the extension of flood and erosion control, irrigation, and conservation; the construction or improvement of thousands of airports and airways facilities . . ." Today Americans enjoy the use of facilities whose WPA origins have been forgotten: New York's Central Park Zoo, San Francisco's Aquatic Park, San Antonio's and Chicago's well-planned waterfronts, the Philadelphia Art Museum, as well as innumerable libraries, zoos, airports, parks, hospitals, swimming pools, schools, municipal buildings. An extensive program of historic preservation saved and returned to use buildings in varying stages of disrepair, among them Independence Hall in Philadelphia and Faneuil Hall in Boston.

Administrator Hopkins was criticized as "an Indian rajah on a toot" and a "professional almoner," but he often bought far-sighted results with his wealth of available labor. The nation is richer both for the conservation of some of its buildings and history and for the conservation of its human resources.

Understandably, a lot of mediocre artists produced a lot of mediocre art in a program that produced 18,000 pieces of sculpture, 108,000 easel paintings, 239,727 prints, 500,000 photographs, and 2,500 murals. But many good artists were kept at work on their "thing," and some were sustained to go on to become the creative giants of a later era. Despite some of the degrading requirements

of the relief system, painter Louis Block recalls, "The greatest advantage to the producing artists on the projects was the opportunity for continued work without any economic pressures. For those with more than average ability, this opportunity was a choice avenue for growth and development. This is abundantly demonstrated in the subsequent careers of many project painters and sculptors."

From the millions of anonymous WPA workers emerged Jackson Pollock, Adolph Gottlieb, Willem de Kooning, Arshile Gorky, Stuart Davis, Mark Rothko, Philip Guston, David Smith, Conrad Aiken, Richard Wright, Orson Welles. It could be argued that the personal bonds formed in times of hardship contributed to a community of later endeavor that could generate the development of a movement like abstract expressionism.

The emphasis on American content in the cultural efforts helped break the grip of traditionalism and Europeanism on the nation's arts. The theater project performed the works of native playwrights and experimented with new dramatic forms like the "Living Newspapers" which translated social problems into dramas. Across the country, 158 theatrical companies played to more than 25,000,000 people in conventional and makeshift theaters and in theater caravans on wheels.

The music project gave American composers and soloists heretofore undreamed-of exposure. WPA orchestras gave performances before an estimated 150,000,000 persons, many of whom had never heard live music before. In WPA community centers, more than eight million people participated in free art and music classes, attended lectures, and enjoyed WPA traveling exhibits. Today's famed Walker Art Center in Minneapolis grew out of the community art programs.

To compile an Index of American Design, nearly 1,000 artists searched attics, shops, museums to make 22,000 faithful reproductions of objects that illustrated the evolution of native arts and crafts. A treasure trove of folk music as well was discovered and preserved for future Americans. Never before had any government been so committed to the cultural life of its citizens.

Unable to indulge the luxury of hiring only destitute genius, program administrators made a virtue of the necessity of work-relief and brought to millions of Americans a consciousness of their history and culture which was in part responsible for today's cultural boom.

Not only did the arts projects accumulate invaluable American material but they also prepared an American audience. Holger Cahill, director of the Federal Arts Project of the WPA expressed this in an introduction to a catalog of an exhibition of WPA painting: "The organization of the project has proceeded on the principle that it is not the solitary genius but a sound general movement which maintains art as a vital functioning part of any cultural scheme. Art is not a matter of rare occasional masterpieces. The emphasis upon masterpieces is a 19th-century phenomenon. It is primarily a collector's idea and has little relation to an art movement . . . in a genuine art movement a great reservoir of art is created in many forms both major and minor."

Similarly, the writers' project preserved, expanded, stimulated an interest in the American scene. Guidebooks for each state and territory, the now-famous American Guides, were prepared as well as local guides to cities and regions, schoolbooks that utilized information gathered on local history, and studies of racial groups and folklore.

In the research and records program, surveys were made relating to traffic, land use and housing, local social and economic conditions, climatology, topography, and natural resources. Clerical projects reorganized files, indexed records, archaeological findings, vital statistics, and sent workers into public nooks and crannies where mice had been the

curators for records of which historians had had no knowledge.

Also of historical value was the survey of old buildings which made available photographs and drawings of representative types of American buildings to be preserved, as many of the buildings were not, in the Historic American Buildings Survey. Of inventories covering more than eight million dwelling units housing about 45 per cent of all U.S. urban families, Architectural Forum commented in 1936 that "no single WPA achievement has meant as much to building as its latest—compilation and publication in book form of the findings of real-property inventories in 203 urban communities, rightly prefaced as 'the most detailed body of statistical information now available on the physical characteristics of housing in the United States.'"

More useful work. Today's observer can lament the dearth of community services: the garbage not collected, the mail infrequently delivered, the medical and dental services not available to people who cannot afford them. In contrast, through its community-services projects WPA workers gave assistance to public health agencies in the operation of clinics; prepared more than 1,237,000,000 hot lunches served to school children using the supply of millions of quarts of fruits and vegetables canned from food produced on WPA gardening projects; produced on sewing projects 383,000,000 garments for distribution to the needy; repaired and salvaged toys for distribution through toy lending libraries; operated libraries and bookmobiles and during the eight years of WPA repaired more than 94,700,000 books. Maps, slides, models, and other visual education devices were prepared for use in the public schools. Housekeeping aides made 32,000,000 visits to needy homes. At its peak, monthly attendance in WPA nursery schools was 40,000 and in adult literacy and naturalization classes was 293,000. Arkansas reported in 1938 a 40-per-cent reduction in the state's illiteracy rate effected by WPA classes. In Pennsylvania by 1938, WPA classes had reduced the total number of illiterates by one-fifth.

The variety of projects was endless. A random look into the voluminous archives of the WPA produces in succession: In Idaho in 1939 a Predatory Animal and Rodent Control Project killed 2 mountain lions, 328 bobcats, 33 bears, 7,263 coyotes, and treated 471,299 acres for rodent extermination; in the Illinois Craft Project, co-sponsored by Eliel and Eero Saarinen, production facilities in workshops under master craftsmen stimulated interest in American craft work and developed and trained workers for jobs in private industry—producing furniture, fabrics, office, library, and school room equipment for public buildings and playgrounds; in Indiana, WPA workers demolished slum housing and erected on leased sites minimal, portable, prefabricated houses designed for relief workers' use with no rise in rent.

And, from the spirit of community endeavor came a sense of community that seems elusive in our more affluent times. Fortune described one such effort: "In Albuquerque, N.M., the Community Playhouse was engineered by WPA workers, the draperies were woven by WPA women in colonial Mexican designs, the furniture was made by WPA craftsmen after furniture of the colonial period, Mexican tinwork was used for the indirect-lighting system by WPA artisans, and murals of New Mexico scenes were painted by WPA artists. Nor is such cooperation unusual. Throughout the country WPA art workers assigned to the galleries hang around after closing time tinkering, painting, fixing things up. The galleries become part of the lives of the towns, part of the profound education of the community." A photo of simple, handsome pottery produced on a WPA project in Missouri notes that these dishes were actually used in a WPA nursery project.

Records also reveal that haste and poor planning gave some basis for the leaf-raking reputation which plagues an assessment of WPA even today, although as Garth Mangum admonishes, "It is difficult to find fault with leaf-raking if there are leaves to be raked." A project administrator in Nebraska wrote the national office in 1938: ". . . I have found the workers willing and anxious to give honest labor. Nowhere have I seen 'leaning on shovels,' except where the local agency had not made full plans and preparations. . . . Those who criticize Works Progress Administration's method of relief have only one alternative suggestion and that is the dole. . . . The quality of workmanship, which is being done on these projects, is not 2 per cent below that which would be done under normal conditions, and the great expansion of the work more than compensates for this slight decrease in quality. . . ."

And Franklin Delano Roosevelt commented: "Better the occasional faults of a government that lives in a spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference."

CONGRESSMAN PHILIP J. PHILBIN LEAVES AFTER 28 YEARS ON HILL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, it is only by working with a man over a long period of time that one can truly know him. I have worked with PHIL PHILBIN in the Massachusetts delegation since I first came to Congress 18 years ago.

PHIL PHILBIN has never ceased working for the people of his district, for the people of Massachusetts, and the people of the Nation. He holds firmly to a set of beliefs—a belief in democracy, a belief in the virtues of generosity and charity, a belief in the worth of each and every individual—and he has worked consistently in the Congress to further the goals of that generous spirit.

For 28 years he has provided a stable and dependable force in the Congress, dedicated to the betterment of all the people of the United States. He has supported every major progressive piece of legislation meant for the betterment of the poor and neglected of America. He has been outspoken in his backing of programs to provide education, employment, health services, and housing to all our citizens.

I have known PHIL PHILBIN as a colleague and friend for 18 years. He is a loyal man—loyal to principle and loyal to friends—and one who stands firmly by his word. He is a dedicated man, firm in his belief in our democratic system; and he is a generous and gentle man. PHIL PHILBIN has a generous spirit, accepting his fellow men without criticism or malice. He has fought long and hard for that in which he believes. He has taken the praise and the criticism without being swayed by them. He has in all instances followed his conscience and sought to do the good.

I will miss PHIL here and the Congress will be diminished. I know that our friendship and our fellowship will continue. I have benefited from that friendship and am grateful for it.

FTC, THE CONSUMER'S MOST EFFECTIVE FRIEND

HON. JOHN N. ERLBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. ERLBORN. Mr. Speaker, as most of us will recall, in December 1968, a group of students, under the sponsorship of Ralph Nader, compiled and issued a scathing report that criticized virtually every aspect of the Federal Trade Commission. Shortly after this report was issued by Mr. Nader, President Nixon asked the American Bar Association to establish a commission to study the FTC. The bar association, in turn, appointed a distinguished panel of attorneys and law professors under the chairmanship of Miles W. Kirkpatrick, a Philadelphia attorney, to study the FTC in depth. Their report, issued in September 1969, also indicated a number of inadequacies within the Commission that imperiled its effectiveness.

These reports—coupled with an increasing public interest in consumerism—have had a very salutary effect upon the Commission. Under the leadership, first, of Caspar W. Weinberger and now Miles W. Kirkpatrick, the Commission has proceeded vigorously to correct not only those problems which were so roundly criticized in these two major reports, but also to break new ground with imaginative and innovative law enforcement to protect American consumers.

I believe the Congress should be aware of some of these dramatic changes which have taken place at the Commission under the leadership of these two men.

CASE BACKLOG

Shortly before Chairman Weinberger took the reins of the Commission in January of 1970, he directed that a thorough review be given to all cases which had been on the docket for more than 18 months. As a result of this effort, a backlog which had been crippling the Commission was reduced and is now quite manageable. Some 450 files were closed and the Commission has since developed realistic deadlines for existing cases to assure that this problem will not arise again.

PUBLIC INFORMATION

To make more information available to the public, the Commission then undertook a review of its policy regarding the disclosure of such information. Since that time, it has responsibly and regularly made available a great deal of previously unavailable information about the FTC and its operations. Chairman Weinberger commented on this in a speech before the antitrust section of the American Bar Association. He noted:

Over the past few months, by Commission direction, more and more information about the Commission and its operation has been available to the public. This approach will continue. The Commission as a whole has become predisposed to find reasons for making information available rather than reasons for withholding it. Most of its actions are now spread on the public record both for information and for comment. In

short, virtually all categories of information in the Commission's possession are readily available save those specifically protected by . . . statute.

REORGANIZATION

Earlier this year, Chairman Weinberger also began a thorough examination of the Commission's entire structure and organization. As a result of his studies, a complete reorganization plan was announced on July 1. In effect, this reorganization consolidated six previously disjointed bureaus into three operating bureaus which functionally group the three main areas of the Commission's responsibilities. The Commission's Bureau of Consumer Protection, Competition, and Economics are now organized in such a way as to pare down the unnecessary and time-consuming layers of review that often handicapped the Commission in former years and which, upon occasion, delayed the Commission from acting long enough to moot its enforcement efforts. The Commission's new functional realignment has provided a more efficient way of assuring that its budget is spent in line with priorities. The results can now also be measured in terms of the Commission's overall efforts in consumer protection and the enforcement of antitrust laws.

FIELD OFFICES

As part and parcel of the Commission's overall reorganization plan additional steps were taken to strengthen the Commission in other areas where the ABA Commission found it to be deficient. Earlier this year, Chairman Weinberger recognized the need for the 11 FTC field offices to become more active and efficient in their regional role throughout the country. As a result, he announced that these field offices would henceforth be given greater latitude in their entire operations. Specifically, the Commission empowered the field offices to act on their own initiative, instead of primarily at headquarters direction, and to participate more effectively in the Commission's increasingly active consumer program.

The field offices were further authorized to conduct investigations in regional and local deceptive practices cases and restraint of trade matters except those involving mergers. The attorneys in charge of these field offices and their assistants were authorized to issue investigational subpoenas and authorized to prepare their own complaints and trial memorandums and to conduct the necessary administrative hearings after the complaints are issued.

CONSUMER PROTECTION SPECIALISTS

In addition, the Commission announced the establishment of a new position called Consumer Protection Specialist. Some 110 of these specialists were trained and dispatched to the field offices to assist the legal staffs in detecting and correcting deceptive business practices and unfair methods of competition in their incipency. In making the announcement concerning the Consumer Protection Specialists, and their duties, Chairman Weinberger said:

Our team of highly mobile specialists will complement the work of our investigatory

personnel, giving our field offices far greater coverage of their territory. Local consumer problems will now be spotted more promptly and field office attorneys can respond just as promptly in resolving the complaints. Washington need not be contacted except for actions that by law only the Commission itself can take.

These specialists help the field attorneys enforce the Truth in Lending Act and the Wool, Fur, Textile, and Flammable Fabrics laws and are deeply involved in general investigations, consumer education programs, and community relations. This corps of consumer protection specialists is a highly competent and motivated group of men and women who will provide the added measure of strength that the FTC field offices have long needed to conduct an unforgiving campaign country-wide against fraud, deception, and unethical business practices . . . a campaign that is really designed to serve the best interests of consumers and businessmen alike.

CONSUMER PROTECTION COMMITTEES

Almost simultaneously, the Commission announced that it was going to establish so-called Joint Consumer Protection Committees in major cities throughout the United States. Today, there are six such committees in operation in Chicago, Los Angeles, Detroit, San Francisco, Philadelphia, and Boston. More of them will be set up in other cities across the country as time goes on. Essentially, these committees are designed to wage a broad attack on consumer fraud and deception and are under the sponsorship of Federal, State, and city consumer agencies. Each committee brings together a staff of Government consumer experts from the FTC and State and local consumer protection agencies and provide a so-called one-stop consumer complaint center. The major goals of these committees are as follows:

Bring to bear Federal, State, and city laws to stop fraudulent practices;

Pool information to establish priorities for efforts in both education and enforcement;

Give the city and metropolitan area consumers a one-stop complaint service in that an individual complaint filed with the committee will automatically be transferred to the appropriate and responsible agency for action without further effort by the consumer;

Determine the patterns of regional violations, if any, and

Avoid duplication of effort among consumer protection agencies and develop a quick response liaison system among them.

In addition, the data received by these committees are being computerized on both a local and national level. These data include:

The specific business concerns that generate consumer complaints in these cities,

The nature of those most complained about businesses,

The most common deceptive practices in the area,

Those deceptions which are in interstate commerce, and

The current status of disposition of each complaint filed by an individual consumer.

This information will be invaluable to the Commission and to the local con-

sumer protection agencies in helping them decide where the major consumer problems lie and, consequently, where to concentrate their resources.

CONSUMER ADVISORY BOARDS

In addition, the FTC is creating Consumer Advisory Boards in cities where the Commission has field offices. These Boards consist of area representatives of private and public service organizations, labor unions, industry associations, citizen groups, and will be of great help to the Commission by advising it on consumer problems and suggesting possible solutions for Commission consideration and action. These Boards are free to develop their own program of study and to select topics on which to advise the Commission. Such Boards are now in operation in New Orleans and Chicago and more are planned.

All of these activities help keep the Commission informed of consumer deceptions and encourage local authorities and consumers themselves to be aware of possible deceptions. They also serve to alert businessmen to the role of the Commission and other consumer protection authorities in regulating their activities. A more informed Commission is better able to enforce its laws or advise the Congress of a need for new laws. A more visible Commission means more awareness of business practices, legitimate and illegitimate, by both consumers and businessmen, which can only result in a fairer marketplace for all.

ALLOCATION OF RESOURCES

Making the best of its money and manpower is essential if the Commission is to fulfill the purpose Congress intended.

With this in mind, the reorganization plan provided for the creation of an Office of Policy Planning and Evaluation. This Office is designed to help the FTC devote its resources to that work most likely to achieve goals quickly and to eliminate the pursuit of the trivial. This new Office is helping the Commission establish its programs and determine its priorities. By devoting its efforts to reviewing the entire scope of the FTC's responsibilities, it acts as a counterforce to individual recommendations coming from various staff members interested primarily in only one area of the Commission's activity.

RULES OF PRACTICE AND PROCEDURES

With the conviction that justice delayed is justice denied, the Federal Trade Commission recently established an Advisory Council to review FTC Rules of Practice and Procedures and to recommend needed improvements.

At a time when many facets of the Commission's activity are being strengthened, expanded, and restructured, the Council has been asked for recommendations that will expedite hearings, appeals, and other legal procedures while retaining all safeguards to the rights and interests of parties involved in FTC adjudication. Chairman Weinberger said:

Our goal, through the Council's efforts, is to make our rules a model of fairness, fast action, and efficiency.

In choosing the Council members, the Commission has sought the most capable and energetic men that it could find in private practice and the academic world, men who represent a balance in experience, temperament, and legal discipline.

Besides thoroughly studying present Rules of Practice, the Council is also being asked to give its views on proposed new rules and other matters offered for its consideration by the Commissioners and to project its thinking to include rules that may prove necessary under broadened FTC responsibility. Throughout its assignment, the Council will work closely with the FTC's own Administrative Procedure and Rules Committee.

INTERVENTION IN PROCEEDINGS

The Federal Trade Commission quite recently also announced an unprecedented action with regard to liberalization of its Rules of Practice. It will also allow an organization representing consumer interests—Students Opposing Unfair Practices, Inc. (SOUP)—to intervene to a limited extent in its proceeding in which a major tire manufacturer is charged with misrepresenting the price and safety of its tires.

Specifically, the Commission directed the hearing examiner to permit SOUP to intervene for the limited purposes of:

Presenting, at the conclusion of complaint counsel's case-in-chief, relevant material, and noncumulative evidence on the issue of whether the proposed order to cease and desist adequately protects the public interest.

Presenting, with respect to this issue, briefs and oral argument in such manner and to such an extent as the examiner may deem reasonable.

Exercising, with respect to this issue, such discovery rights as the examiner shall deem reasonable and necessary.

The Commission said:

In allowing intervention in the present case, we are beginning a delicate experiment, one requiring caution and close observation. Nothing in this opinion should be construed as a permanent or irreversible policy decision; we have many apprehensions concerning this step, and we find a need for a period of probation.

It now remains to explain why, in this particular case, the Commission has determined that SOUP has made a sufficient showing of "good cause" to justify allowance of intervention, consistent with the views expressed in this opinion. SOUP has raised the issue of the necessity for affirmative disclosure relief in a case that involves a public safety danger, a category of cases in which such relief may be especially appropriate. Furthermore this issue and this type of case is high on the list of our own priorities. The Commission believes that intervention in this case may contribute to a fuller appreciation of the need for stronger remedies generally in Commission cases. We do not believe that in this particular case the grant of intervention will unduly lengthen or complicate the case, or that it will prejudice the rights of the respondent.

I believe this summary of some of the major structural and organizational changes originated by Chairman Weinberger and endorsed and continued by Chairman Kirkpatrick indicates there, indeed, has been a revitalization of the Federal Trade Commission.

ENFORCEMENT OF STATUTES

Perhaps even greater evidence of this revitalization is the way the Commission, under Chairmen Weinberger and Kirkpatrick, has been efficiently and effectively using its statutory power.

Early this year, a Commission directive was sent to the staff stating that:

The Commission is receptive to novel and imaginative provisions in orders seeking to remedy alleged violations for future submission to the Commission recommending issuance of complaints.

To illustrate this directive was not idle verbiage, let me cite some of the results of that memo, first in the area of Consumer Protection.

THERAPEUTIC AND OTHER UNSUPPORTED CLAIMS

One of the first FTC actions to reflect this new imaginative approach was a complaint issued in July against Pfizer, Inc., involving advertising claims that its "Un-burn" sunburn treatment stops pain fast and anesthetizes nerves.

Prove it, said the Commission, by documenting such claims with adequate and well-controlled scientific studies and tests or withdraw the ads.

This complaint and order seeks to establish a new legal theory that, if upheld, will put the burden of proof on the advertiser rather than on the Commission which presently must prove ad claims to be false.

This principal is also being tested in a false advertising complaint against the Firestone Tire & Rubber Co., that challenges its claims that cars with wide oval tires stop 25 percent quicker than cars with conventional tires. The FTC is seeking to prohibit Firestone from making any such safety or performance claims without adequate tests for any consumer product it sells.

The Commission has also charged the three largest enzyme-detergent manufacturers—Lever Brothers, Colgate-Palmolive Co., and Procter & Gamble Co.—and their advertising agencies with misrepresenting that the enzymes in the products remove all types of stains from fabrics.

In addition to prohibiting these alleged misrepresentations, the FTC's cease and desist orders would prohibit the manufacturers from making stain removal claims for 1 year unless:

The advertisement clearly discloses that the package reveals what particular stains the product cannot reasonably be expected to remove.

The package clearly discloses this information as well as the stains the product can reasonably be expected to remove satisfactorily and the appropriate procedures for removing them.

The complaints alleged that these enzyme-containing detergents do not, as advertised, remove all types of stains from fabrics and that many of the stains they do remove are removed by ingredients other than the enzymes, such as the detergent itself or bleach.

In a more recent case involving therapeutic claims, the Commission charged that a mercury-treated toothbrush manufactured by the Chemway Corp. and called Dr. West's Germfighter could ultimately be dangerous to the consumer. In addition, the Commission said the

mercury-treatment is of no medical significance in killing germs likely to cause infectious mouth diseases.

The company is being ordered to stop making the misrepresentation and to stop using the mercury on toothbrushes or any other dental product unless it conducts well-controlled and adequate studies to prove that the product does not endanger consumers.

NUTRITIONAL AND ENVIRONMENTAL CLAIMS

Over the past year, the FTC has turned its attention to false or misleading nutritional and ecological claims. Under terms of an FTC order, for example, the Carnation Co. will no longer be able to make unwarranted nutritional claims for its Carnation Instant Breakfast.

The FTC had charged that Carnation's newspaper and magazine advertisements and radio and television commercials falsely implied, among other things, that:

Carnation Instant Breakfast has as much or more nutritional benefit as a breakfast comprised of two fresh eggs, two slices of bacon, two slices of buttered toast and an orange or glass of orange juice.

In the same vein, Mars, Inc., is prohibited by recent FTC order from misrepresenting the nutritional value of its Milky Way milk chocolate bars.

The FTC charged that Mars' TV commercials and magazine advertisements falsely implied that:

Milky Way's nutritional value is equivalent to a glass of milk.

It can and should be substituted for milk or milk products because these are used as ingredients.

The FTC alleged these false impressions were created by a fanciful visual representation of a glass of milk "magically" changing into a Milky Way.

Late in September of this year, however, the Commission hauled out a newcomer in its arsenal of innovative consumer protection weaponry by calling for the first corrective ads which, in effect, require a public confession by an advertiser that he has previously deceived the consumer. There were two such attempts made the same day.

The first charged the Coca-Cola Co. with falsely implying in ads that Hi-C is a good buy because it is high in vitamin C, compared with citrus fruits. The second contended that Standard Oil of California has no reliable proof that its Chevron F-310 significantly reduces air pollution; the FTC further charged that a Chevron TV demonstration was rigged.

The proposed order against Standard of California would require it to disclose in 25 percent of its gasoline ads for 1 year that past claims were found by the FTC to be deceptive. Coca-Cola would be barred from making nutrient claims for any of its products for 1 year unless 25 percent of the ads contained a similar statement.

These two cases are "landmarks" and serve to show dramatically how the Commission is attempting to explore the outer limits of its statutory authority.

In addition to establishing the truth or falsity of the advertisements in question, the litigation will determine whether the Commission has the authority un-

der its statutory charter, the Federal Trade Commission Act, to require such public confessions by advertisers.

Section 5 of the act empowers the Commission to issue cease and desist orders against unfair or deceptive trade practices, including advertising. The only penalty specifically provided is a \$5,000 fine for each violation of a final order.

The lack of other punitive remedies has led most companies that are accused of deceptive advertising to enter into little-publicized consent agreements, under which they promise not to commit the alleged offenses in the future without admitting any past violation of the law.

The Commission, not pleased with the ineffectiveness of this procedure, is seeking authority from Congress to assess fines and award damages to aggrieved consumers for unfair or deceptive trade practices.

However, this decision to move ahead on its own while pressing for more statutory power certainly reflects the development of an aggressive consumer protection policy under Chairman Kirkpatrick, and his immediate predecessor, Caspar W. Weinberger.

During Mr. Weinberger's brief tenure earlier this year, the Commission decided that it had the power under existing law to require that disclosures of past advertising deceptions be included in subsequent advertising of a product.

A majority of the five-member body agreed not to exercise the authority in the case involving a soup company's use of marbles to exaggerate the amount of vegetables in its product on the grounds that years of litigation would not be warranted.

However, in the Hi-C and Chevron cases, where health and safety to the consumer were involved, the Commission moved quickly and forcefully.

FAILURE TO DISCLOSE POSSIBLE HARMFUL EFFECTS

The Commission's get-tough attitude on consumer protection matters was underscored last month in its complaint against the Du Pont Co. which announced that the FTC may order the company to stop marketing Zerex. The threat represents an unprecedented approach to consumer protection.

The Commission is considering banning Zerex antifreeze from the market for alleged adverse effects on automobile cooling systems.

The possibility of an outright ban on sales of the antileak antifreeze has been raised in an order accompanying a proposed complaint that accuses Du Pont and its advertising agency of false advertising.

The FTC took particular exception to a can-stabbing television commercial for Du Pont's Zerex Antileak Antifreeze. The commercial shows a can of antifreeze being punctured with an instrument and then sealing itself.

The Commission alleges that the demonstration is:

False, misleading and deceptive because it is not, as represented, evidence which actually proves that Zerex will stop leaks which actually occur in automotive cooling systems under normal operating conditions.

In addition, the FTC said:

Du Pont has not told the public that Zerex may damage radiator coils, thermostats, and pressure caps through the build-up of deposits even though it knew that using Zerex under normal operating conditions could, or might cause damage to various parts or components of automotive cooling systems.

Notwithstanding its possession of this knowledge or reason to believe, Du Pont continued to market and advertise Zerex without disclosing this possibility in its advertisements and on its labels.

The proposed order calls for a determination of whether simple disclosure of possible adverse effects from using Zerex goes far enough.

In the event that it does not, the order would prevent Du Pont from advertising, offering for sale, selling or distributing—any automotive antifreeze product which, when used in its intended manner and under ordinary conditions of use, might damage the vehicle in which it is used.

SWEEPSTAKES

The Commission has moved just as forcefully against sweepstakes. For example, the Commission has issued a recent complaint charging that contestants in the Coca-Cola Co.'s "Big Name Bingo" promotional game were deceived by an undisclosed rule and consequently many were not awarded the \$100 prize to which they were entitled. The proposed order seeks to see that those so deceived get the prizes to which they are entitled.

Another FTC complaint has challenged the 1968 "McDonald's \$500,000 Sweepstakes," and charges that only \$13,000 in prizes was actually awarded, that some winners were denied prizes, and that this promotion for the hamburger chain was deceptive in other respects.

Some of the key provisions of the cease and desist order would require that the respondents:

Distribute all prizes of the value and type represented;

Give persons submitting winning entries any prize to which they are entitled;

Clearly disclose in all future contests the exact nature of the prizes, their approximate retail value and number of each, the odds of winning each prize, and other material facts.

ADS DIRECTED TO CHILDREN

In a recent action against two of the Nation's largest toy manufacturers, the Commission noted that "its staff is carefully monitoring all forms of toy advertising for the Christmas season and has been instructed to move quickly against advertisements tending to deceive trusting youngsters."

The Commission has announced complaints against Mattel, Inc., for advertising of its "Hot Wheels" racing car sets and its "Dancerina" dolls and against Topper Corp. for its "Johnny Lightning" racing car sets.

The complaints allege they have used deceptive advertising on national television and elsewhere that unfairly exploits children.

The complaints charge that TV commercials have used special filming techniques that exaggerate the appearance or performance of the toys. The com-

plaints also say the advertised endorsements of both sets by well-known racing car drivers are deceptive because professional drivers of real racing cars have not any special competence to judge the toys' worth or desirability for children.

In addition, the FTC alleges that Topper's toy autos do not have doors and hoods that open as represented in ads, and that Mattel's ads misrepresent the speed attainable by its autos.

The Mattel complaint charges that the "Dancerina" doll does not walk or dance by itself, as advertised, but instead requires the assistance of an operator.

The orders against Mattel and Topper would stop each company from falsely advertising the cited toys.

ANTITRUST ACTIVITIES

I think it is clear that the Commission's attempts to halt deceptive and misleading advertising cannot be faulted. I think the same can be said for FTC's enforcement of its antitrust statutes.

Chairman Kirkpatrick has called the FTC's antitrust authority the "heavy artillery in the war for protection of the consumer" and has vowed vigorous antitrust enforcement.

In a recent address to the National Food Brokers Association, he promised active enforcement of the Robinson-Patman Act to discourage predatory pricing practices against small businessmen.

Such enforcement, he explained, is essential to assure consumers their entitlement—quality merchandise at reasonable prices.

Chairman Kirkpatrick's predecessor, Mr. Weinberger, testified before the Special Subcommittee on Small Business on the Robinson-Patman Act. He said:

All of the Commissioners agree that one of the basic principles underlying the Robinson-Patman Act is that it is unfair to competitors and injurious to the very process of competition for large buyers or large sellers to use their power to give or exact discriminatory price concessions not available to smaller or weaker rivals. Moreover, there is no disagreement at the Commission about the ethical and political ideal which motivated Congress in 1936, when the Act was passed—to preserve maximum opportunity for small business by elimination of unfair competitive advantages. . . .

Chairman Kirkpatrick subscribes to that view of the act.

I have no doubt that active enforcement of the Robinson-Patman Act serves as a deterrent to unfair and predatory pricing practices.

The ABA report, special supplement, page 36, ATRR No. 427, noted that the Commission had deemphasized formal proceedings enforcing the act and its pronouncements reflected increasingly sharp differences of policy among the Commissioners. Widespread uncertainty among businessmen and their advisers as to how to comply with the statute persuaded the ABA committee to recommend a Commission study of the compatibility of the act and its current interpretations to the attainment of antitrust objectives. However, pending completion of its proposed study, it was recommended that the Commission focus enforcement of the act on instances in

which injury to competition is clear, "taking into account the consumer interest and vigorous price competition and the fact that the act's principal purpose is to crude up abuses of mass-buying power by large firms." Also the report recommended that the Commission limit enforcement proceedings under section 2 (c), (d), or (e) of the act to cases "in which injury to competition exists."

Chairman Kirkpatrick disagrees "with those who would have it that small businessmen have no need for protection against the possibility of systematic discrimination favorable to their giant rivals. The marketplace is a competitive jungle in which the Robinson-Patman Act—and the Federal Trade Commission—has an important role."

Just a few weeks ago, the Commission broke new ground in antitrust theory with action against the Nation's five largest tiremakers, charging that their tire-leasing agreements with transit operators for bus tires eliminated competition among the five and prevented potential competitors from the bus tire market.

The five companies—Goodyear, Firestone, Uniroyal, Goodrich, and General—form a so-called oligopoly by dominating the tire industry without collusion.

The Commission did not charge that the five companies had conspired to dominate the bus-tire market. It did charge, however, that the five collectively were able to acquire 99 percent of the market by independently following "parallel courses of business conduct constituting unfair methods of competition" that violated section 5 of the Federal Reserve Act.

The bus-tire market amounts to only about \$20 million annually in tire leases and sales for the five big tire markets together. But the legal theory behind the FTC's action against the five could be used in many other product markets.

Many U.S. industries are concentrated in the sense that a handful of giant companies account for 70 percent or more of total industry sales. Such oligopolies in recent years have worried antitrust authorities and some Members of Congress, but many experts have thought that they could not be reached under existing antitrust laws.

The complaint said each company for many years has obligated bus operators to obtain substantially all of their tires under leasing agreements, usually of 3 to 5 years. When an operator terminates a leasing agreement, it must purchase, or "buy out," all the tires then being used under the lease, the FTC said. The tiremakers refuse to sell bus tires except at the end of a leasing agreement, and they provide tire service only as an integral part of a leasing agreement, the proposed complaint continued.

The FTC charged the tiremakers also with "inflating, padding, and 'loading'" an operator's inventory of tires prior to the end of a leasing agreement. And it alleged that pricing methods used under the "buy-out" requirement make the purchase cost to the bus operator substantially higher than the manufacturers' inventory value.

These practices, the FTC charged, preclude bus operators from terminating

existing lease agreements and seeking new tire suppliers. It also alleged that they foreclose other tiremakers from seeking bus tire business and result in an allocation of the business among the five.

The practices constitute unfair acts and practices, in violation of the FTC act, according to the Commission's theory.

Although the Commission's theory would not really become part of the antitrust law until it is approved by the Supreme Court, the attempt again illustrates the imaginative approaches of this revitalized regulatory agency.

On another antitrust front, the Commission said it will step up enforcement of an antitrust law that forbids the practice of one company saying to another that "we will buy from you if you buy from us."

The FTC has gone on record as saying it will no longer accept assurances of voluntary compliance from companies found to be involved in reciprocal dealings.

In a recent announcement, the Commission said:

We feel that the business community has received sufficient notice of the anticompetitive nature of reciprocal dealings and that complaints and orders, if warranted, should issue against firms continuing to pursue such practices.

A brief listing of several other specific antitrust actions over the past few months will, I think, serve to point up the Commission's continuing concern with mergers and acquisitions.

In a recent unanimous decision, the Commission ruled that the acquisition of the Fram Corp. by the Bendix Corp., may substantially lessen competition in the replacement market for passenger car filters—oil, air, and fuel—by eliminating the potential competition of Bendix in that market.

The Commission ordered Bendix to sell Fram, and not to make any acquisitions for the next 10 years, without prior FTC approval, in the automotive filter industry, as well as in the related aerospace filter and filter water separator industries.

Bendix and Fram merged on June 30, 1967, 1 day after the FTC issued its complaint. Fram had been operated as a separate subsidiary of Bendix by agreement between the Commission staff and Bendix.

Fram was the third-ranking producer of automotive filters with 12.4 percent of the market. About 90 percent of Fram's filter sales were in the passenger car filter aftermarket, where it ranked third in sales with 17.2 percent of the market.

In its opinion by former Commissioner Philip Elman the Commission said:

This is not a case in which the elimination of potential competition is a matter of theory or conjecture. What we have here, rather, is a merger between Fram, a leading producer in the relevant market, and Bendix, a firm that already competed in closely related filter and automotive markets, has canvassed the market for all likely acquisition candidates during a five-year period, was committed to entering the market in some fashion, and possessed all the qualities necessary to carry out a successful toehold acquisition followed by expansion.

And if Bendix had been allowed to make such an entry, it would have become an actual competitor of Fram, just as Fram would have become an actual competitor of Bendix. That potential rivalry between a leading firm and a significant, well financed, resourceful, and likely new entrant by toe-hold acquisition was frustrated and extinguished by Bendix's merger with Fram. In the most fundamental and basic sense, the merger eliminated direct—indeed, one could say horizontal—competition between Fram and Bendix. And this competition is no less substantial and significant for antitrust purposes because it was potential rather than actual.

Additionally, the Commission ordered the OKC Corp to sell in its entirety Jahncke Service, Inc., acquired in 1969 through stock purchases.

OKC also was ordered not to acquire for the next 10 years, without prior approval of the FTC, any corporate producer or seller of ready mixed concrete or concrete products within OKC's present or future marketing area for portland cement or purchaser of more than 10,000 barrels of portland cement in any of the 5 years preceding the merger.

In the New Orleans area, OKC is a leading seller of portland cement and has a plant with a 1,700,000 barrel capacity. Jahncke has been the largest purchaser of cement and seller of ready mixed concrete. Jahncke's other businesses consist of marine hydraulic dredging, and the production of building and industrial materials.

In its opinion by Commissioner Paul Rand Dixon, the FTC upheld the findings by a hearing examiner that the acquisition may substantially lessen competition in the portland cement and ready mixed concrete lines of commerce.

The Commission's important power to halt mergers and prevent future acquisitions of companies in the same line of business was in effect upheld this past fall when the Supreme Court rejected without comment a challenge to this key FTC enforcement tool.

The case grew out of a Commission decision reversing the findings of its hearing examiner and ruling illegal the merger of two leading manufacturers of soft drink bottle vending machines.

In 1966, the FTC issued a complaint challenging the merger of Cavalier Corp., then the Nation's sixth largest vending machine marketer, and Seeburg Corp., the second largest.

The record showed Seeburg acquired Cavalier because it had been approved by the Coca-Cola Co. to sell bottle-vending equipment exclusively to independent franchisees or wholly owned Coca-Cola bottlers. Seeburg had tried without success to get similar approval.

The FTC charged the merger was a violation of the Clayton Antitrust Act, but its own examiner ordered the complaint dismissed. He said Seeburg and Cavalier were not in competition since Cavalier sold only to Coca-Cola bottlers and Seeburg could not.

The Commission reversed him unanimously, ordered prompt divestiture of Cavalier, and prohibited Seeburg for 10 years from acquiring any corporations engaged in the manufacture and sale of vending machines without prior FTC approval.

In a continuing effort to spot anticompetitive problem areas before they become more serious, the Commission occasionally will survey an industry.

A few months ago, the FTC invited written comments on whether competition in the food service industry—involving food served away from the home—is affected significantly by changes in the structure of the industry and other recent developments.

Some 2,300 requests for comment are being mailed to manufacturers, wholesalers, institutional accounts, and others involved or interested in the industry.

The food service industry has been the most rapidly growing and changing segment of the entire food retailing industry. Its share of the total retail food market has grown from 25 to 30 percent in the last 5 years. This growth is causing changes in food distribution patterns which could affect the industry's competitive vitality.

The Commission emphasized that this invitation for comments is to obtain information on these changes in order to determine their competitive impact, and is intended neither as an investigation or rulemaking proceeding nor to get specific facts on possible law violations.

After it has considered all comments received, the Commission will then decide whether or not to hold public hearings.

The FTC is particularly interested in receiving views on the following topics:

The effect of the entry into and increased emphasis placed upon industry by large food manufacturing companies and chain grocery retailers.

Changing patterns of distribution in the food service industry, such as are embodied in the direct price negotiations between food manufacturers and institutions, which bypass independent wholesalers in pricing and use them only for delivery.

The effect on competitive performance in the industry of the growth of chain and franchised eating establishments.

The motivation underlying the formation of buying groups and their effect on competition in the institutional food distribution industry.

The extent to and manner in which the largest institutional distributors affect competition and their smaller competitors.

TRADE REGULATION RULEMAKING

In addition to discharging its statutory responsibilities through the issuance of complaints on a case-to-case basis, the Commission also has the power to solve broad consumer problems by issuing trade regulation rules. They are often used when, in the Commission's judgment, a particular practice or practices require sweeping regulations.

These rules are used to implement the substantive requirements of statutes administered by the Commission. The Commission, once it has issued such rules, may rely upon them to resolve issues in later adjudicative proceedings. Let me cite a few of the significant rules that have been proposed under both Chairman Weinberger and Chairman Kirkpatrick:

The Commission started its proceeding that would lead toward a rule relat-

ing to the mandatory posting of research octane ratings in a clear and conspicuous manner on gasoline pumps by refiners and other marketers of gasoline products.

The Commission started its proceeding in this rule because it believes that by failing to identify the octane rating of gasoline dispensed through gasoline pumps, there is a failure to provide the consumer with the information on which he can relate the gasoline with the engine requirements of his automobile. In addition, without such a rule, the consumer simply does not know—with and degree of preciseness—the range of the octane ratings available. In certain instances, gasolines are being marketed by the descriptive grade name of regular which in fact are of a lower octane rating than the average acceptable range of regular brands normally marketed. This can result in damage to the engine. And, in some instances, the warranties on new cars are not being honored because the car owner unwittingly used a low octane gasoline which he assumed to be a regular blend.

Further, many consumers are unaware that the engine requirements of their automobiles may permit the use of a lower octane gasoline and are paying higher prices needlessly for gasolines of a higher octane rating.

The Commission has also recently concluded public hearings on a proposed rule that would ban the so-called negative option sales plans. The Commission proposed this trade regulation rule because it believes that these techniques may be unfair. These techniques, says the FTC, rely substantially on exploiting the subscriber's natural preoccupation with other things and on other human traits, such as procrastination or forgetfulness, in order to impose liability on subscribers for merchandise they may not want and have taken no affirmative steps to obtain. Further, the Commission feels that negative option sales plans permit sellers to take advantage of these factors, together with the uncertainties of postal service and computer errors of the seller's own doing.

The negative option plan, of course, refers to any sales scheme or contractual arrangement whereby a subscriber to a plan receives and is billed for merchandise offered by a seller which the subscriber has not previously asked for in writing.

The Commission this past fall also proposed broad regulations on retailers' billing practices and plans to hold hearings on these rules in January. Major provisions of this proposed rule would require that any creditor:

Defer further billing on disputed charges until it is looked into and the facts have been explained to the customer.

Credit finance and other charges of disputed billing to a customer's account once the dispute is resolved in his favor.

Give full particulars of the charges billed to the customer.

Notify the customer before giving third parties adverse credit information concerning the disputed charge. In addition, the Commission's proposed rule would require a creditor issuing billing statements on a monthly basis to mail

the statement at least 21 days before the date it will impose finance or late charges for nonpayment.

Post payments to a customer's account based on the day of actual receipt of payment.

Refund overages paid by customers unless the statement discloses that the excess payment may be refunded or credited to the consumer's account at his option and.

Include on the statement the name, address, and telephone number of a person authorized to receive customer inquiries concerning mistakes or adjustments.

These rules would affect virtually any retailer who uses credit billings, including retail department stores, gasoline marketers, travel and entertainment credit card establishments, bank and other credit card issuers, book, magazine and record club establishments, and so forth.

Another major trade regulation rule recently proposed by the Commission, and upon which hearings will be held shortly, are five regulations that, if adopted, would, the Commission feels, enable new car buyers to obtain more complete and accurate information on prices. The rules would, among other things, prohibit new car manufacturers and dealers from:

Using fictitiously high suggested retail prices;

Making misleading comparative pricing claims involving standard option switches;

Failing to disclose when all costs are not included in an advertised price; and,

Making certain price reduction claims unless the dealer's cost has been reduced correspondingly.

In announcing this proposed rule, Chairman Kirkpatrick noted that:

To millions of consumers, buying a new car is one of the biggest purchases of their lives. Therefore, the need for more complete pricing information becomes very important.

I think you will agree with me that these proposed rules again illustrate the Commission's concern with the consumer and his problems.

ECONOMIC STUDIES AND EVIDENCE

Some of the Commission's most important instruments of consumer protection and antimonopoly action are the reporting of economic facts coupled with well-reasoned economic analysis. It is not enough for the Commission merely to put out the fires of illegality. As the legislative history of the Federal Trade Commission clearly establishes, it was the congressional intent that the economic factfinding and reporting functions of the Commission should be used as one of the principal means of curbing monopoly power. During the past year there has been important work completed by the Commission's Bureau of Economics in the area of economic studies and evidence.

ECONOMIC STUDIES AND REPORTS

During the year the Commission issued its annual reports on Current Trends in Merger Activity, 1969, and on Larger Mergers in Manufacturing and Mining, 1958-69. These reports indicate a record-breaking total of mergers for 1969: 4,550 firms disappeared through acqui-

sition, 16 percent more than the total for 1968. Acquisitions by manufacturing companies continued to represent the largest single segment of the total, accounting for about 57 percent of all acquisitions recorded. Merger activity, however, grew more rapidly in other sectors of the economy. The most spectacular growth occurred in services. In 1969 more than 1,000 acquisitions were recorded in this sector, up 48 percent from the preceding year and more than triple the rate for 1967. As merger activity attained the record levels of recent years, its impact spread to embrace all major sectors of the economy.

The pattern of mergers within manufacturing and mining was similar to previous years. Most manufacturing and mining firms were acquired by other manufacturers, and the greatest number of acquisitions were made by firms classified in the electrical and nonelectrical machinery, chemical, and food industries. The trend toward a greater degree of variety in mergers accelerated last year. Of all acquisitions of manufacturing and mining companies in 1969, 19 percent were made by firms in other economic sectors. The corresponding figures for earlier years were 16 percent in 1968, 12 percent in 1967, and only 8 percent in 1960.

During the year, the Commission also completed and published Economic Report on Corporate Mergers, a comprehensive study of conglomerate mergers. The report includes an analysis of various aspects of the current merger movement, its general causes and motivations, its dimensions and structural characteristics, and its impact on competition and the centralization of economic power. It also describes the effect of the merger movement on the geographic centralization of corporate control. The report makes recommendations regarding future merger enforcement policy, suggests certain administrative and legislative steps designed to reduce financial and tax incentives for merger, recommends legislation to strengthen the rules against interlocking directorates, and makes recommendations for improvement of public corporate reporting.

AUTO INSURANCE STUDIES

During 1970, the FTC's Bureau of Economics completed two research studies for the Department of Transportation: Structural Trends and Conditions in the Automobile Insurance Industry and Insurance Accessibility for the Hard-to-Place Driver. These studies constituted the Federal Trade Commission's contribution to the 2-year study of the motor vehicle insurance and compensation system which the Congress in Public Law 90-313 directed the Department of Transportation to conduct.

The first of these staff studies, Structural Trends and Conditions in the Automobile Insurance Industry was published in April 1970. Its purpose was to outline current trends in such important structural characteristics as the number and size distribution of firms in the industry, the degree of specialization and diversification of auto insurers, geographic distribution of firms and the trend in mergers and acquisitions over the past 10

years. These characteristics determine in large part the nature and degree of competition in providing auto insurance services to the public.

The second of the FTC staff studies, Insurance Accessibility for the Hard-to-Place Driver, May 1970, was also published by the Department of Transportation. Its major purpose was to study the problems of insurance access and price variability for the hard-to-place driver, that is, the driver who is unable to obtain insurance from standard market companies.

The major finding of this report was that the hard-to-place driver problem is not confined to those with the poorest driving records. Both theory and market data indicate that the hard-to-place problem is a byproduct of underwriting competition and an integral part of the competitive functioning of the automobile insurance industry. Insurers do not find it profitable to grant coverage to all applicants because, even with the most highly developed rating classification systems, there are still some drivers within individual classifications who have distinctly higher than average loss potential. Insofar as the rating system fails to account for these differences, there is an opportunity for insurers to increase their profits through selective underwriting. Refusals to insure new applicants, refusals to renew, and cancellations are manifestations of these efforts.

CONCENTRATION INDUSTRY STUDY

Former Chairman Weinberger, in testimony before the Joint Economic Committee of Congress last July, voiced the Commission's concern with concentrated industries or oligopolies:

Effective competition is the rule rather than the exception in the American economy. In most markets, competition serves as a self-regulating mechanism which prevents noncompetitive, interdependent pricing. However, market structure, particularly in a few key industries, apparently allows leading firms in these industries to exercise a significant degree of this discretionary power in concentrated industries which poses a serious problem for price stability.

There are some empirical data showing that prices, profitability, innovation and other aspects of industrial performance are related to the structural characteristics of markets, and particularly the level of concentration in these markets. Level of concentration is customarily measured in terms of so-called concentration ratios, usually expressed as the percentage of industry production accounted for by the 4, 8 or 20 largest producers.

Applying this measure to manufacturing industries as a group, about one-third of total production is in concentrated oligopolies where four firms account for more than 50 percent of industry production.

We are concerned about this condition because, as I have indicated, when concentration is high, companies tend to develop communities of interest. One of these interests is to avoid those strategies most likely to lead to retaliation. Price cutting is usually the first such practice to be eliminated. Whether done collusively or not, the plain fact is that decreases in demand need not be met in these concentrated industries by reducing prices, but rather can be absorbed by cutting production and employment. While this path can, of course, be pursued by any company, it is obviously easier if there are only 3 or 4 real competitors to consider.

Another significant effect of concentration is in the area of employer-employee relationships. In the periodic wage negotiations between key industries and powerful labor unions, the ability of the industries to carry higher wage costs is the primary factor determining wage demands. The unions usually look at industry profit rates as the crucial indicator of this ability and studies, which statistically relate the level of market concentration to the effectiveness of competition, show that when four firms in an industry control more than about 40 to 50 percent of production, profits tend to be significantly higher. As a result, bargaining in these concentrated industries seems to be no more than negotiations over a division of profits between management and labor. However, these profit-inspired wage settlements have far wider implications.

Wage settlements in excess of productivity set inflationary wage trends for the rest of the economy. Moreover, price increases which, in turn, are designed to re-establish target rates of return in concentrated industries follow the wage settlements, and add more fuel to the inflation fires.

After stating the Commission's concern, Chairman Weinberger announced that the FTC intended to launch a series of in-depth studies into concentrated industries, including steel, automobiles, drugs, electrical machinery, chemicals, and energy. The studies, coupled with a previously announced study of the cereal industry, said Chairman Weinberger, would involve a hard look at both structure and conduct, as well as performance variables, such as profits, innovation, and new investment.

He made it clear that these studies of concentrated industries were not being undertaken as interesting academic exercises by the Bureau of Economics. At this beginning stage, however, it would be neither useful nor appropriate to attempt to articulate a possible enforcement policy which could evolve from these studies.

Because there is a lack of firm legal precedent for attacking oligopolistic pricing practices, the real problem is the absence of hard data and evidence. Despite decades of intense concern with pricing under oligopoly, we actually know very little about the patterns of price leadership, price rigidity, market-share stability, nonprice promotions, and other market phenomenon which can be used as a basis for either invoking established doctrines of conspiracy or articulating new theories of collusive or quasi-collusive agreement. These studies will go a long way toward developing such data.

I am pleased to note that Chairman Kirkpatrick is proceeding apace with these economic studies. He has indicated that the examination of the cereal industry is already well along. This study is seeking to determine, among other things, whether and to what extent, the public may be denied the benefits of vigorous competition because of the industry's structure, the conduct of the industry's members or the interplay of the two. Hopefully, the study may also determine whether product promotion and brand proliferation leads to any problems.

The Commission has also started a vigorous investigation of practices and transactions in and affecting the energy

field which present significant competitive and consumer problems.

The FTC has directed that the initial planning phase of the energy portion of the concentrated industries study be given high priority. This expedited planning phase of the energy portion of the concentrated industry study will provide a great deal of information which will help the Commission in developing the further scope of its intended investigation in this field.

The FTC staff has reviewed the current criticism relating to the reporting, estimation, and deployment of reserves by the natural gas industry. In order that the possibility of collusion or other unlawful conduct in this field may be more fully explored, the staff is today investigating the reporting, estimation, and deployment of reserves by the natural gas industry in one selected area of the country, including related trade association activity. This investigation is but one important part of the larger energy problem and will enable the Commission to properly appraise the antitrust, as well as consumer protection, significance of gas reporting methods and procedures presently employed.

In the energy field more generally, the staff is giving expedited, priority treatment to current merger activity in the energy field, including a number of pending matters.

ECONOMIC EVIDENCE

During recent months, some 70 investigations were undertaken by the Bureau of Economics. About 53 of these investigations concerned the competitive aspects of mergers and acquisitions. Economists prepared analyses and exhibits, testified as expert witnesses at hearings, and helped in other ways with the complaint and findings in nine formal cases, all involving acquisitions. An additional 10 matters were reviewed by staff members for probable economic effects where compliance with Commission orders was the problem.

Fiscal 1970 ended the first full year of operation of the premerger notification program and it proved that this program is, among other things, a valuable screening tool for the enforcement of section 7 of the Clayton Act. Under this program, all corporations subject to FTC jurisdiction and having total assets of \$250 million or more are required to file a special report whenever an acquisition of a firm with \$10 million or more in total assets is made by any of them. For purposes of this program, an acquisition may be either of assets or of 10 percent or more of voting stock. By the end of fiscal 1970, about 180 special reports had been received from the acquiring companies, of which about 21 were subject to further investigation. An additional 45 were cleared for investigation to the Department of Justice. The information received under this program also will be used to study trends in mergers and acquisitions among large firms.

FINANCIAL STATISTICS

Four issues of the "Quarterly Financial Report for Manufacturing Corporations" were published during the past fiscal year. Each issue was based on uniform, confidential, quarterly financial

statements collected from a scientific cross section of 11,000 of the 200,000 manufacturing corporations in the United States. The purpose of this sample survey is to produce, each calendar quarter, an income statement and balance sheet for all manufacturing corporations in all manufacturing industries. These quarterly estimates account for more than 97 percent of all manufacturing activity, more than one-half of all corporate profits, and nearly one-third of the national income. Each issue contains estimated national totals for 13 items of income and retained earnings, 14 asset sizes, 16 items of liabilities and stockholders' equity, and 43 financial and operating ratios—including profit rates on sales and equity—for each of 34 industry groups and 10 asset sizes of corporate manufacturers.

It seems clear to me that the Commission has made great strides toward protecting the consumer by carrying out its statutory responsibilities. Former Chairman Weinberger observed:

All of us are consumers and thus have a stake in the success or failure of the Commission's efforts to do the job required of it in a consistently better way.

Both Chairman Weinberger and Chairman Kirkpatrick have sought legislation to give the Commission what it needs in order to finish the job which it has now begun and it is to these needs which I now address myself as being in need of immediate attention.

EXPANSION OF THE COMMISSION'S JURISDICTION

First, the Commission's geographical jurisdiction under the Federal Trade Commission Act should be expanded to practices "affecting" commerce in order to enable it to proceed against consumer frauds and deception hitherto beyond its reach.

ADDITIONAL ENFORCEMENT AUTHORITY

The Commission should be granted the power to seek preliminary injunctions aimed at bringing to an immediate halt unfair, fraudulent, or deceptive practices in violation of section 5 of the Federal Trade Commission Act.

The Commission has often found that the cease-and-desist order is inadequate in many situations. It has proved cumbersome and time consuming. This additional enforcement tool will provide an effective weapon to the Commission and enable it to take efficient action to protect consumers in those matters where immediate action is warranted.

Issuance of the injunction will hasten the adjudicative process by discouraging unnecessary procedure delays.

Legislation should clarify the Commission's power to issue substantive rules to remove any doubts about its rulemaking authority. Any possible ambiguity in present rulemaking authority between Labeling Acts and the Federal Trade Commission Act should be eliminated.

The Federal Trade Commission was created to protect the interests of the consumer. In years gone by, its effectiveness has been challenged and proposals for new agencies have been made. Rather than proliferate Federal agencies in competition to the Commission, I believe the Commission ought to be given the expanded powers needed to perform

its function and to represent the consumer interests in other commission and agency proceedings.

A recent article in a national magazine noted that, in the past, the FTC has been called the "Little Old Lady of Pennsylvania Avenue," but that today the little old lady has a vigorous kick.

I hope that legislation providing these powers and classification will be enacted by the 1971-72 session of Congress. I believe we can make the little old lady—and her kick—even more effective.

THE IDAHO CONSORTIUM—A CASE STUDY

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. HANSEN of Idaho. Mr. Speaker, the State of Idaho has achieved a position of leadership in the Nation in its participation in the programs of the Educational Professions Development Act. In order to mobilize and direct its limited resources to meet some of the State's most urgent educational needs, Idaho has organized a consortium of higher education, the State department of education, and the public schools.

The Idaho consortium is the product of the innovative leadership and cooperative efforts of the State's education leaders including members of the State board of education and D. F. Engelking, State superintendent of public institutions. Much of the credit for its development and success also belongs to Donald F. Kline, executive director for higher education.

The Idaho consortium offers a model that I believe many other States will find useful in developing the State-Federal partnership that is essential to the administration of many Federal education programs. The consortium has attracted the attention of national leaders in education and is the subject of a case study by Dr. James H. Beard of Oregon.

Mr. Speaker, because I believe that other States can benefit from this kind of cooperative effort in dealing with their priority education needs, and in order to bring Idaho's experience to the attention of my colleagues, I include as a part of my remarks Dr. Beard's study:

THE IDAHO CONSORTIUM—A CASE STUDY (By James H. Beard)

At the mention of Idaho most Americans conjure up an image of potatoes, Sun Valley, and mountains. A few school children would identify Boise as its State Capitol. Some of your colleagues would recall that there is a university at Moscow. A few Americans would remember that Bobby Kennedy skied and took a boatride there, and the small number of those who have traveled in both places would recognize the great agricultural similarity between Southern Idaho and the North Platte Valley of Nebraska and Wyoming. It would be unlikely that any readers of this document would identify Idaho as an exemplar of educational excellence. It is equally unlikely that those same readers would identify Idaho as an educational desert. Rather, Idaho education is a relatively unknown quantity.

An educational exemplar Idaho may never be. There appear to be too many factors which militate against the State ever attaining such a lofty position. At the same time, however, there is within the State an effort which exemplifies a level of concern, commitment, planning, and sacrifice that would reflect creditably on any group of forward thinking educators. Thanks largely to a relatively small group of dedicated individuals, the State has established a consortium of higher education, the State Department of Education, and public education in an effort to bring to bear its limited resources on some of the high priority educational problems with which it is faced.

What follows is an attempt to describe some of the activities of this consortium during the first year of its existence.

This is not an attempt to evaluate the Consortium nor to appraise the effectiveness of those individuals who have been involved. Rather, this statement will attempt to provide perspective which might be of value to others casting about in search of a model which might help them address their problems.

THE SETTING

It appears that there were three sets of forces which finally interacted to bring about the establishment of the Consortium. First was the establishment of the Educational Professions Development Act, federal legislation intended to upgrade the competence of those engaged in a wide variety of activities within the domain of public education. Second was a formidable array of problems facing Idaho education. And finally, a group of men who were cognizant of both the needs within Idaho and the potential opportunity to secure federal assistance in attacking those needs. Unlike many states, Idaho could speak directly to its specific needs. During a three-to-five-year period immediately preceding the establishment of the Consortium, the State Department and the two major teacher training institutions had initiated a wide variety of studies which brought to light most of the significant issues facing the state.

The salient need was to improve the quality of teachers found in the elementary and secondary classrooms of the State. In terms of the percentage of non-certified teachers employed, Idaho ranked 50th out of the fifty states. Over 26% of this elementary teaching force had less than "standard" certificates. The percentage for secondary teachers was 11.3%. These figures compare with national averages of 5.6 and 4.3 respectively. While certification alone does not guarantee classroom excellence, in the absence of other criteria such high percentage were rightfully a concern to the State.

A second concern highlighted by the studies was the mobility of the certified teaching force within Idaho. Of greatest concern was the fact that the mobility was directed away from the State. Relatively large numbers of qualified teachers were leaving the State and pursuing their professional careers elsewhere. Several factors contributed to this outward mobility but the most salient appeared to be related to salary. Those leaving the State were reporting salary increases averaging nearly \$1,000 per year and as recently as two years preceding the establishment of the Consortium, the maximum salary of Idaho classroom teachers was well below the average salary of classroom teachers in the neighboring state of Oregon. A corollary concern to the Consortium founders was the fact that the State was losing a disproportionate number of experienced male teachers. As might be expected, Idaho is not a hotbed for the Women's Liberation Movement. Quality education requires the retention of a critical mass of professionally minded individuals. As yet, many women teachers do not so qualify and as a result the retention of males in the profession is es-

sential. Undoubtedly the loss of qualified teachers through outward mobility contributed to the high frequency of non-certified teachers which must be employed within the State.

A third and related concern was the inability of the teacher training institutions within the State to provide qualified candidates in sufficient numbers to meet the needs of the State. In 1966, 1,462 teaching vacancies existed. The seven colleges and universities that train teachers graduated a total of 746 individuals. Of these only 284 accepted first year positions in Idaho. An equal number did not enter the teaching profession and 187 graduates sought employment outside of the State. It appears, therefore, that whereas Idaho is preparing only one-half of the number of teachers needed in any given year, it is compounding its fate by failing to offer sufficient stimulus for teaching in Idaho to 65% of those they do graduate.

When an employer has needs for individuals with a certain level of training, he has two options: fill the positions with those who have the training or if these are not available, fill with the best non-qualified applicant and provide him with training that will eventually make him fully qualified for the position. We might expect, therefore, to observe within Idaho a relatively high re- quency of inservice training programs in operation. Such is not the case. Rather, fewer than 40% of the schools provided any type of in-service training or orientation programs prior to the establishment of the Consortium. Further, it was noted that fewer than 9% of the Idaho teachers were involved in organized in-service programs during that time.

The needs thus far reviewed all address themselves to the establishment of a qualified teaching force. As impressive as this array of needs is, it by no means represents the total spectrum of problems within the State. Some of the other needs are equally impressive and demand attention.

As has been noted, there was an overabundance of non-qualified teachers working within the Idaho schools. At the same time it appeared that the administrative staffs might also have deficiencies. From a point of view of preparation, it appears that administrators within the State fall somewhat below those found across the nation. In Idaho administrators may be certified if they can provide evidence that they are working towards a master's degree. Approximately 64% of the 415 principals in the State hold a master's degree, 137 administrators hold less than a master's degree, and 14 elementary principals have not yet attained a bachelor's degree.

As with certification, the attainment of a graduate degree does not guarantee excellence of leadership, however, a series of doctoral studies combined to present a picture of the lack of educational leadership within the schools of Idaho. At a time when the educational world is clamoring for innovation, Idaho administrators were perceived as being nonoriented towards innovation. This causes a couple of problems. It can cause morale problems within the staff especially when the staff is asking, "Why aren't we doing some of the things that we read about?" Further, it causes problems at the State level for it is certainly difficult to face one's colleagues and be forced to admit that the schools in your state are falling behind the innovative practices other educators seem to love to discuss. In Idaho it even seemed to cause some problems of suspicion or the questioning of motive. On more than one occasion while in Idaho, I heard people indicate that the superintendent of one innovative school was pushing innovation to build his own image rather than to provide better educational opportunities for the students of his district. The need

specifically expressed was that Idaho administrator must become thoroughly apprised of the many new practices and strategies available to the schools and encouraged to explore ways to implement these new practices in their schools.

It was additionally noted that several groups of students having special needs were not finding avenues within the Idaho schools to satisfy these needs. Special education programs were significantly lacking within the State. In 1966 only 268 teachers were employed to provide programs in special education. A citizens task force reported that only 12% of the schools they studied employed special education personnel who they could rate as having above average or superior abilities. This same task force rated no district program as superior and only 10% of the programs studied were rated above average. Over half of the programs studied by this committee were judged to be below average or inferior. Even the state department was delinquent in adequately addressing this need. Further, none of the State's school districts reported a specialized program for physically handicapped children.

Another special group of children whose needs were not being met were those who were preparing to enter the first grade. Kindergarten programs within Idaho are virtually nonexistent. No school district provided kindergarten experiences and in 1966, fewer than 500 of the 17,000 students entering the first grade had been exposed to kindergarten training. Programs in early childhood education were nonexistent in the state colleges and universities. Several of the recent legislative sessions have considered the establishment of kindergarten programs within the State schools. Although legislation in this area has not yet been passed, the probability appears high that such legislation will be enacted during the forthcoming legislative session. Two things are apparent. First, establishment of kindergarten programs in Idaho will require a dollar appropriation in excess of \$4,500,000. Further, it will create an instant demand for more than 400 qualified teachers. In preparing for this eventuality, the Consortium recognized that the State's capability to train teachers for this age group must be enhanced.

Vocational education has also received little attention in Idaho. The curricula of most Idaho secondary schools appeared to be oriented toward the college-bound student. This situation obviously is not unique to Idaho. The fact remains, however, that the non-college-bound student in Idaho's secondary schools often finds it necessary to receive his vocational training, or even an orientation to the world of work, after leaving high school.

Another area highlighted by the studies conducted prior to the establishment of the Consortium was that of the educational offerings for the bicultural, migrant, or poverty groups with the State. Even though the population of the State is relatively homogeneous, there is a significant number of Indian students within the State. One study revealed that fewer than one out of every twenty Indian children who enroll in Idaho schools is graduated from high school. Much of this attrition can be attributed to the bicultural and bilingual background of these students. The institutions of higher education in Idaho are reported to have some excellent scholars insofar as the study of Indian culture, languages, value systems, and the like are concerned. There were, however, few programs in the elementary and secondary schools which are designed to accommodate the differences which Indian children present when they come to school. Further, there is a significant number of children of migrant farm laborers. There were few systematic educational programs provided for these children and their educational needs, which if met would per-

haps enable them to break away from the migrant stream. Meeting the needs of these kinds of culturally different students requires teachers with special training and unique commitments.

A systematic look at Idaho education also reveals the need for improvement within the area of student personnel service. These services include counseling, vocational guidance, nursing, school psychology programs, and library services. Such services which are accepted in so many areas as commonplace appear to have been frills in many of the Idaho schools. Training programs for such personnel are lacking in both quantity and quality.

The needs of the State were apparent. They were well documented and were of such nature that they could be attacked readily. The question remained, how? Several people had been responsible, in isolation and at times cooperatively, in conducting need assessment studies. Certainly the State Superintendent of Education, D. F. Engelking, was an instrumental force. It was at his direction that many of the studies were conducted. The Deans of the two major universities of the State, Dr. Everett Samuelson, of the University of Idaho, and Dr. Richard Willey of Idaho State University were also instrumental as was Dr. Donald Kline, Executive Director of Higher Education. Each of these men, by nature of commitment or position or both, were capable of exerting influence on Idaho education. A final element was needed to trigger action.

The enactment by the U.S. Congress of the Educational Professions Development Act in 1967 proved to be the needed element. In the spring of 1968, U.S. Office of Education personnel conducted a series of meetings across the nation to acquaint the education community with the basic elements of the EPDA legislation. One of these meetings was conducted in Denver in May 1968 and a delegation of Idaho educators attended that meeting. Late during the first day of that meeting, several members of the Idaho delegation caucused informally to discuss the implications of the legislation for Idaho.

Several things were evident at the caucus. First, each member of the Idaho delegation represented an institution which had some interest in obtaining a portion of the EPDA action, in most instances a large portion of the action. Additionally, it was evident that if the institutions were to approach the legislation in isolation of each other, inevitable competition would occur. Further, isolated approaches to the legislation would likely result in the aggrandizement of specific institutions to the detriment of the State as a whole. Finally, almost all portions of the legislation were directly related to specific needs of the State.

The caucusing delegates rather quickly recognized that if approached properly, the EPDA legislation could provide needed resources to attack the many salient problems facing Idaho education. Almost as quickly, the group concluded that any significant attack on these problems would require optimum utilization of all resources within the State. The germ of the idea of a consortium was thereby planted. The germ was nourished later that evening.

Three basic guidelines were agreed upon. First, the Consortium had to have the representation of higher education, the State Department of Education, and the public schools. Second, the leadership for the Consortium had to be vested in that agency legally responsible for public education, the State Department of Education. Third, legal authority for the Consortium had to be established. The group moved quickly. The plan was outlined to the State Superintendent of Public Instruction, Engelking, who quickly called a meeting of significant Idaho educators. The plan was accepted in principle by this group. One final step was re-

quired, the establishment of a legal authority for the Consortium.

Legal authority could ensure cooperation. This was almost a necessity in Idaho for there was very little history of cooperative endeavors on the part of the three groups involved. Authority could be vested in the Consortium by the State Board of Education. To appreciate the importance of this, one must understand the unique character of this Board.

In Idaho, all educational endeavors are under the control of a nine member Board. Legally these nine members comprise four separate boards: the State Board of Education, which is responsible for public elementary and secondary education; the Board of Higher Education, which is responsible for public post-secondary education within the state; the Board of Vocational Education, responsible for secondary and post-secondary vocational training; and the Board of Special Education, responsible for the operation of the State schools for the deaf and blind. The nine members of this Board are appointed by the Governor. Seven members are appointed at large and the other two members are the State Superintendent of Education, an elected official, and the Director of Higher Education, an appointed official.

In Idaho a significant portion of the operating capital for public schools is provided through state allocation. Additionally, the State Department of Education is directly responsible to the Board of Education. Operating budgets for state institutions of higher education are approved by this Board. Obviously, the enactment by this board of a resolution vesting authority for the coordination of EPDA activities by the Consortium carries some weight. The resolution was drafted and presented by Superintendent Engelking to the Board at their June 1968 meeting. The resolution, cited below, was officially approved by the Board of Education on June 1, 1968.

RESOLUTION TO THE BOARD OF EDUCATION

Whereas, the educational institutions of the State of Idaho, both public elementary and secondary, and institutions of higher education, are desirous of cooperative and comprehensive planning and operation of programs under the provisions of the Education Professions Development Act and related legislation designed to improve the quantity of teaching and,

Whereas, representatives of the several institutions have requested the State Board of Education, the Regents for the University of Idaho, and the Trustees of Idaho State University to indicate concurrence in this action,

Now, therefore, be it resolved that the State Board of Education, the Regents of the University of Idaho, and the Trustees for the Idaho State University do separately and jointly designate the State Department of Education, as Agent for the State Board of Education as the coordinating and fiscal Agent for the comprehensive planning, operation, and coordination of the Education Professions Development Act and such other Federal programs as may be directly related thereto.

The preliminary steps had been taken. The idea was conceptualized, leadership identified, and authority obtained. The next requirements were to make the Consortium a viable body, identify its objectives, and outline the initial scope of work whereby those objectives could be realized. Much work remained to be done.

FIRST STEPS

Almost simultaneously with the establishment of the Consortium by the State Board of Education, the Consortium undertook the preparation of a proposal to be submitted to the U.S. Office of Education for funds to be expended under EPDA auspices. The task of preparing the proposal fell to Drs. Donald

Kline, Idaho State University, and Thomas Bell of University of Idaho, and Reid Bishop, State Department of Education, although many other persons participated in the actual proposal preparation. The proposal was unique in several aspects. It very ably outlined the needs facing Idaho education. Based upon these needs, the proposal established five major objectives:

1. To increase the number of graduates from teacher education programs at a minimum rate of 200 per year over the next five years.

2. To provide systematic programs of in-service training designed to improve the quality of teachers and other school personnel.

3. To establish teacher programs in early childhood education with special emphasis on the needs of bicultural and bilingual children. These programs to be designed to produce no less than 400 qualified teachers in the next five years.

4. To provide programs to improve both the quality and quantity of personnel engaged in people personnel service.

5. To improve the quality of administrative and supervisory personnel.

To accomplish these objectives, the Consortium concept was proposed and justified on the basis that through this kind of coordination, EPDA moneys could be used to satisfy the needs of the State rather than the individual needs of the various researchers, developers, and institutions within the State. The proposal outlined in broad form several areas of program activity. These included short-term workshops, yearly fellowships for higher education personnel, programs for trainers of teachers, preservice programing activities, experienced teacher fellowships, summer institutes and internships, and a teacher aide program which included funds for recruitment.

It was proposed that the specific projects to be carried out under each of these activities would be determined by the Consortium based upon the Consortium's perception of the needs of the State and resources the various institutions had available to them.

In essence, therefore, the proposal was requesting that the Bureau of Education Professions Development extend to Idaho a block grant to be used at the discretion of the State. The proposal called for an annual expenditure in excess of \$2,250,000.

The initial reaction within the Office of Education was to deny the application. This was based upon a lack of project specificity of the proposal and the fact that the needs identified for Idaho were not totally consistent with the priorities established by Office of Education personnel. The act itself did not make provisions for block grants but relied instead upon the appraisal of the merits of each individual project submitted. Room was left for negotiation.

The negotiation was successful. Money was granted to the Consortium in the following areas: \$300,000 for summer workshops, 32 of which were conducted during the summer of 1969. Additionally \$50,000 was granted for program planning to be conducted in the following areas: vocational education, programs for elementary teachers, pupil personnel, improvement of instructional leadership, and consortium planning. Further, to initiate action on the improvement of services within special education, the Consortium endorsed a proposal to provide regular classroom teachers with training in handling these kinds of students. This proposal was funded at a level of \$174,000 and titled, "Behaviorally Engineered Classrooms for Rural Areas (BE CRA)." Further, \$155,000 was granted to the State to conduct programs designed to attract college trained personnel into teaching. This program (referred to as B-2) was conducted in three cities within the State. Finally, Idaho was granted \$10,000

to engage in planning for the Career Opportunities Program (COP).

The success of these negotiations should not go unheeded. The negotiations established first that if Idaho was to participate in EPDA it would participate largely on its terms. The acceptance of these terms by BEPD personnel indicate the first instance of an exercising of strength by the Consortium. It is to the credit of the leadership within the State that in the negotiations it held to its convictions rather than withdrawing under the pressure of BEPD policy which could have been tantamount to dissolution of the Consortium. The initial grant was effective on April 19, 1969.

FORMALIZING THE CONSORTIUM

Up to this time the Consortium was largely composed of key individuals who had been involved in the initial phases largely as a result of experience. While many individuals had been contacted and had participated during the formative stages, actual direction was provided by a small steering committee composed largely of the original founders of the concept. A set of Governing Principles was drafted and eventually approved by both the Consortium and the State Board of Education in October 1969. The Governing Principles established a Consortium Council to be composed to thirty-four members plus the executive director who served in an ex-officio capacity. Four of the council members represented the State Board of Education, three the State Department of Education, four the two State universities, two the two State colleges, three the private colleges within the State, two the junior colleges within the State, ten the public schools, two the State Legislature, and one each the State School Trustee Association, the private schools, and the news media. Further, a twelve man Executive Committee was established from the members of the Consortium Council. This Committee was composed of the State Superintendent of Public Instruction, one member from the State Department of Education, the State Director of Vocational Education, the Executive Director of Higher Education, Dean of the College of Education at the University of Idaho, the Dean of the College of Education at Idaho State University, the head of the Department of Education from one of the State colleges, the head of the Department of Education of one of the junior colleges, the head of the Department of Education at one of the private colleges, a superintendent from one of the public school districts, the representative of the State Trustee Association, and the Executive Director of the Consortium who again served in an ex-officio capacity.

During the first year of operation the Consortium has granted to the Executive Committee increasing power. By resolution the Consortium agreed to accept all recommendations of the Executive Committee. In fact, the Executive Committee is almost wholly responsible for conducting the business of the Consortium and meetings of the Consortium Council are typically limited to reports of activity of the Executive Committee. The Executive Committee determines priorities, reviews proposals, oversees the expenditure of funds, designates task forces and, in general, effects the coordination of the State resources.

From one point of view such a structure is justified in that it can reach decisions quickly, take the necessary action, and in general expedite activity. At the same time, such a structure can preclude active involvement on the part of those who do not hold membership on that Committee. Members of the Executive Committee perceive that the entire Consortium Council is actively involved and there is no evidence to the contrary. The Consortium Council meets approximately twice during the year, the Executive Committee somewhat more frequently.

Minutes of these meetings reveal a rather consistent move towards solidifying the Consortium effort.

The original objectives of the Consortium were, during the years, reduced and generalized. The Consortium now holds as its objectives the following:

1. To seek ways of improving individual proficiency.

2. To make its programs relevant to existing teaching conditions:

- (a) Define ways and means of utilizing all available methods and techniques to develop educational personnel.

- (b) Look for outside sources of funds and personnel to supplement state and local efforts.

3. To strengthen the present teaching force and to recruit qualified personnel not now teaching.

Although less specific these objectives seem to provide sufficient direction for the Consortium as it attempts to provide for the educational needs of Idaho. The members of the Executive Committee do not perceive the generalized objectives as being a significant shift in the basic objectives of the Consortium. They appear to be well cognizant of the continuing needs within the State and continue to base their priorities upon the original assessment of needs and subsequent statements of objectives.

CONSORTIUM ACCOMPLISHMENTS

Many of the accomplishments of the Consortium have been described or alluded to. The Consortium has taken giant strides in formalizing its structure. It has established itself within the state as a creditable coordinating body. It has established an effective relationship with BEPD, a relationship again based on its credibility. But more importantly in the minds of those key individuals on the Executive Committee and in the eyes of others not on the Consortium, provided a forum whereby educational leaders within Idaho have been able, for the first time, to meet face to face, confront mutual problems, and iron out long existing differences.

To fully appreciate this accomplishment I would encourage the reader to consider the probability of success of this kind of a venture within his own state. This is not to say that everything is rosy. Not all suspicions have been removed. Conflicts exist. What appears to be happening however, is that a group of significant individuals is learning to have mutual trust and respect for each other. Development of trust and respect of this nature cannot occur overnight, but rather increases only through persistent long-term mutual involvement in specific problem solving situations. To many of those interviewed, the establishment of communication between the Deans of Schools of Education of the two major State universities has alone been of sufficient value to justify the establishment of the Consortium.

Finally, the Consortium has provided avenues through which the State Superintendent and the State Department of Education can effect a leadership role that was virtually impossible previously.

SOME THINGS TO BE DONE

The Consortium has moved quickly. One set of projects has been initiated and completed. A second set of projects has been negotiated and ground rules for further negotiations have been established. Amid all of this activity a couple of areas have been neglected.

Effective means for communication have not been established. There is little evidence of an organized attempt to formally keep Consortium Council members informed about the accomplishment of the projects sponsored by the Consortium. Greater attention must be paid to the intercommunication among the members of the executive committee as well.

Further, the Consortium must address itself to its own internal structure. A crucial first step needed is to make more explicit the role of the Executive Director of the Consortium. Much of the responsibility for the day-to-day operation of the Consortium apparently falls on his shoulders. At the same time, however, as an employee of the State Department of Education he is directly responsible to Superintendent Engelking, and in his role is responsible to the Executive Committee presided over by Dean Everett Samuelson and of which Engelking is a member. This relationship has not to date been confronted and while there is no apparent evidence that its existence has proven to be a debilitating influence on the Consortium's activities it presents a potential trouble spot and as such should be addressed with the same openness and honesty with which the Consortium has addressed other problems.

A further area of clarification that must be addressed is that of the role of the Consortium relative to the various divisions within the State Department of Education. In so many instances the activities of the Consortium are directly related to areas of responsibility represented within the divisions of the State Department of Education. Greater coordination between these two sets of responsibilities must be effected. This is presently being accomplished by the presence of Superintendent Engelking on the Executive Committee. But it would appear that the continuation of this practice might result in his having to act as a decision-maker rather than a contributor to policy.

FUTURE DIRECTIONS

The pervasive feeling of those associated with the Consortium after two years is one of satisfaction. Those interviewed expressed this satisfaction in many ways. They see the Consortium as a group whose viability will be maintained for many years. To many, EPDA has provided a reason for being that will likely pass and be replaced by other purposes. Superintendent Engelking views the Consortium as a potential long-range planning group upon which he can rely to effectuate change and progress in Idaho.

Undoubtedly that potential exists. The potential can be realized, however, primarily to the extent that the Consortium is adaptive to conditions that will change and to the new members who over the years are brought in. Further, that potential will be realized to the extent that the Consortium can adopt to changing purposes. A group such as this with no purpose soon loses its viability and purpose generation is primarily a function of leadership.

The Idaho Consortium is in existence today because the challenge of leadership was accepted and effected. Strong leadership and sound planning provide the foundations for the Consortium. The Consortium represents an example of what can be done when these factors are present.

THE PRICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. DERWINSKI. Mr. Speaker, the Suburbanite Economist, Chicago, in a pre-Christmas editorial on Sunday, December 20, 1970, very thoughtfully analyzed complexities in establishing priorities as well as understanding the need for balanced judgment on controversial issues.

In this instance the commentary related to pollution and the Christmas

season and in addition to its timeliness, the thoughtfulness behind the editorial impressed me as containing considerable insight. It follows:

THE PRICE

We hear a lot about pollution caused by utilities producing electricity. Seldom, however, does anyone bother to discuss the reasons for the product whose by-product we all deplore. A main reason, of course, is our insatiable demand for conveniences. And while we don't want to be a Scrooge about the Christmas season, figures on the increase in Christmas lighting just happen to be available to provide timely and very dubious proof of our point.

Just over 50 years ago, we are informed, a New York inventor sold only 100 lights when electric bulbs were introduced to replace the candles then used for lighting Christmas trees.

The first lights, incidentally, were simply flashlight bulbs wired together and powered by batteries. For the next year the inventor, Albert Sadacca, turned the clear glass flashlight bulbs into a multicolored string of lights.

This season, customers of Illinois' Commonwealth Edison alone will use over 300,000 kilowatts of electricity for decorative lighting inside and outside the home. That's four times the electricity required to light all of the city of Chicago's street lights, alley lights, traffic signals, subway lights and miscellaneous bulbs. It is estimated that the 300,000 kilowatts will turn on about 40 million Christmas lights.

We enjoy the lights as much as anyone and we're not suggesting that even one be turned off. Nor are we condoning pollution in any form. We are saying that, to some extent, pollution is a price of public demand which we should keep in mind if we are to have an open and a balanced mind on the issue.

FRANCES BURNS HOYLAND

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. FALLON. Mr. Speaker, having served the Fourth District of Maryland in the House of Representatives for 26 years, I am concluding my congressional career with mixed emotions. I am at an age when I can look forward to retirement with some degree of pleasant anticipation. On the other hand, I know I will miss the daily association with Members, and others with whom I have worked.

I would be remiss, at this time, if I did not pay tribute to my administrative assistant, Mrs. Frances Burns Hoyland. Mrs. Hoyland joined my staff when I first came to Congress, in 1945. I have learned to depend on her business ability, her knowledge of congressional procedures, and her political acumen.

More than that, she has distinguished herself by her loyalty and her dedication to duty. She has shouldered a great deal of the arduous work of my office and has been unstinting in her efforts.

She has served the Fourth District for more than a quarter of a century with great enthusiasm, diligence, and professional skill.

IS FREE SPEECH FOR EMPLOYERS TOO?

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, although one noted law professor has credited the Warren court with being "uninhibited, robust, and wide open" in its decisions on free speech, two Kansas City attorneys, writing in the December issue of the American Bar Association Journal, discuss a glaring exception to that rule in the decision of *National Labor Relations Board v. Gissel Packing Co.*, 395 U.S. 575 (1969). In the article entitled, "Is Free Speech for Employers Too?" authors Harry L. Browne and Howard F. Sachs find that in the Gissel decision:

The Supreme Court disregarded its own admonition in other cases that guarantees of free speech under the First Amendment fully apply in the context of a labor controversy.

In other words, the Court has established a double standard under which employers are more restricted than others in their exercise of free speech.

The final section of the Gissel opinion affirms the limitation on free speech in *National Labor Relations Board v. Sinclair Co.*, 397 F.2d 157 (1st Cir., 1968). The Sinclair decision had reversed the results of an employee election in which the employees had voted against designating a certain union as their collective bargaining representative. It did so on the grounds that the employer's speech prior to the election was coercive and therefore in violation of section 8(c) of the Taft-Hartley Act.

Authors Browne and Sachs carefully trace the legislative and judicial history of free speech in labor-management relations, as well as the facts in the Sinclair case, and conclude that "the Court's ruling on this issue was ill-considered and unsound," and that the free speech issue was "obscured and mishandled."

In their words:

The Court has gone a long way toward holding that union organizers have a constitutionally protected right to use all their powers of persuasion but an employer must repress his fears and his theories and must merely "describe facts."

And again:

Previous precedent should have compelled a contrary conclusion—that Mr. Sinclair engaged in protected free speech and committed no unfair labor practice. Sinclair went "against the tide" and because of its misunderstood "facts" should not be regarded as sound precedent for future free speech cases.

Mr. Speaker, I found of special interest the authors' discussion of section 8(c) of Taft-Hartley which the legislative history makes clear was intended as an express guarantee of employer free speech. That section states quite explicitly that—

The expressing of any views, argument, opinion, or the dissemination thereof . . . if such expression contains no threat of reprisal or force or promise of benefit, shall

not constitute or be evidence of an unfair labor practice under any of the provisions of this Act.

Despite the clear intent and content of this section, the NLRB and the Supreme Court have so twisted and misconstrued it as to severely restrict the employer's legitimate right to free speech. This abuse cannot be allowed to stand. If the courts do not rectify their mistake, it may be incumbent upon the Congress to further spell out its intentions by amending section 8(c).

Mr. Speaker, at this point in the Record I include the full text of the article by Browne and Sachs, and commend it to the reading of my colleagues. The article follows:

IS FREE SPEECH FOR EMPLOYERS TOO?

(By Harry L. Browne and Howard F. Sachs)

In *National Labor Relations Board v. Gissel Packing Company*, 395 U.S. 575 (1969), the Supreme Court decided four cases which presented, as the primary legal issue, the authority of the NLRB to impose bargaining orders on employers whose unfair labor practices rendered a fair election unlikely. The Court gave sweeping approval to the board's use of union authorization cards (in lieu of a secret ballot election) to determine employee selection or rejection of a bargaining representative.

A secondary issue in one of the cases was whether statements made to employees by one employer constituted such an election-voiding unfair labor practice as to fall outside the protection of the First Amendment and Section 8(c) of the National Labor Relations Act.¹

The primary issue (the board's authority to utilize "card checks" as proof of union majority) has provoked considerable controversy in the law of labor relations and may now be deemed settled. However, the secondary issue, the free speech portion of *Gissel*, cannot be laid to rest and must be re-evaluated, for the issue is vital in the scheme of our national labor policy, particularly since, as will be shown, the Court's ruling on this issue was ill-considered and unsound.

In the *Sinclair* aspect of *Gissel*, First Amendment considerations and the will of Congress in specifically guaranteeing to employers the right to express their views and arguments received a surprisingly narrow construction in an opinion unanimously adopted by the Court.

Our comments do not purport to be a full-scale review of the subject treated exhaustively six years ago by Professor (now Dean) Derek Bok.² Rather they are intended as a response to the rationale and free speech implications of the *Sinclair* decision in the light of prior decisions supporting almost unlimited freedom of expression in labor controversies.

In a premature obituary on the Warren Court, published in December of 1968, Professor Harry Kalven, Jr., described the theme of recent Supreme Court decisions on freedom of speech in terms the Court itself used—"uninhibited, robust, and wide open."³ If Professor Kalven had waited until the final days of service of Chief Justice Warren, the tone of his article might have been decidedly different, for in *Sinclair* the Chief Justice ruled that "employers as a class" have a peculiarly restricted freedom to talk. They were warned, indeed, to avoid "brinkmanship" in their communications to employees (395 U.S. at 620).

Sinclair reversed the results of an employee election in which the employees voted

against designating Teamsters Local 404 as their collective bargaining representative. The First Circuit sustained an order of the Board requiring the employer to bargain with the Teamster local without another election, doing so on the grounds that the employer's speech prior to the election was "coercive". The Supreme Court agreed, rejecting argument that the ruling unduly restricted the employer's free speech. An analysis of the facts, however, demonstrates that the Supreme Court disregarded its own admonition in other cases that guarantees of free speech under the First Amendment fully apply in the context of a labor controversy.

The Sinclair Company, a producer of mill rolls, wire and related products in Massachusetts, had bargained with a union—not the Teamsters—from 1933 to 1952, when it experienced a three-month strike, which resulted in a reopening without a union contract. The employees remained unrepresented until the present litigation.

In September, 1965, the Teamsters local presented authorization cards signed by a majority of the employees and requested that the company bargain with it. Mr. Sinclair declined, asserting good faith doubt of majority status because of the inherent unreliability of cards. A labor board election was held on December 8, 1965, which the union lost by a vote of 7 to 6.

The company conducted a vigorous pre-election campaign. As detailed in the Supreme Court opinion (395 U.S. at 587), the employer:

"... emphasized the results of the long 1952 strike, which [Sinclair] claimed 'almost put our company out of business.' He emphasized secondly that the company was still on 'thin ice' financially, that the Union's 'only weapon is to strike,' and that a strike 'could lead to closing the plant,' since the parent company had ample manufacturing facilities elsewhere. He noted thirdly that because of their age and the limited usefulness of their skills outside their craft, the employees might not be able to find re-employment if they lost their jobs as a result of a strike. Finally, he warned those who did not believe that the plant would go out of business to 'look around Holyoke and see a lot of them out of business.' The president sent letters to the same effect to the employees in early November, emphasizing that the parent company had no reason to stay in Massachusetts if profits went down."

The Court upheld the board's finding that this communication was "interference, restraint, and coercion" and was not protected by the First Amendment and Section 8(c) of the act.⁴

There is reason to believe that prior to this decision, the employer's hardhitting campaign would have been judicially considered well within the bounds of protected "campaign oratory", under principles earlier established by the Court and by Congress, and under the growing protection accorded for "uninhibited, robust, and wide-open" discussion of controversial issues.

BOARD'S POLICY BASED ON TWO THEORIES

Under the Wagner Act of 1935, the NLRB sternly suppressed employer discussion in union election campaigns. The policy of the board, born of conditions in the depth of the Depression, was based on two theories: (1) An employer was deemed to be without proper standing to intervene in decision making by his employees. (2) It was presumed that employer views would unduly influence employee choice. As the crisis of the Depression began to lift, it was recognized that there were very strong countervailing theories: (1) Employers have a considerable economic stake in employee decisions on collective bargaining and often have a considerable emotional stake in the selection between a patriarchal system of business operations and collective bargaining. (2) Em-

ployees are not likely to be unduly influenced by persuasion from employers (or a union organizing group) when they have the protection of private choice by secret ballot. These policy arguments for and against employer free speech were overshadowed in the 1940s by the discovery that there were also overriding constitutional considerations.

Having announced in *Thornhill v. Alabama*, 310 U.S. 82 (1940), that employees have First Amendment freedoms that cannot be suppressed by government, the Supreme Court soon declared that employers likewise have a constitutionally guaranteed right to speak. *National Labor Relations Board v. Virginia Electric & Power Company*, 314 U.S. 469 (1941), reversed and remanded for reconsideration a labor board finding that an employer had committed unfair labor practices by interfering with employee choice and coercing employees to join an independent union. The Court concluded that the board had found that certain "utterances were unfair labor practices, and it does not appear that the board raised them to the stature of coercion by reliance on the surrounding circumstances. If the utterances are thus to be separated from their background, we find it difficult to sustain a finding of coercion with respect to them alone." Presented with argument that the First Amendment protects employer speech, Justice Murphy adopted the libertarian contention and announced: "The employer in this case is as free now as ever to take any side it may choose on this controversial issue."

Free speech in a labor context was given further constitutional protection in 1945, in expressions by five members of the Court who struck down a Texas statute requiring registration of union organizers before soliciting memberships in *Thomas v. Collins*, 323 U.S. 516 (1945). In a concurring opinion, however, Justice Jackson needled his colleagues with a charge of favoritism, asserting "we are applying to *Thomas* a rule the benefit of which in all its breadth and vigor this Court denies to employers in *National Labor Relations Cases*". However, the majority assured Justice Jackson that they were ready to apply First Amendment rights equally to employers and to union organizers. Justice Douglas observed that freedom of speech applies "whether he be an employer or an employee. But as long as he [the employer] does no more than speak, he has the same unfettered right, no matter what side of an issue he espouses". Justice Rutledge also acknowledged that "employers' attempts to persuade to action with respect to joining or not joining unions are within the First Amendment guaranty. . . . The Constitution protects no less the employees' converse right. Of course, espousal of the cause of labor is entitled to no higher constitutional protection than the espousal of any other lawful cause. It is entitled to the same protection."

Significant to the new *Sinclair* decision are two points made by Justices Rutledge and Jackson in *Thomas*. The Rutledge opinion stated that attempts to persuade are constitutionally protected and that freedom of speech involves more than the right "merely to describe facts". Justice Jackson declared that "the same nature of problem" occurs in the selection of a bargaining representative and selection of governmental officials and concluded that "if free speech anywhere serves a useful social purpose, to be jealously guarded, I should think it would be" in a representation election.

CONGRESS MAKES CLEAR ITS INTENTIONS

When the Wagner Act was overhauled by Congress in 1947 by enactment of the Taft-Hartley Act,⁵ an express guarantee of employer free speech was incorporated into Section 8(c).⁶ Congress made clear its intention. The House report said:

"This guarantees free speech to employers, to employees, and to unions. Although the

Footnotes at end of article.

Labor Board says it does not limit free speech, its decisions show that it uses against people what the Constitution says they can say freely. . . . The bill corrects this, providing that nothing that anyone says shall constitute or be evidence of an unfair labor practice unless it, by its own express terms, threatens force or economic reprisal."⁷

The Senate report declared:

"Another amendment to this section would insure both to employers and to labor organizations full freedom to express their views to employees on labor matters, as long as they refrain from threats of violence, intimidation of economic reprisal, or offers of benefit. The Supreme Court in *Thomas v. Collins* (323 U.S. 516) held, contrary to some earlier decisions of the Labor Board, that the Constitution guarantees freedom of speech on either side in labor controversies and approved the doctrine of *American Tube Bending* case (134 F. 2d 993). The Board had placed a limited construction upon these decisions. . . . The Committee believes these decisions to be too restrictive. . . ."

So when Congress acted in 1947 to define and limit the type of speech deemed an unfair labor practice, it established narrow rules for illegality: the vote-buying type of speech, which promises benefits for a vote against an undesired union, or the intimidating speech, which threatens force or other reprisal against employees voting in favor of the undesired union. The plain language of the 1947 statute declares that expressions of "views, argument or opinion" cannot be used as evidence of an unfair labor practice, so long as they contain "no threat of reprisal or force or promise of benefit".

While these limitations on "campaign oratory" might on occasion be difficult to apply, the test itself is not difficult to understand. The act was intended to shield from unfair labor practice charges all speech that did not offer a bribe or did not threaten employees with retaliation if they disobeyed the employer's wishes.

It seemed that permissible limitations on free speech would be narrowly construed after 1966, when the Supreme Court had occasion to review the scope of protected free speech in labor organization campaigns in the first significant decision on the subject in more than twenty years. The Court divided five to four in sustaining a state court suit for damages, alleging defamation of a company manager by a union during the course of an organizational campaign in *Linn v. United Plant Guard Workers of America, Local 114*, 383 U.S. 53 (1966). The narrow issue was whether federal labor legislation precluded common law actions for defamation related to labor disputes. The majority, while sustaining the suits to a limited extent, recognized that free discussion in the labor field is traditionally inhibited. The majority observed that "representation campaigns are frequently characterized by bitter and extreme charges, counter-charges, unfounded rumors, vituperations, personal accusations, misrepresentations and distortions. Both labor and management often speak bluntly and recklessly, embellishing their respective positions with imprecatory language".

The majority opinion reviewed labor board practice in allowing "wide latitude" for free expression in organizing campaigns, including toleration of "intemperate, abusive and inaccurate statements" and generally leaving to "the good sense of the voters" and the initiative of the opposing parties the correction of "inaccurate and untruthful statements". Moreover, four members of the Court in *Linn* would have granted absolute immunity for defamatory speech in labor disputes. Justice Black asserted absolute constitutional protection against damage suits for libel. In the labor law context, he found no Congressional purpose "to try to purify the language of labor disputes", in

which "both sides are masters of the arts of vilification, invective and exaggeration".

Chief Justice Warren and Justice Douglas joined in a dissenting opinion by Justice Fortas, which agreed with all members of the Court that "hyperbole" is "characteristic of labor-management strife". The dissenters concluded that libel suits for malicious and reckless defamations were inconsistent with the intent of Congress that the "labor-management dialogue" should have a privileged status "untrammelled by fear of retribution for strong utterances".

It seems demonstrable that the applicable rules governing employer speech have been greatly altered by the *Sinclair* case. Unless it is modified by the Court or limited in practice, First Amendment rights in labor disputes will be widely disregarded, in exchange for a system under which there will be "minute dissection of each word and claim made in an election campaign in a nervous effort to prevent a voter from being wrong".⁹

As the Supreme Court summarized the *Sinclair* campaign in discussion of the First Amendment issue, it was said to convey the following message:

"That the company was in precarious financial condition; that the 'strike happy' union would in all likelihood have to obtain its potentially unreasonable demands by striking, the probable result of which would be a plant shutdown, as the past history of labor relations in the area indicated; and that the employees would have great difficulty in finding employment elsewhere."¹⁰

The Court then ruled that the board "could reasonably conclude that the intended and understood import of that message was . . . to threaten to throw employees out of work regardless of the economic realities", citing Dean Bok's article, which contains a section on "coercive speech".¹¹

Dean Bok's article, however, gives little, if any, support to the Court's opinion. On the contrary, it contains repeated references to board decisions finding "coercive speech" wherein the writer doubted the result. On the page cited by the Court, Dean Bok referred to threats of a retaliatory shutdown as "a devastating and improper assertion", but he pointed out that "it is also important to avoid discovering veiled threats or sinister ambiguities by placing a strained interpretation on the employer's remarks".

The Supreme Court cited two cases—*Kolmar Laboratories*, 387 F. 2d 833 (7th Cir. 1967), and *Surprenant Manufacturing Company*, 341 F. 2d 756 (6th Cir. 1965)—but both are readily distinguishable, since both involved threats of reprisal. Neither goes as far as *Sinclair* toward suppressing normal economic debate. The *Sinclair* campaign was based on economic arguments and statements of fears of the employer, and it did not reasonably suggest an automatic, retaliatory shutdown on selection of the union or a strike by the union.

NO MEANINGFUL RATIONALE BEHIND COURT'S DECISION

A meaningful rationale behind the Supreme Court's contrary determination—that the board could conclude that Mr. Sinclair had threatened "to throw employees out of work regardless of the economic realities"—is difficult to fathom. The Court surmised that employees may erroneously construe rumors of plant closings as coercive threats, but there is no reason or authority for upsetting an election because of possible unfounded suspicions of some imaginative voters.

The Court then condemned "conscious overstatements" by employers in pre-election campaigns and found "coercion" because Mr. Sinclair had uttered what the Court regarded as a "misleading statement" as to the cause of other plant closings in the area. If so, the case has grossly broadened the reach of "coercive speech" as defined in Section 8(c) to include the entirely different subject of misrepresentation. Moreover, without attempting

to vouch for Mr. Sinclair's motives, it appears the Court itself overstated the record when it concluded that he had "admitted" that he had no basis for connecting unionism with the closing of other plants in the area, for in fact he testified that the "companies [which closed] needed higher production and better quality to meet stiff competition that they were facing and that the union did not do anything to help them in this regard. They had restrictions, restricted production and caused higher labor costs and the result of all this was the companies went out of business. . . ."¹²

There being no other testimony regarding the economic factors leading to the plant closings, it can hardly be fairly asserted that Mr. Sinclair had "no support" (as the Court charged) for his statements to his employees, or that he advanced any contentions exceeding normal campaign hyperbole, familiar to every voter and to voter-employees.

With this inadequate basis, the Court stated that the board could reasonably conclude that Mr. Sinclair had "threatened" in the event of unionization "to throw employees out of work regardless of the economic realities." The board made no such unqualified finding, nor could it on the record in the case. The board found only that an assertion had been made that a strike by the union rather than the selection of the union "could lead to the closing of the plant." It concluded nevertheless that the employer's campaign "generated an atmosphere of fear of economic loss which completely polluted the free atmosphere which is indispensable to a valid election."¹³

The board was in error. Using its "laboratory test" concept, on which orders setting aside an election have been based, the board failed to center attention on the decisive statutory test for an unfair labor practice, whether the employer had threatened retaliation or reprisal.¹⁴ But the Supreme Court went even further. Its ruling that a trier could conclude that Mr. Sinclair had threatened to discharge the employees "regardless of the economic realities" adopted a theory of malicious intent that went beyond any finding by the board or by the court of appeals, which had premised its decision on the assumption that the employer had a "sincere" belief "that unionization will or may result in the closing of the plant" (397 F.2d 157, 160).

The record contains no supportable basis for the Supreme Court's suggestion of malicious intent. On the contrary, not a word in the campaign directly or indirectly indicated an intention to close the plant without economic cause, in retaliation against selection of the union. Any inference of such an intent would necessarily rest on the sophisticated and inexact "code word" theory of campaigning, where words lose their ordinary meaning and the character of the campaigner leads one to believe he intends one thing when he says something else.

The "code word" argument is not entirely strange to labor relations. Professor Archibald Cox has stated that words have an impact that should be judged according to "environment and experience. . . . The dictionary meaning is irrelevant; the question is, what did the speaker intend and the listener understand."¹⁵ Chief Justice Warren used the final portion of the Cox quotation, trimming from it the suggestion that dictionaries are no longer useful to the understanding of words. If the Court thought the Cox statement extreme, it nevertheless applied the "code word" concept in deciding the *Sinclair* case, without any indication in the record or in the decisions below that "environment and experience" demonstrated that a threat of retaliation could be fairly read into the statements of Mr. Sinclair.

Four years ago, in the *Linn* case, 383 U.S. 65, the Court drew a close analogy between representation elections and the debate of

public issues when it ruled that defamation standards applicable to claims by public figures should be adopted by analogy in defamation cases arising in a context of labor disputes. Shortly before deciding *Sinclair*, the Court said, "the language of the political arena, like the language used in labor disputes . . . is often vituperative, abusive, and inexact".¹⁰ In *Sinclair*, however, it rejected the analogy which it had previously expressed and instead placed unique restraints on the employer's freedom to speak in union election cases.¹¹

The Court has gone a long way toward holding that union organizers have a constitutionally protected right to use all their powers of persuasion but an employer must repress his fears and his theories and must merely "describe facts". Not only must employers distinguish between facts and opinions in making predictions; the facts relied on must be true, and the burden of proof is apparently cast on the speaker.

Hobbled by these restrictions, employer warnings about the consequences of unionization become so hazardous that cautious advisers may direct their clients to easier areas of argument, and the full debate so essential to intelligent choice will be effectively suppressed.

Former Chief Justice Warren bestowed upon the law of labor relations an unhappy last-minute legacy in the *Sinclair* portion of the *Gissel* decision, which may drastically reduce the effective scope of employer free speech. The Supreme Court has apparently created a new unfair labor practice, contrary to the expressed intent of Congress. The Court and the NLRB are not only importing into labor campaigns legalistic restrictions on "evidence" and arguments that are unsuited for lay campaigners, but are showing lack of confidence in the normal democratic process of debate and are underestimating the intelligence of employee-voters to come to a correct decision.

A generous appraisal of *Sinclair* is that it was the work of a Court which, having focused primarily on the board's authority to issue bargaining orders (where the remedy seemed relatively free of constitutional implications), gave insufficient attention to a vital secondary issue. The free speech issue was thus obscured and mishandled.

Previous precedent should have compelled a contrary conclusion—that Mr. *Sinclair* engaged in protected free speech and committed no unfair labor practice. *Sinclair* went "against the tide" and because of its misunderstood "facts" should not be regarded as sound precedent for future free speech cases. Rather, the Court's prior decisions, which encourage "uninhibited, wide open and robust" debate on controversial issues, recite the applicable and sound law. In the words of Justice Jackson, "If free speech anywhere serves a useful social purpose", its uninhibited mutual exercise in labor case must ever be "jealously guarded".

FOOTNOTES

¹ The views of the Court on this issue appear in the final section of the *Gissel Packing Company* opinion, which affirms the limitation on free speech in *National Labor Relations Board v. Sinclair Company*, 397 F. 2d 157 (1st Cir. 1968). For convenience, reference will be made in this article to the *Sinclair* litigation.

² Bok, *The Regulation of Campaign Tactics in Representation Elections Under the National Labor Relations Act*, 78 HARV. L. REV. 38, 67-74 (1964).

³ Kalven, "Uninhibited, Robust, and Wide Open"—A Note on Free Speech and the Warren Court, 67 MICH. L. REV. 289 (1968).

⁴ 29 U.S.C. § 158(c): "The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor

practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit."

⁵ 29 U.S.C. § 157.

⁶ 29 U.S.C. § 158(c). See footnote 4.

⁷ H. REP. NO. 245, 80th Cong., 1st Sess. 33 (1947).

⁸ S. REP. NO. 105, 80th Cong., 1st Sess. 23-24 (1947).

⁹ Christensen, *Free Speech, Propaganda and the National Labor Relations Act*, 38 N. Y. U. L. REV. 243 (1963).

¹⁰ 395 U.S. at 619.

¹¹ 78 HARV. L. REV. at 74-82.

¹² Appendix 80, No. 585 O.T. 1968.

¹³ Appendix 184, No. 585, O.T. 1968, 164 N.L.R.B. 261, 266.

¹⁴ In an almost identical case, *NLRB v. Golub Corporation*, 388 F. 2d 921 (2d Cir. 1967), the board found employer speech was likely to create and instill in the minds of the employees fear of economic loss or suffering. There, as here, the focus was not on the language used in the communication but on the "bellef" which might be created. Judge Friendly rejected this approach: "This is reading the Act as if Sec. 8(c) did not exist; while there is a risk that an employer's prediction of adverse consequences from unionization may be taken as a threat to produce them, to hold that this danger alone suffices to convert a prediction into a threat of reprisal would go back to the very position of the early 1940's which Sec. 8(c) was adopted to change."

¹⁵ COX, LAW AND THE NATIONAL LABOR POLICY 44 (1960) (emphasis supplied).

¹⁶ *Watts v. United States*, 394 U.S. 705, 708 (1969).

¹⁷ The remedy under the principles of the free debate "is for the union to answer them, not a cease and desist order". *NLRB v. TRW-Semiconductors, Inc.*, 385 F. 2d 753, 760 (9th Cir. 1967). Or, put another way, "... it is up to the participants in a campaign to find and counteract any statements that they deem inaccurate or misleading." *NLRB v. Hobart Brothers Company*, 372 F. 2d 203, 206-207 (6th Cir. 1967).

SOVIET EFFORT TO DESTROY
JEWISH IDENTITY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. BOLLING. Mr. Speaker, the Soviet Union has made a mockery of justice and violated every Christian Judaic ethic in its trials and sentencing of Soviet citizens on charges of planning to hijack an airliner.

This blatant violation of every tenet of decency and fair play with its strong overtones of religious persecution must outrage every fair-minded citizen of the free world. The shock is heightened by the fact that the unusually harsh punishment which calls for capital punishment for two of the prisoners and sentences of 4 to 15 years in prison camps for nine others, seems to be based on the tribunal's interpretation of something as illusive as a man's thoughts rather than punishment for what the accused actually did.

The list of Soviet Jewish political prisoners, arrested and held incommunicado for more than 6 months, offers tangible evidence of the anti-Jewish thrust of the trial—a thrust which is clearly dis-

cernible in the recent context of overall Soviet policy toward its Jewish citizens.

All citizens of the free world must speak out in protest against this travesty of justice and against the Soviet effort to destroy Jewish identity. The shocking trials and cruel punishment add to the growing evidence of the Soviet efforts to still the voices of those Jews who seek asylum in Israel where they can maintain their identity.

THE ABDICATION OF STATE RESPONSIBILITY IN CALIFORNIA

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 30, 1970

Mr. METCALF. Mr. President, I have attempted to strengthen State government through legislation such as S. 607, the Utility Consumers Counsel Act. It would provide grants to the States for funding public counsel in utility cases, grants for funding a strengthened commission staff and it would provide commissions and the public with more basic information on electric, gas, and telephone companies.

With a few exceptions most State commissions do not seem interested in hardening their flabby muscle through either Federal or State legislation. Now we have the spectacle of a once great public service commission—California's—being enfeebled by the administration of a Governor who does not practice what he preaches about State rights.

Governor Reagan's office proposes to eliminate the jobs of members of the California Public Utilities Commission staff who have been trying to protect the public interest. The Governor further proposes to rotate strong staff members out of areas in which they have become knowledgeable watchdogs.

The stakes are high in this kind of a scheme, as they usually are in regulatory affairs. Early this year more than \$400 million in rate increase requests, by electric, gas, and telephone companies, were pending before the California PUC. Some cases have been settled since then but more increase requests have been filed.

In California, as in about three-fourths of the States, members of the utility regulatory commission are appointed by the Governor. California Governors Warren, Knight, and Brown held to a proud, bipartisan position; they appointed knowledgeable commissioners who kept in mind their obligation to the public, and who fought for a strong staff to support them.

Only one of those commissioners remains in office, and his term expires the end of this month. Governor Reagan, whose candidacy was strongly supported by the utilities, will then have a commission entirely of his—and their—making. And if his latest move to emasculate the staff is successful there will be no one in an effective position to assist the captive California customers of the Governor's utility friends.

An abdication of State responsibility such as this suggests that the modest, States rights approach of S. 607 may be insufficient. Governor Reagan and his utility advisors are inviting Federal regulation of retail rates and services.

Mr. President, the California situation is a good case study for Members of the Congress who share my concern over the failure of State regulation of energy corporations and the overwhelming political power of the major utilities. To broaden that record I ask unanimous consent to insert at this point in the RECORD an article which appeared this month in the McClatchy newspapers: The memorandum of December 9 from Edwin W. Beach, chief of Governor Reagan's Budget Division; a letter to Chairman Vukasin of the California PUC from 33 members of the PUC staff, and the October 26 article by Peter L. Petrakis in the San Francisco Bay Guardian, headlined "P.G. & E., Staunch Defender of Private Enterprise, Is the Biggest Welfare Recipient."

I also include a fascinating excerpt from an opinion by California PUC Commission Chairman Vukasin, who questions the propriety of a regulatory agency's exercise of its own judgment, rather than that of a utility's, in a complicated field.

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

MEMORANDUM OF DECEMBER 9

(By Lee Fremstad)

SAN FRANCISCO.—The staff of the California public utilities commission was reeling today from budgetary and organizational blows delivered by the Reagan administration.

The chief stunner was a memorandum—obtained by the Bee from a source outside the administration—"suggesting" the elimination of the assistant chief counsel and an unspecified number of other staff attorneys.

The memo was from Edwin W. Beach, chief of the budget division of the State department of finance. His directive also suggested by job title the elimination of five other positions, ranging from assistant chief examiner to two information officers.

"This is the first time in memory the Governor's office says what jobs to cut out," protested Commissioner A. W. Gatov, a Democratic appointee who will leave office Dec. 31.

"These are people who the chairman (J. P. Vukasin Jr.) doesn't like; people who serve the public too well. This is unique, it is aimed at personalities."

The impact of the organizational blow also became public today in a letter from some of the commission staff to Vukasin, an Oakland attorney, 1964 Barry Goldwater campaign leader and appointee of Gov. Reagan to the commission.

In response to the "manager development plan" issued this year by the Reagan administration, Vukasin announced a rotation for "all staff personnel."

It means, for instance, that a commission employee who has spent 20 or more years dealing with telephone company regulation will be transferred to the division which deals with gas companies.

In a letter signed by 33 concerned staff members, Vukasin was warned: "a near total staff rotation will destroy this present capability (of unbiased investigation) if not permanently, at least for many years."

"Utility regulation can be effective only if the regulator is able to know and understand the complexities of the utility's operations. Some of these utilities are among the largest

corporations in California or even in the United States.

"We are proud to be a part of this commission, a nationally recognized leader in regulatory affairs. Your staff rotation plan, we are convinced, will drastically change this status and seriously reduce the quality of our service to the commission and to the public."

Said one engineer: "When the staff is castrated the facts are just not going to be presented. If we are turned off there will be nobody besides the utility to present facts for the record."

The rotation reportedly will include transferring a half-dozen experts experienced in regulating the multimillion dollar telephone utilities into the hydraulic branch, monitoring small water companies. One staff expert termed it "piddling stuff."

It is expected the job rotation will also shift into other areas attorneys who have spent years in opposing railroad discontinuances as advocates for the public or in multimillion telephone, gas and electric rate increase hearings.

"My opinion is that Vukasin is out to wreck this agency, and he's doing a good job," said Gatov. "He is against government and he is against regulation."

Gatov called "pure hogwash" Vukasin's rationale that job rotation will broaden staff talents.

"The time to change and give them broader education is when PGE and Pacific Telephone do the same," Gatov declared.

"We have to throw the best we have against these fellows because it is a contest. I see no justification for a gas expert all of a sudden to be doing legal reviews. I don't think it's fair to throw a new man against these pros from the utilities."

Vukasin could not be contacted but his aid, William Jennings, called the staff warnings "a matter of conjecture." He said their division chiefs do not share those feelings.

Declared Jennings: "It is the feeling of the directors of the various divisions that this can be done without any loss of efficiency, perhaps even achieve greater efficiency. Our intention is to move people around a little bit and get some fresh ideas."

Just how many of the agency's approximately 800 employees will be rotated is not known, although Vukasin when he first announced it said "all staff personnel." Jennings did not know and referred reporters to Commission Secretary William W. Dunlop, who refused to say, referring questions back to Vukasin, who could not be contacted.

There was little doubt among the agency staff that the job cuts suggested from Sacramento would be followed. Vukasin reportedly has sought to cut back the staff of 20 attorneys and he is known to have clashed with several of them over matters of public policy toward the regulated utilities.

Staff morale is noticeably down since Vukasin became chairman and in the wake of a series of commission reversals of staff expert recommendations in the last year or so.

Reversals include a weakening of the order on undergrounding of utility lines, permission for PGE to build a power line through Briones Regional Park in Contra Costa County, water rate increases of up to 73 percent in four bay area counties and permission for Pacific Telephone Co. to use a tax accounting method which will require more revenue from its customers.

All of those decisions by the commission, on which appointees of Gov. Reagan now hold a 4-1 majority, were taken in opposition to staff advice.

Vukasin is known to prefer utility advice to staff advice in some cases. On a General Telephone Co. tax matter Vukasin once declared: "I question the propriety of a regulatory agency such as this commission substituting its judgment for that of utility management in this unique and complicated field."

The general fund share of the commission's 1971-72 budget is scheduled to be cut back to \$6.5 million under the Governor's austerity program. That is \$92,000 below the 1969-70 figure.

THE 1971-72 PUBLIC UTILITIES COMMISSION BUDGET

1969-70: \$6,592,621.

You should close the 1971-72 Public Utilities Commission General Fund budget at \$6,500,000. Close attention should be given to potential areas of administrative levels that would lend themselves to reductions unrelated to workload.

It is suggested that you consider:

(a) The elimination of one assistant chief counsel and a reduction of the number of attorneys in the Legal Division.—Hector Annoids.

(b) The elimination of the assistant chief examiner.—Carl Silverhart.

(c) The elimination of one administrative assistant I position in the Utilities Division.—Mrs. L. Gray.

(d) The elimination of one administrative assistant I position in the Transportation Division.—Jane Bigley.

(e) The elimination of the 2 information officer I positions.—Raleigh-Carol Kretzer.

All reductions to be made in personal services are to be delineated in your budget submission. The salary savings estimate should reflect only your estimate of savings resulting from turnover and unanticipated vacancies.

In regard to the Transportation Rate Fund, you are requested to submit your budget using the guidelines contained in Mr. Orr's letter of July 10, 1970. This would provide for justifiable workload and price increases. Further Cabinet review will not be required if the Transportation Rate Fund budget does not exceed an earlier Department of Finance estimate of \$6,028,000.

EDWIN W. BEACH,
Chief, Budget Division.

[1969-70]

| | |
|-------------------|-------------|
| Rate fund..... | \$5,460,150 |
| General fund..... | 6,592,621 |

Total 12,052,771

[1971-72]

| | |
|-------------------|-------------|
| Rate fund..... | \$6,028,000 |
| General fund..... | 6,500,000 |

Total 12,528,000

SAN FRANCISCO, CALIF.,
November 23, 1970.

J. P. VUKASIN, JR.,
Chairman, California Public Utilities Commission.

DEAR MR. VUKASIN: We understand that the several Divisions of the Commission's staff are taking steps to put into effect the staff rotation plan directed by you in your July statement. It appears that with few exceptions all professional and technical personnel are to be assigned to a different branch of staff operations by the end of this year or shortly thereafter, if this plan is put into effect.

We wish to point out some of the probable effects of such action together with some of the reasons for these effects.

Utility regulation can be effective only if the regulator is able to know and understand the complexities of the utility's operations, as to costs of operation, plant investment, financial structure, quality of service and applicable law. Some of these utilities are among the largest corporations in California or even in the United States. Individually, some have capitalization of several billion dollars, millions of customers, up to 100,000 employees, and annual revenues of over a billion dollars.

Your staff is practically the only source of independent, unbiased, investigation and analysis of the operations of these many

large and small corporations serving California's twenty million residents. The ability to make such analysis is not easily acquired. Each utility has its own unique problems and peculiarities, and adequate regulation requires intelligence, hard work and particularly experience on the part of the Commission's staff to perform timely, efficient and reliable investigation. A near total staff rotation will destroy this present capability, if not permanently, at least for many years.

Another factor to consider is the need for continuity in the regulatory process. At least some of the staff dealing with the recurring large and small problems of regulation should have first hand knowledge of long term trends and patterns in such matters. Such historical trends can be gleaned, though not easily, from the record in those cases. But there are innumerable other matters that require the background of intimate experience. The rotation plan will wipe out this kind of staff background.

To speak constructively, we wish to endorse the principle that different items and conditions require change in the structure of an organization, and changes in staff assignment. To pursue this course let some competent management analysts, possibly the State Personnel Board, review the structure and procedures of your staff and recommend a rational program of changes which will increase not decrease, the staff's effectiveness and efficiency.

In sum, we are proud to be a part of this Commission, a nationally recognized leader in regulatory affairs. Your staff rotation plan, we are convinced, will drastically change this status and seriously reduce the quality of our service to the Commission and to the public.

Yours sincerely,
MEMBERS OF THE COMMISSION'S STAFF.

[From the San Francisco Bay Guardian, Oct. 26, 1970]

P.G. & E., STANCH DEFENDER OF PRIVATE ENTERPRISE, IS THE BIGGEST WELFARE RECIPIENT
(By Peter L. Petrakis)

In early June of 1970, a group of Pit River Indians occupied a campground along the Pit River in Northern California that was controlled by Pacific Gas & Electric Company. The Indians were re-occupying a small part of ancestral lands which had been stolen from their tribe. They were trespassing, said PG&E.

The campground lies within a 3.5 million acre parcel of land spreading over parts of four counties that, according to the Federal Indian Claims Commission, was unlawfully occupied by white settlers who drove out the native Pit River Indians in the late 19th century.

After that, the Federal Government took over some of the land and, in 1923, granted PG&E a license to erect power plants along the Pit River.

The nominal license fee did not grant ownership to PG&E. But PG&E nevertheless has tried mightily to create the impression that it does own the sites. A typical part of its characteristic "public relations" approach to disputing the Indians' claim:

1. Having them arrested for "trespassing," in collusion with the sheriff, district attorney and justice of the peace of Shasta County.

2. Asking the publisher of Hearst's San Francisco Examiner to send a reporter to Redding to cover the story when it became clear the Indians were getting sympathetic treatment by other papers (the Hearst Corporation has large holdings in the area).

3. Discovering a "tame" Indian, Ike Leef, then writing a statement for him condemning the Indian militants, flying him to Redding on a company-chartered plane and arranging a press conference for him in the sheriff's office (invitations to the press sent

out by a PG&E public relations man, who also presided over the meeting).

THE OWNER?

Under white man's law, the existence of a license to occupy land is reasonable evidence. Why, then, didn't PG&E produce the government license to back up its assertions that it had a right to be on the Pit River? Why did it instead keep talking as if it actually owned the disputed property?

The probable answer: To bring up the matter of licenses in such a dramatic story, the subject of intense public interest, would have exposed a cover story that PG&E and the other private utility companies have been fostering for more than 50 years.

This is that they are bastions of individual initiatives, "taxpayers" carrying their own weight in society, competing under adverse circumstances with a government that intrudes unfairly in the domain of "private enterprise."

The plain fact is that the U.S. government set up the private power companies in the power business. PG&E, staunch defender of "private initiative":

1. Has built its entire hydroelectric generating system on public lands and waterways under federal licenses which allow it to operate but own none of the power-generating sites.

2. Has captured the power generation of irrigation districts, water agencies and municipal, state and federal projects—representing a public investment of billions of dollars—and got power dirt cheap from the agencies and sold it back to the public at a large mark-up.

3. Has utilized a nuclear technology developed by the public at a cost of billions, uses nuclear fuel produced at expensive government plants by a publicly developed process that uses huge quantities of cheap public power, and has its nuclear power plants insured by the taxpayers because no private insurer will risk coverage.

RIVER GRAB

It started in the early part of the century, when technological advances were making it possible to generate power at locations remote from marketing areas. Private power companies were grabbing up power sites on the nation's rivers, despite efforts by President Theodore Roosevelt and others to develop the sites in the public interest.

By 1920, the private power lobby turned the tide in Congress. It passed the Federal Water Power Act, which vested ownership of water power sites in the people but also created the Federal Power Commission with authority to grant 50-year licenses to private and public utilities for power development on the nation's rivers. Only token charges were fixed for the use of the water, and public recapture of sites held by private power companies was made difficult.

Many licenses were issued to private power companies and public agencies over the next few years. So now, 50 years later, many licenses are due to expire. This means that 18 per cent of PG&E's hydroelectric capacity is subject to recapture by the public by 1975, and all of it by 2013.

To anticipate the license expirations, the Federal Power Commission in 1964 set up procedures to recapture or relicense power sites that made an already difficult recapture procedure even more difficult.

The FPC issued the original licenses on its own authority. But now it will send its recommendations to Congress for action, at least two years before a license expires. If Congress does not recommend recapture, a new license would be issued. The new procedure has been challenged, but not tested legally. So, for the present, a mere licensing arrangement has, through private power lobbying, been perverted into a virtual grant in perpetuity of public property to private corporations.

Over the past 70 years, several public agencies also have secured water and power rights on California rivers and, in 1913, Congress tried to keep private utilities from benefiting from this granting of public rights.

That came in the Raker Act, which prohibited the city of San Francisco from selling private utilities the power it developed on the Tuolumne River from the city's Hetch Hetchy project while operating under a Federal grant.

But when Congress passed the Federal Water Power Act in 1920, it buckled under severe pressures from utility lobbyists and deserted the public power principles of the Raker Act.

Under the Water Power Act, several irrigation districts and water agencies, as well as the State of California, are free to sell public power from public projects on public rivers to PG&E for resale to the public.

WATER ACT

PG&E is making a killing off this public power, precisely the sort of thing the Raker Act was designed to prevent. Thus, PG&E exploits the public, not only through its own plants, built on the public domain under its own FPC licenses, but also by capturing the power generated by public agencies at plants built on the public domain under their FPC licenses or federal grants.

Historically, any time a public agency has wanted to dam a California stream, PG&E has followed a consistent pattern: Get the power into the PG&E system, or fight the project.

For example, PG&E and other private utilities fought the formation of the East Bay Municipal Utilities District in 1923. But PG&E and EBMUD have since worked out a cozy relationship.

Since EBMUD completed Pardee dam in 1928, PG&E has been getting all EBMUD power. EBMUD has never made even a gesture toward getting into the power business, even though the Municipal Utility District Act of 1921, which permitted the creation of EBMUD, authorized the district to go into the power, water and even the telephone business.

TWO EXCEPTIONS

Over the years, PG&E has captured every power-generating irrigation district and water agency in northern California, with the exception of two—the Turlock Irrigation District and the Modesto Irrigation District.

In 1952, PG&E commissioned an official 367-page company history, titled "PG&E of California: The Centennial Story of Pacific Gas and Electric Company, 1852-1952," written by C. M. Coleman. In it is found this pithy summation of PG&E's attitude toward public developments on the public rivers: "Although the Company fought hard to preserve itself from government competition, it always willingly gave cooperation to worthy public water projects."

To PG&E, a "worthy public water project" is one in which the public surrenders its most lucrative product, electrical energy, to PG&E.

This, then, is the historic PG&E pattern:

1. Let a public agency build the most expensive parts of a hydroelectric project—the dams and canals—which PG&E would otherwise have to build and pay taxes on, then contract with that agency to deliver the falling water to the nearest PG&E power plant.

2. Or, better yet, let the public build hydro power plants too, then get the power into the PG&E system at low, fixed annual rates, under long-term exclusive contracts.

3. Make it clear to irrigationists and municipalities that PG&E will block public projects if the power contracts are not signed with PG&E.

4. All the while, wage vigorous publicity campaigns to convince the public that public water and energy from public water are

logically and ideologically separable—that the public impoundment of water on a public river, and its distribution through public systems, is “a worthy public water project,” while the distribution of the inevitable by-product of the release of that public water—public power—is the expression of an alien and subversive philosophy.

5. Pose as an altruist and argue that PG&E's piddling payments for this public power are helping irrigators and municipalities to pay for their water projects, which could not otherwise be built.

6. Condition the public to ignore the fact that, if PG&E had exercised its self-celebrated “individual initiative” and built these projects for its power purposes, water users would still be getting the benefits from stored water that they now enjoy.

Today, 10 public agencies in California generate power for PG&E. Seven of them are under exclusive long-term contracts to PG&E, delivering all their electricity at low fixed annual fees to the company. One of them, the State Department of Water Resources, is under contract to deliver 56 per cent of the power generated at the \$500 million Oroville Dam to PG&E and the rest to Southern California Edison and San Diego Gas and Electric Co. until 1984. After that, all the power from Oroville Dam will go to PG&E.

BIG PROFIT

From all these public agencies, PG&E gets 10 per cent of the electricity it sells to the public. PG&E gets this power so cheap, and marks it up so high, that public power accounts for 25 per cent of the company's annual profits from electricity sales.

The Turlock and Modesto Irrigation Districts, the only two in California to do their own electrical retelling, charge 33 per cent less for electricity than PG&E does in the irrigation districts the company has captured. And the Turlock and Modesto Irrigation Districts pay for their projects without any “help” from PG&E, of course.

In reality, water at the tap and water power at the wall plug are merely different manifestations of the potential energy of water stored at high elevations. Yet, because of PG&E-generated confusion, citizens who would become enraged to learn that all the water behind a public dam had been diverted to a private corporation for resale to the public are not at all shocked to learn a private company is selling them their own electricity.

PG&E confuses the public at every turn. When PG&E builds a dam on a public river, it is called a “power dam,” even though downstream water users may benefit from the resulting year-round water supply. When irrigators, or municipalities, or the state or the federal government build a dam, PG&E propaganda conditions people to think of it as a “water supply,” though electricity, in vast amounts, may be produced from it—for PG&E.

“WATER” PROJECT

Today's multi-billion dollar California Water Project should be called a “power and water project,” since an immense amount of electricity will result from the state's impounding of Feather River water behind Oroville dam.

But PG&E and the other private utilities aren't openly fighting this project, for the simple reason that they are getting all the electricity from the public water project's \$500 million Oroville facilities and selling it back to the public at exorbitant rates. That according to the classic PG&E line, makes it a “water plan.”

The state Water Resources Department is more than a generator of power for private utilities. It also will buy power from them to help pump water through the California Aqueduct that will carry water from north to south in the California Water Project.

The Water Resources Department has contracted to sell the power output of Oroville Dam—3 billion kilowatt hours a year—to the private utilities for a low fixed annual fee of around \$20 million.

MORE MONEY

The utilities, in turn, will sell this hydro-power to the public during the peak daylight and early evening hours—and get an estimated \$42 million a year in revenue for doing it.

Then to supply the Water Project with the power for its pumps, the utilities will turn around and deliver 10 billion kilowatt hours of their thermal power to the state during the off-peak hours. That will cost the state \$26 million a year.

The utilities will sell the pumping power to the state at cost, but they nonetheless will profit greatly from it. For it will enable them to keep their power plants running steadily and not just during the peak hours of general public demand, and thus avoid the heavy costs involved in shutting down and starting up steam generating plants.

There's an ecological aspect to this, too. Since the amount of water to be let out of the water project's Oroville reservoir will increase as Southern California's population grows, more water will pass through the powerhouses to generate electricity. And since the private utilities have contracted for all of the power from Oroville Dam, the more overcrowded Southern California becomes, the more PG&E and the others will profit.

CANNOT LOSE

Even if political opposition or legal injunction were to stop the badly conceived and possibly illegal California Water Project, the private utilities will come out on top.

Oroville Dam already is built, the contracts for power have been signed, and the utilities are getting Oroville power.

Should the Project be blocked, or even delayed, the state would be relieved of part of its responsibility to husband water at Oroville, and would be able to make larger water releases for power generation to the private utilities.

If the Delta Peripheral Canal, last link between Oroville water and the California Aqueduct, is not built, political pressures will develop to find alternative sources of water to send south.

There would be a strong possibility that water would come from sea-water desalination plants, operated by the private utilities.

PG&E and other coastal utility companies are moving fast to get into that field and, with the Department of Water Resources, are now studying desalination in connection with thermal power generation, under an order from Gov. Reagan.

PG&E also has offered the U.S. Interior Department the use of its steam plants at Moss Landing and Morro Bay for experiments in desalination in connection with power production.

NUCLEAR PLANTS

Nuclear power plants are enormous heat producers, and studies by the Atomic Energy Commission show that this heat can be used to convert sea water.

When President Johnson announced this in 1964 and indicated that the government would enter that area, shock waves were set up in the private power industry. The industry's trade publication, *Electrical World*, saw an “insidious” threat. “The alternative,” said *Electrical World*, “is for electric utilities to assume a responsible role in the supply of potable water.”

In other words, the private power companies are planning to get into the water business. Thus, historic trends are demolishing PG&E's carefully contrived cover story that water projects are public business and power projects are private business. To maintain their monopoly, PG&E and other private

power companies must now get into the water business, too.

A further advantage to private power companies is that seawater desalination could be done during those off-peak hours when shutdowns are so expensive.

The implication for principled ecologist-conservationist foes of the Water Project is that they may be getting some covert, and unprincipled, support from the giant utility corporations of California.

Because of their strategic position in the economic life of the state and their enormous political power, the private utilities have been able to rig things so that, whatever the fate of the Water Project, the net result will be a public capital investment for their benefit.

Although Gov. Reagan has stopped the Upper Eel River Development, the study is continuing. This project on the north coast river has a direct relationship to the Oroville power contract with the private utilities, and is specifically mentioned in the contract.

Section B-8 of the contract provides that, after 1985, the Department of Water Resources can release, for power generation, an amount of water from Oroville Reservoir greater than that to be released from the Upper Eel River Development.

MORE WATER

The Upper Eel River Development would build a 700-foot-high dam at Dos Rios, in the Coast Range in Mendocino County, about 20 miles north of Willits, and would create a vast reservoir that would drown 30-square-mile Round Valley with its Indian reservation and the town of Covelo, 30 miles upstream.

The plan for the Upper Eel River Development is to feed its water into the California Aqueduct at the Aqueduct's point of origin in the Sacramento-San Joaquin Delta and send it to Southern California.

This could relieve Oroville Reservoir of its role as “key conservation unit” of water for Southern California and allow the state to make greater releases of water through Oroville's powerhouses—not to meet water demands in the south, but to generate power for PG&E.

The development also could counteract conservationist opposition to the Delta Peripheral Canal. By using water from the Eel River to supply Southern California, the Sacramento River can be permitted to flow at higher volume, flushing out the Delta and preventing stagnation in San Francisco Bay. This will mean maximum releases of water through the powerhouses at Oroville, for maximum generation of power for PG&E.

“OR ELSE”

Politically, this would be the alternative presented to the public: “Let us build the Upper Eel River Development, or the Delta and San Francisco Bay will be destroyed by diminished flow of the Sacramento River.”

PG&E will have maneuvered the state of California into building a hydropower facility for PG&E at Oroville whose generating potential nearly equals that of all the PG&E dams in California, plus a new source of public power for PG&E at Dos Rios, plus an off-peak market for PG&E's thermal power.

Alternatively, if the Eel River is not developed, there will be a brand new product to be sold by PG&E—desalinized seawater for the California Aqueduct, generated at PG&E's nuclear power plants.

STEAM PLANTS

The key to the control PG&E and the other private utilities have over public water power projects in California, apart from their ability to buy politicians and dominate newspapers, is their monopoly on thermal electric generating plants.

Hydro power, which is all PG&E permits the public to generate is variable. It fluctuates daily and seasonally, as well as from year

to year, depending on annual precipitation. Therefore, to make it salable for modern power demands, which are comparatively steady, it must be firmed by thermal power.

Since private companies have a monopoly on steam plants in California, it gives them enormous coercive powers over public agencies in disposing of public power. The companies tell the public in effect, "You will sell your power to us, and on our terms, or you won't sell it at all."

In 1941, when the Bureau of Reclamation first asked Congress for funds to construct a steam electric plant at Antioch to firm the power from Shasta dam, and build transmission lines down the Sacramento valley, the result was a parade of PG&E executives, lobbyists and attorneys that has never stopped. Result: The Central Valleys Project still has no steam plants, the federal project still is at the mercy of PG&E.

The California Water Project was originally designed to include a state-owned nuclear power plant, which together with the hydro power, would have made the project independent of outside sources of power to operate its pumps. The plant has not yet been authorized, though any observer of the private utilities in action knows that is intended to mean forever. Result: The private utilities will get \$39 million from Water Project power, plus an additional \$26 million payment for power from the Project itself, plus more economical performance of their steam plants and therefore greater profits.

More recently, PG&E blocked legislation which would have given the Northern California Power Agency, an association of 11 small municipal power cities, authority to jointly finance and construct a thermal power plant to serve their growing power demands. The bill had been passed by the State Senate, 21 to 4. Originally scheduled for the Assembly Local Government Committee, where proponents thought their bill had a chance, PG&E lobbyists got the bill switched at the last minute to the heavily pro-private utility Commerce and Public Utilities Committee by Assembly Speaker Robert T. Monagan (R-Tracy).

Observers on the scene saw evidence that the private power lobby had done an advance job on the committee members. The lobbyists were well represented in the audience. Assemblyman Kent Stacy of Kern County wryly asked the bill's author, Sen. Fred Marler of Shasta County, how he felt about changing the bill to add a provision to tax all publicly owned utilities, "as private utilities are." He was referring, of course, to the private utilities' pet project, the Bagley bill to tax public power cities, AB 908, recently withdrawn for the time being by its nominal author, William T. Bagley.

The committee, made up entirely of southern California conservatives, and headed by Robert Badham of Orange County, did not give the northern California cities a single vote.

Having fought successfully for decades to keep the United States government and the government of California from building steam plants in the state, the private utilities are not about to let 11 little cities do it.

The cities' desperate search for new power sources is based on the fact that the Central Valleys Project cannot supply additional power to its preferred customers (public power cities) after 1980. In 1967, PG&E forced the Bureau of Reclamation into an agreement that prevents the Bureau from accepting new preference customers or any new source of supply without the consent of PG&E and limits the amount of power CVP can supply to its existing preference customers to their estimated 1980 requirements.

The leverage PG&E used to get this lopsided agreement out of CVP was its monopoly on steam plants, on which the CVP is forced to rely for firming and making salable its

Shasta hydro power. The multi-billion dollar federal CVP, and the preferred customers that are eligible to receive its power, are securely in PG&E's vest pocket, barring future lawsuits for anti-trust violations.

The Federal Power Commission has retained jurisdiction to modify the 1967 PG&E-CVP agreement, but little hope lies in that direction: The chairman of the FPC is pro-private utility, and a vice-president of the Arizona Public Service Company is about to be appointed head of the FPC Bureau of Power (he will also continue on the company payroll).

Meanwhile, PG&E continues to encircle the 11 cities. During recent hearings before Sen. Philip Hart's Anti-Trust and Monopoly Subcommittee, R. W. Cowden, NCPA secretary, disclosed that PG&E has 1) refused to wheel public power to NCPA cities, 2) grabbed up all potential sources of non-PG&E power that the cities could use, including public power from irrigation districts and water agencies, surplus power from the Sacramento Municipal Utility District's Rancho Seco nuclear power plant under construction, also Union Oil's geothermal steam fields, 3) refused to join with the cities to construct power plants 4) sponsored the Bagley bill, 5) opposed legislation permitting cities whose charters are silent on the matter to issue revenue bonds for public electric systems, 6) had the NCPA banned from membership in regional utility councils. To this list must now be added PG&E's maneuvers to block the HUD loan, and the lobbying effort to block the cities from building their own thermal power plants.

PG&E's obvious intention is to put the 11 public power cities out of business and consolidate its historic theft of the public domain.

Suggestion to NCPA: Move to recapture some PG&E licenses coming up for expiration in the next few years, under provisions of the Water Power Act of 1920.

And PG&E has even more ambitious plans for the future—a future of nuclear power.

PG&E already has one nuclear power plant at Humboldt Bay near Eureka, and another near completion at Diablo Canyon near San Luis Obispo. Several more are being planned. In late September, PG&E announced it will purchase a quarter billion dollars worth of uranium fuel in 1971.

The company will buy crude, un-enriched uranium fuel from mining companies and turn it over to the Atomic Energy Commission, which will purify it to increase the proportion of fissionable uranium-235, then turn it back to PG&E.

The enrichment process is carried out at three AEC plants, including those at Oak Ridge, Tenn., and Paducah, Ky., that are in the service area of the Tennessee Valley Authority.

According to the FPC, industrial TVA power costs about half as much as PG&E and other private power. So the cost to PG&E for having its uranium fuel prepared by the government will be greatly reduced by the government's use of cheap federal power from the TVA.

If the government had to buy power from a private utility to enrich uranium for PG&E, its power bills would practically double, and this would be reflected substantially in the cost of nuclear fuel for PG&E.

Thus PG&E will receive another indirect public subsidy in the form of cheaper nuclear fuel, processed with cheap public TVA power that PG&E and other private utilities condemn as "socialistic" when it is used directly by the public.

It will be just another typical chapter in the story of PG&E, a huge public parasite that dominates the political life of the state, compels the public to create vast public works in its behalf, usurps the public's lands, rivers and technology, buys off and intimidates the press and even picks the

men who "regulate" it on the state Utilities Commission and the Federal Power Commission.

PG&E doesn't see it that way, however. Its official biographer writes:

"PG&E's position at all times has remained essentially the same—that of a staunch defender against political invasion of a business successfully created and maintained by individual initiative and developed according to the needs of a growing state."

HOW P.G. & E. GETS \$67 MILLION OF PUBLIC POWER

D. L. Bell, PG&E's vice president and treasurer, recently put on a poor-mouth act for the State Public Utilities Commission. PG&E, he maintained, must be granted \$67 million more a year in electrical revenues so that it can "maintain its credit and financial standing" with major investors.

The Guardian examined PG&E's rate application exhibits and discovered that, although Bell hadn't said so, PG&E already gets a public subsidy of \$67 million worth of public power.

The \$67 million—\$67.4 million to be precise—is that part of PG&E's annual revenue which comes from its sale of public power. This is power generated at public facilities such as dams, sold to PG&E cheaply and then transmitted and sold to the public by the giant utility.

It is by far the most profitable phase of PG&E's extremely profitable operations.

PG&E's own exhibits show the company made an incredible after-tax profit of 22 per cent in 1969 from the power it generated itself. However, its profits from the public power sales were even greater—a staggering 54 per cent.

In dollar terms, that was a profit of \$138,357,000 on PG&E-generated power and \$36,482,000 on the public power sales.

That made total profits of \$175 million—a figure that would rise by \$40 million if PG&E is granted its plea for \$67 million more in revenue.

None of this would be passed on to the public agencies which have created huge tax-free capital investment and profit windfalls for PG&E. Their fees are fixed under long-term contracts.

EXCERPT FROM COMMISSIONER VUKASIN'S CONCURRING OPINION

I have serious misgivings about the imputation of accelerated depreciation with flow through. In the first place, the question of whether to accelerate or normalize depreciation is not a simple issue, subject to simplistic solutions. Whether to accelerate or normalize is a highly complex matter requiring consideration of a multitude of interrelated facts. It is a question which requires the most astute and enlightened judgment which management can muster. I question the propriety of a regulatory agency such as this Commission substituting its judgment for that of utility management in this unique and complicated field.

HON. PHILIP J. PHILBIN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. RODINO. Mr. Speaker, it is inadequate to sum almost three decades of public service in a few short paragraphs, but I do want to join in honoring PHIL PHILBIN for his long and loyal service to his constituents whom he served with compassion and sensitivity.

He is a man whose fidelity to the public trust has been unswerving—his loyalty and love of country, steadfast.

As a colleague and friend I have found him always to be a man of grace and generosity, of charm and conviction. PHIL is truly a beloved gentleman and I wish for him in the years ahead fulfillment and the continued enjoyment of life's blessings.

GANDHI'S RELEVANCE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SHRIVER. Mr. Speaker, the Library Associates of Wichita State University in Wichita, Kans., have created a collection of works on nonviolent methods of effecting social change. Through the cooperation and assistance of the Embassy of India, and particularly its Minister for Political Affairs, the works of Mahatma Gandhi, and books about Gandhi have been donated to the Library Associates to comprise the cornerstone of this collection.

The Library Associates have just published an address by Maharajakrishna Rasgotra, the Minister for Political Affairs, Embassy of India in Washington, which was delivered on the occasion of the 101st birth-anniversary of Mahatma Gandhi on October 2, 1970. It also marked the formal presentation of the works of Gandhi to the university for the establishment of its collection on non-violence. It was my pleasure to participate in this dedicatory program and to introduce Mr. Rasgotra.

Under leave to extend my remarks in the RECORD, I include the important address entitled "Gandhi's Relevance" made by Mr. Rasgotra:

GANDHI'S RELEVANCE

I feel privileged to be with you on this occasion of the 101st anniversary of Mahatma Gandhi's birth and to formally present to the Wichita State University Library Associates a collection of the Mahatma's works along with a few books on his life and teachings. The Gandhi Centennial Year, which concluded on 2 October 1969, saw a great deal of revival of interest in this country in his philosophy of non-violence. That interest and the celebrations held throughout the United States in his memory are flattering to his compatriots. The Mahatma himself would particularly appreciate, I think, the interest evinced by American Universities in non-violence. Throughout his active life he had devoted special attention to the youth and emphasized the need for the young to imbibe the spirit of non-violence in their lives. He was a man of great aims; and he knew that students and the young generally, more so than their elders, possess the ability to throw themselves into the service of great aims of the kind which he had set out to achieve.

Recollection of Mahatma Gandhi's life and work is often mingled with some scepticism or questioning about the applicability of his philosophy of non-violence to our problems. People ask: Is Gandhi relevant to the world of today? Is he relevant to the West? Is Gandhian non-violence a practical proposition? Hasn't Gandhi's mission failed?

Gandhi, as I said, was a man of great aims and high ideals. His success, remarkable as

it was, was, therefore, bound to be relative. Our own failures in India to keep to his path and carry forward his work also are failures only in a relative sense. Gandhi's aims and ambitions were too high to reach complete fulfillment in the short span of a century. But the character of his endeavour already lends impetus to the evolutionary process which leads mankind toward the goal of a life without hate and a world without war.

In the flow of time one age follows upon another, the past becoming the present today and turning into the future tomorrow. To that flow of time, endeavour toward human improvement will always be relevant. Gandhi's faith in Truth and non-violence, his belief that Truth is God or that in truly human conduct there is really no alternative to non-violence, sprang from the very depths of human experience. Gandhi will, therefore, remain relevant so long as life and time remain relevant.

In his three-dimensional life of an individual human being, a patriot and a world citizen, the human dimension took precedence in the sense that the experiences, beliefs and principles that flowed from it shaped the rest. Having found his humanity, he remained faithful to it till his last day.

Gandhi was a deeply religious man with profound reverence for life in all its forms. To him, religion was not a matter of form or compliance with a code: it was a deeply spiritual experience, a personal encounter with the Divine. He made no distinctions between temples and churches and mosques. He reached the heart of every religion through the heart of his own. In the process, he discovered the basic truths that there is but one God who permeates all that is, that different religions are but different roads converging to the same point and that despite its apparent diversity of color and creed, all humanity is one.

From these truths Gandhi proceeded to overcome the discords of human nature and the divisions within human society. He wanted to develop a new type of human being, free from fear, greed and hate, a being liberated from the vicious grip of violence and at peace with itself and its environment. Gandhi regarded man as being in the process of evolution towards the fullness of his inherent nobility. He had great hopes for man's improvement. While human life persists, those hopes remain relevant.

Gandhi viewed human society also as ceaseless growth or, in his own words, as an "unfolding in terms of spirituality". He traced the course of human civilisation from cannibalism to stable community life as progress in the gradual adoption and practice of non-violence. He interpreted that progress as the law of human life; and since his concern fundamentally was with human condition, he wanted that growth or "unfolding" not only to continue but to be accelerated. The acceptance of non-violence by the individual and by human society, therefore, became Gandhi's principal mission in life.

He saw around him the gathering violence of the age of the two World Wars and the harnessing of the power of atom for man's destruction as a challenge both to human life and human civilisation. He believed that the sum total of the energy of mankind could not have been intended to bring human beings down, but only to lift them up, and that the latter could happen as the result not of brute force but of the definite, if unconscious, working of the law of love—the law in other words of non-violence. That is the genesis of his message: the core of that message is:

"Destruction is not the law of the humans.

"Non-violence is the law of our species as violence is the law of the brute.

"The spirit lies dormant in the brute and he knows no law but that of physical might.

"The dignity of man requires obedience to a higher law—to the strength or the spirit."

Gandhi was no idle visionary. He was an idealist but a practical one. The problems of real life seldom escaped his notice. His solutions, often unconventional, were surprisingly realistic. Some of them seemed strange because smaller men than Gandhi had long ago given up the search for answers to the problems in question.

He was sensitive to the injustices of life in organised society. He saw around him discrimination and denial, disparity and exploitation, and the wrong and oppression of alien rule or domestic overlordship; he saw these and other ills perpetrated by force, and he saw the need for a superior force to rid these evils with and to reform their perpetrators. His answer was as simple as it was profound: evil persists, he said, because we pay it the homage of cooperation or submission; a slave is a slave because he consents to slavery; man must learn to say 'no' to what he ought not to accept or tolerate.

There was no need to defy wrong with violence or with arms, said Gandhi. For violence would only bring forth more violence aggravating the existing wrong. It would suffice to resist wrong by refusing to submit to it in any circumstance.

On the basis of the experience gained in facing and dealing with the humiliation and anguish of racial discrimination in South Africa, he built these homely truths into his method of Satyagrah. It is the method of simply insisting on one's just rights, of securing those rights by personally suffering for them, by dying in the process of suffering if need be and not by imposing suffering on others. The elevating power of love, the ennobling effect of sacrifice and the reformative quality of non-violence were his weapons in the battle for the supremacy of man's spirit.

Gandhi's non-violent non-cooperation aims its appeal at the opponent's heart with the object not of coercing but converting the wrong-doer. His method was the method of ridding man's mind of hate, of casting away vengeance and of allowing love to permeate the beings of the adversaries to bring their innate humanity to the fore. He was a man in the mould of the Buddha and Christ. His aim was to liberate man not only from the shackles of outer violence but also from that more insidious violence that preys upon the spirit from within—the violence of hate and ill-will and revenge. There are not many like him yet and there will, perhaps, never be many like him, but, at least, in his own life he gave us an example of the liberated man. In the ages to come, that example will be of relevance to human beings aspiring toward the fullness of their humanity.

Is Gandhian non-violent method applicable to sociological, economic and political problems of modern society? There is no doubt that he intended it to be used by individuals as well as by communities, in personal, domestic as well as political affairs. In fact, he regarded the universal applicability of Satyagrah as proof of its permanence and invincibility. He made only one condition to its use: that those who employ it learn to differentiate between man and the brute and have faith in the superiority of human nature. He wrote:

"Only those who realise that there is something in man which is superior to the brute nature in him, and that the latter always yields to it, can effectively be passive resisters. This force is to violence and, therefore, to all tyranny, all injustice, what light is to darkness. In politics, its use is based upon the immutable maxim that government of the people is possible only so long as they consent either consciously or unconsciously to be governed. . . .

"Its use, therefore, is, I think, indisputable, and it is a force which, if it became universal, would revolutionise social ideals and do away

with despotisms and the ever-growing militarism under which the nations of the West are groaning and are being almost crushed to death—that militarism which promises to overwhelm even the nations of the East."

It is clear that so far as Gandhi himself was concerned, he regarded Satyagrah as not only applicable to socio-economic and political affairs but as a necessary means of reforming and purifying politics and of reinforcing the democratic process. He demonstrated its relevance to the entire range of human problems by applying the technique of Satyagrah successfully and on a massive scale not only in India's struggle for independence from British rule but also in his campaign to eradicate evils, such as untouchability, which were corroding the structure of Indian society from within.

Throughout the struggle for independence, which Gandhi led over a period of three decades to final success in 1947, there was a school of thought within the independence movement that advocated the use of violent force to expel the British from our country. Gandhi was all for expelling the British, though that was not all he wanted. In the process of regaining India's independence, he wanted the masses of the Indian people to come into full awakening as to their rights and duties as constituents of a democratic State. He did not regard a mere change of foreign rulers for native ones as the real remedy for India's ills.

He felt deep concern for the dignity of the common Indian: he was concerned with his social disabilities and economic plight; he wanted him to exercise his right to be free and self-governing in the fullest sense of the phrase. He felt that the use of violent force to free India from British rule might carry with it the possibility of the Indian masses going under the dominance of some other rule by force, which would be equally repugnant. He wrote:

"The attainment of Swaraj (i.e. self-Rule) through warfare, on the whole, is an impossibility for any time that we can foresee. Warfare may give us another rule for the English rule, but not self-rule in terms of the masses".

Gandhi objected to violence not only because he was confident that freedom could be gained through nonviolent action but also because of his ethical concern that "the good that sometime seems to come from violence is only temporary whereas the evil it does is permanent". His concern was twofold: he feared the brutalising effects of violence applied on the scale of India's geographic and demographic dimensions, and he felt apprehensive about its consequences to the future system of government in India. In the course of a reflection on the growth of despotism, he wrote:

"History teaches one that those who have, no doubt with honest motives, ousted the greedy by using brute force against them, have in their turn become a prey to the disease of the conquered".

His aim, he said, was that while prosecuting their cause, the Indians should also arouse the best in the Englishmen and the two together be a force for human understanding and goodwill. As a result, the largest transfer of power in human history took place from Britain to India not in defeat for one and victory for the other but in shared understanding that it was good for both. On the domestic side, the stability of the democratic process in India is due largely to Gandhi's wisdom and foresight.

The historic character of the event of India's independence has, perhaps in a sense, overshadowed an equally grand achievement of Gandhi's non-violent method in the field of social reform. The practice of untouchability in the age-old framework of the caste system had alienated millions of Hindus from the Hindu society. Gandhi moved to

eradicate the evil by identifying himself completely with the untouchables. For years he lived and worked among them setting aside, now and again, the calls even of the struggle for independence which was so close to his heart.

Gandhi knew that the practice of untouchability had not been intended by the lawgivers of Hindu Society, that there was no moral or religious sanction behind it and that it arose, perhaps, from a desire on the part of a privileged sector of the society to perpetuate its hegemony over a less fortunate sector. Obviously, it was a distortion which the passage of time had somehow sanctified. Gandhi revolted against it and called upon the Hindus to discard the practice which was both anti-religious and immoral. "Hinduism", he said, "has sinned in giving sanction to untouchability. It has degraded us, made us pariahs".

His campaign of work among the Harijans—he gave that name meaning children of God to the untouchables—punctuated with penitentiary fasts, prayers, marches and protests, and agitation against specific cases of denial or discrimination, while bringing new awakening and a consciousness of their political and social rights in the ranks of the Harijans, generated a sense of shame and remorse among the privileged castes. He thus created an atmosphere of response in which a coming together of the two could begin. In the process he set in motion forces which would release the Indian society as a whole from the grip of age-old inertia and stratification.

The abolition of untouchability through a provision to that effect in the Indian Constitution followed the awareness that Gandhi had injected into the Indian society of the existence of an evil within its folds. Social evils of this kind hardly ever disappear because of the adoption of a law to that end though Constitutional or political action helps. Social action is by far the more important and Gandhi's approach of peaceful defiance of the evil, of exerting moral pressure for its removal proved highly successful. In this way, by bringing about a change in group behaviour he averted a division leading to probable conflict. And what is more, through the impact of moral force he generated a whole process of change and guided it into channels of constructive and cooperative reform.

This idea of the impact of moral force is of unquestioned relevance to societies in which minorities suffer certain disabilities, or denial of their political and other rights, because of racial prejudice or other factors. Gandhi's method should be of special importance to such minorities as its success does not depend on the strength of numbers. In India the technique of Satyagrah was applied by a vast population in its legitimate struggle for independence from the rule of an alien minority. In those circumstances violence would also have succeeded by the sheer weight of numbers, though India's achievement would certainly not have been as glorious as it was. Minorities need far more than do majorities this invincible force of non-violence.

It is well to recall that Gandhi's method of persuasion through moral pressure by exposing to open view the injustice and inhumanity of the wrong sought to be removed was first devised and applied in South Africa where a minority community of Indians was denied its civil and political rights, discriminated against and subjected to all manner of other indignities. Since a minority's best hope is in securing recognition and acceptance of its legitimate rights, in converting to its just cause rather than seeking to coerce those who oppose it, Gandhian Satyagrah is a minority's surest weapon in the fight for a life of dignity and equality with others. For, this method is one in which, given the cause,

the determination and sincerity and sacrifice of one man will make a difference by shifting the weight of injustice and wrong. Gandhi made that difference in India. And in this country the sincerity of purpose and the martyrdom of Martin Luther King have made a vital difference, even though some may be slow to perceive it.

King, like Gandhi, preferred non-violent action to vindictive force. He believed, as did Gandhi, that non-violence did not mean passivity. Like Gandhi, he regarded non-violent action as the necessary supplement and stimulant to the process of change. King's choice was not only politic and practical, it was wise and humane, and it arose from the conviction, which he shared with Gandhi, that "non-violence is the answer to the crucial political and moral questions of our time". He, therefore, advocated this method of non-violence, the method which rejects revenge and aggression, and retaliation, for resolving all human conflict.

King's short life ended, like Gandhi's, in martyrdom to non-violence and inter-communal peace. That two different men should arise at two ends of the globe and in circumstances not entirely identical should pay the supreme homage of martyrdom to this method of non-violence is itself evidence of its humanity, its universality and its continuing relevance to mankind.

The relevance of Gandhi's economic ideas has, perhaps, been much more in doubt than many other aspects of his philosophy. In his own lifetime, in India itself, several people regarded Gandhi's economic philosophy as idyllic, impractical and irrelevant to the age of great technological and industrial advances of the 20th century. He wanted 500,000 villages of India, where the vast bulk of Indian humanity lived and suffered in hunger, to develop self-sufficiency. For the villagers of India he wanted not affluence but a decent and dignified life full of work and free from hunger. The curse of their lives was unemployment or under-employment, and the emphasis of Gandhian economics, therefore, was rightly on the villager not only providing food for himself and the towns-folk but also employing his spare time in cottage industry like spinning and weaving for his own needs. Logically enough, Gandhi emphasized the unsuitability of indiscriminate industrialisation which was associated in his mind, from British experience, with exploitation.

He was not opposed to machinery as such: he was opposed to machinery displacing human labour. In India's conditions of surplus human labour and widespread under-employment as well as unemployment in the countryside, Gandhi's view makes excellent human sense. As the Green Revolution and the modernization of agriculture take hold in India, the unemployment situation may get aggravated; and we may have to eschew the temptation to mechanize farming and pay even greater attention than hitherto to cottage and small-scale industries in our villages and generally to reshape our priorities to better fit into the framework of Gandhi's concern for the Indian villager.

But Gandhi's economic philosophy and its ethical framework have another, larger, significance to underdeveloped countries and the world generally. Economic conditions in the India of the 30s and the 40s were even more atrocious than those which precipitated revolutions in the Soviet Union and China. Gandhi was suspicious of the aggressive, acquisitive instincts of capitalism. He did not, however, think that a revolution of the Marxist-Leninist variety was the answer in Indian conditions. Gandhi was the most thoroughgoing revolutionary of his time, but he did not accept the necessity of the destruction of the old order to build the new. Nor did he share the Marxian view that economic man is the whole man. For him, a revolution which touched only the economic side of man's life would be no revolution at all. A

revolution of bloodshed and indiscriminate destruction, he thought, would do more harm than good; for, whatever else it did, it would certainly bring anger, humiliation and revenge in its wake: and brutalisation of the spirit of man he wanted to avoid at all costs. He was resolved to fashion the Indian revolution with the weapons of truth and non-violence.

To the wealthy and the privileged in India, he said that non-violent system of government was clearly an impossibility so long as the wide gulf between the rich and the hungry millions persisted. He told them to regard themselves as trustees of the poor and to dispense their wealth for the latter's well-being. He asked them to practice the ancient Indian ideal of surrendering for the common weal what they possessed in excess of their needs, the ideal of non-possession which he practised daily in his own life. When a wealthy capitalist with humanitarian pretensions asked Gandhi's advice as to what the rich might do for the well-being of the poor, his advice was: "Get off their backs." To the first popular Government of India he counselled shaping of its policies to fit the ends of social justice in peaceful change. He advocated planning and minimum necessary State control of capital as well as industrial production to ensure that the benefits of progress reach right down to the mass of Indian humanity.

Gandhi did not consider class war as inevitable; and it may now be said that even part-implementation of his ideas has helped India to avert one for which British rule of 200 years had amply prepared her. A part of Gandhi's relevance lies in the fact that he gave to a violence-ridden world this idea of peaceful change as a valid and practicable alternative to bloody revolution.

Gandhi once summed up his ideas about economic equality, which he regarded as the master-key to democracy and peace, in the following words:

"I suggest that we are thieves in a way. If I take any thing that I do not need for my own immediate use, and keep it, I thief from somebody else . . . Nature produces enough for our wants from day to day, and if only everybody takes enough for himself and nothing more, there would be no pauperism. . . ."

There is some controversy these days in some of the more affluent lands as to the validity of the rationale behind financial and technical assistance for underdeveloped countries like India. This debate goes on in countries which with about 10 to 15% of the world's population collectively consume some 70 to 80% of the world's total resources while millions in the rest of the world go hungry. No one is asking them to unburden themselves of their affluence or possessions. The debate goes on in the context of a suggestion that rich countries spare 1% of their G.N.P. toward assistance for developing countries from whose resources they have benefited in the past in one way or another. And while this debate goes on, another division grows and widens pitting the poor of this Earth against its rich.

The world has come a long way since Gandhi's death 22½ years ago. Explorations of outer space seem to indicate that we should all have to continue to share this planet for our existence and that, therefore, it is time for us to think in terms of one, planetary economy. In that context, Gandhi's suggestion that those of us who take more than their need are thieves does appear to be of poignant relevance.

Gandhi is relevant and will remain relevant in yet another sense. He was a man of peace whose aim it was to prepare his fellow human-beings for life in a world without war.

He had no grandiose plans for disarmament or for a world government; he put forth no blueprint for international tribunals

or police forces and the like to keep peace. While he was himself prepared to face an aggressor single-handed and un-armed, he was restrained in offering advice to governments, even to the government of independent India which he had helped bring into existence, about dispensing with armed forces. He gave moral sanction to the use of India's army in the defence of Kashmir against Pakistan's invasion in 1947. He would have whole-heartedly endorsed Nehru's call to arms to an India which was practically without arms when the Chinese invaded it in 1962. He had said in his lifetime on several occasions that he would prefer to see India defend herself with arms than submit to aggression in cowardice. Gandhi would have, of course, preferred to see India sacrifice herself in non-violent resistance to the aggressor, but he knew that the road to perfection in the practice of non-violence, especially between nation states, was bound to be hard and long.

There is too much of the arrogance of power of nuclear and other arms, too much of war and the odour of killing around us to give hope that Gandhi's dream of a warless world is close to realization or that the world-order, such as it is, is ready to adopt Gandhian Satyagrah as the equivalent of war in dealings between nations. But it would not be fair to say that in his search for peace, which he ardently desired, Gandhi let his vision outrun the reach of human potential. He was a man of high hopes and grand designs, but he believed in reaching them step by step through humble approaches.

Gandhi taught us that the way to perfection or improvement of the life of a society or nation, and of the world community as a whole, lies through improvement and perfection of the individual. A society or nation can hardly live at peace with another until man can make peace with man. And man will not be at peace with man until after he has found peace within himself. That peace, Gandhi said, comes from the banishing of violence from man's heart. That truth will be forever relevant to life; so will Gandhi be forever relevant to the world.

NEW ECONOMICS NEEDED IN THE NEW YEAR

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. ULLMAN. Mr. Speaker, as we start a new year, it is worthwhile to review where we have been in 1970 and where we may be headed in 1971. We are still a strong nation today—still the best example of working democracy in the world, still the richest in natural resources and industrial wealth.

But if we are going to move forward, we will have to begin to act in 1971 to solve the problems that have undermined our progress in 1970. A basic source of our difficulties is an unstable economy. Despite all the talk in 1970 about fighting inflation, we begin 1971 with prices still rising at the rate of 6 percent or more a year. We continue to face inflationary wage settlements in major industries that force the cost of living higher and higher. We have to pay 8 percent or more on a new home mortgage, a rate so high that most people are forced out of the market.

Those who work may be able to manage to make ends meet. But the retired

and others living on fixed incomes get farther behind each day as inflation eats away at their pensions and their savings. And increasingly, more and more men and women are pushed into the ranks of the unemployed. No matter how statistics are juggled, we cannot escape the cold fact that unemployment is nudging the 6-percent level.

We need answers to these problems in 1971. The administration must act on wage and price increases, establishing the tough guidelines that I have been urging for nearly 2 years. It must act to control credit so that interest rates can come down in meaningful places such as the housing market, rather than just for prime business customers of the big banks.

Hobart Rowen, the astute business and financial editor of the Washington Post, conducts his own review of the 1970 U.S. economy in an article today, and finds it in difficult straits. He observes that the essence of our economic problem is a crisis of leadership and confidence that the administration must resolve if we are to get the country moving again.

The article follows:

THE ECONOMY'S VICIOUS CYCLE

(By Hobart Rowen)

Any way you want to slice it, Mr. Nixon's year has been disappointing on the economic front. Unemployment is nudging close to 6 per cent, higher than it has been since 1953; by anybody's definition except Mr. Agnew's this is a recession and not just a slowdown.

On Christmas Eve, the administration had some "good" news—the November increase in the cost of living was "only" 0.3 per cent (an annual rate of 3.6 per cent), the second smallest increase of the year.

But this figure disguised the fact that the abatement in the rate of price increase was almost exclusively in food items (where prices have been dipping for three months). Everywhere else, the story was discouraging: the non-food items and services were up by 0.6 per cent (an annual rate of 7.2 per cent), meaning that inflation in those areas is just as bad as ever.

A year ago, Mr. Nixon faced 1970 with the forecasters divided over prospects for the economy; the optimists (including the Economic Council) thought that recession could be avoided, although economic growth would be slow, while inflation would be cut back some.

The pessimists were closer to the mark: they predicted a recession, unemployment reaching the 6 per cent level, and persistent inflation.

Some of the latter were too gloomy: Milton Friedman, for example, saw a 90 per cent chance of a recession as sharp as that in 1960-61. On the other hand, the fiscally oriented economists like Otto Eckstein, Paul Samuelson, Walter Heller, Arthur Okun and Joseph Pechman all predicted a gross national product around \$900 billion (it's turning out to be about \$977 billion) and a real growth rate of 2 per cent (it turned out to be zero).

Beryl Sprinkel, a leading monetarist, had a peculiar combination: his growth rate and unemployment guesses were right on the mark—but his GNP forecast was a clinker—\$986 billion.

By and large, the monetarists' guesses were based on the assumption that the restrictive stance of the Federal Reserve in the last half of 1969 had pretty well cast the die for 1970, because of the lag between policy shift and its actual impact on the economy. But they calculated that tight money would work within a nine-month period to control inflation—and it hasn't.

It was assumed a year ago by both groups of forecasters that the Federal Reserve System, soon to come under the direction of Arthur F. Burns, would gradually junk the tight money policy and move into an expansionist phase. This, indeed, began to happen at the end of February: in contrast with a zero rate in growth in the last half of 1969, the money supply has been allowed to expand by an annual rate of about 5.5 per cent this year.

Where the fiscal optimists missed the boat was in the assumption that elimination of the tax surcharge and the addition of new Social Security benefits would give the economy a boost. Moreover, they relied on surveys that indicated a continuing boom in business spending for plant and equipment.

(This is as good a place as any to observe that administration and Federal Reserve economists were more perceptive than private business analysts early last year in predicting that survey forecasts—including the government's own—for a bulge in P & E spending would not be sustained.)

The economy, in fact, did not get a combined business-consumer spending push, even though the government's fiscal posture turned from surplus (a tiny one) to a deficit (a big one).

Initially, it will be recalled, Mr. Nixon started with a projected surplus of \$1.3 billion. But there were signs by spring that the "game plan" wasn't working, and Mr. Nixon shifted modestly toward expansion, nudged by the postal strike, and worries (well-placed) that began to be evidenced among the party faithful about the November election. As the economy did in fact move down (which reduced receipts), Congress overspent Mr. Nixon's budget and ignored his tax requests, with the result that the original \$1.3 billion surplus has turned into an estimated \$12-\$15 billion deficit.

There has been a comparable shift in the prospects for the so-called full-employment budget: a huge surplus anticipated earlier has been reduced to a much smaller one for fiscal 1971.

Most likely, the drop-off in business plans for expansion and in consumer buying reflects two things: high prices (including the extraordinary cost of money) and a lack of confidence in the future. So far as consumers go, this is shown in the record level of savings out of regular income.

The invasion of Cambodia, the subsequent stock market collapse, and the Penn Central bankruptcy—all of these contributed to anxiety about the future.

So long as unemployment remains high, it is doubtful that consumer spending, so much a key to recovery, will loosen up. Yet, it is a vicious cycle; so long as consumers keep their pocketbooks buttoned up, production, sales and hence jobs aren't likely to zoom upward.

Hence, administration economists led by Economic Council Chairman Paul W. McCracken are pressing hard on the Federal Reserve to push the money supply higher: instead of the 5 per cent money growth target, they'd like to see something around 7 per cent.

Their argument is that inflation in 1971 will respond to the cautious policies and recession of 1970; that the high level of unemployment has already applied the brakes to excessive wage settlements; and, thus, now is the time to press for expansion. In terms of the Gross National Product, they want economic growth that in real terms would have to exceed 8 per cent (over recent strike-depressed levels) for the next 18 months. And that's where they bump headlong into Arthur Frank Burns and the majority of the governors of the Federal Reserve. In the board's last policy statement (these are published with a 90-day lag) only "a few" wanted a faster money growth than 5 per cent. And "a few" governors warned,

as well, about placing so much faith on any specific target for the money supply. Burns, it should be noted, is a devoted friend but not a convert of Friedman's.

The sticking point is that Burns doesn't believe the inflationary threat is over, especially from the wage side. He feels that business won't start again on a new expansion trend until it sees consumer spending moving up. Consumers, he feels, will be disposed to save, not spend, while the CPI keeps climbing; and he tells Mr. Nixon that the CPI will continue to mount, via the cost-push route, until the administration adopts the Burns notion of a Wage-Price Review Board.

To those around the White House (Burns calls them theologians) who insist that a direct attack on excessive wage and price increases (badly labeled an "incomes policy") won't work, the Fed Chairman says: "Try it."

He would have the board challenge certain companies and unions by public exposure of the facts, perhaps developing a sort of "case law" out of which a specific numerical guideline might emerge. In effect, Burns would tell the businessman and labor leader: "Be cautious and conservative or run the risk of a presidential crackdown."

So far, Mr. Nixon has resisted the Burns advice; and there is nothing to indicate that he has bought the CEA's expansion line. Given the weak track record of all the forecasters last year, he perhaps had a right to be dubious about anyone's assurance that he has divine economic wisdom.

But if Mr. Nixon, like John Kennedy in 1960, wants to get the country moving again, he'll have to find some way of restoring the sort of confidence that encourages businessmen and ordinary people to spend their money.

SHOULD COLLEGES RETAIN STANDARDS OF EXCELLENCE?

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. COLLINS of Texas. Mr. Speaker, it is amazing how much one learns by reading the newspaper. Did you read the stimulating column by Evans and Novak on "Open Admissions Wrecking Colleges?"

This article discusses the results when anyone with a high school diploma can enter any of the colleges comprising the City University of New York. This CUNY system has built up national respect by academic standards of excellence. Now the politicians say everyone may go. I agree with the scholarly Professor Louis Heller who commented "Open enrollments—a political device for conferring a college degree without giving a college education."

One issue that is very plainly questioned is this—should everyone go to college. On a recent trip I took to South America, I was impressed with the problems arising with their college graduates. They have a degree with no place to go and no one needing their services. So they are frustrated and resentful of society.

Yesterday, I received a letter from a college administrator at home. He wanted me to help get them into a Federal college program for the low income, unemployed to become librarians. In my

answer, I questioned whether this particular group would have the academic background to be librarians. If we put them through a 4-year, no-fail course, we would have many people listed as librarians but who could not measure up.

A college education has become a status symbol. It means dignity and prestige. But if a young man or woman gets a degree, and does not get an education, they are mixed up for life.

Let us have more emphasis on vocational education. A bricklayer makes about twice as much as a bank clerk and leads a healthier life. But the bank clerk wears a coat and tie, and has dignity. In my book, I prefer the man who is working, sweating, and is superior in his trade.

I could put on a Dallas Cowboy football uniform, but that does not mean I am good enough for the team. If I tried to race Hayes he would leave me in the shade. If I tried to catch a pass against Renfro, he would get it every time. If I tried to tackle Thomas, he would run over me. The Dallas Cowboys are my team and I am proud of them—but I realize that I am not qualified to play. And what is more, if I tried to play, I would be the most bruised, kicked around neglected, frustrated man on the field.

Let us leave the team of the pros. And let us leave college as a center of excellence in academics. University should be for those who are qualified.

Read this interesting report by national syndicated Rowland Evans and Robert Novak. This reprint is from the Dallas Times Herald of December 24, 1970:

OPEN ADMISSIONS WRECKING COLLEGES

(By Rowland Evans and Robert Novak)

Utterly baffled by the profundities of first-year history at City College of New York (CCNY), a newly enrolled freshman this fall told his professors he simply could not make sense out of the textbook "because too many words are just too long."

Such a heart-rending incident could not have occurred in years past. Such a student would have been academically ineligible for CCNY, the tuition-free college ranking among the nation's best liberal arts schools. Under the new open-admissions policy, however, anybody in the city with a high school diploma can enter City University of New York (CUNY), a sprawling educational complex of junior and senior colleges (including CCNY) and graduate schools.

Although CUNY's administrators deny it, faculty members complain the incident of the bewildered freshman is commonplace. Thus, the preliminary estimate of critical faculty members is that the quality of instruction is declining and will continue to decline. "To be perfectly frank," history Prof. Howard Adelson told us, "there are indications that this college is finished as a learned institution."

The avowed reason for open admissions is that a tax-supported institution must provide service for ALL the city's residents, regardless of qualification. The harshly practical reality, however, is that student radicals at CUNY would have blown the lid off the school if the policy had not been adopted. Moreover, some administrators privately praise the policy for an entirely different reason: taking slum youth off the street.

QUESTIONS OF POLICY RAISED

The financial cost is staggering. The burden of CUNY's 15,000 extra students under open admissions adds another \$20 million to the \$320 million annual budget without even

providing space for the enlarged enrollment. Soon, the annual cost of CUNY will be \$1 billion, to be borne by a society reaching the upper limits of its tax burdens.

But the academic cost is even more disturbing. CUNY administrators stress that unqualified freshmen are given remedial courses in reading and arithmetic. The flaw in the program is that the student receiving remedial reading can also take regular courses in history, science, or economics, drastically impairing the level of instruction.

Certainly, the end is near for CCNY as an "elitist" institution where sons and daughters of the poor could obtain a free education of Ivy League caliber. "I think the conception of academic standards is going to change," CUNY deputy chancellor Seymour Hyman told us.

NO FLUNKING OUT FOR TWO YEARS

Indeed, the concept is changing radically right now. The Negro or Puerto Rican youth, given a diploma in New York City high schools without regard to ability to read or write, will not be flunked out automatically at CUNY. An informal arrangement proposes that new students not be flunked out until after 1½ years, giving everybody a two-year free ride.

But worried faculty members fear that the two years may stretch to four, and the CUNY degree will become as meaningless as a New York City high school diploma. Hence, the formulation of classics Prof. Louis Heller: "Open enrollments—a political device for conferring a college degree without giving a college education."

Just how many faculty members agree with Heller is impossible to determine. Critical professors described for us a climate of fear, based on actual death threats to faculty members, professors beaten up in their classrooms in the violent spring of 1969, and a rising tide of student power giving students influence over the professional futures of the faculty. Thus, silence is understandable.

But such absence of criticism cannot deflect national academic attention from what is happening at CUNY and particularly at CCNY. In the months and years ahead the cost to higher education of egalitarianism-run-wild may be incalculable.

CHIEF HOSEA KUTAKO

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. LOWENSTEIN. Mr. Speaker, one of the great men of the 20th century died recently, and it is a measure of the isolation in which his people are kept that most of the world took almost no notice of his death, or for that matter, of his life.

Hosea Kutako, Paramount Chief of the Herero people of Namibia, lived his whole life in bondage in his own land. Such was his mind and spirit that had he been free to speak and travel he would have been one of those transcendent souls whose lives touch the whole of mankind and leave the world wiser, stronger, and kinder for the contact. As it was, he managed the miracle of touching his troubled land with his strength and goodness—even, one suspects, touching his wardens in the process. He made his life a triumph over the most onerous adversity, but his death reminds us of the tragedy of his people, locked away behind deserts and fences and guns.

How much was lost to the human race because so little of it ever knew Hosea Kutako. How desperately it needed his presence, and how tragic that what it needed so desperately was on hand but denied to it by the successful arrogance of a few white men. How high a price we pay for racial arrogances, and how little we can afford them.

Chief Kutako lived to see four-fifths of his people exterminated by German settlers, and then to see the remnant, adopted as a "sacred trust" by the conscience of mankind, imprisoned and robbed by the sacred trustee. It is the wonder of this man that in the face of such oppression he yielded neither to the oppressor nor to the temptation to become in spirit or deed like the oppressor.

I know these things about Hosea Kutako because I had the extraordinary fortune of meeting him while I was in Southwest Africa with two other Americans a decade ago. We were collecting information about living conditions under the mandate to present to the fourth committee of the U.N., where for some years Rev. Michael Scott had been carrying on a lonely crusade against the way South Africa was administering the territory.

We met Chief Kutako clandestinely, in a cold hut in the desert at night, to hear his story and tape his views. Few moments have affected more enduringly my sense of what I would like to do with my life, and no single meeting could show more specifically the impact one man's greatness can have on everything around him.

While we were taping, a warning came that police were closing in. People panicked, and we started to flee. The old chief rose and began to talk. His calm settled everyone, and his great eyes looked through us. He told us not to "go in bitterness." He said:

More bitterness can only bring more hatred, and in hatred lies help for no one. Go rather in peace . . . and tell of our sadness, for the Creator does not wish that any of his people should live as now my people must . . .

My people are few. They are far away. There are so many other things, it must be easy to forget my people. What we suffer is perhaps insignificant. I would only remind those who are more fortunate that God sent His only Son to earth to die that men could live as brothers, that men would learn to share together and to love one another. If our suffering here is not important, surely it is important that so many of our brothers everywhere are weary and heavy-worn.

It is our prayer that those who have so much will remember the sacrifice of God before it is too late. If they do not soon remember, I fear that they will one day suffer as my people do, for even the patience of God can run out.

Haunting words in a desert hut with danger close by, and even more haunting now. I wish I could believe we will begin to heed them before "the patience of God" has indeed run out.

Be that as it may, I am grateful for the opportunity of paying tribute in the Congress of the United States to Hosea Kutako, for myself, for my companions on that cold night, and for many others whose understanding of courage and honor has been exalted by exposure to

this indomitable soul from another age and a distant continent. I am glad so many of my colleagues have joined on this sad occasion to reiterate our determination to do everything we can to keep the plight of Namibia before the conscience of the world until all the people who live there are free, and until "so many of our brothers" are not "weary and heavy-worn." That, after all, is the only way we can honor Hosea Kutako and the only way, for that matter, that we can show God that we are grateful for His patience with our awful failings.

I insert the following article from the Namibia News:

CHIEF HOSEA KUTAKO: THE FATHER OF NAMIBIAN NATIONALISM

"You are the great God the Creator of the heavens and the earth. You know all those whom you have created. We are only Thy creatures. You know also the good and the wrong that we do. Thou seest that we have no dwelling place—no resting place that we call our own. O Lord, help us who roam about. Help us who have been placed in Africa and have no dwelling place of our own. Give us back our dwelling place. . . ."

These were the words of Chief Hosea Kutako who died on the 18th July, 1970, and was buried in Okahandja on the 26th July. Namibia lost a great man, a strong leader and a fervent fighter for the rights of the Namibian people.

Hosea Kutako was born in the late 1870s. He was already a young man when the Germans hoisted their flag in Luderitz in 1894 and declared Namibia a German colony. When the Herero uprising against the Germans took place in 1904, Kutako became a leading officer in the Herero military establishment. This uprising began on the 12th January 1904. During the subsequent months the war was fought with such an intensity that the Germans saw it necessary to send for reinforcements. In June the notorious General von Trotha arrived with reinforcements bringing the total German force up to 400 officers and 6,000 men. In August the bloody battle of Hamakari took place where the Herero fought a bitter battle against the strong German forces. During this battle Kutako was wounded and taken prisoner-of-war. In the period that followed large numbers of Herero fled to Botswana, while others sought refuge in the desert.

After the war, Kutako trained as a teacher, and for some years he practiced his profession. It was obvious that he was a man of outstanding qualities. He was for some time with Chief Samuel Maharero who had led the Herero into Botswana. Chief Maharero was never allowed to go back to Namibia, and he therefore asked Hosea Kutako to lead those Herero people who had stayed behind in Namibia. In 1925 Kutako's chieftainship was officially recognized.

Although Hosea Kutako was a Herero chief, he was, during his time of leadership, more concerned with the welfare of the Namibian nation than the welfare of the Herero only. He showed statesmanship and independence of mind during his entire time as a leader. These qualities were illustrated during the following incident: In 1922—after the territory had become a mandate under the League of Nations, administered by South Africa—the Herero people were to get land on which to settle after having lived scattered around in various parts of the country. In 1924 Chief Frederick Maharero, Chief Hosea Kutako and other leading men were asked to look at the proposed area. Kutako was asked to comment. "It is a desert where no human being lived before," he said. "It is . . . only good for wild beasts. On top of that it is not healthy for the people or for

the cattle . . . We are human beings, and we do not want to be changed into wild beasts."

After the second world war, when the UN had taken over the supervisory powers from the League of Nations, Chief Hosea Kutako played a crucial part in the new Namibian situation. Shortly after the UN had come into being, South Africa made a case at the UN for incorporating Namibia into what was then the Union of South Africa. This proposal met with strong opposition in Namibia, and one of the most outspoken opponents was Kutako. Here his role as a unifying national figure was clearly shown. At a meeting in Okahandja in 1947 representatives for the various ethnic groups in Namibia met representatives for the South Africa government to discuss the question. After the case had been put by the South African Government representatives, he was answered by Kutako, who completely rejected the idea of incorporation. This was contested by the South African representative who said: "Who is with Hosea?" The answer was a unanimous roar of support: "We are for Hosea! We are for Hosea!"

Hosea Kutako also was in the forefront in connection with the introduction of petitions at the United Nations. As early as 1949, the Rev. Michael Scott addressed the United Nations on behalf of the people of Namibia, and at a later date Chief Kutako himself wanted to go to the UN but was refused permission to leave the country.

Hosea Kutako did not stand alone, he worked in close co-operation with leaders for other ethnic groups in Namibia, such as the chiefs Witbooi, Gariseb and others. This nation-wide spirit of opposition is illustrated in a petition to the United Nations Fourth Committee by Chief Witbooi:

"Should we be born and live and close our eyes under this unending imprisonment? Are we a cursed generation because our chiefs fought together for the freedom of their people, their nation, and their land?"—Chief David Witbooi.

Hosea Kutako never gave up his role as an outspoken opponent of the South African illegal regime. The formation of political parties in Namibia did not alter his central position, nor did he feel himself threatened by them. Therefore, he never took steps to overshadow the young nationalists, but instead encouraged and supported them.

One of the last remarkable acts of defiance was his move from the Old Location to Aminius in 1968, when the inhabitants of the Old Location were forced to Katutura township. Together with hundreds of people he chose to go out of the Windhoek area instead of succumbing to the South African regime's rulings.

Hosea Kutako strongly wished to see Namibia free before he died. He did not live to do so. But his wish for a free Namibia, and his steadfastness and determination, will lead us on, we whom he left behind to continue the struggle. The Namibian people will always draw strength and inspiration from Hosea Kutako's example. We thank him for having created and sustained the spirit of unity among our people, it is because of him that one people, one Namibia is a reality today.

BILL MURPHY

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FEIGHAN. Mr. Speaker, it has been my good fortune to have known BILL MURPHY since he came to Congress.

BILL is very personable and enjoys the friendship of the Members of Congress. He has worked untiringly for the general welfare of his constituents and the Nation. BILL is extremely knowledgeable in foreign affairs. He is probably the best informed Member of Congress on matters pertaining to Africa. BILL has served with distinction and will be sorely missed in Congress.

To BILL, his charming wife, and family, I extend my best wishes for continued good health and happiness in the years ahead.

THE NEWS MEDIA AND PUBLIC OPINION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. DERWINSKI. Mr. Speaker, a very impressive and, I would say, honest introspective commentary was carried by channel 5, WMAQ-TV, Chicago, at various times on December 18 and 19, 1970. Even though the commentary was based on the adoption of a new State constitution in Illinois, the analyses of the impact of editorial viewpoint is quite interesting. Therefore, I insert this editorial in the RECORD with the feeling that it is an unusual editorial analyses:

There is a popular assumption in this area, and in the nation in general, that editorials in the news media, both print and electronic, wield a powerful influence over public opinion.

A case could be made for this assumption by looking at this week's election. The new state constitution had the support of every Chicago newspaper, radio station and television station that editorializes. The management of this station recommended that you vote in favor of the new constitution. And a majority of the voters did approve the new state charter.

But it doesn't always work out that way. The election also offered a separate item on judges. You could vote either to retain the old system of electing judges in this state, or choose a new system of appointing judges.

There was almost total editorial support for the appointment of judges. If you paid any attention at all to the newspapers and the radio and television stations, you would have been advised frequently to vote for the appointment of judges. So what happened? In Chicago, a majority of the voters chose to stay with the system of electing judges.

The point here is that the news media can use editorials to make suggestions and recommendations that may seem to exert a strong influence on public opinion. And, perhaps that happens, if the public really does agree with those recommendations.

But we feel that people in general just cannot be manipulated. They have the intelligence to make up their own minds, and they do it.

Hopefully, editorial viewpoints from the news media contribute to the public's understanding of an issue. But we sincerely feel that public opinion is formed only by the public, and that's the way it should be.

THE END, WE HOPE, OF THE TFX AFFAIR

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the Washington Post for December 29 carried an editorial relative to the much-maligned F-111 program which is being carried on in this country. It is not often that I agree with much I read in the Washington Post, but for sure this is one editorial I concur in. I feel that the editorial places the entire matter in the right perspective and that this excellent program being conducted by one of this country's leading defense industries can now proceed unhampered:

THE END, WE HOPE, OF THE TFX AFFAIR

It was eight years ago this month when the Senate Permanent Subcommittee on Investigations first began poking into the contract that the Pentagon was about to sign for an airplane called the TFX. In the years since, no single military contract has stirred so much controversy, so much rancor, and so much distortion of the truth. The TFX is flying now as the F-111 and the Air Force says it is a superb airplane. Secretary McNamara, on whose head most of the rancor fell, has been gone from the Pentagon almost two years. But last week, in came the Senate Subcommittee with another report on the TFX just as full of bitterness and just as one-sided as was in its first round of hearings on this subject in 1963.

There is little doubt that many things went wrong in the management of the TFX development and production programs. The plane for which Mr. McNamara hoped never came into being and the cost of the comparatively few planes that will come out of the affair is astronomical. Secretary McNamara and the rest of the civilian brass at the Pentagon did make some bad mistakes and did get locked into a defensive posture about the TFX that led to the suppression of bad news about the plane's shortcomings. It may even be that Mr. McNamara was wrong in his original decision to proceed with the TFX, and did successfully hide for years from the Senate Committee some of the most damaging information about production problems. But even if all of this is true, as the Committee claims it is, that, in its proper context, hardly means Mr. McNamara was a disaster as Secretary of Defense. Yet it is difficult to read this report and reach any other conclusion; the committee uses such words as "capricious," "superficial," "unprofessional" and "inexcusable" to describe his conduct. Indeed, there seems to be little reason for the Committee to have written this report except to rub salt in old wounds.

You have to go back almost a decade to put this report in its proper perspective. In the early 1960s, the Air Force and the Navy were both in the market for a new tactical fighter plane and Mr. McNamara told them to see if they could design one plane which both could use. They said they couldn't do it because neither was willing to budge from the specifications it wanted in the perfect plane. Mr. McNamara ordered them to do it anyway, saying that the differences in specifications could be successfully compromised. That, according to the Senate Committee,

was a stupid and costly decision. It is true that as a two-service plane the TFX was a flop; the Air Force is flying it in smaller numbers than originally planned and the Navy has just rolled out the F-14 to take the spot in which the TFX was to fit. But this alone, despite the Committee's views, doesn't prove that the original McNamara decision was wrong. Each service fought that decision as hard as it could and got from Capitol Hill support to encourage the belief that if they fought the idea long enough it would be discarded. It is not unreasonable to believe that the Air Force and Navy could use the same plane if forced to do so although it may be that the sophistication each wanted in the TFX made this particular plane ill-suited for common use. In other words, there is evidence that the military services wouldn't build a common plane just as there is evidence that they couldn't. But having decided that Mr. McNamara was wrong in the beginning, the Senate Committee ignores the former possibility and hangs the whole debacle on his original decision.

The Committee plays the same game in its second basic criticism of Mr. McNamara—that he wrongfully awarded the TFX contract to the high bidder, General Dynamics, rather than to the low bidder, Boeing, and it ties this award to charges of conflict of interest against two other top Pentagon civilians. Again, something may have been wrong with that award but the Committee conveniently forgets the atmosphere in which it was made. A decade ago, it was widely believed that military contractors were submitting unrealistically low bids to get contracts which then became profitable through cost overruns. That was what Mr. McNamara was trying to stop when he declared that General Dynamic's bid was more realistic, though higher, than Boeing's. Yet the Committee now says he was "mesmerized" by the idea of cost realism and clearly wrong. That's simply a second guess which can't be proved one way or the other.

Growing out of the way in which the Committee handles these two basic decisions are the most serious questions in the whole TFX affair, questions to which this committee does not and cannot address itself. They are the extent to which the civilians charged with running the Pentagon can properly overrule the military leaders on matters regarding the feasibility of weapons systems and the weight that Congress ought to give to the opinions of military men in overruling the Pentagon civilians. This committee came down squarely in favor of giving the military leaders total control over such matters almost as soon as it started probing the TFX and in doing so helped shape the events that led inevitably to the conclusions it now reaches. One wonders the extent to which bad decisions late in the TFX development program were a direct result of the feeling among Pentagon civilians that their competency—not just the correctness of one or two decisions—was at stake in making the TFX work. Mr. McNamara, at least, certainly appeared in 1963 to believe that was the issue and had cause to so believe, given the attack on him then by this same committee.

Although there is no excuse for the expensive errors that were made in this program, we find it impossible to believe that Mr. McNamara was the bumbling, lackadaisical incompetent this committee report brands him to be. He lost the fight over the TFX to the military and this committee years ago. And this last report—we trust it really is the last we will hear of the TFX—reminds us more than anything else of a fighter who, having flattened his opponent, keeps kicking him from time to time to make sure he remembers who won.

MR. JOHN JAY HOOKER, SR.

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. FULTON of Tennessee. Mr. Speaker, on December 24, one of Tennessee's most distinguished lawyers, outstanding legal minds and able trial attorneys died suddenly, unexpectedly and prematurely.

He was Mr. John J. Hooker, Sr., a man I was privileged to know and a man whom I highly respected as a friend, counselor and human being.

As with all men of exceptional ability and intellect, Mr. Hooker's interests and activities were broad and profound.

Beyond the law, however, the pursuit he enjoyed most was probably politics. While never a seeker or holder of high elective office he was often considered a prime potential candidate for the office of Governor or U.S. Senator. His advice on political matters was widely sought and highly regarded by candidates and office holders alike.

He was an outstanding attorney and a grand gentleman who will be missed. Mr. Speaker, I include in the RECORD at this point the article reporting the passing of Mr. Hooker which appeared in the December 25 edition of the Nashville Tennessean as well as the editorial in tribute from that newspaper and from the Nashville Banner. I commend them to our colleagues for their consideration:

HOOKER, SR., SERVICES TOMORROW

Services for John J. Hooker Sr., 67, of Brentwood, one of Tennessee's most distinguished attorneys, will be at 2 p.m. tomorrow at First Presbyterian Church here.

Dr. Walter R. Courtenay will officiate. Burial will be at the Hooker home, Hooker Hills, on Clovercroft Road near Franklin, Tenn.

Hooker, the father of Democratic gubernatorial candidate John J. Hooker Jr., died of an apparent heart attack yesterday at his home. He was dead on arrival at Williamson County Hospital in Franklin.

Hooker had been in apparent good health before his death and spent Wednesday at his law office.

The senior partner of Hooker, Keeble, Dodson and Harris law firm, Hooker had practiced law in Nashville since 1929 and was active throughout his life in the Democratic party.

He was a special prosecutor in the Chattanooga trial in 1964 of Jimmy Hoffa, president of the Teamsters Union, and had participated in many of the state's most celebrated criminal trials.

"I hope the day I die I am trying some case," Hooker said in July, 1969, adding:

"I don't have any future plans because I never intend to retire."

At the time of his death, Hooker was planning the defense of novelist Jesse Hill Ford, author of "The Liberation of Lord Byron Jones," who is charged with the murder last month of a soldier who Ford said was trespassing on his estate near Humboldt.

Hooker was a big man, whose substantial bulk alone commanded attention, but it was his great booming voice, often described as "rasping" or "sawtoothed," that could wither an adversary in the courtroom.

In court, he was most often cool and calm—frequently wearing a fresh flower in his lapel—to the extent of being exceptionally polite to those in the witness chair.

His competitors in court argued he was a tough opponent.

Born in Lebanon, Sept. 9, 1903, Hooker was the son of the late A. W. Hooker and Mrs. Alice Hooker, of Lebanon, who survives. He attended Wilson County public schools and graduated in 1919 from Castle Heights Military Academy.

He received his AB degree from Cumberland University in 1923 and the following year, at the age of 19, the LLB degree from Cumberland Law School. For the next three years, he practiced law in Lebanon and in 1927 was a representative from Wilson County to the state legislature.

In 1929, Hooker moved to Nashville to practice law with his brother-in-law, Seth Walker. The partnership lasted until Walker's death in 1951, when the firm's name was changed to include Keeble, Dodson and Harris.

In 1944, Hooker was mentioned widely as a possible candidate for the governorship and the U.S. Senate, but chose not to run.

According to Tyree Harris, Hooker spent more of his time with civil rather than criminal matters although his public reputation was made as a criminal lawyer for both the defense and the prosecution.

In 1964, Hooker served as special Justice Department prosecutor of Hoffa, the Teamster's leader, in Hoffa's Chattanooga jury-tampering trial. Hoffa was convicted on two of three counts of conspiring to bribe or corrupt jurors in a 1962 conspiracy trial in Nashville.

The then U. S. attorney general, Robert F. Kennedy, sent personal congratulations to Hooker and James F. Neal, U.S. district attorney who now practices private law in Nashville.

Hooker had stated in the midst of a trial in 1969 that he worked 24 hours a day during a trial, regardless of how long the court held session.

"I can't forget a trial when I go home. I don't see how any lawyer can," he said.

For more than 45 years, Hooker had appeared as advisory or cocounsel in at least 100 cases with Jack Norman Sr., another celebrated Nashville attorney. Norman and Hooker, two years apart in age, once tried a case against each other that lasted 40 days.

Norman has been known to get down on his knees and cry—and make the jury cry, too. Hooker, traditionally more calm, could also become emotional if the occasion demanded emotion.

One of the last cases of wide notoriety in which the two attorneys were adversaries involved disbarred Nashville lawyer Z. T. Osborn Jr. in May, 1964. Norman was defense counsel for Osborn, accused of agreeing to bribe a prospective juror in Hoffa's jury-tampering trial. Hoover served as special prosecutor for the government.

It was in this trial that Hooker got down on his knees and told the jury of 10 men and two women:

"I have rolled and tossed all night, wondering if there was some way I could get out of this. I've gotten down on my knees at night and asked that only justice be done in this case."

Osborn was convicted, despite an emotional closing argument by Norman in which he charged the government with stooping to a new low in trying to "entrap" the defendant into wrong-doing.

Hooker always said this case was one of the hardest he ever had to prosecute because it involved a fellow lawyer.

Hooker and Norman confronted each other in court for the last time in the summer of 1969. Norman defended William E. (Bill) Powell, Nashville automobile dealer, charged with the murder of his senior business partner, W. Haynie Gourley. Hooker was special prosecutor. Powell was acquitted.

As a defense attorney, Hooker won many acquittals for his clients, most recently suc-

cessfully defending Knoxville lawyer Fred J. Moses, Jr. in a two-week federal court trial in Atlanta on bank burglary charges in a multistate theft ring.

Hooker was a member of the board of trustees at Cumberland University where he received an honorary degree LL.D. in 1946. He was former president of the Nashville Bar Association, 1939-40; and former president of the Tennessee Bar Association, 1941-42.

He was a member of the American Bar Association and the International Academy of Trial Lawyers; a fellow in the American College of Trial Lawyers; member of the American Judicature Society, the American Law Institute; and the American Bar Foundation.

He was a Mason, Shriner, Knight Templar, Elk, and a member of SAE fraternity.

Survivors in addition to his mother include his widow, Mrs. Effie Sanders Hooker; a daughter, Mrs. Alice Buchtel, Los Angeles, Calif.; two sons, John J. Hooker Jr. and Henry Hooker, both of Nashville; and seven grandchildren.

Active pallbearers will include Charles and A. H. Kirkpatrick and Winston Bone, all of Lebanon; Harlan Dodson, Tyree Harris, Tyree Harris IV, John W. Kelley Jr., Harlan Dodson III and Gareth Aden, all members of the Hooker law firm; Ira Parker III, a former member of the firm; and Wilburn Hooker, Lexington, Miss.

Honorary pallbearers include Mack Brothers, Dr. Robert Magruder, Sam Fleming, Amos Carter Evans, John Seigenthaler, Dr. B. F. Byrd, Dr. B. F. Byrd Jr., all of Nashville; William Green, Atlanta; George Evertson, Lebanon; Justice William O. Douglas, Washington, D.C.; and all state and federal judges and members of the Nashville Bar Association.

JOHN JAY HOOKER, SR.

For nearly half a century, John Jay Hooker Sr. displayed in the courtrooms of Tennessee and elsewhere his extraordinary talents and knowledge as a trial lawyer. In the field of law to which he devoted a lifetime of service, Mr. Hooker was a skilled craftsman as both a prosecutor and defense attorney in some of the state's most celebrated criminal proceedings.

Mr. Hooker loved everything there was about a trial and the tougher the challenge the greater seemed his ability. The Tennessee Bar Association and the Nashville Bar Association, recognizing his outstanding contributions to his profession, elected him to head those organizations in which he maintained an active interest until his untimely passing Thursday. Mr. Hooker also earned many other honors from his colleagues in state and national legal circles throughout his distinguished career.

Mr. Hooker was keenly interested in politics, having represented his native Wilson County in the General Assembly but later rejecting suggestions that he offer himself as a candidate for statewide office. He chose instead to remain a lawyer, becoming the senior partner in one of Nashville's most highly-respected law firms and building a reputation as a giant in the legal profession.

Both in 1966 and in 1970, Mr. Hooker campaigned vigorously in behalf of his son's candidacy for the governorship but again quickly returned to the courtroom when the elections were over.

His death brings sadness to friends of all political persuasions throughout Tennessee and hundreds of lawyers who perhaps knew him best, feel a deep sense of loss.

The Banner joins with them in a statewide expression of sympathy to members of Mr. Hooker's family.

MR. JOHN JAY HOOKER, SR.

The death of Mr. John Jay Hooker, Sr. was shocking in its suddenness and has re-

moved from the Tennessee legal scene one of its most outstanding lawyers who had stood so often and spoken up so effectively in defense of others that he had been almost a legend in his own time.

Born in Wilson County where he was graduated from the Cumberland University Law School, Mr. Hooker had steadily risen in the firmament of his profession. The courtroom was his prime arena, but not the only one.

He held, throughout his life time, a deep interest in politics. Early in his career he was elected as a member of the House from Wilson County. In later life, he had given thought to the idea of running for governor of Tennessee, but didn't. Instead, it was his son, Mr. John Jay Hooker, Jr., who was to seek the state's office twice.

In both campaigns, Mr. Hooker Sr. had participated personally and enthusiastically, lending his own persuasive force to his son's endeavors.

But the law and politics were by no means the extent of his endeavors. He had given much time and effort to civic concerns, to state and national causes, whether it was to benefit a local hospital or in behalf of wartime programs.

In his own profession, he had headed the state and local bar associations, been a member of the House of Delegates of the national bar and had won recognition far and wide for his part in great legal battles of his time, including that of being on the U.S. side of the trial of Mr. James Hoffa.

But none of this says enough about Mr. Hooker's zest of life, his resilient hopefulness, or his warmth and depth. He realized as too few do that those who serve the cause of liberty and justice must bring to the struggle not only stout hearts but abundant learning.

The scope of his reading and recollection was remarkable, and his mastery in the court room is upheld by the record of some of the most notable cases in the state.

Mr. Hooker was gregarious and possessed a keen wit. He was interested in people, in his community, state and nation, and his loss is one that is deeply and widely felt.

PHILADELPHIA'S IMPRESSIVE TRAFFIC RECORD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. EILBERG. Mr. Speaker, the National Safety Council reported that Philadelphia continues to lead the Nation's major cities in the reduction of fatal traffic accidents.

The Council's latest statistical report, covering the first 10 months of this year from January through October, shows that Philadelphia's traffic deaths dropped 22 percent as compared to a corresponding period in 1969.

This was reflected by a death toll dropping from 183 last year to 143 for this year, enabling Philadelphia to record 2.4 traffic deaths per 10,000 registered motor vehicles in cities of a million or more population.

Placing second was Chicago with 2.9, followed by Houston with 3.0, Detroit with 3.7, and New York with 4.2.

Alfred Blasband, chairman of Mayor James H. J. Tate's Traffic Safety Advisory Committee, said the reduced traffic death rate is particularly encourag-

ing in view of the fact that nationwide there are almost 4 million more motor vehicles on the road than at this time a year ago.

He credited the lower traffic death rate to better trained drivers, stricter driver licensing procedures on a statewide basis and a crackdown by the police and courts on the drinking driver.

In this connection the mayor's Traffic Safety Advisory Committee, in order to keep the highways safe for pedestrians and motorists, especially over the Christmas-New Year's holidays, is urging drivers to bypass alcohol and "make coffee your last drink" for the road.

Posters printed in English and Spanish are being placed on display in bars, food markets, restaurants, buses, and other public areas throughout the city to focus greater public interest on the drive.

Cooperating organizations include the Keystone Automobile Club, the Greater Philadelphia Chamber of Commerce, the food of industry, Bartenders Union Local 115, the Philadelphia Hotel and Motor Inn Association, the Delaware Valley Hospital Council, and other units.

Blasband reminded motorists:

Think of your life and the safety of your passengers before you get behind the wheel of your car. When you make the last holiday toast, make it a cup of coffee.

JEFF COHELAN—MAN OF CONSCIENCE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. JOHNSON of California. Mr. Speaker, almost 12 years ago today, several of us took the oath of office as Representatives in Congress, and therefore, came into what was commonly known as the "86th club." One of those sworn into the Congress on that memorable day on which I first took this oath was a fellow Californian from the San Francisco Bay area, a man who I knew only slightly at the time, but with whom I have been fortunate to become good friends, JEFF COHELAN.

Our colleague is leaving the House of Representatives at the end of the 91st Congress. Before he goes, however, I want to take this opportunity to express not only my appreciation for the warm friendship, but also my admiration for his dedicated service to the people of his district, State, and Nation.

JEFF COHELAN is a skilled and trained economist whose excellence was demonstrated early in life when he was selected as a Rhodes research scholar to further his formal education at Leeds and Oxford Universities in England.

He served for several years as consultant to the University of California, Institute of Industrial Relations, and he further served with distinction as a member of the Berkeley City Council before his election to Congress in 1958.

JEFF COHELAN is a quiet and modest man, gifted with a wonderful sense of humor and a strong compassion for his

fellowman. His contributions to the Nation, not only as a Member of Congress, but as concerned citizen, will be with us for many years.

As he leaves, I want to extend to him and his family best wishes for happiness and success. He leaves the Halls of Congress knowing that his devotion and dedication to duty served him in good stead, that his record is outstanding and his contributions are examples which all people, desiring to participate in their government, would do well to follow.

MOVING TOWARD NATIONALIZATION OF THE RAILROADS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SCHMITZ. Mr. Speaker, the 1-day nationwide rail strike last month focused public attention on an increasingly serious problem which, unless present trends are soon reversed, could well bring about the biggest single step toward socialism in the United States since the early days of Franklin D. Roosevelt's New Deal: the nationalization of the railroads.

This would be a very heavy price to pay for having our Christmas packages delivered on time.

As a member of the House Interstate and Foreign Commerce Committee which, during December, heard and acted on two emergency railroad bills, I had the opportunity to review this crisis in depth. The first bill, passed just before the strike in an attempt to stave it off, imposed terms of settlement in the labor dispute which were highly favorable to the unions. Those of us who opposed this congressional intervention into collective bargaining were able to keep it out of the bill in committee, but it was later added on the House Floor. The bill as passed embodied a large wage increase demanded by the unions, but said nothing about the removal of obsolete work rules dating back to the early years of this century, which management had been insisting upon as an accompaniment to any substantial wage increase.

The second bill, coming just a week later, provided for the Federal Government—that is, the taxpayers—to “bail-out” bankrupt railroads, which evidently are going to become much more common once we start imposing pro-union wage settlements.

At the end of this road—and not very very much farther along it—lies nationalization, which some union spokesmen are now beginning to support openly. Just as some people who should know better are now beginning to call for federally imposed price and wage controls, out of frustration with continuing inflation, so some who are not Socialists may now be willing to give serious consideration to nationalization as a solution to a perennial rail crisis.

Not only would it cost the taxpayer no less than \$60 billion—more than one-quarter of the presently vastly inflated annual Federal budget—to purchase

present railroad assets in order to nationalize them, but nationalized railroads would no longer pay local property taxes. Railroads in the State of California alone now pay \$36,448,873 in ad valorem property taxes. This annual property tax payment by the railroads would either be lost to local government altogether, or be replaced by a Federal subsidy which would further drain the taxpayers while depriving them of that much more local control over the raising and spending of local funds, principally for schools.

What is the alternative? Noted economist Dr. Clarence Carson, writing in the December 1970 issue of the *Freeman*, points out three ways in which the Federal Government has “throttled the railroads”:

In the first place, restrictive regulation took away crucial managerial authority from the railroads and vested it in the Interstate Commerce Commission. This was supplemented, in turn, by various legislative inhibitions of general application. In the second place, government subsidized and otherwise privileged competitive means of transport. In the third place, government fostered the organization of railway unions and aided them in various ways in circumscribing and hamstringing the use of rail facilities.

Rather than have Government nationalize the railroads, we should be working to ease its throttling grip which prevents them from meeting their present needs and even from remaining solvent.

PUBLIC BROADCASTING GRANTS DESERVE PROMPT APPROVAL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. FASCELL. Mr. Speaker, as one of the original sponsors of the legislation establishing the Public Broadcasting Corporation, and a strong supporter of its programs, I am proud of my community and others in the Miami area for contributing over \$245,000 to equip a public and ETV production center.

This center, which would serve the education and cultural institutions in south Florida, needs the approval of an application pending with the Department of Health, Education, and Welfare for \$467,000 in matching Federal funds.

Because of the importance of Federal assistance to this and many other worthy projects in the public broadcasting field, I recently wrote to Secretary Elliot Richardson, seeking clarification of reports that public broadcasting facilities funds might be cut from the levels appropriated by the Congress.

I am happy to report to our many colleagues interested in this vital program that Secretary Richardson's office has assured me that there has been no decision to withhold permanently the funds appropriated for educational broadcasting facilities. Final decisions on the levels of new projects were merely delayed until action could be completed by the Congress on the Health and Welfare appropriation bill. I am further advised that

the Office of Education is presently reviewing program plans so that it will be ready to award grants as soon as possible.

Mr. Speaker, this is very reassuring to those many supporters of this cultural and educational enterprise. Now that the House and Senate have approved the conference report on the Health and Welfare appropriations legislation, I look forward to quick action by the Department in the awarding of educational broadcasting facilities grants.

CRLA DESERVES FEDERAL GRANT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. ANDERSON of California. Mr. Speaker, our courts should provide equal protection for all Americans. All Americans—rich and poor—should have equal access to the courts.

I feel that the California rural legal assistance program has provided a needed service, not only for the poor, but for all Americans. Each of us is denied liberty when an individual is denied a constitutional right simply because he does not have the money to avail himself through orderly court procedures.

On Saturday, December 26, Governor Reagan disapproved a Federal grant for the continuation of California rural legal assistance program.

I joined with most of the California congressional delegation in signing a letter addressed to Frank Carlucci, the Director of the Office of Economic Opportunity. We urged Mr. Carlucci to overturn the action taken by Governor Reagan.

Mr. Speaker, I urge all of my colleagues to read the following editorial which appeared in the *Los Angeles Times*—a newspaper which is not known for its antipathy for Governor Reagan—and which, in fact, endorsed Governor Reagan in the recent California gubernatorial election. In addition, I encourage my colleagues to express their views on this topic to Mr. Carlucci.

The editorial follows:

[From the *Los Angeles Times*, Dec. 29, 1970]

CRLA DESERVES FEDERAL GRANT

The California Rural Legal Assistance, Inc. has achieved considerable success in representing the poor—and in antagonizing Gov. Reagan.

It came as no surprise, therefore, that the CRLA's new \$1.8 million federal grant was vetoed by the governor, who strongly objects to such a publicly supported organization filing lawsuits against public agencies.

In announcing his veto Saturday, Reagan charged the CRLA with “gross and deliberate violations” of federal regulations and said that it had failed to represent the true legal needs of the poor. But his major complaint has been that CRLA lawyers represented the poor too well against the state, federal and local governments.

The U.S. Office of Economic Opportunity, which increased the CRLA grant for the coming year, obviously didn't agree with the governor. California Rural Legal Assistance is “commonly recognized as one of the best legal services programs in the nation,” said

OEO Director Donald Rumsfeld less than a month ago.

OEO can override the governor's veto. We believe it should be overridden, unless a compromise can be worked out with the Reagan Administration that does not diminish the effectiveness of the CRLA's efforts.

A group of lawyers providing legal services to migrant farm workers and the rural poor by means of public subsidies is bound to be controversial, especially when their lawsuits force major and potentially costly changes in such government programs as welfare and Medi-Cal.

CRLA nevertheless is endorsed and supported by the California State Bar, and the Los Angeles, San Francisco and other local bar associations as well as the Committee on Legal Services of the American Bar Assn.

It must be assumed that these organizations carefully examined the goals, policies and professional conduct of the CRLA before giving their endorsement.

Gov. Reagan based his veto upon a memo prepared by Lewis K. Uhler, state director of economic opportunity, who said that the CRLA has "failed in its mission because it has elected to devote much of its resources to objectives clearly outside the scope of serving the legal needs of the poor . . . These diversions from its major mission include, but are certainly not limited to, the representation of people charged with crimes, use of legal processes to harass public and private organizations . . ."

Some specific cases were cited by Uhler, presumably based upon a controversial questionnaire he circulated in search of "information" concerning CRLA activities.

Each complaint should, of course, be investigated and corrective action taken where justified. But unless Uhler's staff has found substantial flaws that have escaped local, state and national bar organizations, the CRLA should be allowed to continue serving as advocate for the needy.

"The poor must have effective legal representation," said Rumsfeld, now counselor to President Nixon, "if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law."

PLEA FOR CLEMENCY AT SOVIET TRIAL

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. RIEGLE. Mr. Speaker, last Thursday a Soviet court in Leningrad pronounced sentence on 11 Russian citizens—nine of them Jews—for allegedly conspiring to hijack a Soviet aircraft to Finland. The whole world was shocked to read that two of these citizens, Mark Dimshits and Eduard Kuznetsov, were sentenced to death by the firing squad, and nine were given extended prison terms ranging from 4 to 15 years.

Today in Moscow, these men's appeals are being heard by the supreme court of the Russian Republic. I would hope that the three judges sitting on this tribunal would wring the anti-Semitic bias out of these sentences and extend to these men the compassion and justice they deserve. These judges have an opportunity to demonstrate to the world their independence of the Soviet political system.

It is truly a tragedy that in the 20th century citizens living within the borders

of the Soviet Union, such as nine of these defendants, are not allowed to visit or emigrate to Israel, their religious homeland. The Soviet Union continues to deny its citizens one of their sacred birthrights—the right to travel and live where they choose. They flagrantly refuse to hear the pleas of the many prominent American and Israeli leaders who have urged the repatriation of Russian Jews to Israel.

It was encouraging to hear that one eminent Russian scientist, Andrei Sakharov, spoke up in behalf of these men. This well-known civil libertarian has pleaded with Nikolai Podgorny, the President of the Soviet Union, to lessen these penalties. I admire his outspoken courage in the face of the massive propaganda that attempts to justify these sentences. The fact that many other Russian citizens know nothing of this trial demonstrates the questionable character of the charges and even the court proceedings.

Recognizing the unique nature of Soviet justice, this was truly a prejudiced trial and every Christian and Jewish citizen in the United States should feel outraged at the sentences. No Jewish citizen living in the Soviet Union today can feel secure until this kind of brutal treatment is eradicated and clemency is restored to these defendants.

VISTA MUST NOT DIE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, we hear a good deal from the administration these days about its determination to reorder our priorities and to change our financial "game plan." To me these are euphemisms which disguise the real truth. The real attitude of the President and those who advise him is one of callous indifference to the human needs of this Nation. For all the high sounding rhetoric, the deeds of this administration speak louder than its words. The deeds of this administration are a dreary catalog of bloated expenditures for unnecessary gadgets such as the SST or wasteful defense expenditures like the ABM or military expenditures seeking an imaginary Army headquarters somewhere in the jungles of Cambodia. In contrast to these fiscal follies, we have a President who seems determined to achieve a balanced budget at the cost of a fair and just society. Lockheed and Boeing are sacrosanct institutions whose health cannot be jeopardized, but programs for people, for education, for health, for job training, for housing are vetoed with complete disregard for the real human needs they serve. Witness the veto of the manpower training program. This follows upon vetoes of the education appropriation bill and the housing appropriation bill, among others. At the same time the President threatens to call the Congress back into emergency session if additional public moneys are not

approved for development of a supersonic transport which no one wants nor needs. This distortion of values is ludicrous.

Now there are reliable reports that the President's budgeteers have issued orders to destroy one of the most valuable people programs this Government has. This is VISTA: Volunteers in Service to America. The destruction of VISTA would result from a drastic, proposed 23 percent budget cut for the Office of Economic Opportunity in fiscal 1972. I think a reduction in OEO funds of this order would be tragic. But I am particularly concerned with the fate of the VISTA program. This domestic peace corps has had my support from the time the idea was suggested by President Kennedy. It was the first program at the beginning of the war on poverty. The hearing record on legislation to establish a domestic peace corps gave graphic documentation of the plague of poverty which afflicted America in the richest period of her history. A great deal of this information was gathered by an excellent task force headed by then Attorney General Robert Kennedy and directed by my distinguished colleague from Tennessee, BILL ANDERSON. For the first time America was forced to face up to one of her worst kept secrets: that there were thousands of Americans living in poverty, helpless to escape, and needing and wanting help.

The establishment of VISTA was one small but important step in the beginning of the "war on poverty." The evidence developed at the original hearings on a domestic peace corps convinced President Johnson that we should launch a full-scale attack on the problems of poverty and thus led to the creation of OEO. This is apparently another war that President Nixon has decided to take us out of: but this fight in contrast to Vietnam is a just and moral one, dealing with our own problems here at home.

The VISTA program provides a direct and practical way of using the talents, energy and idealism of our young people who are disenchanted with many aspects of our society. More than 60 percent of the VISTA volunteers are in the 20 to 24 age bracket. VISTA offers these young people who are concerned about the ills of our society a meaningful way to help improve the quality of life in that society. It is interesting to note that in fiscal year 1970, 34 percent of the volunteers reenlisted for another year's service. Surely this means that their VISTA experience was as important to them as it was to those they helped. To cut back this program now would be a slap in the face to the young people of America. It would say to them: "We don't need you and don't want your help. Just leave the poor, the migrant worker, the Indian on the reservation to the dead hand of bureaucracy. There is nothing you can do." What better way, Mr. Speaker, to drive our young people out of the system and into the streets.

I have watched the work of VISTA closely since its inception. I think it is a soundly managed program. For example, while the total VISTA budget rose to \$35.3 million in fiscal year 1970, the number of staff positions actually declined from 374 to 282. At the same time

the number of volunteers in fiscal year 1969 rose to 4,600. So there is evidence that these public funds are being used for practical work in the field, and VISTA is not burdened with a cumbersome bureaucratic superstructure. For fiscal year 1971, the budget figures show that administrative costs will decrease by \$500,000. My colleagues will agree that this is quite unusual for any Federal program. It is projected that by the end of fiscal year 1971, volunteers will increase to more than 6,000. It is clear to me that we have a carefully managed program which has proved its worth. It is a program that gives human needs a proper priority; that does grassroots work in community planning, health care, housing and basic education so desperately needed by the hundreds of thousands of Americans who live under the crushing oppression of poverty. The VISTA volunteers in their quiet way have had an impact far greater than their actual numbers. They are in fact the walking and working conscience of America. It is surely a conscience that we must not let die.

COMPUTERCIDE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 30, 1970

Mr. MURPHY of New York. Mr. Speaker, the Federal Bureau of Investigation has reported that in the last 15 months 4,330 bombings have occurred in the United States. Forty people have been killed and another 380 injured. Damages have been estimated at \$25 million.

These statistics underscore the magnitude of the problem, and the need for business and industry particularly to take steps to prevent "computericide"—the destruction of their computer center which are the nerve centers of corporations.

It is the contention of Louis Scoma, Jr., president of Data Processing Security, Inc., of Hinsdale, Ill., that the "guerrilla war" against the business establishment is feeding on recent successes and will most certainly widen its thrust in the months to come.

Incidents like the recent bombing of IBM's EDP center and destruction of the campus research building in Madison, Wis., will continue, he contends, until institutions begin to take the threat seriously.

Mr. Scoma emphasizes that companies must and can protect themselves from within, since accidents and fraud by their own employees with access to the EDP center can be equally harmful.

A magnet, the size of a quarter, can destroy a magnetic tape library of up to 50,000 tape reels in a matter of minutes, he points out. The crime is silent, neat, and clean. The scrambling effect on the data may go undetected for days until that particular tape or series of tapes is called from the library.

Mr. Scoma says further that conventional security at most firms can be

broken. Management can find this out for themselves by having people masquerade as repairmen, cleaning men, and guards who enter a facility "and see if they are challenged by any of the personnel working there."

I believe that in light of the growing threat to business and industry it is important to call attention to the many devices which Data Processing Security, Inc., has developed to thwart computer theft and sabotage. One is an electronically controlled double door entry system—from corridor to computer center. Once a person enters the first door, he is subjected to an electronic search by concealed probes for magnets and other "illegals." If the person brings a magnet into the "buffer zone" between both doors, the electronic scanning detects the magnet, freezes the lock on the second door, and automatically alerts the company's security people. The buffer zone prevents a mob from entering a computer center. The security guard views his closed circuit television and can talk to the person who is now trapped between both doors.

Conversely, the DPS system will signal when someone attempts to remove a reel of magnetic tape from the computer facility. A special label is affixed permanently to each reel and it cannot be taken from the facility without triggering the alarm.

Mr. Scoma notes that many companies invite trouble because they regard their computer centers as showcases of their corporate facilities. They are proud when showing visitors the winking and blinking lights, the clean looking, tastefully done facility. But they do not realize the computer center is actually the nerve center of their company, vital to the organization's operations. How many banks put their vaults in the front window? How many financial institutions let visitors wander through the safe deposit box areas?

Computer centers and data banks should therefore be separate facilities within a company, otherwise both are easy prey for the guerrilla war now being waged against business and industry. Utilities—power, air conditioning, heating and water supplies—should also be hidden from view and provided with electronic protection.

In advancing solutions to a problem that has provoked deep concern throughout our Nation, and in the development of devices to prevent computer sabotage, Data Processing Security, Inc., is performing an important service to the business and industrial community, and they are to be commended for their diligent efforts and for their leadership.

RELIGIOUS OPPRESSION BY SOVIET AUTHORITIES

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 30, 1970

Mr. CABELL. Mr. Speaker, I cannot know what the fate may be for the two prisoners now under death sentence fol-

lowing their swift trial in Leningrad, but this is all part of a long history of religious oppression by Soviet authorities. Today's situation deserves the moral indignation not merely of all Jews, nor even of all Americans, but of the entire world. We are all shocked that any nation would attempt to put itself between a man and his God.

I call upon our own Government to make its position known to Moscow and upon private individuals, and, where possible, to take a personal stand in letters of protest to the Soviet Embassy in Washington.

EXCERPTS FROM A DECLARATION OF THE EMERGENCY CONFER- ENCE ON SOVIET JEWRY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 30, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I commend to your attention the following excerpts taken from a declaration of the emergency conference on Soviet Jewry held in Washington this afternoon. In doing so, I would like to associate myself with the millions of decent citizens around the globe whose sense of justice and fairplay have been shocked by the glaring abuses which have recently been perpetrated in the name of Soviet justice, when two members of Russian Jewry were sentenced to death and others given long prison sentences for no other crime than trying to leave the country. The harshness of the sentence, the denial of the basic rights of defendants common to trial procedures in any civilized country, can only be viewed with complete dismay by decent citizens.

In Leningrad today, two Jews stand condemned to imminent execution by firing squad—a judicial murder ordered by a Soviet court. Nine others, including two non-Jews, have been sentenced to long prison terms. All had been accused of planning to seize a small 12-seater plane and flee the country. Other trials of Jews are contemplated.

All the known circumstances surrounding the Leningrad trial give evidence of a political provocation, officially inspired, meticulously prepared, and centrally coordinated, with the objective of intimidating the Jews of the Soviet Union. To avoid the scrutiny of the concerned and enlightened world, the trial was held in virtual secrecy; no foreign observers or correspondents were admitted. The suspicion is well-founded that the rights of the accused were not protected. The "confessions" extracted from the accused evoke the memory of the fraudulent self-condemnations mouthed by prisoners in past Soviet political trials.

The people sentenced in Leningrad are not criminals. Some are condemned to die a martyr's death and others to languish in jails because they dared to proclaim their identity as Jews and their determination to join their brethren as free men in Israel. For this offense, the Soviet court has meted out the death penalty. The condemned have been selected to serve as an object lesson for all the Jews of the Soviet Union. The clear purpose is to bludgeon into silence and submission Soviet Jews who wish to exer-

cise the basic human right of religious, cultural and national self-expression, including the right to join their families in Israel.

This past week, Jews have observed the ancient holiday of Chanukah, commemorating the successful struggle of the Maccabees, 2,135 years ago, to resist tyranny and to preserve their Jewish heritage in freedom. The Jewish prisoners of conscience in the Soviet Union are the Maccabees of today. We cry out against the vicious attempt to destroy their spirit.

The chronicles of the Jewish people are an affirmation of the failure of tyrants to destroy this ancient nation and heritage. The might of Babylon, the power of ancient Rome could not kill the people's spirit, just as the savagery of Hitler and the madness of Stalin failed to destroy it. The present attempt, likewise, shall not succeed whatever the means employed.

We assert that a travesty of justice has been perpetrated in the Soviet Union. We call upon the Kremlin to right the wrong committed against the Leningrad defendants before the guns of the firing squad commit murder. We call upon the Soviet Government to put an immediate end to the acts of repression and discrimination against Soviet Jews and to grant them the right to live as Jews in Russia and the right to leave and live in the land of their choice.

So long as these injustices persist, men of conscience of whatever faith or nationality will not be silent. In anguish we raise our voice for the sake of those facing death and imprisonment. We speak out to champion the cause of human rights for Soviet Jewry which, day by day, demonstrates its collective resolve to preserve its heritage despite hardship, intimidation and outright suppression.

THE ACTORS YOUTH FUND DINNER A TRIBUTE TO JOE KIPNESS AND A BOOST TO A GREAT CAUSE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. HALPERN. Mr. Speaker, I rise today to pay tribute to one of the most impressive events held in New York in recent years, the Actors Youth Fund Dinner honoring one of Gotham's truly great citizens: producer, restaurateur, and humanitarian, Joe Kipness.

The occasion, benefiting a most worthy cause—aimed at bringing new life, inspiration and opportunity to deprived youngsters—was held at the Americana Hotel on Sunday evening, December 13.

As a member of the national advisory committee to the Actors Youth Fund, I was privileged to be among the honored guests. It was a rare occasion indeed, for it combined a meaningful tribute to a beautiful human being with a tremendous boost toward the fulfillment of the youth fund's goals.

The loveable, brilliant president of the fund is Joey Adams, world-famous comedian, noted author, and consistent benefactor of good causes, under whose leadership as president of AGVA the youth fund was established. Joey Adams chaired this event with the skill and expertise of the outstanding pro that he is. What a memorable occasion that evening was. I was so impressed by it, so enthused over its purpose, that I want to describe it to my colleagues in the

Congress. For, if ever an occasion epitomized good will toward men and offered new hope and opportunity for our deprived young people, it was this one.

The article by Joey Adams in the program "Heroes Without Guns," tells the story of the youth fund much better than I can. I would like, therefore, Mr. Speaker, to read this article with my remarks into the Record.

Before I do, I would also like to tell the Members of this House a little about Joe Kipness, the beloved guest of honor and star attraction of the evening, who, in being so honored, attracted the star-studded audience of community leaders, public officials from all levels of government, performers of stage and screen, philanthropists, business and professional men and women, and made possible the occasion's mammoth success.

Everyone loves Joe Kipness, and this event, which accomplished so much good for others, was the ideal means for Joe's friends and admirers to rally together and express their affection and esteem for him.

Joe Kipness, a modest man of humble beginnings, is a typical Horatio Alger story. Joey Adams "Love Letter to Joe Kipness" presents a capsule picture of the Joe Kipness story. What a beautiful presentation this is of what can be achieved in this great country of ours by one who has the grit, determination, and courage to succeed and most uniquely, win the love of everyone along the way. That is what makes Joe Kipness so exceptional. Mr. Speaker, I will read into the Record this "Love Letter," together with letters of tribute from Vice President Spiro T. Agnew and Lauren Bacall, the star of Joe's latest hit, "Applause." There were many other tributes to Joe Kipness, ranging from labor unions to industrialists, opera stars to Hollywood idols, and all reflect what a broad spectrum of support and admiration Joe Kipness enjoys. For the sake of space, I shall not ask that all of the tributes be read into the Record.

Mr. Speaker, I wish to commend Actors Youth Fund President Joey Adams for the exemplary performance he gave that night. Beyond that, I wish to hail him for the leadership he has given to the fund to which he has been unequivocal in his devotion. I also want to compliment the other officers of the fund, in particular Sid De May, the executive director, William B. Williams, chairman of the youth activities committee, Harold Berg, counsel, and Sam Gutwirth in charge of public relations.

The fund is blessed with a superb board of trustees, and much credit for its success must go to these distinguished gentlemen: Sydney S. Baron, Harry Brandt, Hon. Samuel Di Falco, James A. Farley, Jr., Harold J. Gibbons, Jules Itts, Joseph E. Levine, Edwin S. Lowe, Joseph A. Schlitt, Sander Simon, and Jack Zucker.

May I include for this RECORD, Mr. Speaker, the names of the national advisory committee which provides a significant cross section of representation to this great cause: Stanley Adams, Marty Allen, Morey Amsterdam, Louis Armstrong, Max L. Arons, Harry Van Ars- dale, Bert Bacharach, Burt Bacharach,

Milton Berle, Hon. Neal S. Blaisdell, Alan Burke, John J. Cassese, Joan Crawford, Sammy Davis, Jr., Jack Dempsey, Jimmy Durante, Hon. Paul A. Fino, Donald Flamm, Dorothy Brown Fox, Dr. Benjamin Gilbert, James F. Gould, Virginia Graham, Paul Grossinger, Lionel Hampton, Hon. SEYMOUR HALPERN, Harry Hershfield, Hon. Hubert H. Humphrey, Ceil Jacobs, Hon. JACOB K. JAVITS, Georgie Jessel, Israel Kalish, Hon. Kenneth B. Keating, Theodore W. Kheel, Alan King, Dong Kingman, Al Knopf, Irving Kupcinet, Hon. Louis J. Lefkowitz, Jerry Lewis, Hon. John V. Lindsay, Joe Louis, Wallace Magaziner, Mitch Miller, Norton Mockridge, Charles McHarry, Horace McMahon, Jan Murray, Father "Bob" Perella, Jackie Robinson, Shepard B. Rosenthal, William Rowe, Robert Ryan, Phil Schaefer, Beverly Schecter, Silas F. Seadler, Robert K. Shapiro, Noble Sissle, Louis Sobol, William W. Stein, Sy Stewart, Ed Sullivan, Morton Sunshine, Bob Sylvestre, Arthur Tracy, Hy Uchitel, Ben Vitale, Earl Wilson.

The material referred to follows:

HEROES WITHOUT GUNS

(By Joey Adams)

Psychologists claim the majority of teenage toughs who commit crimes don't do so because they need money. Or because they need food. But because they have the need to show off. Therefore, it figures that the greatest show-offs of them all—show people—should be the ones to teach them to use their egos for good instead of evil.

That's how the Actors Youth Fund got into the act. As President of AGVA, I went into partnership with the City of New York ten years ago in an all-out show business war on Juvenile Delinquency. Knowing JD's have a kind of respect for sports figures and famous entertainers, our initial objective was to channel their hero worship towards the healthy version of a tough guy—the entertainer or the athlete. Our first step was book Class A celebrities into high delinquency areas.

Armies of baseball players, tap dancers, boxers and musicians, led by soldiers in grease-paint like Lionel Hampton, Eddie Fisher, Burt Bacharach, Louis Armstrong, and Sammy Davis, Jr., went forth to do battle in the blackboard jungle.

There was the time Rocky Marciano was introduced to a rough and tumble house of gangs. Arrogantly, they had shuffled into a gymnasium which was lined with police. "I'll fight any man in the house," challenged Rocky. For the usual personal appearance, this was his standard opener. But this wasn't a usual audience. Fifty waist-high moppets, all products of a high delinquency Manhattan neighborhood, leaped up itching to square off with the retired heavyweight champion.

I was MCing. Immediately I jumped to the center of the stage. "There'll be no fighting," I intervened. "Rock retired undefeated and let's keep it that way." Five hundred pre-teen youngsters rocked with laughter and settled back to enjoy the proceedings. We had won their attention and respect. We were home.

By prearrangement, our headlines and sports figures remained after the performance. They mingled with the children. They walked amongst them. Answered questions. Signed autographs. Shook hands. This was the opening wedge for Part 2 of our program: the establishment of classes whereby we teach the crafts of show business. Eagerly the children clustered around and registered for classes from boxing to magic, from dancing to mind reading, from ventriloquism and puppeteering to costume design

and makeup . . . all geared to give them the tools whereby they may let off excess steam via health outlets rather than in irresponsible acts engendered by irresponsible surroundings.

In the beginning there's that chip on the shoulder. They're hostile. Inarticulate. Skeptical. Suspicious of motives of the do-gooders. They need a lot of convincing. At this state they often can't be reached by a priest, minister or rabbi. But our password is love, and, in effect, we're kind of the middleman for God. However, when they see us present our series of shows week after week and when week after week they meet our instructors—the same people they have seen on stage—they begin loosening up.

One thing we learned right off. Don't fool 'em. When you promise them Jackie Robinson, you'd better deliver. They don't want to know about a sudden sore throat, a plane being grounded, a last minute complication. If they came for Jackie Robinson, they'll never be satisfied, even if you substitute Willie Mays, Liz Taylor, Richard Burton, Sinatra, Belafonte and Barbra Streisand. Great stars like Mahalia Jackson, Lionel Hampton, Dianne Warwick, Louis Armstrong, Burt Bacharach, Robert Ryan, Sammy Davis, Jr., Jerry Lewis have forfeited paid engagements to appear when advertised. When we guarantee a star's appearance to our charges, the star must guarantee his appearance to us. Once, Sammy Davis' opening date of a two week night-club engagement in Boston conflicted with his long-scheduled Actors Youth Fund appearance. He had to push back the opening in Boston.

In one neighborhood on Manhattan's West Side, we billboarded Louis Armstrong. Only three rows in the auditorium at P.S. 191 were filled. Nobody believed they could see Louis Armstrong free. As one fellow captioned it, "Like, man, why would Satchmo bother to come and entertain us?" Louis had promised, and to keep his word, he exited on a birthday party that was raging in his honor. The news spread through the crowded halls. Before he blew his first note, the auditorium was filled to overflowing with screaming, happy youngsters.

Originally, our plan was localized to East Side—West Side—all around the town of Manhattan. Later it spread throughout all five boroughs. Recently, Governor Rockefeller allocated funds for our band of minstrels to march statewide and set up shop in institutions, reformatories, and jails.

In one house of correction, the angel-faced cherubs were murderers, dope addicts and robbers. After the scheduled eight acts of variety, our handpicked professionals stayed around and taught them how to speak lines, how to sing a song, how to walk across a stage. We demonstrated the art of magic which is a lead course in rehabilitation. A magician, we tell them, works with his hands. Therefore, Lesson One: clean hands, clean nails. A magician must demonstrate there's nothing up his sleeve. Therefore, second lesson: clean cuffs. They're told the only way to acquire dexterity is by practice. The ensuing hours they would ordinarily put into trouble-making are now directed into rehearsing. We taught them to paint scenery, to make costumes, to light a theatre. You know what their first production was? "Peter Pan."

JD costs New York City approximately \$300,000,000 yearly. With a few dollars and a lot of love, our ministers of goodwill have entered the crusade and are winning converts every day. Dozens of our pupils have joined the American Guild of Variety Artists and the Musicians' Union. Some have received recording contracts. One dancing group played Radio City Music Hall, others have appeared on the Ed Sullivan Show. Many are touring professionally. Several alumni have returned to the old neighborhood to teach others what they have learned. This program is a tribute to our soldiers in

greasepaint and our comics in striped pants who have made it possible and to all of you who have supported us in this fight for Juvenile Decency.

A LOVE LETTER TO JOE KIPNESS
THE ACTORS YOUTH FUND,
December 13, 1970.

MY DEAR BROADWAY JOE: Did you ever think when you came from Odessa, Russia about 50 years ago that showbusiness would someday make you the Man of the Year?

And that the President of the United States would ask me to warmly thank you and all who honor you this day. And that the Vice-President would say, "With Americans like Joe Kipness and his outstanding leadership—we will meet the challenge."

When you were a cloak-and-suiter did you ever believe that the Mayor of your town and the Governor would ask me to embrace you as the Showman of the Year?

When you were driving a truck in the garment center, did you ever dream that you would some day be King of Broadway—with a hit show at the Palace Theatre and three S.R.O. restaurants right on the main stem—Dinty Moores, Joe's Pier 52 and Hawaii Kai?

When you were a sailor in the Navy did you ever imagine that one day you would be the Broadway Joe that would produce such all time hits as "La Plume De Ma Tante," "High Button Shoes" and "Applause," not to mention such all-time floppos as "That's the Ticket," "Have I got a Girl for You?" and "Shooting Star," that never reached Philadelphia.

When you were a bootleg prizefighter at Coney Island did you ever imagine that everybody from Sinatra to Joe E. to every chorus kid that ever shook a leg for you, would want to do you honor?

Everybody loves Broadway Joe—from your gorgeous little daughter Janna to your beautiful Janie to your five grandchildren, son Ira and daughter Cynthia, as well as every busboy, waiter, chef, stagehand or grip that ever split a buck with you.

Don't misunderstand—we know you're not perfect. It's been rumored that you take a drink now and then. In fact, there was talk that Joe E. lost his honorary liquor license to you in '68. It's true that you have sewed a few wild oats. To be honest, you hem-stitched and cross-stitched a few, too. So you didn't go beyond the third grade—but you always were great on figures—So what if you couldn't spell two goods.

It's been a love affair with you and Broadway from the moment you landed on our shores when you were only twelve years old—and Broadway now gets the chance to love you back.

They call you "Cryin' Joe Kipness" because you have always been a sucker for a sad story. You cry at "Sweet 'n Low" commercials or if a band marches by your window—and always with your hand out to help somebody. Tonight we pay you back—but with laughter and joy.

For all the actors you have helped, for all the kids you have embraced, for all the friends you have loved:

The Actor's Youth Fund thanks you. . . .
Broadway thanks you. . . .
Showbusiness thanks you. . . .
And I thank you.

Pal Joey
JOEY ADAMS.

THE VICE PRESIDENT,
Washington, November 16, 1970.

Mr. JOE KIPNESS,
New York, N.Y.

DEAR MR. KIPNESS: It is a pleasure to join with The Actors Youth Fund in extending congratulations to you for your outstanding leadership with young people.

The leaders of tomorrow are the youth of today; and with the help of Americans like

you, the younger generation will meet the challenge.

Best wishes for your continued success.
Sincerely,

SPIRO T. AGNEW.

NOVEMBER 30, 1970

DEAR JOE: Please accept my heartfelt congratulations on your selection as "Show Business Man of The Year." The Actors Youth Fund could not have made a better choice.

From your outstanding career as prominent Broadway restaurateur to your countless contributions as producer of "Applause," you have earned the distinction of this honor.

My fondest to you always,

LAUREN BACALL.

SOVIET TRIALS DESIGNED TO INTIMIDATE THE JEWISH POPULATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. VANIK. Mr. Speaker, this afternoon it was my privilege to attend a briefing on the Soviet trials which resulted in the imposition of death sentences on two Soviet Jews convicted in Leningrad of being involved in a plot to hijack an airplane. This trial, as stated by Mr. William Korey, B'nai B'rith representative to the United Nations, is one in a series of trials designed to intimidate the Jewish population to submission and cruel subjugation.

The "crime" of these human beings is their desire to leave the Soviet Union. They have no ulterior design. They merely seek the right to leave a nation which has rejected them, which discriminates against them, which seeks to suppress and destroy their human rights to the preservation of their own culture.

Later today I hope that the House of Representatives will adopt a resolution which I have cosponsored to urge our President to exercise every power of his office to assure a commutation of these cruel and inhumane sentences and to restore to Jewish citizens the humanitarian rights enjoyed by all other citizens of the Soviet Union.

Today, the following representative citizens of Cleveland: Miss Goldie Robinson, 3100 Derbyshire Road, Cleveland, American Jewish Congress; Mr. Ray Leventhal, 16110 Parkland Drive, Cleveland, Jewish Community Federation; Mr. Jon Gottlieb, 21375 Shaker Boulevard, Cleveland, Cleveland Jewish Youth Council; Dr. Louis Rosenblum, 14308 Triskett, Cleveland, Cleveland Council on Soviet Anti-Semitism; and Mr. Edward Rosenthal, 1750 Euclid Avenue, Cleveland, Jewish Community Federation of Cleveland, called at my office and presented 20,000 signatures to the following petition:

PROTEST OF THE CITIZENS OF CLEVELAND, OHIO,
AGAINST SOVIET BARBARISM

We protest the outrageous and inhumane action of the Soviet Union in sentencing two men to death for actions that by no rule of civilized law warrant such a penalty.

As is always the case with secret trials, nobody can be sure of all the details, but these essential facts are agreed to by all:

No one has been hurt. The only "crime" alleged is a so-called conspiracy by a dozen Jews to leave the Soviet Union illegally since their request to emigrate—an essential right of all men—was brutally denied.

For this, two men are to be put to death and others sent to prison for long terms.

Since the punishment so far exceeds the claimed "crimes," the explanation for such vindictiveness can be found only in political objectives of the Soviet government, colored by its long practiced anti-Semitism. The victims are essentially being punished for insisting on their rights as free men and as Jews.

The vital moral interests of the free world are at stake. If this reappearance of crude anti-Semitism and contempt for individual rights go unchallenged, the world will have started back down the road to ancient hatreds and repressions.

We call upon our government, upon the United Nations and upon free men everywhere to protest this incredible sentence, and to demand its commutation as a first step toward restoring the essential right of free men to emigrate freely.

Following is a copy of the Emergency Conference on Soviet Jewry which was adopted December 30, 1970:

DECLARATION, EMERGENCY CONFERENCE ON SOVIET JEWRY, WEDNESDAY, DECEMBER 30, 1970

We, representatives of American Jewry, have assembled with our fellow citizens of all faiths to declare our solidarity with our courageous brothers in the USSR and to protest the brutal injustice being perpetrated against them.

In Leningrad today, two Jews stand condemned to imminent execution by firing squad—a judicial murder ordered by a Soviet court. Nine others, including two non-Jews, have been sentenced to long prison terms. All had been accused of planning to seize a small 12-seater plane and flee the country. Other trials of Jews are contemplated.

All the known circumstances surrounding the Leningrad trial give evidence of a political provocation, officially inspired, meticulously prepared, and centrally coordinated, with the objective of intimidating the Jews of the Soviet Union. To avoid the scrutiny of the concerned and enlightened world, the trial was held in virtual secrecy; no foreign observers or correspondents were admitted. The suspicion is well-founded that the rights of the accused were not protected. The "confessions" extracted from the accused evoke the memory of the fraudulent self-condemnations mouthed by prisoners in past Soviet political trials.

Barbaric sentences have been handed down for crimes that were never committed. There was no hijacking, not even an attempted hijacking. There was no seizure of a plane nor any flight abroad.

The people sentenced in Leningrad are not criminals. Some are condemned to die a martyr's death and others to languish in jails because they dared to proclaim their identity as Jews and their determination to join their brethren as free men in Israel. For this offense, the Soviet court has meted out the death penalty. The condemned have been selected to serve as an object lesson for all the Jews of the Soviet Union. The clear purpose is to bludgeon into silence and submission Soviet Jews who wish to exercise the basic human right of religious, cultural and national self-expression, including the right to join their families in Israel.

This past week, Jews have observed the ancient holiday of Chanukah, commemorating the successful struggle of the Maccabees, 2,135 years ago, to resist tyranny and to

preserve their Jewish heritage in freedom. The Jewish prisoners of conscience in the Soviet Union are the Maccabees of today. We cry out against the vicious attempt to destroy their spirit.

The chronicles of the Jewish people are an affirmation of the failure of tyrants to destroy this ancient nation and heritage. The might of Babylon, the power of ancient Rome could not kill the people's spirit, just as the savagery of Hitler and the madness of Stalin failed to destroy it. The present attempt, likewise, shall not succeed whatever the means employed.

We assert that a travesty of justice has been perpetrated in the Soviet Union. We call upon the Kremlin to right the wrong committed against the Leningrad defendants before the guns of the firing squad commit murder. We call upon the Soviet Government to put an immediate end to the acts of repression and discrimination against Soviet Jews and to grant them the right to live as Jews in Russia and the right to leave and live in the land of their choice.

So long as these injustices persist, men of conscience of whatever faith or nationality will not be silent. In anguish we raise our voice for the sake of those facing death and imprisonment. We speak out to champion the cause of human rights for Soviet Jewry which, day by day, demonstrates its collective resolve to preserve its heritage despite hardship, intimidation and outright suppression.

We call upon the civilized world to join us in this, our appeal: Let Justice Prevail!

Following are editorials which appeared in the Plain Dealer and Cleveland Press:

[From the Plain Dealer, Dec. 27, 1970]

SOVIET DEATH SENTENCES UNJUST

There is no justification for the death sentences imposed on two Soviet Jews convicted in Leningrad of being involved in a plot to hijack an airplane. The sentences should be commuted.

The very word "hijacking" is misleading when applied to the incident. Lately, the word has come to connote the commandeering of an airplane while in flight. The scanty details available indicate that the 11 persons put on trial were going to attempt to steal a 12-seat plane and fly it out of the country.

They never even got to board the plane and it has been alleged they were tricked into the plot by a government agent.

The outrageousness of the death sentences is emphasized by the fact that no country in the world has imposed capital punishment even on a person who successfully hijacked a plane loaded with passengers.

We do not condone hijacking—in Russia or anywhere else. But the circumstances of the Leningrad case, including the secrecy in which the trial was shrouded, make us skeptical of the whole affair. In fact, the principal charge against the defendants reportedly is under a section of the Russian criminal code which makes it treasonous to try to flee the country.

There is good reason to suspect that the trial was staged with the intent of intimidating the thousands of Soviet citizens who have been petitioning for the right to emigrate.

What sort of nation is it that must use force to prevent its people from leaving?

[From the Cleveland Press, Dec. 28, 1970]

JUDICIAL MURDER IN RUSSIA

Sentencing in Leningrad of two Jews to death and nine other persons to prison camps for allegedly planning to hijack a Russian airliner is a brutal, repressive act that tells much about the Kremlin's police state.

Every thinking person opposes aerial hijacking—whether by Soviet Jews, Arab guerrillas, Black Panthers or assorted psychopaths. It is a crime that endangers innocent passengers and deserves to be punished.

But in the Leningrad case no hijacking took place. The worst that can be charged against the 11 defendants, nine of them Jews who wished to emigrate to Israel, is that they plotted to seize a Russian plane and fly it to Sweden. To put two "Zionists" before a firing squad for that is savagely excessive punishment.

The Free World has no way of knowing whether the 11 are even guilty as charged. Naturally, the trial was closed to the foreign press. No trial record has been or will be made public. The Russians say all 11 "confessed, pleaded guilty and repented their crimes."

That means less than nothing. After a few weeks in the basements of the dreaded KGB, the Soviet secret police, anybody will confess to anything.

Also, the efficiency with which the KGB rounded up the Leningrad 11 and some 20 other Jews indicates that the police knew about the alleged "plot" all along. It is even possible that a police agent instigated the escape effort. The tradition of police provocations in Russian goes back to czarist times.

Interestingly, the Leningrad Jews are charged with violating Article 64A of the Russian Federation Criminal Code. This makes it treason to flee the country. Any country that makes it a capital crime to try to leave is not a country but a concentration camp.

Recently, the Kremlin has been frightened by the stirrings of the more than three million Soviet Jews, many of whom wish to escape from government-fostered anti-Semitism and go to Israel.

The reaction of the ruling clique of Communist hierarchs, secret police officers and Soviet army marshals is in the purest tradition of the late despot Stalin: arrest, beat, exact confessions, stage show trials, execute—and thus terrorize the survivors into docility.

The new repression is not only aimed at Russia's unfortunate Jews. It is also meant to silence non-Jewish dissidents, scientists, writers and intellectuals who have courageously demanded civil rights and the freedom to think and speak.

In Russia there are no independent courts or judges in political cases. The guilty verdict and death sentences in Leningrad were decided by the Communist Politburo, if Mark Dymshits and Eduard Kuznetsov die before a firing squad, mankind will remember that the trigger fingers belonged to Brezhnev, Kosygin and their cohorts.

I hope the House of Representatives will adopt a resolution which will urge the President, first, convey to the Government of the Union of Soviet Socialist Republics the grave concern of the people of the United States and the Senate over these injustices, second, urge the Soviet Government to commute the two death sentences, and third, urge that Government to provide fair and equitable justice for its Jewish citizens.

THE SCHOOL DESEGREGATION STALL

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. HAWKINS. Mr. Speaker, in an editorial appearing today in the Washington Post, the Emergency School Aid

Act of 1970 is listed among the unfinished business of this session, a session that has not been altogether a booming success.

Critics of the House bill have been more "critical than correct" as pointed out in my own remarks on final passage of the proposal in the House. However, it seems to me an excellent suggestion to them would be this:

If they consider the House bill unacceptable, then they should pass their own bill in the Senate and send it over to us. If they have found the long-sought answer to school desegregation, our children should not be kept waiting.

The editorial and my remarks that appeared in the CONGRESSIONAL RECORD of December 21, 1970, follow:

CONGRESS: WHAT REMAINS TO BE SAVED

There was a fine irony to the manner in which the Senate on Monday dealt with the President's Family Assistance Plan. Sweet reason—as it seemed—prevailed, if not downright statesmanship and a holy spirit of compromise. Only the result of all this was merely to detach the welfare plan from a conglomerate measure that was overburdened in the first place and to strip that measure (the Social Security Amendments of 1970) of a number of appended grotesqueries (from a trade bill to some punitive bits and pieces). So Russell Long and his minions on the Senate Finance Committee are now presumably to be commended for having undone their own disastrous handiwork—and in return for this latest blow to the welfare bill, we are promised that the Finance Committee, which held up the bill for half a year in hostile and capricious hearings will be happy to hold hearings on it again in the new Congress. We plan to come back to the subject of this bill, whatever its fate, but for now it may be a bit more to the point to concentrate on a couple of legislative items that still seem to have a chance of passage in decent form.

One of these is the so-called Emergency School Aid Act of 1970. This is the \$1.5 billion two-year program for encouraging racial desegregation of the schools that was sent down by Mr. Nixon last spring and which has been improved by the House Committee on Education and Labor and passed by the House itself. About 10 days ago we lamented that only an act of divine intervention could rescue this measure from its antagonists in the House, one of whom—Rep. Durwood Hall (R-Mo.)—explained his angry obstruction on the grounds that "they reprogrammed this dog they said was dead last night." Well, the "dog" lives, and we are prepared to believe that it does so only by the agency of the supernatural. Now, however, the bill faces a new set of hazards in the Senate.

Senate opposition has proceeded from two sources: Southerners who are fearful of the impact of the bill on the schools of the South, and Northern liberals who suspect its House version of being drawn in a way that could result in misdirection of funds. We believe that each side has a point, that both Southern apprehensions and liberal misgivings have a basis in reality. And while we tend to sympathize with the latter—the Nixon administration's record of steadfastness on this score is not inspiring—we believe that the House bill with perhaps a few additions from Senator Mondale's substitute should be passed—and passed now. This is a subject that has deeply divided the civil rights lobby, with numerous persons whose commitment to school desegregation cannot be challenged, arguing that the bill in its House-passed form is at once too weak and too susceptible of misuse to be worth passage. We disagree. To say that the Mondale bill is

better, which we think it is, does not lead us to conclude that (1) Congress would have no say-so in the administration's use of the money authorized by the House version, or that (2) the latter version is worse than nothing. It is our view that there is much more to be gained than lost by schools and schoolchildren from the passage of this measure in a slightly amended House form.

Finally, there is the food stamp program. Congressman Foley of Washington intends to ask the House, by a floor vote, to instruct its conferees to modify the work requirement and benefit size of the conference bill negotiated last week. His move should be fought for and supported. For one thing, we are talking about improvements in the bill that only failed to pass in the House by a handful of votes and that are intended simply to soften the brutalities of Agriculture Committee Chairman Poage's measure. We are talking about preventing recipients from having to accept hazardous, underpaid farmwork for their stamps, about permitting children to receive food should an adult default on work requirement, about phasing the program over a year and a half from what the Agriculture Department calls an "emergency" diet allowance to what it calls a "low cost" diet allowance. The monetary difference is that between \$106 a month and \$134 a month for a family of four. These are not exactly princely sums; they are not expenditures too high for the country to afford. A "yes" vote to Congressman Foley's proposal is perhaps the most important and desirable step that could be taken by this Congress in its remaining days.

Mr. HAWKINS. Mr. Chairman, H.R. 19446, the Emergency School Aid Act of 1970, authorizes the first substantial sums for the express purpose of eliminating school segregation or preventing it.

In holding the administration accountable for meaningful enforcement of title VI desegregation operations—as opposed to main reliance on court action—we must make all the necessary tools available including the money without which many willing school districts will be hopelessly frustrated in their efforts.

Obviously just voting money is not enough. The manner in which the first \$75 million was spent proves that. The six private civil rights organizations which charged that the money was often used for general school aid—not desegregation—were justified under the circumstances.

Personally, I respect the findings of these organizations and believe the pending proposal incorporates the kind of safeguards and assurances to correct the abuses which they found.

Further, I believe these private organizations can assist committees of Congress in monitoring the expenditures under the Emergency School Assistance program in accordance with the criteria written into this bill.

H.R. 19446 is a far different proposal than the emergency program under which the first \$75 million was expended and the greatest injury to education would be to do nothing on the assumption additional money may be used improperly.

First, the bill has been carefully drafted in order to prevent a slush fund which can be used to buy off recalcitrant, foot-dragging districts facing court order. Main emphasis is shifted to districts that in good faith seek to desegregate or to prevent the problem from developing.

Second, the allocation of money is not left entirely to the Secretary's—of Health, Education, and Welfare—discretion in the loose manner allowed without this more specific legislation. Instead of being confined to a few States which had dual school systems, the new proposal guarantees each of all our

States a minimum amount based on the number of minority schoolchildren it has. Thus, a distinction between de facto and de jure districts is eliminated.

And third, section 8 of the bill outlines 12 specific assurances that every application for assistance must contain. These, which were not specifically included in the earlier program include guarantees that the applicant has not disposed of property to private schools, has not reduced its own fiscal effort, is not using a freedom of choice plan to segregate, and is without practices and procedures of assignment, hiring, and testing to discriminate against minority groups.

The pending bill might have included even more assurances and safeguards if we had obtained the kind of testimony and specific recommendations from the civil rights organizations that afterwards made the report to the public but failed to participate in the legislative hearings where their "input" was sought and could have been even more valuable.

In the heated debate that has developed over this bill, the specific purposes and impact of the expenditure of \$1.5 billion in our various school districts now suffering from neglect has been overlooked by some honest critics. It is much easier to be critical than to be correct, and to find fault than to legislate—is an admonition worth remembering?

Some of us here in Congress find it popular to engage in "devil-hunting." Others, the conservative opposition, resort to emotion in order to arouse fears. But neither recrimination nor empty rhetoric will provide the kind of education so badly needed and sought by millions of our schoolchildren, white and black alike.

Billions of dollars of Federal aid is already being spent under laws less specific and with fewer safeguards than in H.R. 19446. Many compensatory programs are perpetuating segregation on black children. Administratively title VI of our Civil Rights Act has not been used in the vigorous and decisive manner we intended. For the first time, H.R. 19446 would give us a specific program of desegregation with the financial aid needed to obtain results and with criteria to measure enforcement.

If some liberals have placed the passage of this bill in jeopardy, then with even greater truth it can be said that the sponsors who put over the Steiger "Rob-Peter-To-Pay-Paul" amendment which struck section 3(c) from the bill performed an even greater disservice to the cause of American education.

This provision of the bill, section 3(c), safeguards the entire concept: that if desegregation is to proceed in an orderly and effective manner additional money must be provided rather than merely shuffling around the current inadequate educational programs.

As Dr. Kenneth Clark has said:

"The goals of integration and quality education must be sought together; they are interdependent, one is not possible without the other."

Thus, to rob the Elementary and Secondary Education Act of badly needed funds or to deprive school districts of "impacted funds" in order to initiate this new program results in continued underfunding, further discouragement to desegregation, and the creation of hostilities among the various groups seeking Federal aid. This safeguard—section 3(c) should be retained by all means.

Much also has been said of the so-called busing amendment. It is sheer hypocrisy to equate school transportation with desegregation and to deny to some school districts the use of busing even where the local people have found the practice acceptable.

The vast majority of American school children use some form of public transportation

to get to school; 40 percent of them in school buses. White children have been bused passed black schools for years in defiance of the neighborhood school concept.

Some of our finest school systems use busing to provide a higher quality of education than would otherwise be available. The city of Berkeley and Sacramento County in California are two such examples. Busing is merely one of the many purposes for which this emergency school money can be used and is perhaps the least important one, except in a few districts that have no alternative or have found it highly useful or acceptable.

In most instances those who oppose desegregation on the basis it means "forced busing" are also not willing to provide quality education for either black or white children in neighborhood schools, or elsewhere. Busing is their excuse for opposing Federal aid. They, as well as some liberals who insist on perfection before action, are content in sacrificing our children "on the altars of ideological and semantic rigidities" as long as their real concern can be hidden.

H.R. 19446 should with the additional changes I indicated be passed so that the House can in conjunction with the other body of Congress act to end segregation decisively and immediately.

The CHAIRMAN. All time has expired.

SOVIET HIJACK TRIALS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. BIAGGI. Mr. Speaker, the hijack conspiracy trials in Leningrad have generated an outcry from all corners of the world that is starting to match the severity of the sentences imposed by the Soviet courts. It is imperative, therefore, that this Nation also voice its concern over the fate of the imprisoned defendants. No more effective means can be used than to have the President exercise whatever diplomatic influence he has at his disposal to insure that justice for the defendants is achieved. Consequently, I am sending the following letter to the President:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 31, 1970.

The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The hijack conspiracy trials in Leningrad in which Jewish defendants have been tried, convicted and sentenced on charges having severe religious overtones, calls for an impartial and just review of all the relevant facts. Serious consideration should be given these cases, along with all of the moral implications, by the leaders of the major powers of the world.

While the sovereignty of the Soviet government in administering their internal judicial system must, of course, be considered in any call for an appellate review, the combined voices of world leaders may cause the Soviet government to carefully reconsider all of the factors involved during the appeal hearings.

Your personal intercession, together with whatever action is being considered by our Department of State and the heads of other nations, will, I am sure, further the cause of justice for the Leningrad 11 as well as for all other Soviet citizens of the Jewish faith.

I therefore urge you to exercise whatever diplomatic sources you have at your disposal to make the Soviet government aware of this country's concern with the fate of the Leningrad 11 and the promotion of basic human rights for all peoples of the world.

Sincerely yours,

MARIO BIAGGI,
Member of Congress.

U.S. DEFENSES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. WYMAN. Mr. Speaker, on this sorrowful day of the funeral of our dear departed friend, the distinguished former chairman of the House Armed Services Committee, Hon. MENDEL RIVERS of the great State of South Carolina, it is fitting that note should be taken of the cause on which he labored so valiantly and so steadfastly to protect America. In the recent appropriations bill for the Department of Defense were funds—\$417 million—included by the House for additional ships for our sorely outdated Navy. This money was added to the Defense appropriation at the request of MENDEL RIVERS. It was reduced by the Senate to zero and in conference all we were able to keep was money for one additional submarine and leadtime procurement items for one more. Gone were a sub tender and a destroyer tender. Gone were other needed vessels of the fleet.

The extent to which our Navy needs refurbishing and needs it now is shown by the following column by Henry J. Taylor. In the interest of U.S. defenses it behooves us to rebuild the U.S. Navy and fast.

SOVIETS EXPAND WORLDWIDE NAVAL OPERATIONS (By Henry J. Taylor)

The Soviet swimming bear is back around its Cuban base. The bear is now operating regularly and continuously throughout the Caribbean, inside our own defense perimeter. During a recent top-secret Marine-landing exercise on a Caribbean beach, a Soviet submarine—obviously advised in advance in a major break of security—surfaced for photographs among our landing craft.

Fanning out eastward and westward from our coasts, the swimming bear patrols the entire Atlantic and Pacific. The latest large-scale Soviet maneuver included more than 200 Red war craft in the Atlantic and Pacific alone. Soviet intelligence ships are regularly posted in Hawaiian waters, usually lying still about 25 miles west of our Barber's Point Naval Air Station.

Russian naval units patrol the Arctic and the Antarctic. The boundary between the United States and the USSR was established by the U.S.-Russian convention of 1867 on the international date line in Bering Strait. Diomed Island, Soviet territory, is Russia's closest out island—only 22 miles from our Seward Peninsula. The Soviet has built Diomed into a powerful air base. Thus, the Soviet has an airfield within 22 miles of the United States.

The Soviet swimming bear dominates the Norwegian Sea. It blocks the Skagerrak and Kattegat, Sweden's outlets from the Baltic Sea. It is seen heavily in the Indian Ocean and the Persian Gulf and off both coasts of Africa.

I was in the Mediterranean when rumors swept the world that our 6th Fleet would intervene against the Palestine commando skyjacks holding Americans as hostages in Jordan. In truth, but undisclosed, our 6th Fleet was tied up tighter than a drum in the eastern Mediterranean.

Greece is the only country in the entire region where the U.S. 6th Fleet can congenially call. It cannot go to Turkey, long a solid base, without inciting street riots, protest bombings and internal strikes. West of Turkey and except for Israel, Tunisia and Morocco, the entire southern rim of the Mediterranean is not only hostile to us but shut. In contrast, Syrian, Egyptian and Algerian harbors are available to the expanding Soviet Mediterranean fleet.

Algerian President Houari Boumedienne's denials notwithstanding, the former immense French Mers-el-Kebir naval air base is Soviet-used and establishes the USSR within 260 miles of Gibraltar, prepared to block the Mediterranean strait or deny the Western navies' access to the vital, strategic Mediterranean.

Meanwhile, and worldwide, the great British navy on which we so long relied in this area and elsewhere on the seven seas has been reduced, over-all, to merely three aircraft carriers, two commando ships, eight nuclear powered submarines, three cruisers, and 87 large and small destroyers and frigates. In fact, during the September Lebanon crisis British naval strength in the Mediterranean (undisclosed) consisted of only the converted carrier *Albion* at Cyprus, the guided-missile destroyer *Fife* at Malta and the frigate *Euryalus* at Gibraltar.

The Soviet worldwide fleet, although boasting no aircraft carriers, now consists of 75 nuclear-powered and 320 diesel-powered submarines, 25 cruisers, 100 destroyers, another 100 destroyer escorts, 275 patrol vessels, 300 mine sweepers, 300 torpedo boats, 125 missile boats, two helicopter carrier vessels, 130 amphibious craft and literally thousands of support, auxiliary and service craft. This is confirmed by our Office of Naval Intelligence. And, vastly important, the Soviet ships are new.

The Soviet navy began when, during World War II, the British battleship *Royal Sovereign* and the U.S. cruiser *Milwaukee* were given to the Kremlin and became Russia's only capital ships. Today only 1 per cent of Russia's fleet is 20 years old.

But our ships? They are old, aging more and show an encroaching obsolescence. An alarming proportion was built during the 1939-45 war period and is 25 years old. It is obvious that the Kremlin does not see how we can compensate for time's natural wastage.

The quiet—oh, so quiet—expansion of Soviet maritime power was the military phenomenon of the 1960s. This is designed to be a relentlessly rising flood tide in the 1970s. Why? Those who believe we can depend on peace talks with the Kremlin for the security of the United States must be out of their minds—including Foreign Relations Committee Chairman J. William Fulbright.

TRIBUTE TO CONGRESSMAN WILLIAM T. MURPHY

SPEECH OF

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. NEDZI. Mr. Speaker, I am pleased to have this opportunity to pay tribute to our distinguished colleague, WILLIAM T. MURPHY of Illinois, who is retiring. It

has been a distinct pleasure for me to have served with BILL MURPHY. His mature judgment, his industriousness in preparation, and his quiet effectiveness have brought honor to this body.

Congressman MURPHY has not drawn attention to himself by flamboyant conduct. Instead he has been one of that number who by their dedicated pursuit of legislative excellence and public high purpose have moved the House of Representatives and the Nation forward. I particularly am impressed with his depth of understanding and interest in Asian and Pacific affairs and with his performance as a subcommittee chairman of the House Foreign Affairs Committee.

I shall miss BILL MURPHY and I hope that he will favor us with an occasional visit during his retirement.

TERROR IN SOUTH VIETNAM—THE PULPING OF A PEOPLE—III

HON. JOHN G. SCHMITZ
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 30, 1970

Mr. SCHMITZ. Mr. Speaker, at this point in the RECORD I would like to insert some material dealing with the current Communist campaign of terror underway in South Vietnam. The first is a short clipping from the Wall Street Journal of December 15. The second is an article from the New York Times of December 17. The third is the most recent roundup of terrorist activities compiled by the National Police of South Vietnam, which I am continuing to insert in the RECORD on a regular basis.

This material is illustrative of a factor which should be kept in mind when assessing possible U.S. courses of action in Southeast Asia and should also remind us of important features inherent in the general nature of communism.

The Communist attitude toward religion is clearly brought forth in this material. From the Wall Street Journal and also from the terrorist roundup we learn of recent murders of Buddhist monks by the Red Fascists. This is not a deviation from the Communist norm. Rather it is the Leninist conception of religion carried to its logical consequences. Lenin stated in a letter to M. Gorky—Selected Works, volume XI, page 657:

Every religious idea, every idea of god, even every flirtation with the idea of god, is unutterable vileness, vileness that is greeted very tolerantly (and even very favorably) by the democratic bourgeoisie—and for that very reason it is vileness of the most dangerous kind, "contagion" of the most abominable kind.

These incidents, and many others of a similar nature, put the lie to the assertion which is sometimes made purporting that the majority of Buddhists in South Vietnam are sympathetic to the Communist effort to conquer that nation.

The articles and the roundup of terrorist activities follow:

[From the Wall Street Journal, Dec. 15, 1970]

Vietcong terrorists tossed two hand grenades into a temple filled with praying Bud-

dhists, killing seven and wounding 87. The attack on the temple 44 miles southwest of Saigon was the second such incident in as many days.

[From the New York Times, Dec. 17, 1970]

THIRTY-TWO KILLED AND TWENTY WOUNDED BY GRENADE AND BOMB ATTACKS IN SAIGON

SAIGON, South Vietnam, December 16.—One of the main United States military housing sections here came under a grenade attack and a bombing tonight, and bomb squads and military policemen responded to what turned out to be four false alarms from other American installations.

The United States command said that two American servicemen and one South Vietnamese civilian were killed in the two blasts, both of which were attributed to Vietcong terrorists. Seven Americans and 13 Vietnamese were reported wounded.

Enemy gunners also fired three rockets into the Bienhoa Air Base, 15 miles northeast of Saigon, but no damage or injuries were reported.

In one attack on the military housing section here, a fragmentation grenade was hurled into a group of American servicemen and South Vietnamese civilians standing around a beer and soda stand outside a Navy Seabee billet. The United States command said one United States serviceman and one Vietnamese were killed in that blast and seven Americans and 12 Vietnamese were wounded.

Three hours later, a 35-pound explosive charge wrecked the lobby of Horne Hall, a United States officers' billet about a mile from the scene of the grenade attack. The United States Command said one American was killed, and one Vietnamese was wounded. Both explosions were near Tan Son Nhut Air Base in the northwestern sector of Saigon, which has many American compounds and billets.

It was the second consecutive night of terrorism in Saigon, attributed to the Vietcong. A 30-pound bomb exploded in a United States officers' billet Tuesday while most of the residents were out to dinner. Two Americans suffered minor cuts and bruises and two Vietnamese were injured.

Guerrilla radio broadcasts have called for an offensive to mark the 24th anniversary of National Resistance Day on Saturday, the 10th anniversary of the formation of the Vietcong's National Liberation Front on Sunday and North Vietnamese Army Day next Tuesday.

Little fighting was reported from the battlefronts of South Vietnam.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 3, 1970

Nine terrorist incidents have been reported in which eight Vietnamese civilians were killed, nine wounded and three kidnapped. Details follow:

DECEMBER 1

One civilian was wounded in an enemy attack on Vinh Thanh hamlet, Kien Hung dist., Chuong Thien Prov.

NOVEMBER 30

Six 82mm mortar rounds landed in Phung Hiep dist. town, Phong Dinh Prov. Two civilians were wounded.

NOVEMBER 29

The hamlet chief of An Thuan hamlet, An Nhon dist., Binh Dinh Prov. was assassinated. The deputy hamlet chief and two RD cadre were killed when an enemy company attacked Khoan Hau hamlet, Song Cau dist., Phu Yen Prov. In addition, two RD cadre were wounded.

NOVEMBER 27

In Phong Dinh Prov., a mine explosion killed one woman and wounded two other civilians in Phong Thuan dist. town.

A hamlet chief was assassinated in Dai Binh hamlet, Tuy Hoa dist., Phu Yen Prov.

Also in Phu Yen, the enemy threw a grenade into a PSDF position in Phuoc Hoa hamlet, Dong Xuan dist. Two PSDF members were killed and two wounded.

NOVEMBER 26

The enemy kidnapped a young boy from Binh Nghia village, Binh Son dist., Quang Ngai Prov.

Two civilians were kidnapped from My Duc hamlet, Hoai Nhon dist., Binh Dinh Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 4, 1970

Twelve terrorist acts have been reported in which 10 Vietnamese civilians were killed, 12 wounded and 3 kidnapped. Details follow:

DECEMBER 3

Seven 82mm mortar rounds hit District Headquarters, Que Son dist., Quang Nam Prov. Three civilians were killed and two wounded.

DECEMBER 2

Three civilians were wounded when the enemy fired four 122mm rocket rounds into Quang Ngai city, Quang Ngai Prov. (Four ARVN soldiers were also wounded.)

DECEMBER 1

The police chief of Tan Rai village, Lam Dong Prov. was killed in an enemy attack on Minh Rong Sekang hamlet.

One civilian was wounded during a terrorist attack on Vinh Thanh hamlet, Kien Hung dist., Chuong Thien Prov.

Six enemy infiltrated Canh An hamlet, Phu Cat dist., Binh Dinh Prov. and assassinated the deputy hamlet chief.

NOVEMBER 29

One civilian was assassinated in Vo Tin hamlet, Hoai Duc dist., Binh Tuy Prov.

NOVEMBER 26

Two civilians were kidnapped from Son Tinh dist., Quang Ngai Prov.

The following incidents occurred in Binh Thuan Province

NOVEMBER 29

One civilian was killed in an enemy attack on Thien Long hamlet, Hai Long dist.

In the Hai Long dist., a civilian was killed when he stepped on a mine.

One civilian was killed and four others wounded by mortar fire which hit Phu Hung hamlet, Ham Thuan dist.

In Phan Thiet city, two mortar rounds killed one civilian and wounded two others.

NOVEMBER 27

One civilian was kidnapped from Liem Dinh hamlet, Hoa Da dist.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 5, 1970

Twelve reports of VC terrorism have been received in National Police Headquarters. A total of seven Vietnamese civilians were killed, 19 wounded and 12 kidnapped. Details follow:

DECEMBER 2

25 rounds of mortar fire hit Quan Loi hamlet, An Loc dist., Binh Long Prov. One PSDF was killed and two PSDF wounded. Three civilian residents were also wounded.

Two civilians, walking in a field, were killed by a booby trap in Xuyen Ha village, Duy Xuyen dist., Quang Nam Prov.

One civilian was killed when an enemy mine exploded near Vinh Phu hamlet, Tuy Hoa dist., Phu Yen Prov.

Five civilians were wounded by enemy mortar fire in the Song Cau dist., Phu Yen Prov.

DECEMBER 1

Also in Phu Yen, one civilian was kidnapped from Tinh Son village, Son Hoa dist.

In Dinh Tuong Prov., one RD cadre was killed and five civilians wounded by VC mor-

tar fire which hit Tay Two hamlet, Sam Giang dist.

NOVEMBER 30

A woman was killed when she stepped on an enemy booby trap mine in Thuong Lang village, Tan Uyen dist., Bien Hoa Prov.

Four civilians were kidnapped from Hoa Loi hamlet, Phu Cat dist., Binh Dinh Prov.

NOVEMBER 29

Another four civilians were kidnapped from Hoa Dong hamlet, Thien Giao dist., Binh Dinh Prov.

An unknown number of 122mm rockets impacted in the area of the Kontum city airfield (Kontum Prov.), killing one civilian and wounding four. (One ARVN soldier was also killed.)

NOVEMBER 27

Two women were kidnapped from My Khanh hamlet, Cu Chi dist., Hau Nghia Prov.

NOVEMBER 25

One civilian was kidnapped from On Ma Trai hamlet, Du Long dist., Ninh Thuan Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 7, 1970

National Police report a total of nine enemy terrorist incidents in which four Vietnamese civilians were killed, 23 wounded and 11 kidnapped. Details follow:

DECEMBER 3

One Buddhist monk was killed when the VC fired approximately 50 mortar rounds into Kien An dist. town, Kien Giang Prov. Three other monks and three civilians were wounded.

DECEMBER 2

The enemy attacked the local defense unit of Ha Thanh village, Son Ha dist., Quang Ngai Prov., killing two PSDF and wounding five PSDF and one civilian.

Two teenage boys were kidnapped from Binh Khanh village, Son Ha dist., Quang Ngai Prov.

A VC unit entered Nhuan An hamlet, Hoai Nhon dist., Binh Dinh Prov. The enemy hung a VC flag at the hamlet office and then set grenades around the flag pole. The hamlet chief and the PSDF came to lower the flag and detonated a grenade, wounding one PSDF member.

DECEMBER 1

One civilian was killed enroute to his home in De Duc hamlet, Hoai Nhon dist., Binh Dinh Prov.

Six 15-year old boys and one 14-year old girl were kidnapped from Phuoc My hamlet, Hieu Xuong dist., Phu Yen Prov.

NOVEMBER 30

Rocket and mortar fire wounded six civilians and three PSDF members in Tung Nghia village, Duc Trong dist., Tuyen Duc Prov.

NOVEMBER 28

One PSDF member and one civilian were kidnapped from Xuan Phong village, Dong Xuan dist., Phu Yen Prov.

NOVEMBER 24

One RD cadre was wounded when he stepped on a booby trap mine near My Loi hamlet, Phung Hiep dist., Phong Dinh Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 8, 1970

National Police Headquarters today released details of the six most recent incidents of enemy terrorism reported from the provinces. A total of five Vietnamese civilians were killed and two wounded. Details follow:

DECEMBER 5

Two civilians were wounded in a VC mortar attack on Vi Hoa hamlet, Duc Long dist., Chuong Thien Prov.

One inter-family chief was assassinated in Thanh Tay hamlet, Hieu Nhon dist., Quang Nam Prov.

DECEMBER 2

An enemy unit fired on two mortar bikes traveling along Highway 25 in Binh Duc village, Chau Thanh dist., Dinh Tuong Prov. One civilian was killed. (Two soldiers riding the other bike were wounded.)

DECEMBER 1

One child was killed in an enemy attack on Xuan Thieu hamlet, Hoa Vang dist., Quang Nam Prov.

NOVEMBER 29

A VC team entered Bao Cua hamlet, Duc Hoa dist., Hau Nghia Prov. and assassinated one civilian.

NOVEMBER 20

Four VC dressed in PF uniforms, stopped a three-wheeled bus outside Suoi Tre hamlet, Xuan Loc dist., Long Khanh Prov. The enemy assassinated the former deputy village chief of An Loc village, who was a passenger on the bus. Two PF soldiers who came out to investigate the incident were also killed.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 9, 1970

In the latest terrorist reports forwarded to National Police Headquarters, a total of 10 Vietnamese civilians were killed, 24 wounded and 4 kidnapped in a series of 19 enemy terrorist incidents. Details follow:

DECEMBER 7

A young boy was killed when he stepped on a booby trap mine while cutting bamboo in a field near Dai Thien hamlet, Ham Thuan dist., Binh Dinh Prov.

DECEMBER 6

One Hoi Chanh was assassinated in Trung Thach hamlet, Vung Liem dist., Vinh Long Prov.

In Kien Hoa's Huong My dist., the enemy assassinated one resident of An Dinh village.

DECEMBER 5

An enemy unit directed small arms fire into Thu Pho Tay hamlet, Tu Nghia dist., Quang Ngai Prov. Two civilians were wounded.

In Quang Ngai city, one round of 107mm mortar fire landed in the airport area. One teenage boy was killed and two other boys were wounded.

While moving on the Nhin Binh village road, Thu Thua dist., Long An Prov. a three wheeled bus hit a mine. One woman passenger was killed and two men wounded.

Two women VC assassinated the hamlet chief of Chi Duc hamlet, Tuy An dist., Phu Yen Prov.

Two civilians were killed in an enemy attack on Tu Xuan hamlet, Duc Duc dist., Quang Nam Prov.

DECEMBER 4

One civilian was kidnapped from Hoa Bang hamlet, Son Tinh dist., Quang Ngai Prov.

12 rounds of enemy mortar fire hit Hoa Lac Trung hamlet, Cho Gao dist., Dinh Tuong Prov. Seven PSDF were wounded.

Two civilians were wounded in an enemy attack on Plei Lih hamlet, Kontu Prov.

Three PSDF members were wounded in a VC attack on Khanh Hoa hamlet, Duc Thinh dist., Sa Dec Prov.

DECEMBER 3

One civilian was kidnapped from Hiep Tri hamlet, Tan Hiep village, Binh Tuy Prov.

One civilian was killed and four wounded by a mortar attack on a populated area in the Ham Tan dist., Binh Tuy Prov.

DECEMBER 2

Enemy mortar fire hit Chi Thanh hamlet, Tuy An dist., Phu Yen Prov. Two civilians were wounded.

One civilian was kidnapped from Phong Thai hamlet, Tuy An dist., Phu Yen Prov.

DECEMBER 1

A VC unit entered Vinh Dien hamlet, Gia Rai dist., Bac Lieu Prov., and assassinated one civilian.

One civilian was kidnapped from Trieu Son hamlet, Song Cau dist., Phu Yen Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 10, 1970

A total of 12 terrorist reports have been referred to National Police Headquarters. In these terrorist acts, the enemy killed 19 Vietnamese civilians, wounded 12 and kidnapped six. Details follow:

DECEMBER 8

Three PSDF and one Hoi Chanh were killed and one PSDF wounded by enemy attack on Cam Son village, Hung My dist., Kien Hoa Prov.

DECEMBER 7

One civilian was kidnapped from Thuan Nhut hamlet, Binh Khe dist., Binh Dinh Prov.

In Thua Thien Prov., six VC kidnapped a man from An Nong hamlet, Phu Loc dist.

DECEMBER 6

A child was wounded and a man kidnapped during an enemy attack on Plei Bong You hamlet, Pleiku Prov.

DECEMBER 5

In Sa Dec Prov., an enemy unit infiltrated An Thanh hamlet, Duc Thinh dist. and kidnapped a civilian.

A VC squad entered Son Loc hamlet, Cu Chi dist., Hau Nghia Prov. and threw a grenade at a PSDF team. One member of the PSDF was wounded.

DECEMBER 3

The enemy attacked the resettlement center in Plei Cluk Prong village, Pleiku Prov. One PSDF was killed.

Eight civilians were killed when a VC company attacked Mang Ca hamlet, Ke Sach dist., Ba Xuyen Prov.

One policeman was killed and another wounded during an enemy attack on the Phung Hoang Center in Vinh Hoa village, Kien Long dist., Chuong Thien Prov.

DECEMBER 2

The enemy fired mortars and began an attack on Plei Hoby village, Pleiku Prov. In the PSDF counter attack, one member of the PSDF was killed and another wounded.

DECEMBER 1

Four civilians were killed and seven wounded when two enemy rockets landed on the Kontum city airfield, Kontum Prov.

NOVEMBER 30

Two civilians were kidnapped from Buon Cha hamlet, Pleiku Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 11, 1970

17 incidents of enemy terrorism have been reported to the Vietnamese police. A total of 23 civilians were killed, 40 wounded and 17 kidnapped. Details follow:

DECEMBER 8

One PSDF member was killed and one wounded when they were attacked while working in a rice field in Tan An Luong village, Vung Liem dist., Vinh Long Prov.

11 teenagers were kidnapped by a VC squad from Thuong An hamlet, Phong Dien dist., Thua Thien Prov.

Also in Thua Thien, a 49-year-old woman was kidnapped from Phuoc My hamlet, Phu Loc dist.

The enemy fired four B-40 rockets into a PSDF position in Vinh Thanh hamlet, Binh Phuoc dist., Long An Prov. One PSDF was killed and the hamlet chief and three other PSDF wounded. (Nine PF soldiers were also wounded in this attack.)

In another Long An incident, a three-wheeled bus ran over an enemy mine in Vinh Cong village, Binh Phuoc dist., killing the driver.

DECEMBER 7

Ten VC guerrillas assassinated a Hoi Chanh in My Ai hamlet, Phong Dien dist., Phong Dinh Prov.

Two men were kidnapped from Mo Cong hamlet, Phuoc Ninh dist., Tay Ninh Prov. The body of one of the men was found the next day.

A village council official and a member of the RD cadre were wounded in an enemy attack on My Trang hamlet, Duc Pho dist., Quang Ngai Prov.

DECEMBER 6

Also in Quang Ngai, the VC attacked a PSDF unit in Duc My village, Mo Duc dist. Four PSDF and three civilians were killed and seven PSDF and eight civilians were wounded. Five VC were killed and seven wounded.

DECEMBER 5

One civilian was kidnapped from An Nghiep hamlet, Tuy Hoa dist., Phu Yen Prov.

Also in Phu Yen, a civilian was abducted from Phuoc Hue hamlet, Dong Xuan dist.

A VC group attacked the village administration office in Thanh An hamlet, Hoa Tu dist., Ba Xuyen Prov. Three PSDF were killed and seven wounded.

DECEMBER 3

In an enemy attack on Vinh Quang Ha hamlet, Gio Linh dist., Quang Tri Prov., four PSDF were killed and three wounded.

In Quang Tin Prov., three civilians were killed and the hamlet chief and five civilians wounded when an enemy platoon attacked Phuoc Ky village, Tien Phuoc dist.

DECEMBER 2

The wife of the deputy hamlet chief was kidnapped from Tan Truong hamlet, Hai Son dist., Quang Tri Prov.

DECEMBER 1

A 16-year-old boy was kidnapped from An Phu hamlet, Trang Bang dist., Hau Nghia Prov.

One PSDF member was killed and two others wounded in an enemy attack on Vinh Thanh hamlet, Tan Chau dist., Chau Doc Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 12, 1970

Reports of enemy terrorism, submitted to National Police Headquarters, totaled 13. In these, nine Vietnamese civilians were killed, eight wounded and two kidnapped. Details follow:

DECEMBER 11

Enemy rockets hit the Phu Pal Bridge in Thuy Phu Village, Huong Thuy District, Thua Thien Province. Two civilians were wounded.

DECEMBER 9

One civilian was killed and two wounded in a VC attack on An Hoi Village, Truc Giang District, Kien Hoa Province.

A 50-year old woman was assassinated in La Chu Hamlet, Huong Tra District, Thua Thien Province.

DECEMBER 8

One PSDF was killed and two PSDF wounded when a VA team attacked Bich Kieu Hamlet, Tam Ky District, Quang Tin Province. A VC team entered Lap An Son Hamlet, Tien Phuoc District, Quang Tin Province and killed one PSDF.

One civilian was kidnapped from Truc Dao Hamlet, Phu My District, Binh Dinh Province.

DECEMBER 7

A woman was assassinated in An Lac Hamlet, Phu My District, Binh Dinh Province.

Two teen-age boys were cutting trees in the jungle area in Thai Thien Village, Long

Thanh District, Pleu Hoa Province. The VC kidnapped and later killed both of them.

DECEMBER 6

A civilian was wounded when he stepped on an enemy booby trap mine near Ap Dinh Thanh Hamlet, Tri Tam District, Binh Duong Province.

In an attempted assassination, a VC team wounded one man in Hung Hiep Hamlet, Xuan Loc District, Long Khanh Province.

DECEMBER 5

A sixteen year old girl detonated an enemy mine in a field outside Long Phi Hamlet, Hieu Thien District, Tay Ninh Province. The victim died en route to the Tay Ninh Hospital.

A policeman was assassinated in Binh Loc Hamlet, Xuan Loc District, Long Khanh Province.

DECEMBER 2

One RD cadre was kidnapped from Bao Ham Hamlet, also in Long Khanh's Xuan Loc District.

ROUNDUP OF TERRORIST ACTIVITIES

Thirteen incidents of enemy terrorism have been reported to National Police Headquarters. A total of four Vietnamese civilians were killed, 19 wounded and 10 kidnapped. Details follow:

DECEMBER 10

In Chuong Thien Prov., two civilians were wounded when they detonated a booby trap near Ngan Vop hamlet, Kien Thien dist.

DECEMBER 9

A farmer was killed near Cay Da hamlet, Hieu Thien dist., Tay Ninh Prov. when he triggered a booby trap in a rice paddy.

Also in Tay Ninh, one woman was killed and a PSDF member wounded in an enemy attack on Ap Chanh hamlet, Hieu Thien dist. Two VC attackers were reported killed.

VC entered Trung Nghia hamlet, Giao Duc dist., Dinh Tuong Prov. and fired into a crowd of fishermen, killing one and wounding two others.

One PSDF member was kidnapped from Binh Chanh hamlet, Tuy An dist., Phu Yen Prov.

DECEMBER 8

In an attack against Tu Duy village, Tu Nghia dist., Quang Ngai Prov., the enemy wounded an adult and a teen ager.

In Phu Yen Prov., a civilian was kidnapped from Ban Thach hamlet, Hieu Xuong dist.

A truck was ambushed on Highway 14 in Pleiku Prov. Three civilians were wounded.

Three civilians were kidnapped from Binh Than hamlet, Tuy Phong dist., Binh Thuan Prov.

DECEMBER 7

A VC unit infiltrated Long Huong hamlet, Tuy Phong dist., Binh Thuan Prov. They fired B-40s into the district administrative building, then threw two grenades at a PSDF team. One PSDF was killed and seven others wounded.

A VC platoon entered Phu Son hamlet, Tuy An dist., Phu Yen Prov. The enemy confiscated rice, destroyed some bulletin boards and then kidnapped two civilians.

A five ton truck hit a mine on Highway 14 in Pleiku Prov. Two civilians and a soldier were wounded.

DECEMBER 4

Three villagers of Plei Mok Den village, Pleiku Prov. were kidnapped while cutting fire-wood in the jungle north of their homes.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 15, 1970

The latest terrorist reports forwarded to National Police Headquarters describe six incidents in which six Vietnamese civilians were killed, seven wounded and one kidnapped. Details follow:

DECEMBER 12

At 1930 hours in Bau Vung Hamlet, Hieu Thien Dist., Tay Ninh Prov., a grenade was thrown into the home of the Village Information Officer, wounding the official, his three children and a policeman who was visiting the house.

DECEMBER 10

A PSDF member was kidnapped from Dinh Khanh Hamlet, Phong Phu Dist., Phong Dinh Prov.

DECEMBER 9

A VC platoon entered Hiep An Hamlet, Phu My Dist., Binh Prov., firing their weapons. They gave a propaganda lecture using loudspeakers, left a number of leaflets, and assassinated a hamlet official prior to departure.

30 armed VC entered Long Thanh Hamlet, Rach Kien Dist., Long An Prov. They were engaged by the hamlet defense force and two PSDF were killed and one wounded before the enemy was driven off.

DECEMBER 8

Two women were killed when one stepped on a mine near My Loi Hamlet, Phung Hiep Dist., Phong Dinh Prov.

DECEMBER 7

While working in the fields near Tan Phu Hamlet, Duc Ton Dist., Sa Dec Prov., a man stepped on a mine. One man was killed and another wounded.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 16, 1970

The National Police have received 10 terrorist incident reports in which a total of six Vietnamese civilians were killed, 14 wounded and four kidnapped. Details follow:

DECEMBER 13

Two PSDF were killed and one wounded in an enemy attack on Vinh Le hamlet, Duc Long dist., Chuong Thien Prov.

DECEMBER 12

One member of the PSDF was assassinated in Tan Thanh hamlet, Thanh Binh dist., Kien Phong Prov.

A VC mortar attack on Vinh Phuoc hamlet, Duc Long dist., Chuong Thien Prov. wounded a village chief, two deputy hamlet chiefs, three PSDF and two civilians.

A Hoi Chanh was assassinated in Dong Mieu hamlet, Gia Rai dist., Bac Lieu Prov.

DECEMBER 11

A group of workers was attempting to free a grenade booby trap when the grenade exploded. One PSDF and three civilians were wounded. The incident occurred in Vinh Loi village, Vinh Loi dist., Bac Lieu Prov.

DECEMBER 10

A mine detonated near a restaurant in the Phu Loc dist., Thua Thien Prov. wounding a girl.

A village official was assassinated in Minh Hiep village, Minh Long dist., Quang Ngai Prov.

The ex-hamlet chief of Triem Dong hamlet, Dien Ban dist., Quang Nam Prov. was assassinated.

DECEMBER 9

Three civilians were kidnapped from Binh Thanh hamlet, Tuy Phong dist., Binh Thuan Prov.

One civilian was kidnapped from Chanh Truc hamlet, Phu My dist., Binh Dinh Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 17, 1970

Reports of eight acts of enemy terrorism have reached National Police Headquarters in Saigon. A total of 13 Vietnamese civilians were killed, 15 wounded and 12 kidnapped. Details follow:

DECEMBER 14

The deputy hamlet chief and three PSDF members were kidnapped from My Hiep hamlet, Duc Long dist., Chuong Thien Prov.

Also in Chuong Thien, two civilians were wounded in a VC attack near Long Quy hamlet, Long My dist.

Two civilians were wounded when they detonated an enemy mine near Phuoc Thanh hamlet, Kien Hung dist. This was the third Chuong Thien incident of the day.

DECEMBER 11

An enemy mortar attack against a monagnard village in Ban Me Thuot dist., Darlac Prov., resulted in six civilians and seven RD cadre killed, nine persons wounded and three women kidnapped.

Four civilians were kidnapped from Tan Long hamlet, Tuy An dist., Phu Yen Prov.

DECEMBER 10

One PSDF member was kidnapped from the Mo Duc dist., Quang Ngai Prov.

DECEMBER 9

Near the Cay Chanh bridge in the Ham Tan dist. of Binh Tuy Prov., a cow stepped on a mine. A civilian walking nearby was wounded.

DECEMBER 6

A civilian was wounded when he detonated a VC booby trap mine near Dinh Thanh hamlet, Tri Tam dist., Binh Duong Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 18, 1970

The National Police received details of 11 enemy terrorist incidents taking place throughout the country. A total of six Vietnamese civilians were killed, five wounded and 21 kidnapped. Organized by date, here are those reports:

DECEMBER 16

A civilian was assassinated in Binh Chanh village, Huong My dist., Kien Hoa Prov.

DECEMBER 14

Two civilians were wounded by an enemy unit near Truong Ninh hamlet, Thuan Nhon dist., Phong Dinh Prov.

A 17-year-old boy was assassinated in My Loc village, Can Giuoc dist., Long An Prov.

A VC squad entered An Nong hamlet, Phu Loc dist., Thua Thien Prov., and assassinated the brother of the hamlet chief.

An enemy platoon entered Tu Nham hamlet, Song Cau dist., Phu Yen Prov. They assassinated one civilian and wounded another.

In Kien Hoa Prov., two civilians were wounded in an enemy attack on Thanh Phu village, Thanh Phu dist.

DECEMBER 13

Two PSDF were kidnapped from Van Phu hamlet, Phu My dist., Binh Dinh Prov.

Five Hoi Chanh were kidnapped from Don Tien hamlet, Ham Long dist., Kien Hoa Prov.

DECEMBER 12

Three truck drivers and 11 woodcutters were kidnapped from the Ngo Trang forest area of Kontum Prov.

DECEMBER 11

An enemy platoon entered Chanh Toc hamlet, Song Cau dist., Phu Yen Prov. and assassinated one civilian.

A woman was assassinated in Tan My hamlet, Hai Yen dist., An Xuyen Prov.

ROUNDUP OF TERRORIST ACTIVITIES

DECEMBER 19, 1970

Communists fired two 122mm rockets into downtown Saigon Saturday morning, killing two adults and four children and injuring a national policeman, a civilian and six children. Four more civilians were injured when a plastic explosive of about 1.5 kilograms was detonated in front of the Tin Sang newspaper office at 124 Le Loi at 5:05 a.m. Sunday.

Three other terrorist reports have been received from the provinces in which one Vietnamese civilian was killed, two wounded and

five kidnapped. Details of the provincial incidents follow:

DECEMBER 15

The deputy hamlet chief and one PSDF member were wounded when local defense forces engaged the enemy in Thien Nhan hamlet, Kien Thien distr., Chuong/Thien Prov.

A PSDF group leader, returning from work, was killed when he stepped on a booby trap mine near Bau Zing hamlet, Hieu Thien dist., Tay Ninh Prov.

DECEMBER 13

Five women were kidnapped from Truong Luu hamlet, Phu Khuong dist., Tay Ninh Prov.

NEED FOR LEGISLATION TO HALT ILLEGAL NARCOTICS TRAFFIC INTO THE UNITED STATES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. RODINO. Mr. Speaker, in my judgment one of the most serious threats to American society in our entire history is the problem of narcotics addiction, which has now reached epidemic proportions in our country.

I know that the Members of this body are fully aware of the gravity of the situation and the particularly devastating effect that such hard narcotic drugs as heroin, cocaine and morphine are having on our youth. Official estimates of the Department of Justice indicate that there are now between 140,000 and 200,000 narcotics addicts in the United States, and it is horrifying to note that some authorities believe the number of addicts to be closer to 600,000.

Recently, too, congressional committees considering the problem of drug abuse in the armed services have received startling testimony indicating appalling increases in the use of hard narcotics by servicemen. For example, in Southeast Asia in the period from January through October of this year, there were at least 26 proven deaths due to heroin—with the number of undetermined deaths due to heroin obviously much greater.

Clearly, one of the most effective ways to reduce the narcotics plague both in the United States and among our servicemen in Southeast Asia is to eliminate the supply of hard narcotics drugs at their source. There is little doubt that the epidemic will not be substantially abated until the flow of these hideous drugs into our country is cut off.

For this reason, I developed legislation providing for sanctions on governments which fail to cooperate in achieving effective international narcotics control. In addition, my legislation also provides for positive, affirmative assistance to the governments of those countries which do cooperate. This proposal, embodied in H.R. 18397 and a series of identical bills, has been cosponsored by more than 140 Members of the House.

I am glad to say that a majority of the House also agreed with me on the urgent need for action. On December 9 I offered my bill as an amendment to H.R. 19911, the Supplemental Foreign Assistance Au-

thorization Act, and it was accepted by the House. Unfortunately, the amendment was deleted from the bill by the Senate Foreign Relations Committee and this action subsequently sustained by the conferees.

Despite my great disappointment that the legislation will not become law in this Congress, I have been heartened by a letter from the distinguished chairman of the Senate Foreign Relations Committee stating that it was not possible to give proper consideration to it because of the severe time pressures involved, and that if I renew the proposal the committee will give it careful attention.

Mr. Speaker, I certainly plan to reintroduce this legislation in the 92d Congress and to devote relentless effort and attention to bringing about its enactment. The evil of narcotics addiction is not abating, and in fact is increasing alarmingly, and I will not cease my efforts to attain approval of this essential step to eliminate this cancer that is tearing asunder our society and corrupting more and more of our young people.

HAS OUR GOVERNMENT GONE AMUCK?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. RARICK. Mr. Speaker, Gen. Thomas A. Lane, in his recent columns, "Public Affairs" for December 17 and 19 has given a man-of-the-street evaluation of the lame duck Congress affair.

I include his columns on the Federal drift and the war:

HAS GOVERNMENT RUN AMUCK?

WASHINGTON.—The general impression conveyed by the federal government is of a vehicle out of control. A President facing a serious deficit speaks of sharing income with the cities. A Congress which has fueled inflation with its own reckless spending strives to adjust social security to its own folly. No one intends to balance the budget nor to end inflation.

Some labor unions are getting excessive pay increases, the President says. But the unions say they should get increases for productivity plus inflation. When the government keeps inflation above 5% per year, the unions expect pay increases of 8% per year.

Industry cannot pay the higher scales without reducing employment and raising prices. Federal income drops sharply, welfare costs increase and inflation is accelerated.

House Minority Leader Ford speaks of a full employment budget. The idea is to consider government expense in a time of full employment as normal and to continue spending at that rate even as federal income drops. Thus, the increased deficit in federal accounts in times of economic distress would not be considered to be a deficit at all. Whom do we fool by such rhetoric?

Residents of the District of Columbia are facing a big increase in property insurance rates because local government is not meeting the crime and arson problem. How uncomplainingly citizens adjust to the idea that it is no longer safe to be on city streets at night! If the vehicle is headed for a crack-up, they will ride with it.

The scene illustrates the decadence of government. The federal bureaucracy has become so bloated that no one really has any comprehension of what it is doing. Our leaders in the Executive and in the Congress are preoccupied with petty problems of personal welfare, now raised to formidable proportions by the past solicitude of these officials. In wrestling with social problems, Congress never asks what its own functions should be.

Consider the question of comparability for federal pay. A congressional committee wrestles with the policy of comparability which Congress adopted for federal pay in 1962. Full parity is the kind of policy which politicians embrace naturally, without a thought to the consequences. Government had a long history of lagging behind industrial pay scales, and with good reason. Sound policy and equity required a differential.

When private employment slackens and the recession deepens, as in the present time, will government reduce its rolls or cut pay so as to reduce the tax burden on producing elements of society? No indeed! Mr. Ford says expenditures will continue as though there were no recession. That is the way governments act. Consequently, government employees have received in stability of employment what they lost in wage differentials.

Basically, government is a leech on society. It lives on taxes taken from working citizens. It is in some fundamental activities a necessary leech, but a leech all the same. Moreover, government by its nature cannot attain the high work productivity of private business.

Lifting government pay scales to the level of industry increases social pressures for governmental expansion. Government employment becomes premium employment, more attractive than industrial work. The leech swells and seems to have a life of its own, until it kills its host.

It is therefore prudent public policy to keep federal pay scales distinctly below comparable industrial wages and salaries. A differential of at least 15% should be maintained. If citizens then leave government employment to take jobs in industry, the consequence will benefit the nation. It is the flow from industry into government which must be stopped. Indifferent to these considerations, Congress presses comparability, even when it must borrow against future income to pay the bill.

Comparability is one small element of the federal drift. The headlong dash of the government into irrational policy on all fronts of its activities gives the impression that there is no one at the wheel.

WASTING WAR CONTINUES

WASHINGTON.—Nothing else so underscores the inadequacy of the Nixon administration as its inability to cope with war. Like its immediate predecessors, it temporizes with the deadly scourge instead of ending it.

In Southeast Asia, the area of combat has been extended to Cambodia. There too, a nation which acted to preserve its independence against communist aggression finds itself in a costly, continuing battle with the enemy. The concern of the Nixon administration is to keep Cambodia fighting. The object of policy should be to end the fighting.

While it served as a vassal state to Ho Chi Minh, Cambodia had an army of about 30,000 men. Now, to defend itself, the Cambodian government is increasing the army to about 180,000 men. Why does Cambodia require so large an army to defend itself? It is estimated that there are 60,000 North Vietnamese in Cambodia. The big buildup is required by the Nixon war policy.

To attempt to defend Cambodia while allowing the enemy a sanctuary in Laos is foolish and futile. This is a policy of war without end. We tried it in South Vietnam and it failed.

In the early stages of the war in South Vietnam, the South had a superiority of ten to one; but it had been prohibited by President Kennedy from striking enemy bases in Laos and it therefore could not secure its own territory. President Nixon is repeating the Kennedy error in Cambodia. 180,000 men will be unable to secure Cambodia under the Nixon war policy.

On the other hand, if President Nixon would allow South Vietnam to strike into Laos to cut off the enemy line of communications, the war would be ended quickly in both Cambodia and South Vietnam. The buildup of the Cambodian Army could then be limited to about 50,000 men, lightly armed with infantry weapons for internal security. When the aggression from outside is ended, internal security within Cambodia will not be a serious problem.

It is elementary in war that you must defeat the enemy quickly and economically, using the smallest force which can do the job. The illusion that war can be ended by negotiation before a decision is reached on the battlefield has escalated the cost of war in blood and treasure. We have built up military forces in allied countries, as though these forces alone could deter aggression. No force, however large, can assure security when the decision makers are deterred by peace propaganda from using the military force to repel aggression. Our refusal to use effectively the forces we have on the ground begets a steady enlargement of our commitments and of our casualties.

We see the culmination of this strategy in the Congress where Senators who are most vociferous in opposing decisive use of available forces in battle now balk at the cost of building the larger forces which their illusions compel. In continuing the Johnson policy of passive defense, the Nixon administration faces legislative opposition to the buildup it seeks.

President Nixon must learn that in war there is no substitute for sound strategy. When you seek escape from confrontation, the aggressor confronts your every move. Every evasion increases the cost of the final reckoning.

The critical need of the country today is a realistic address to war. Richard Nixon has not yet found the key.

NATO AND THE NEUTRON BOMB

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SCHMITZ. Mr. Speaker, the following two articles dealing with NATO and the utility and necessity of tactical nuclear weapons should be of exceptional interest to all my colleagues who understand the necessity of national defense.

The first article appeared in the December 21 issue of the American Security Council's Washington Report. The author of this piece, Brig. Gen. Edwin F. Black, was formerly Chief of Staff to the Commander in Chief U.S. Army Pacific Area prior to his retirement.

The second article was written by Mr. Phillip A. Karber, formerly a research assistant to our distinguished colleague Hon. CRAIG HOSMER and now a fellow at the Center for Strategic and International Studies at Georgetown University. His article appeared in the summer 1970 edition of Orbis magazine, the quarterly publication of the University of Pennsyl-

vania's Foreign Policy Research Institute.

Both of these articles are quite timely in light of recent demonstrations of Soviet conventional military capability. In March of this year the Soviets conducted an operation code named Divan. This operation carried out in White Russia was the largest Soviet military exercise conducted since the Second World War. In October of this year, the Soviets held a Warsaw Pact exercise utilizing Rumanian, East German, Polish, Czechoslovakian, Hungarian, and Bulgarian Armed Forces. This exercise, code named Comrades-in-Arms, was the largest Warsaw Pact operation to date.

These two operations when coupled with the successful Soviet global naval operation, code named Okean and held in April of this year, show a high degree of combat readiness on the part of the Soviet bloc forces. The two articles which follow outline possibilities for meeting this awesome challenge:

WASHINGTON REPORT: DECEMBER 21, 1970

NATO'S UNMENTIONABLE OPTION: TACTICAL NUCLEAR WEAPONS

Two recent developments are forcing the NATO nations, including the United States, to re-examine their strategy for the defense of Western Europe. They are:

1. The Nixon Doctrine, together with rising pressures within the Congress for troop reductions in the U.S. forces assigned to NATO after 1971.

2. The changing balance of strategic nuclear power which has seen the U.S. slip from a position of unquestioned preeminence to that of Number 2 behind the Soviet Union.

Given these new parameters, the question is: How can NATO maintain sufficient armed strength in Western Europe to deter an invasion by the Soviet Union and other Warsaw Pact powers as U.S. forces are cut back and redeployed? The political realities of international power politics at the start of the '70s are such that the NATO planners have little choice but to undertake a new review of the "unmentionable option": the use of tactical nuclear weapons from the outset of such a conflict.

Obviously this subject is necessarily complex and involves consideration of classified technical and intelligence data. However, certain basic elements of the equation can be identified and discussed on the basis of reputable authorities who have already placed important information in the public domain.

NATO defense issues

In April of this year, for example, the then British Secretary of State for Defense, Mr. Denis Healey, was discussing some of the issues arising from the nuclear defense of Western Europe with Dr. Laurence W. Martin, Professor of War Studies at King's College in London. Mr. Healey came right to the point:

"... I think that it's as true today as it was in 1949 when NATO was set up, that there is no real possibility of defending Western Europe against an all-out Soviet conventional attack, and therefore if we ever have to face such an attack we would have to use nuclear weapons early. . . .

"I don't think it would, in fact, make sense for NATO to aim at an all-out conventional defense against an all-out Warsaw Pact conventional attack because all the Soviet exercises and training assume the use of nuclear weapons from the word 'go' so that, I think, an all-out conventional attack is very unlikely. . . . the other side would use nuclear weapons to begin with and there's a great deal of evidence for that, both in the exercises they do and what they write in their strategic journals."

In making these observations, Healey was probably reflecting some of the thinking that went into an earlier NATO Council action of December 1969. At that time, the Council approved a document prepared by its Nuclear Planning Group titled, "Provisional Political Guidelines for the Possible Initial Use of Nuclear Weapons by NATO." This paper which, strange to say, provoked little public comment in Europe, emphasized the need for a modern NATO force equipped and trained to use tactical nuclear weapons in a fashion which is militarily effective, but which minimizes collateral damage.

Tactical weapons for strategy of the 1950's

Some years ago, the United States recognizing the glaring imbalance between the conventional forces of NATO and the Warsaw Pact powers, acknowledged that NATO in extremis may have to resort to the use of tactical nuclear weapons. Accordingly a NATO stockpile of some 7,000 such weapons was established in Europe under the control of specialized U.S. military units. The composition and the doctrine for the use of this stockpile was critically examined in a July 1970 report issued by two Los Alamos nuclear weapon scientists, one of whom was nuclear advisor to NATO's Secretary General Brosio for two years. Said Drs. R. G. Shreffler and W. S. Bennett:

"Our present tactical nuclear armaments were conceived and weaponized in the 1950's under assumptions that are ill-advised for the 1970's. Escalation was equated with desperation in an extension of a contestant concept of war. Ten or twenty kilotons was regarded as a 'small, tactical' yield, to be used in a European ground battle for real estate after a strategic exchange..."

"Although the Kennedy Administration repudiated the strategy of massive retaliation, U.S. weapons programs continued their emphasis on structuring an invulnerable strike-second capability. Our forces in Europe had acquired a sizeable stockpile of 'tactical nuclear weapons'; unfortunately policy was opposed to their use although capabilities and tactics were being developed. Average yields were too high, thus assuring excessive collateral damage. Corrective efforts to improve this outmoded force concept and obsolete stockpile have been precluded ever since 1962 when Kennedy's Deputy Assistant Secretary of Defense, Alain C. Enthoven, enunciated his 'firebreak' philosophy—that any use of nuclear weapons would bridge the only gap that qualitatively separated us from escalating 'all the way up the destructive spectrum to large-scale thermonuclear war.' In the backwash of these events we have been left with thousands of 'tactical' weapons in NATO Europe with no credible political policy or military doctrine for their use.

"Throughout the sixties we pondered the problem of how to remove our 'tactical nuclear weapons' from Europe without impairing our allies' confidence. Certainly the effectiveness of the weapons was questionable because their use threatened to destroy too much of the Europe they were supposed to defend. Their presence did give aid and comfort to our allies, because it seemed to assure a coupling between any attack on Europe and our invocation of a strategic retaliation. Our allies placed their own existence in our hands; not in our ability to win a war, but in our ability to deter it..."

NATO tactical nuclear weapons obsolete

Some two years earlier, Representative Craig Hosmer, a senior member of the Joint Committee on Atomic Energy, voiced similar concern in a letter to President Johnson's Secretary of Defense, Clark Clifford. The time was July 1968. Said Hosmer:

"Grave doubts can be expressed regarding the credibility of our current tactical stockpile. There is not a single weapon in it for which a decision to produce was made after

1960. I am also not aware of any new weapon system in the tactical nuclear area which has a possibility of being turned over to the military forces before 1972..."

"Since I am aware of what the Atomic Energy Commission weapons laboratories have a potentiality to develop in the area of smaller, cleaner and more discriminate tactical nuclear systems to alleviate such devastation, and am aware of the daily increasing obsolescence of our present capability, I can only assume that the absence of an effective force modernization is a matter of conscious and deliberate decision within your office..."

"In an age when our potential enemies have an impressive and growing tactical nuclear capability, we need a similar force which realistically meshes with the requirement, both military and political, to fight a tactical nuclear war, which capability also goes far toward deterring such a war. Conversely, the lack thereof may encourage it. And should it come, our inability to respond in a manner less than strategic, i.e., by way of massive retaliation, seems like national suicide..."

Today's NATO tactical nuclear stockpile, though numerically large, is technologically obsolete. This very obsolescence which, in effect, builds into the weapons system unacceptable levels of collateral damage also destroys the credibility of NATO defense plans based on a tactical nuclear response to Soviet aggression. As long ago as November 1967, in the "Report of the United Nations Secretary General on the Effects of the Use of Nuclear Weapons" in the defense of the heavily populated European areas, it was concluded that "the destruction and disruption which would result from so-called tactical nuclear war would hardly differ from the effects of strategic war in the area concerned." This statement was derived from the results of "analyses of an extensive series of 'war games' relating to the European theater" which assumed the employment of as many as 400 weapons having "an average yield of 30 kilotons." When we recall that the Hiroshima bomb was a 20 KT weapon, it is not hard to visualize the "collateral damage" of such a tactical nuclear defense.

Technology for modernization now available

However, with current technology this situation is both unnecessary and avoidable. Today it is entirely feasible to provide the NATO forces with fission weapons of extremely low yield, comparable to high explosive bombs whose destructive force is measured in tons. These same weapons maximize the radiation effects of neutrons and gamma rays, which last but a split second yet produce casualties among enemy troops, while at the same time minimizing the blast and heat effects which cause the collateral damage normally associated with nuclear conflict.

It is also entirely feasible to develop predominantly fusion weapons for the defense of NATO. As long ago as March 1963, Adrian S. Fisher, then Deputy Director of the Arms Control and Disarmament Agency, informed Congress that "we have already made significant advances in the direction of tactical weapons with a smaller fission as compared with fusion component." Later, in September 1967, the Atomic Energy Commission informed the press that it was "conducting research on enhanced-radiation weapons—neutron bombs." Such a device, the AEC went on to say, "would be very 'clean'. The term 'very clean' would come from fission. The blast effect would be very small, but the radiation effect from neutrons would be predominant. The AEC also is conducting research on pure fusion weapons."

The point here is that fusion reactions release about 80% of that energy in the form of high energy neutrons, whereas in fission reactions only about 5% is released in this

type of prompt radiation. Moreover, since most of the energy of the explosion is in the form of prompt radiation, the blast and heat effects are greatly reduced. Thus it is possible to design a weapon with a 1KT yield which would have the anti-personnel military effectiveness of a 15KT fission weapon, but with the blast and heat collateral effects of a fission weapon having a low sub-kiloton yield. Being a "very clean" device as the AEC has indicated, the attendant radioactive contamination could be as low as 1/100 of the Hiroshima-size fission bomb.

From the political point of view, if the NATO stockpile were modernized along the lines described above—that is, toward essentially clean enhanced-radiation weapons having yields predominantly in the low sub-kiloton range up to 1KT—the Enthoven "firebreak" philosophy would no longer apply, and the credibility of a tactical nuclear defense of Western Europe would be restored.

The Nixon doctrine

The Nixon doctrine, which sets the course of American foreign policy for the 70's, commits the U.S. to provide a nuclear umbrella for our allies as they assume the primary responsibility of providing the manpower for their own defense. The plain truth is that when the Soviets achieved nuclear parity this concept lost much of its credibility. But with the U.S. now in the position of the Number 2 strategic nuclear power in the world, our nuclear umbrella has become a sieve.

This is the message the American Security Council has been bringing to the American people through its *Operation Alert*. This is the message which Dr. John S. Foster, Jr., the Director of Defense Research and Engineering for the past five years, underlined in a recent *U.S. News & World Report* interview when he said:

"In 'throw weight'—the total usable payload on top of a missile—the Soviets have a capacity about twice that of the U.S., and they also surpass us in total megatonnage, which is a rough measure of total destructive power, but not in total number of warheads. However, their 'throw weight' advantage could be converted into more warheads—in which case they would surpass us in both numbers of weapons and in total destructive power."

President Nixon, for reasons which we must assume were primarily political to avoid being forced into drastic cuts in the U.S. forces in Europe, decided in early December that every effort should be made to strengthen NATO's capability to undertake a conventional defense against Soviet and other Warsaw pact forces. A few days later, the NATO foreign and defense ministers meeting in Brussels adopted this as NATO defense policy, knowing full well that they would never raise and maintain the conventional forces required to make this policy a reality.

Fortunately, the White House had already directed a complete review of the role of tactical nuclear weapons in the defense of NATO, to include a strategy for their employment. This study is to be completed by spring '71.

The Administration's willingness to take another look at the "unmentionable option" offers the only real hope of providing a practical, viable defense of NATO. Modernizing the NATO stock pile and updating our military doctrine for the tactical nuclear defense of Western Europe would help to stem the political erosion which has already begun as a result of the public's loss of confidence in the ability of the alliance to deal with the growing threat from the East. It would also buy time for us to correct the existing strategic imbalance between the U.S. and the U.S.S.R. which endangers the security of the entire Free World.

EDWIN F. BLACK,
Brigadier General, U.S. Army, Retired.

NUCLEAR WEAPONS AND "FLEXIBLE RESPONSE"¹

(By Phillip A. Karber)

The Soviet-led invasion of Czechoslovakia challenged many of the basic Western assumptions that have achieved prominence in the last decade. This brutal and unexpected use of force raised fundamental questions about East European "liberalization," Soviet intentions, and NATO's capabilities to prevent such an occurrence in Western Europe. The invasion also carried two distinct, if unannounced, warnings—one to the East European communist states and one to the European members of NATO.

To the East Europeans the invasion was a warning of intent: that while latitude would be permitted among the client states, the Soviet Union continues to be vitally concerned with their internal developments and will intervene if national deviations transcend certain prescribed boundaries. Thus the respective communist parties must never lose control over internal developments; mass media criticism, if permitted, must be directed toward individuals and not the party; and talk of withdrawing from the Warsaw Pact will not be tolerated.

To the West Europeans, particularly those which have been standing guard for two decades against a Soviet sweep across Central Europe, the invasion was a warning of capability: that given the tactical surprise achieved in Czechoslovakia, the Warsaw Pact's armored, mechanized and airborne divisions could, within hours, overrun West Germany to the Rhine. The military strength the Soviets massed for the occupation stunned the NATO allies. In a period of twenty-four hours the Warsaw Pact moved twenty-five divisions into Czechoslovakia. Over half a million men were mobilized and five national armies were coordinated into the greatest display of force in Europe since the Second World War.

The invasion validated the Soviet doctrine developed since the 1967 Arab-Israeli war, that on the first day of attack armored forces are capable of reaching an operational depth of 125 miles without pausing for artillery support, supplies or reinforcements. The object of the invasion force was to employ this mobility as a psychological weapon, not to kill but to move; not to move to kill but to move to terrify, to bewilder, to perplex, to cause consternation, doubt and confusion in the rear of the enemy, which rumour would magnify until panic became monstrous. In short, its aim was to paralyze not only the enemy's command but also his government, and paralysis would be in direct proportion to velocity.²

During the last several years Soviet doctrine and Warsaw Pact maneuvers have indicated a reorientation toward conventional war in Central Europe in which the satellite armies would be given an active role. Once thought too politically unreliable to be used against the West, the East European armies were mustered for the Czechoslovak invasion, and their performance attested to the high degree of command integration within the Warsaw Pact. Thus the forces of East Germany, Poland, Hungary and even Czechoslovakia must be included when considering Soviet capabilities in Central Europe. For while many suggest that the invasion reduced the reliability of the Czechoslovak army, the contrary may be a more valid as-

sumption: Czechoslovakia's non-resistance to the invasion, her fear of West Germany as a traditional enemy, the example of Hungarian participation in a sanctioning action which had once been applied against Hungary, and the tendency for greater alliance cohesion on the offensive, would all seem to indicate that, with reintegration, the Czechoslovak army will contribute substantial forces to any Warsaw Pact conventional attack.

Despite this forthright capability warning, the intentions of the Soviet Union toward Western Europe remain unknown. They are obscured by such contradictory symbols of Moscow's policy as bellicosity in Czechoslovakia and reassurances in strategic arms negotiations. When considering Soviet paranoia over Germany, we must reason that the USSR would occupy her former enemy if such an operation could be concluded quickly and without the use of nuclear weapons. On the other hand, using the last quarter-century as an indication, we must infer that the Soviets would not attack if the costs appear excessive. The major problem in planning for the defense of Europe, therefore, is calculating the Soviet perception of excessive cost.

The early U.S. doctrine of "massive retaliation" assumed that the Soviet Union would not risk her own destruction in order to conquer Western Europe. However, with the growth of the USSR's retaliatory power, "massive retaliation" lost its value as a deterrent to a Soviet conventional attack on West Germany. In the changed power equation its use would have been suicidal for the United States, and suicide is hardly a credible means of defending an ally.

Thus the concept of "flexible response" was devised to meet and defeat, with like force, a full range of Soviet attack possibilities. Emphasis was shifted to building the conventional forces within NATO necessary to meet a large-scale conventional attack by the Soviet Union and the Warsaw Pact. The doctrine of "flexible response," officially adopted by NATO in 1967, is based on three major assumptions: (1) that the West can field enough conventional forces in Central Europe to defeat an all-out conventional attack by the Warsaw Pact; (2) that there will be adequate warning of a strategic buildup so Western forces can be reinforced and tactical surprise will not provide substantial advantage to the attacker; and (3) that "under the most extreme circumstances," if the Warsaw Pact forces are winning, nuclear weapons will be employed by the West and the changeover to tactical nuclear weapons will favor the NATO forces.

II

NATO's conventional forces in Central Europe are not now and never have been capable of meeting a conventional Warsaw Pact attack on West Germany, defeating it, and driving the enemy forces back across the Iron Curtain. For years analysts have debated the amount of force needed by NATO in Central Europe. Utilizing a variety of indices, from spurious division counts to intricate systems analysis, the multitude of studies have had one conclusion in common: that NATO needs more conventional force.

Yet in spite of all the pleas for improvement in NATO's conventional posture, the invasion of Czechoslovakia appears not to have reversed the erosion of Western capabilities in Central Europe vis-à-vis the Warsaw Pact but merely to have arrested it for a time. Current trends suggest a weakening U.S. commitment and an inability and unwillingness on the part of our European allies to replace American capabilities, let alone to make essential improvements. In the United States budgetary restraints and a changing image of Soviet intentions have not only led to snowballing demands for massive troop withdrawals from Central Eu-

rope but have also made it convenient to ignore the conventional strength of the Warsaw Pact.

As the United States and the Soviet Union have become more dependent upon each other's rational behavior, they have altered their mirrored images of each other. From hostile leaders of mortally opposed rival blocs, they see themselves transformed into co-operating members of an exclusive super-power club attempting to stabilize the international system with arms control devices such as the Nuclear Nonproliferation Treaty and the Strategic Arms Limitation Talks. The limited success of nuclear arms control measures suggests a Soviet desire for stability at the level of strategic nuclear deterrence. While a stable nuclear balance effectively deters strategic nuclear attacks on vital areas, it does not deter conventional attacks on peripheral areas: in order to forestall the latter a nuclear power which did not have adequate conventional strength would have to be willing to commit suicide for an area defined as less than vital to national survival. Although the United States has been cautious to maintain strategic nuclear parity with the Soviet Union, NATO has not maintained conventional parity with the Warsaw Pact in Central Europe, thus creating an unstable asymmetry in force.

Implementation of current plans for massive American force reductions, which now appear inevitable, will critically destabilize Central Europe. Theoretically the European members of NATO could replace American manpower, although such a force would lack the symbolic "hostage" value of U.S. troops. But the Europeans are also faced with budgetary strains and détente optimism, and they were never particularly enthusiastic about the doctrine of "flexible response." They have argued that any Eastern attack on West Germany would not be made by an isolated division but by the combined conventional power of the Warsaw Pact which, even if halted, could not be conventionally forced to withdraw from occupied territories. To Europeans the emphasis on conventional warfare created by the concept of "flexible response" reduces the risk of nuclear conflict and therefore encourages the type of warfare most favorable to the Warsaw Pact. They are also cognizant that the greater their conventional capabilities more dubious is the American commitment to the defense of Europe. Thus the doctrine of "flexible response" has served as a disincentive to the very force levels that were needed for its success.

Even if NATO's quantitative inferiority were obviated, the alliance would still suffer military disadvantages when compared with the Warsaw Pact. Unlike the enforced unity of the latter, NATO is a true alliance of sovereign states; and while this is politically admirable, such a voluntary coalition results in severe military weaknesses. Petty competition among NATO's membership over manufacturing profits has thwarted weapons standardization, leaving a hodgepodge of noninterchangeable equipment and supplies in deplorable contrast to the Warsaw Pact's efficient military integration. Because of the flexibility required of current doctrine, NATO's organizational anarchy is carried over into its command structure where formal consultation among the members is required for important battlefield decisions, such as when to employ tactical nuclear weapons. The danger of this delayed decision-making process is compounded by the defensive nature of the organization. By definition, NATO will always be the reactor responding to Soviet initiatives; delays in decision-making could result in a Soviet fait accompli.

We must conclude that the West cannot field the quantitative and qualitative conventional capabilities necessary to halt, let alone defeat, a surprise conventional attack

¹ The author would like to acknowledge his debt to Congressman Craig Hosmer. It was he, in his position as ranking minority member of the Joint Committee on Atomic Energy, who first challenged the credibility and underlying assumptions of the U.S. tactical nuclear doctrine.

² J. F. C. Fuller, *The Conduct of War: 1789-1961* (New Brunswick, N.J.: Rutgers University Press, 1961), pp. 256-257.

on West Germany by the Warsaw Pact. The conventional war advocates have responded to this realistic appraisal by claiming that there would be adequate strategic warning of a Soviet military buildup so that Western forces could be reinforced by airlift from the United States and that tactical surprise would not provide an advantage to the attacker. However, the major problem of strategic intelligence is the willingness of political decision-makers to act on an ambiguous warning which contradicts many of their basic assumptions. Such was the case in Czechoslovakia. The Prague government was clearly aware of its communist allies' buildup of forces over several months but did not in any way prepare for an invasion. When the bloc forces struck, the surprised Alexander Dubcek exclaimed: "How can they do this to me?" Warnings of troop movements and increased capabilities tend to be dulled over time and by repetition.

If Warsaw Pact war games were conducted in East Germany and western Czechoslovakia, would NATO immediately initiate the "big lift" bringing thousands of troops into West Germany, or would the political authorities in this era of détente fear the appropriate military response as provoking a crisis out of innocent maneuvers? Would not the Western allies find their military strategy politically inoperable and equivocate with a wait-and-see attitude until it was too late?

Strategic intelligence is capable of measuring increases in enemy forces but it cannot predict if and when the force will actually be employed. This was certainly demonstrated in the 1967 Arab-Israeli war in which both belligerents correctly perceived mobilization on the other side but where Israel still achieved surprise in the timing of the attack, with devastating results. Likewise Western intelligence services had measured the buildup of Warsaw Pact forces; nevertheless, according to General Lyman L. Lemnitzer, Supreme Allied Commander in Europe, the invasion of Czechoslovakia came "without any tactical warning whatsoever." Given NATO's defensive character, it can hardly be expected to launch a pre-emptive conventional attack on the basis of strategic intelligence, as Israel did. Thus NATO is doomed to complete tactical surprise. This raises serious implications for a strategy of conventional response that depends on air support from too few overly vulnerable airfields and on inferior land forces which are slow to activate, highly concentrated, and without the benefits of adequate logistic supply.

Because of NATO's obvious inability to fight a conventionally superior Warsaw Pact, it is not surprising to find a Congressional investigation reporting that "unless the alliance nations provide sufficient conventional forces, it will become necessary to commit tactical nuclear weapons very early after the outbreak of hostilities."³

Even if we accept the optimistic hypothesis that NATO's conventional forces could halt a Warsaw Pact thrust at the Rhine without resorting to nuclear weapons, how, unless this last resort were used, could the Soviet-led forces be removed? The West has nothing of comparable value (in geographic and industrial terms alone) with which to bargain for a peaceful withdrawal of the occupying forces. NATO's conventional power would not suffice to remove them. Inevitably, in order to protect West Germany's territorial integrity, NATO would have to employ tactical nuclear weapons.

It is generally assumed that when the firebreak between conventional and nuclear

weapons is crossed the change to tactical nuclear weapons will favor the NATO forces. However, in tactical nuclear firepower alone, NATO has no equivalent to the nearly 700 MRBM's, some in hardened silos, currently deployed by the Soviet Union against Western Europe.

The doctrine of "flexible response" requires that NATO be prepared to fight both conventional and nuclear warfare. Therefore its allotted forces must be employed as two distinct armies, one conventional and one nuclear, or these diverse functions must be compromised and combined within dual-capability weapons systems. With such multipurpose systems, changeover problems are acute. NATO's current inventory of unprotected nuclear-armed missiles and aircraft will be extremely vulnerable to preemption as they await the decision to be employed, and once the firebreak has been crossed, conventionally-armed aircraft and artillery must be resupplied with nuclear explosives. Not only does a dual-capability requirement increase the vulnerability of delivery systems; it also means that the land forces concentrated for conventional combat will be undispersed for nuclear warfare.

There is, moreover, the possibility that the widespread use of tactical nuclear weapons in West Germany could destroy the very people NATO is supposed to protect. There are some 7,000 tactical nuclear weapons currently stockpiled in Western Europe, with an estimated average yield of over twenty kilotons per bomb. Such high yields prevent land forces from operating in close proximity to the target and increase the inaccuracy of target acquisition. To compensate for inaccuracy larger yields would be used. The vicious cycle of escalating yields thus created would compound civilian casualties.

NATO's armies, while supported with nuclear firepower, are hardly equipped to survive—or fight—in a nuclear environment. Little consideration has been given to decreasing the soldiers' vulnerability to the effects of nuclear weapons employed on the battlefield. None of NATO's tactical missile delivery systems provides effective shielding from thermal, initial and residual radiation for the crews who are expected to prepare, load and launch their missiles in danger of contamination. Armored vehicles, which furnish the only worthwhile protection from extended exposure, cannot be resupplied or refueled without contaminating the crews.

Given NATO's current capabilities, crossing the nuclear threshold would be so disastrous as to lose all credibility as a rational option. This does not mean that tactical nuclear warfare could not become politically credible. The cause for alarm is that the proponents of "flexible response" have ignored tactical nuclear capabilities in their preoccupation with the conventional defense of Europe.

It is surprising that those most concerned with limiting war in Europe have not defined what tactical nuclear weapons are, how they can be distinguished from strategic nuclear weapons, and how the escalation process can be controlled. While the uncertainty surrounding them may well add to deterrence, it also increases the probability of escalation should war occur. If the West could win a conventional war and the Soviet Union did not possess tactical nuclear weapons, the absence of a clear NATO doctrine developed for their use would not be so dangerous. However, these weapons are deployed by Soviet forces in Europe and tactical delivery vehicles have been evidenced in large numbers within the Warsaw Pact.

An inherent problem in depending on uncertainty as a factor in deterrence is that because of its imprecision and lack of definition it may be asymmetrically perceived. Rather than being deterred by the West's ambiguous doctrine for the employment of tactical nuclear weapons, the Soviet Union

could perceive the uncertainty of this strategy as a tacit admission of NATO's unwillingness to cross the nuclear threshold. Not only could doctrinal ambiguity provoke a Soviet conventional attack, but it would inhibit NATO's response. For once the Soviet Union was committed to conventional action the foreboding onus of escalatory uncertainty would fall upon Western decision-makers; their choice would have to be conventional response and Soviet occupation of West Germany, or crossing the firebreak with the attendant threat of uncontrolled nuclear war.

With such alternatives to be faced, it is not remarkable to find centrifugal trends within the NATO alliance. France has long doubted the political credibility of the U.S. military doctrine for the defense of Europe. The West Germans have been worried that the use of tactical nuclear weapons, even though limited to the battlefield, would, nevertheless, decimate their population and reduce the country's industry and cities to ashes. Most of all, the European members of NATO have not believed that conventional power will deter the Soviet Union and have thus been reluctant to meet their assigned conventional responsibilities. Meanwhile the American public is growing tired of carrying what they believe to be a disproportionate share of NATO's costs, and Congressional resolutions calling for massive American troop withdrawals from Europe are receiving increasing support.

We must therefore conclude that the vital prerequisites for a doctrine of flexible response in Central Europe have not been and will not be realized. To epitomize the situation: (a) NATO's conventional forces cannot protect West Germany from occupation by the Warsaw Pact. (b) Should NATO observe a strategic buildup across the Iron Curtain prior to hostilities, it is unlikely to have the time or the will to counterbalance Warsaw Pact capabilities; and because NATO is bound to a reactionary strategy, it is susceptible to tactical surprise which will probably prove decisive. (c) Consequently, the only present alternative is to plan for the employment of tactical nuclear weapons. However, the inability of NATO ground troops to fight in a nuclear atmosphere, the vulnerability of current delivery systems, the likelihood that West Germany would be destroyed while being defended, and the lack of a limited nuclear war strategy combine to weaken the credibility of resorting to tactical nuclear weapons.

III

Tactical nuclear technology has moved ahead each year, making possible cleaner nuclear warheads, greatly improved yield-to-weight ratios, warheads with enhanced neutron outputs, and devices with neutron output suppressed; and ordnance technology is available which permits high-accuracy delivery systems, earth penetrating capabilities, and a variety of command and control concepts with implementing hardware. Yet the conventional warfare bias of the "flexible response" advocates has resulted in these options being ignored. Rather than a strategy for the employment of the latest technological developments in tactical nuclear devices, we have an obsolescent stockpile of overly high-yield tactical nuclear weapons without a credible doctrine. Current technology provides the means. What is needed is a strategy that will credibly demonstrate resolve without precipitating a nuclear holocaust.

The optimum deterrent to a Warsaw Pact attack on West Germany is an obvious will on the part of NATO to fight with tactical nuclear weapons from the beginning of hostilities and a capability to do only that, and to do it successfully. A strategy for the defense of Central Europe with nuclear weapons has three basic requirements: (1) willingness to employ tactical nuclear weapons at the initiation of a conventional at-

³ U.S. Congress, House, Committee on Armed Services, Review of the Vietnam Conflict and Its Impact on U.S. Military Commitments Abroad, 90th Congress, 2nd Session, 1968, p. 56.

tack; (2) a process of retaliating in proportion to the damage wrought by the attacking forces, so as to make continued attack dysfunctional for the aggressor yet keep the conflict from escalating into a nuclear cataclysm; (3) the capability not only to inflict limited retaliation but also to remove the invaders from West German territory.

NATO's major problem is to convince its members and those of the Warsaw Pact that in the event of a large conventional attack it would resort to tactical nuclear weapons. The development of nuclear demolition munitions provides a technological way to make this strategic intent apparent. Such weapons could include nuclear land mines implanted along the eastern border of West Germany and sub-kiloton devices located at critical bridges, tunnels, dams and autobahn junctions. Positioned adjacent to the frontier, these weapons would not only slow the advances of armored formations, thus blunting the shock effect of blitzkrieg, but more importantly would serve as a dramatic warning shot, demonstrating to the Soviet Union the danger of continued aggression.

By limiting this nuclear tripwire to pre-planned explosions on the border, yet within West German territory the long-standing problem of when to detonate the first nuclear explosion is decided: it is set off by the first border incursion that cannot be halted by the frontier police. The burden of initiating the first use of nuclear weapons falls directly upon the aggressor, since it is he who has triggered the detonation. Moreover, the political credibility of nuclear demolition munitions is due to the absence of undesired collateral effects as well as to their nonescalatory nature. The sub-kiloton devices used on bridges can be as clean as conventional explosives, and although several hundred large-yield mines used for cratering would create a horizontal fallout drift of 100 to 300 miles per day, this would give West Germany an added deterrent to invasion because the normal airflow in Central Europe moves in an easterly direction. Thus the Soviet Union and Eastern Europe would feel the effects of fallout without nuclear weapons having been exploded within their borders.

However, while serving to demonstrate NATO's will to employ nuclear weapons at the initiation of a conventional attack and to absorb the shock of blitzkrieg, nuclear demolition devices cannot save West German cities from nuclear attack or occupation. If the Soviet Union and her allies ignore the nuclear warning at the border, NATO must have the weapons and doctrine necessary to prevent the Warsaw Pact from laying waste to West Germany, either intentionally or inadvertently in the heat of tactical nuclear battle, and then withdrawing across the Iron Curtain without receiving due retribution.

It is the West German people, their cities and their country that we consider valuable. We must therefore communicate their value to the Soviet Union by extracting a compensatory value from the Pact countries in the event aggression occurs. NATO should announce that for every West German city occupied by Warsaw Pact troops or destroyed by Pact nuclear weapons, a sister city in East Germany, Poland, Czechoslovakia or European Russia, nearly equal in population, economic, political and cultural value, will be the target of a retributive tactical nuclear strike. The farther Warsaw Pact troops advance into Western Germany the greater the pain—Lodz for Essen, Prague for Munich, Kiev for Bonn. Also, occupation or nuclear attacks on German cities beyond the Rhine or on the territory of another NATO member would have their equivalents within the USSR. Not only would this strategy of limited retribution make continued aggression dysfunctional for the Soviets; it would offer natural incentives to the client

members of the Warsaw Pact to honor West Germany's territorial sovereignty.

As Thomas Schelling has noted, "coercion depends more on the threat of what is yet to come than on any damage already done." In order to provide the aggressor with a continued incentive to halt the attack, the sister city strategy must be restrained yet inevitable—as each West German city is destroyed or occupied, the retaliatory strike should be carried out against its sister city, and that city alone. To meet these requirements, NATO's retaliatory weapons must have a high degree of survivability and be deployed on the Continent in a considerable number of hardened silos, and on Polaris submarines.

Since the sister city strategy could coerce the aggressor into halting his attack without removing the invaders, land forces would still be required to repulse the Warsaw Pact armies from West German soil. A major weakness in the concept of "flexible response" is the assumption that a conventional army can fight successfully in a nuclear environment. In this case, if nuclear weapons are to be employed at the first border crossing, the land forces defending West Germany will have no need for conventional capabilities.

The prerequisites of a tactical nuclear army are dispersion, mobility, direct target acquisition, protection from initial and residual radiation, and extended operating range without dependence on resupply from vulnerable logistic services. Armored fighting vehicles have long been recognized as offering the necessary mobility; it is regrettable that, due to the past emphasis on conventional weapons, technological refinements have been ignored and de-emphasized to the extent that our current tanks and armor do not provide the capabilities necessary for successfully fighting a tactical nuclear war.

The armored vehicle is a natural weapons platform for tactical nuclear delivery systems. This concept is already being operationalized by the French, whose electronically guided SS-12, a nuclear and somewhat larger version of the famous SS-11, has a range of four miles and can be externally mounted and launched from tanks, light airplanes and helicopters. One obvious advantage of low-yield nuclear surface-to-surface direct fire missiles is their high kill ratio as anti-tank weapons, since mere proximity is equivalent to a direct hit. Improved yield-to-weight ratios and miniaturization could even permit the army's Shillelagh gun-launched missile, which is deployed on the Sheridan, M60A1E1, and the forthcoming American MBT-70 tanks, to be used as a nuclear anti-tank or anti-personnel round.

Although these tanks could be utilized during the transition from a conventional to a nuclear arm, NATO needs a surface force that is prepared to fight in a hostile environment. To provide the surface mobility necessitated by dispersion, the nuclear armored force of the future must be logistically independent with an extended operating range. Technical developments such as composite polymeric radiation shielding for crew protection, and the use of data links, computer-assisted intelligence evaluation, and automated fire control for target acquisition, open new vistas for armored fighting vehicles. In addition, a wide range of tactical nuclear devices can now be used within less than a mile of shielded friendly forces. Besides clean nuclear weapons with yields equaling less than ten tons of TNT, these include devices with enhanced neutron output which would be a veritable death-ray to exposed troops but cause insignificant collateral damage to structures. A weapon of the latter type offers great possibilities for recapturing occupied cities or vital bridges without destroying them.

Such qualitative increases in firepower and mobility could redress the Warsaw Pact's current quantitative superiority; and while

the Soviet Union could convert the Warsaw Pact's armored and mechanized divisions into nuclear forces, such a conversion would be tacit admission that the Warsaw Pact had abandoned its conventional warfare option.

IV

The process of providing NATO with a realistic defensive—and thereby a credible deterrent—capability can be implemented gradually over the next decade. However, due to the importance of demonstrating our will to defend West Germany, the nuclear mine-belt should be installed immediately. Prior to NATO's enunciation of a retributive sister city strategy, obsolete and vulnerable delivery systems on the Continent must be replaced with a hardened land-based MRBM capability backed up by a Polaris force. As obsolescent conventional land forces are replaced with more efficient systems designed specifically for tactical nuclear warfare, the European armies in Central Europe, and particularly the West German army, will be able to retain the proper force balance with a greatly reduced U.S. presence.

Although U.S. policy, law and treaty commitments require that all American-produced nuclear weapons deployed abroad remain in U.S. custody, technological developments in command and control locks for tactical nuclear weapons permit greater flexibility in arrangements with the Europeans regarding them without the complications of the discarded MLF. These locks can be fitted on any weapon or delivery system and can insure not only that the nuclear device is not used without authorization but that it is used on the correct target. Thus a nuclearized West German army would be under greater command control than is the present assortment of 7,000 tactical nuclear weapons deployed in Europe.

In recent years much has been claimed about the value of American troops as hostages. With 75 per cent of the current U.S. troop level withdrawn and their combat mission assumed by Europeans, the remaining American troops could provide the monitoring service on the border and in West German cities to authorize the use of tactical nuclear weapons. Such a presence would offer a much greater hostage visibility than the current stationing of undermanned and ill-equipped U.S. troops in southern Germany.

Central Europe needs to be defended by a credible tactical nuclear strategy. However, because such a doctrine is tailored to specific needs, it is not necessarily suited to contexts other than the one for which it was formulated. In situations other than a direct conventional attack on West Germany, such as maintaining stability in the Mediterranean, reinforcing the Berlin garrison, or coming to the aid of neutral Austria, NATO should create a quick-reaction force of several conventional divisions. By utilizing the latest airborne techniques, these fire brigades could be economically stationed in rear areas yet ready for immediate intervention. The strategy for the nuclear defense of Central Europe does not abdicate responsibility in the rest of Europe, nor should it overextend its credibility.

Despite the invasion of Czechoslovakia, many in the West believe Soviet intentions have become truly detentist, and therefore maintain that it is unnecessary to strengthen NATO. Even given this assumption, a tactical nuclear strategy offers greater European stability in an "era of negotiation" than does the doctrine of conventional response. NATO's emphasis on conventional force, which requires substantial numbers of foreign troops on West German soil, merely offers the Soviet Union a justification for controlling Eastern Europe by stationing large contingents of conventional Soviet troops in the client countries. Tactical nuclear weapons within the proper doctrinal framework would provide the nuclear umbrella under which

mutual conventional force reductions could be carried out by NATO and the Warsaw Pact. If Soviet intentions are in fact peaceful, mutual conventional force reductions would not only alleviate inter-alliance tensions but would also reduce the means of Soviet intervention in Eastern Europe. On the other hand, if such reductions were not made in good faith, NATO would not have surrendered its ability to deter Soviet aggression.

A strategy that provides for a credible yet stable deterrent to aggression in Central Europe and has the potential to reduce the means for another Czechoslovakia is certainly worth consideration.

FLO KENNEDY'S TIME IS RESERVED FOR PEOPLE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. LONG of Maryland. Mr. Speaker, one of my Essex constituents, Florence Kennedy, has been helping people in the Essex and Middle River area for over 20 years. She was responsible for the first organized baseball leagues in the area in 1951. The league was then only composed of six teams. Today hundreds of boys in the area enjoy organized baseball in the summer.

Florence Kennedy's contributions to the community do not end there. The list is almost endless. I should like to honor this remarkable woman by including the following article in the RECORD:

FLO KENNEDY'S TIME IS RESERVED FOR PEOPLE

Little Jimmy Goff ran from the ballfield one summer day in 1949, tears streaming down on his 11-year-old face. He headed for the home of Florence Kennedy to tell of his plight in life. It seemed that the coach of his 1949 baseball team had cut him from the roster and, in Essex, at that time, there was nowhere else to go to play organized ball. One team, playing in the city, was all there was for the Baltimore County Eastern-area teammates. Jimmy was heartbroken.

Flo Kennedy, area resident, was also shocked at the lack of baseball facilities and after hearing the youngster's story, set out to do something about it.

The reason for her concern was as basic as a groundball play from the second baseman to first—the area needed leagues, teams and action in the way of sports. She decided to take on a one woman crusade and get baseball to Essex.

The results of the work put in by transference from Brooklyn. New York, has brought the little lady a host of awards; among them one from now Vice-President Spiro T. Agnew—for being the most "Distinguished Citizen" in Baltimore County, October 1, 1967. She accomplished this by leading baseball teams, basketball teams and bowling leagues to city and county championships during her tenure as coach and manager since 1949.

Some of the best names in the baseball business were on her agenda of daily contacts. Flo Kennedy was at the helm of the Baltimore County Championship 16-18 baseball club which won the title in 1959. On that team was Baltimore Oriole relief pitcher, Dave Leonhard.

"I carried 12 men on the roster when I was coaching," smiles the active countian. "We had enough people to go around twice on each position and every player played on my team in each game."

When it came to outfitting these teams, Flo didn't run to the neighborhood to look for a handout, either. She used to outfit each player with uniforms and equipment paid for out of her own pocket.

"I only had two sponsors in my entire career of coaching."

Over the years her ballclubs won nine city championships and participated in six city and county playoffs, taking the 16-18 title in Baltimore County.

"When that little boy came crying to me in 1949 because he was cut from the team, I cried too," said the serious lady. "It was then that I decided to do something about this situation and have been working since 1949 to help the youngsters."

Flo Kennedy was responsible for the first organized league in the Essex-Middle River area; back in 1951. Six teams made up the league in '51.

Today hundreds of boys in the area participate in youth baseball during the summer months.

What's in it for Flo Kennedy? Nothing but the satisfaction that she's helping someone—that seems to be her forte in life.

"I just enjoy doing things for people—they need help, so I help in any way I can," she asserts.

Just how many people has Flo helped? She doesn't care to mention it. "It's something I do because I like doing it. That's not something one should boast about in the paper," she replies when queried concerning statistics.

It is estimated that more than 500 boys have been coached on and off the field by Florence Kennedy. On the field they learned the rudiments of baseball, basketball and bowling from the energetic woman. Off the field they would frequently join her at home on 625 S. Marilyn Avenue for tea, cokes, cookies, sandwiches and games. Flo's house was and still is open to any youngster who wishes to stop by.

"I'm always home for 'my kids,'" says the 50-year-old consumer-relations manager for Sears Roebuck, where co-workers say she's just as generous with her time and efforts, during the past 20 years, as she has been on the ballfield with the youngsters.

At one time the Essex-Middle River Optimist Football Club needed a backfield coach. Flo volunteered and worked the entire season with the boys who carry the "mail." So dedicated was she that even a broken leg, which occurred in mid-season, didn't keep her from working along the sidelines on crutches during a season which registered 10 victories and 1 tie in 11 games.

Still the work goes on for Florence Kennedy.

Chauffeering youngsters to and from ballparks, working with disabled young boys and girls in hospitals; taking elderly people to and from the hospital to visit relatives, go on vacation and sometimes shop.

And still Florence can't call it a day when it comes to working with and for others. She's presently working to restore the Essex-Middle River Boys' Club which burned down last month.

Organizing fund-raising drives, holding sales and hustling around the community, Florence Kennedy is on her bicycle again. "I've often said that we should have a recreation facility in the Essex area, independent from the high schools," claims Mrs. Kennedy. "Children should be able to get away from their all day environment and play games, both boys and girls, in different surroundings."

This is one of the reasons Flo felt so close to the Essex-Middle River Boys' Club plant. It remained open all the time to the youth, she explained, and still was a different building from the one they had become accustomed to in school.

Her analogy: "You don't want to work in a building all day, then go out with the boys

one night a week to play cards in that same building, do you?"

Receiving credit and awards is something Florence Kennedy shirks away from. She doesn't like to talk about her efforts, but the accomplishments of "her children" when confronted with the results of activities among her daily routine which includes getting off to work, herself, keeping her home, which she lives in alone, and keeping the neighborhood children, which keep her from being alone. All this and she still finds time to visit the hospitals during the evening hours, campaign for her favorite sports personalities, by writing letters to big league officials, making telephone calls and even making personal "door-opening" scenes in order to crusade for her favorite personality.

Flo Kennedy has that magnetic quality which keeps the business executive from closing his door to her crusade pitch. She has a way with people that brings the best results for other individuals—she gets what's best for her neighbors and friends.

What's in it for Flo Kennedy?

We can't answer that question, unless we join the dozens of area boys who have grown up in Essex-Middle River by calling her "Mom" and still stop by to pass the time of day, by acknowledging the force which makes her "untouchable" in a day when the "what's in it for me" label reaches all.

Flo Kennedy doesn't want anything in return for her outstanding work with humanity—she's that way.

THE SPEAKER OF THE HOUSE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. JOHNSON of California. Mr. Speaker, as a freshman Congressman some 12 years ago, I entered these Halls full of admiration for the leadership you have given this Nation through the many trying times of recent decades. These include of course the great depression, World War II, the recovery of that total war, the Korean war, and the cold war.

Your vast experience and great ability, concern, and compassion for your fellowman, as was demonstrated by the great program of social legislation for which you fought successfully over the years, were the hallmarks of the best in representative government.

These earlier campaigns were climaxed in a series of dramatic Congresses, each of which saw you in the lead as Speaker of the House.

It is with pride that I had an opportunity to serve with you during this period in which the Nation made the greatest civil rights progress in more than a century, in which we achieved more in the education of our young people than has ever been accomplished before, in which we demonstrated our concern for the consumers of the Nation, and in which the Congress of the United States took vigorous and active leadership in the preservation of our environment.

The Nation and the world is a better place in which to live because of your service in the U.S. Congress. You have started us on the right path, and while there remains much to be done to meet the needs of the Nation, if we follow the footsteps which you have made along

the way and observe the same devotion and dedication to our responsibilities, this Nation will always remain strong and progressive—a nation of men.

A TRIBUTE TO THE LATE GEORGE B. HARRIS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. RIEGLE. Mr. Speaker, I insert in the RECORD the account of a man who dedicated his life to working in Republican politics—the late Mr. George B. Harris, former judge from Cuyahoga County, Ohio. His daughter, Dr. Lucille Limbach, now living in Flint, Mich., which is part of my congressional district, carries on her father's example of vigorous citizen involvement as the best means we have to make our democracy work:

FORMER JUDGE G. B. HARRIS DIES

George B. Harris, former Cuyahoga County Common Pleas Judge from 1930 to 1934, county GOP chairman before World War I and a candidate for mayor in 1945 and county prosecutor in 1928, died yesterday in Pavilion Nursing Home here. He was 89.

Orphaned in early life, Mr. Harris, who was born in Findlay, O., was reared in the Ohio Soldiers & Sailors Home in Xenia. He worked his way through high school and Ohio Wesleyan University, from which he was graduated in 1900. Later he became a trustee of the college.

In 1901 he taught mathematics at the old Baldwin University in Berea and attended Cleveland Law School at night. He began to practice law in 1903 and had a continuous practice in Cleveland until 15 years ago with the exception of his four years as a common pleas judge.

For almost 70 years he worked zealously for the Republican party. He got started in 1900 working to get President William McKinley re-elected.

In the back rooms of the party, where planning and money-raising went on, he became big. But again and again he lost faith in the office holders and bosses he had helped. When that happened he split away, fought them and played the gadfly.

In 1912 when Republican agitation over Theodore Roosevelt and his Bull Moose movement stirred immense excitement, Mr. Harris was elected a Republican precinct committeeman. Through his acquaintance with the late Maurice Maschke, then U.S. collector of customs, Mr. Harris became chairman of the Central Committee.

Later that same year he had his first fight with Maschke. The Republican leader threw the Cuyahoga County delegation to the state convention behind President William H. Taft, although this county had expressed a preference for former President Theodore Roosevelt. Mr. Harris fought for Roosevelt, the people's choice.

In 1913 he was adviser to Harry L. Davis, then city treasurer, who decided to run for mayor against Mayor Newton D. Baker. When Davis won in another race in 1915, Mr. Harris remained as Davis' and Maschke's central committee chairman. But a silent fight began for control between Davis and Maschke. In 1918 Mr. Harris resigned, charging Davis and Maschke with being "selfish."

In 1920 Mr. Harris was a county organizer for U.S. Sen. Warren G. Harding for president. In 1924 he ran for the nomina-

tion for governor against Davis, was defeated and began to organize against the Maschke forces. One of his partners in this opposition was the late George H. Bender, then a state senator.

In 1928 Mr. Harris brought his fight with Maschke into the open by his candidacy for the Republican nomination for county prosecutor. He was defeated by the late Arthur H. Day, later to become a common pleas judge.

Gov. Myers Y. Cooper appointed Mr. Harris common pleas judge in 1930 to fill a vacancy. He was elected in 1932 and defeated in 1934.

In 1937 Mr. Harris waged another war against a fellow Republican. This time it was Bender, then head of the state GOP. He tried to find a candidate to oppose Bender for chairman. He forced Bender into court to make an accounting for party funds.

His last bid for office came in 1950 when he waged a hot campaign for the common pleas judgeship, then held by Frank J. Merrick. Again he was defeated.

In recent years he had worked for school integration, helped out in several political campaigns and was working on a book on Ohio politics.

He is survived by his wife, the former Fannie Davis; daughters, Dr. Lucille R. Limbach of Flint, Mich., and Mrs. Joshua S. Miller of Birmingham, Mich.; son David G. of Willoughby; 10 grandchildren and eight great-grandchildren.

Memorial services will be at 4 p.m. tomorrow in Fairmount Presbyterian Church, 2757 Fairmount Boulevard, Cleveland Heights. Contributions may be made to the American Cancer Fund.

CONGRESSMAN PHILIP J. PHILBIN— A CAREER PUBLIC SERVANT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. JOHNSON of California. Mr. Speaker, all of us here in the House of Representatives recognize the values of dedicated hard work and I believe that as the 91st Congress closes we bid goodbye to one of the hardest working, most dedicated Members of this House, PHILIP J. PHILBIN, of Massachusetts.

I know of no one who has worked harder to serve the individual needs of his constituents in Massachusetts. He has been a diligent and consistent worker for the individuals and the organizations in his local communities in insuring that they get fair and equitable treatment from the Federal Government. It is interesting to note that throughout his 13 terms in the House of Representatives, he made it a point to return to his district as frequently as possible and in most cases, weekly, in order to give his constituents an opportunity to not only express their opinions and views on the issues of the moment but also to turn to their Congressman for help with their problems.

It has been estimated that PHIL PHILBIN has traveled about 50,000 miles a year moving back and forth between here and Massachusetts. Much of this, we all know, had to be at his own expense. In addition to his devotion to the citizens of the Third Congressional Dis-

trict of Massachusetts, PHIL PHILBIN was a patriotic and untiring worker for all the American people and for peace throughout the world. He has voted to combat poverty, provide equal rights for all citizens, and to assist in every way possible those in need. He is a member of the Armed Services Committee and has championed the cause of the serviceman and his dependents and has been a constant advocate of reasonable veterans benefits—an effort which earned him the highest decorative award by the National Veterans of Foreign Wars. The Nation and the world is a better place because of the service PHIL PHILBIN has given us in the House of Representatives. Let us, as he retires, dedicate our efforts to keeping up this fine work which he has carried on so well during the past quarter century.

METROPOLITAN HOUSING

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. MURPHY of New York. Mr. Speaker, under the leave to extend my remarks, I would like to call to the attention of my colleagues an interesting analysis of the current and future trends in housing, presented by Leona Mindy Roberts of Brown, Harris, Stevens, Inc., of New York City:

The cooperative apartment is becoming an increasingly important factor in housing. Although rental buildings have had substantial increases, the real villain is not the greed of the landlord but the high cost of money—high interest rates. The owner of the building finds that he still has an inequitable, low and sometimes unprofitable situation. His real estate taxes are high and rise each year. Labor costs advance each year. The cost of maintaining the building surges upward. Prices for oil, repairs, cleaning equipment, etc., are all up. Their costs are generally not covered by increases in rentals. Hence, the landlord does not feed adequately compensated for the large investment he has made. He, therefore, justifiably seeks to make a profit on his investment. Services are reduced, security becomes inadequate, general debilitation of the property is evident. The oppressed tenant, in spite of the increases in rent (which will only go higher) is being deprived of the following:

NEW HOUSING

The tight money market has made it impractical and unfeasible for new construction, thereby creating an acute housing shortage.

SECURITY

Vandalism is not any particular city's plight and problem. It is a nation-wide problem.

A co-op would provide adequate security, hence less crime.

LABOR

A landlord visits a building periodically. Whatever his schedule is—once a day, once a week—this schedule is clocked by the employees who don their Sunday clothes and manners for the expected inspection.

A cooperative building has a landlord "on the job" every time an elevator rides, a taxi arrives at the door or an apartment door opens. Hence, the employee does what he is paid to do and the building is maintained at its zenith, not its nadir.

RENT VS. MAINTENANCE

Because of the rising cost in maintaining a building, tenants in rental buildings have received periodic increases. In addition to the increases, the landlord is entitled to make a profit on his investment. This profit is incorporated in the periodic increases to the tenant.

A cooperative eliminates the profit to the landlord. The tenant-owner will be pleasantly surprised to learn that it is possible to live in a cooperative apartment at a much cheaper maintenance than in a rental unit.

City fathers will not increase assessments on tenant-owned buildings as rapidly as they will on property owned by a landlord because each occupant will know how much his taxes have increased and will react accordingly.

Tenant-owners are usually happier than rental tenants because when tenant-owners are asked to pay a higher monthly maintenance charge they know exactly why the increase is necessary and have the right to protest if such an increase is unwarranted.

A cooperative eliminates a profit to the landlord. The total cost of running the building is devised by a Board of Directors comprised of tenant-owners. The cost is proportionately shared depending on the amount of shares allocated to each individual apartment. This amount is usually lower than the rent being paid to a landlord. In addition, a substantial tax deduction is realized, thus the maintenance usually becomes a palatable figure.

Everyone seeks a good return on an investment and rightfully so. This, too, is helping the "own-your-own-apartment-trend". A co-op is a great hedge against inflation. The stock market has fluctuated. The cooperative market has gone only one way—up! It has appreciated—not depreciated. Cooperatives have proven—more and more—to be a wise and profitable investment. There never has been a direct relationship between stock prices and inflation. On the other hand, history has proven that when purchasing power of the dollar shrinks, the value of real property goes up. Inflation is more likely to force stock prices down than up because the value of securities depends upon earnings.

A landlord owns a rental building and naturally dictates the policy of running the building at the lowest possible cost in dollars in order to realize a profit.

A cooperative elects a Board of Directors that establishes policy which is then dictated to a competent management firm. The management firm does the purchasing, the hiring and carries out any other function pertaining to the management of the building. Therefore, purchasing power is greater and such items as oil, cleaning materials, repairs, etc. can be less expensive. The result is a lower cost on the maintenance of the cooperative building.

Pollution and dirt on the streets are other malignant sicknesses affecting the well-being and aesthetics of the urban areas. A survey has shown that a large percentage of the streets embracing rental buildings are dirty and sometimes vermin-infested.

A cooperative purchaser takes pride in home ownership. Home ownership is not a new way of life. Home ownership dates back to the very formation of these United States and is part of our American heritage.

The owners of a cooperative will not only discourage, but will actively prevent the decay of public areas in and around the surrounding areas of their property. Streets will be hosed and snow and refuse removed; sidewalks repaved and perhaps even a tree planted on an otherwise barren urban area. Therefore, streets would be cleaner, pollution-free; it also follows that a great deal of vermin infesting the streets would be removed.

CIVIC PRIDE

Tenants living in rental buildings in urban areas have often been accused of being "cold and indifferent to their neighbors."

A co-op seems to kindle a common interest. New tenant-owners feel they are no longer tumble weed but rather a family planting roots in a place they plan to stay for a long time to come. They have a common interest and they meet to discuss their interests. They want the best schools, the safest district, well-maintained houses of worship, adequate policing of the areas, cleaner surroundings, etc. In their meetings and discussions they become friends and develop a healthy interest in their neighbors. They are no longer indifferent. They have something in common—civic pride.

I don't say that a co-op or condominium is the panacea to the existing housing crisis but I do say that it is a great part of the answer to many existing problems.

A recent ad in the Los Angeles Times (illustrated with a photo of an atomic bomb) gave this message: "Even if they drop a bomb on it (your land or building) you still own the hole. And when the dust settles, the property will still go up in value."

Large companies are now offering to guarantee mortgages for employees interested in buying a new home. The purpose of the guarantee is to provide an inducement for substantial people to join the companies and establish roots.

Demand for condominiums in Florida is greater than ever. Construction is currently progressing at the rate of 40,000 units per year and they are being sold for an average of \$20,000 per unit. The reason it is possible to build at such an extensive rate is because money in that state is more plentiful than almost anywhere else in the country. Retired people who move there usually have large savings accounts accumulated through sale of their homes up north so they have the money needed to buy such units. Other states where condominium construction is proceeding at a rapid rate are California and Hawaii.

What has been termed as one of the most important moves ever contemplated by the Federal government with respect to the real estate industry has been announced by the President's Council on Environmental Quality. This group has appointed a 15-man panel to study the effect of current tax policies on the environment and to recommend changes which will provide economic incentives so that owners can place more emphasis on aesthetic values and social needs with respect to the properties they control. This, of course, means a complete examination of land uses, practices in this country and those practices that are encouraged by current tax laws.

The President's task force on suburban problems recently noted that current property tax laws encourage urban sprawl by giving speculators an incentive to hold on to vacant land in suburban areas, thereby forcing developers to build several miles further out from core areas. The Federal Government should encourage local communities to levy a tax that would persuade owners to develop the vacant land in metropolitan areas into substantial use. Tax policies should be designed to improve the environment of whole communities.

Large percentages of people are aware of the advantages of owning an apartment as opposed to renting. However, new financing programs should be introduced to facilitate the purchase of apartments at which time more people will soon see the advantages of owning, as opposed to renting.

Tenant-owned buildings will be kept in better condition because each occupant will be as interested as the former (or more?) landlord in protecting it from vandalism. They will also be pleasantly surprised to

learn that it is possible to live in such apartments cheaper than they can in rental units. Institutional lenders claim they would be willing to charge lower interest on mortgages when a building is occupied by tenant-owners because there will be less risk of damage to property. Insurance will be able to be offered at lower rates when buildings are 100% occupied by tenant-owners because the possibility of fire due to arson is minimized.

Conferences between institutional groups and HUD officials will eventually result in the kind of loan programs which will enable people in all income groups to buy an apartment as easily as they would be able to buy a house. Insofar as low income people are concerned, Federal officials have already conceded that if government housing subsidies are necessary, it is better to provide a subsidy on interest rates which will result in apartment ownership than it is to subsidize rents in a building in which occupants will have no proprietary interest.

The own-your-own-apartment trend is gaining momentum throughout the country. While every state now has laws which permit the sale of individual apartments by converting multi-family apartments into cooperatives or condominiums, it is not possible to take full advantage of them until more liberal financing programs have been authorized. A new banking regulation permits banks to lend mortgage money for the purchase of co-ops. Regulation has been promulgated to stimulate the sale of cooperatives. Most large banks are getting involved. There are banks that will loan up to 100% if the applicant can qualify.

Private demand for real estate will increase to unprecedented levels. It is predicted that as soon as the money situation eases, large companies will be interested in sponsoring large communities of condominiums or cooperatives in which people will be able to buy on easy terms.

Personal housing decisions are undergoing a revolution. More and more people are asking "What is a cooperative?" "What is a condominium?" In 1969, such distant areas as Michigan and New York have built more than 50 condominium developments. In the Metropolitan area of Chicago alone, over 7,000 condominium units have been constructed.

The cooperative market has become an increasingly important factor in housing decisions. Many balanced planning strategies in urban development almost take it for granted that a substantial segment of new residential housing will be of the cooperative type.

There is hope that the responsible lending institutions will encourage creative diversity in design for aesthetic as well as business reasons.

A prime factor that must be accepted as a challenge is the pressure to develop total population solutions. Responsible financing solutions will not come without a satisfactory balance between the investor and the community interest.

THE HONORABLE WILLIAM H. AYRES

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. WYLIE. Mr. Speaker, I would like to associate myself with the remarks of my colleagues in the Ohio delegation commending the Honorable WILLIAM H.

AYRES for his 20 years of outstanding service in the House of Representatives.

I have known BILL AYRES since 1953 when he came to Columbus to help me campaign for city attorney. I have always highly valued his wise counsel. I remember when I was first elected to the 90th Congress, he gave the then freshman Members sage advice about the ways of the House of Representatives. During the 90th Congress and 91st Congress, as we served together, I came to appreciate the legislative skill which enabled BILL AYRES to so ably serve the people of the 14th Ohio District.

We are all going to miss BILL's presence and contributions in the House. I want to take this opportunity to extend my best wishes to him for success in all future endeavors.

VIETNAM—TOO LATE TO WIN?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SCHMITZ. Mr. Speaker, some of the letters which it has been my pleasure to receive from constituents lately indicate that many who rightfully think we should have sought victory in Vietnam at the beginning of the conflict now feel that it is too late to win. This attitude is understandable, given the uncertain and protracted nature of the conflict.

It is easy to lose sight of the guiding principle that a nation must follow to maintain its existence as an independent state. It is never too late to win a war and it is never time to lose one.

The Second World War lasted for 4 years. At no time during this conflict was there a widespread feeling that we should surrender or that it was too late to win. The psychological atmosphere was, of course, entirely different in all essential aspects. In the first place everyone understood that we were going all out to defeat the enemy. The restraints which kept our forces from achieving quick victory were of a material nature rather than self-imposed restrictions making victory impossible.

There was no wide scale antiwar movement in the Nation. Anyone parading around with the enemy flag would have been given prime time in prison—not on the public airwaves. No Senator or Congressman got up when the U.S. forces stormed ashore on those French beaches at Normandy and denounced it disparagingly as "provocative and a dangerous escalation of the conflict." Escalation in those days was looked upon as a good thing since it made the situation extremely dangerous for the enemy. We took the war to the enemy with increasing increments of force, and won. When efforts were made during the Second World War to release American men from enemy prison camps, hardly a soul denounced it as dangerous folly.

Obviously, there were big differences between then and now. One factor, however, remained unchanged. It took us a number of years to defeat the enemy. It took time to win. We could not de-

feat the enemy immediately in the Second World War because we did not have the material capability to do so; and matter must be allowed its right in every war.

During the Vietnam war we have always had the material on hand in Southeast Asia to easily overthrow the enemy at any time that our will so disposed us to take the necessary steps. But the decisionmakers have not yet been so disposed. It is a different element of victory which we lack, but this should not be confused with an inability to win.

At this point there is all the more reason to press for victory. Tens of thousands of Americans have died in Southeast Asia. Over 2 million men have actually been to the theater of war to meet the enemy. This does not even take into account the tremendous losses suffered by our allies.

We now have a number of men in enemy prison camps. Does anyone wish to leave these men there? The North Vietnamese Communists have shown by word and deed that they are uncivilized barbarians who refuse even to honor the Geneva agreement relating to prisoners of war. Does anyone really want to surrender and sacrifice the object for which these men, and others, have paid so high a price?

Shall all these sacrifices have been in vain? Who is going to look the young men who have fought, the wives of the men who are left in enemy prisons, the wives and parents of the men who have died, in the face and say, "Sorry, it was just too late to win?" I will not.

The functional success of the prisoner of war rescue attempt—the operation got in and out only 20 miles from the enemy capital—showed the vulnerability of the enemy. It demonstrated beyond a shadow of a doubt that we have capability, if we use it, to successfully disorganize the enemy rear, North Vietnam, so that he can no longer maintain his armies in neighboring territories.

For those who might be concerned with their own safety, it might be well to note that the President's adviser in charge of national security affairs, Dr. Kissinger, has stated that he does not believe that there is the danger of a general war with the Soviet Union arising from anything we might do in Southeast Asia. If he is correct, we should act. The leadership decision to delay must not be allowed to push those who originally advocated victory into the camp of those who advocate surrender. If victory in 1965 was important, victory in 1971 is a national imperative.

During the next session of Congress, I will continue to advocate that unmentionable option that was so familiar during World War II—victory. It is never too late to win. It is never time to surrender.

HON. WILLIAM T. MURPHY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. RODINO. Mr. Speaker, an old and dear friend will be greatly missed in

these Halls. BILL MURPHY is a man who will be remembered with affection by those who have been privileged, as I have been, to know him as a warm friend.

BILL is a man of integrity, compassion, and ability. It is these qualities that have stamped his service in the House and have endeared him to his constituency.

His tenure has been marked by a reasoned and astute approach to his legislative duties in an effort to bring fulfillment to the high ideals which motivated him and earned him the respect and admiration of his colleagues.

I am proud to count BILL as my close friend and I wish him the joy and fulfillment which he has earned.

COMDR. FRED HOSKINS

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. LOWENSTEIN. Mr. Speaker, Mr. Fred Hoskins is being honored this year by the American Legion post of Seaford, N.Y., of which he is a past commander, and I want to join in this tribute to a rare man who personifies much that is good in America.

Commander Hoskins was an enlisted man in the Navy during the Second World War and brought credit to his uniform then, as he has brought credit to his post and his country ever since. He and the remarkable lady who is his wife have stood tall for basic American principles, sometimes almost alone in the face of pressures and difficulties that would have silenced anyone less committed to the American way or less courageous about their commitments.

Together Fred and Dorothy Hoskins have become a bulwark of good sense and good will, bridging misunderstandings and tensions that have divided our people. They have served their community with strength, humor, and a luminous integrity, seeking neither credit nor power, just doing the kind of good, hard work that more citizens should undertake and that all citizens benefit from.

It is therefore most appropriate that the Edwin Welsh, Jr., Post 1132 of the American Legion is honoring Past Commander Hoskins, who has also served as its publicity chairman and second vice commander. Under his command, Post 1132 received the 1969-70 Banner Award as the best post in Nassau County, and was further cited with an honorable mention for new memberships, with the division trophies for its Americanism and child welfare programs, and with the county trophy for work on veterans' rehabilitation problems.

But perhaps the most significant, if least tangible, distinction that Fred Hoskins helped bring his post was the respect and affection of people of all backgrounds and viewpoints in the village of Seaford. Old and young, hawk and dove, Jew and Gentile—veteran and nonveteran—recognized that this post cherished and protected the values that have made America great: Love of family and

country, close ties to community and friends, open and honest discussions, concern about injustice, compassion for all men. What a standard for every civic group to aim toward.

Nor will Fred Hoskins' retirement as commander end his efforts to make his community and country a better place to live. With or without titles, the Hoskinses will be battling for the open mind and the open heart for years to come, and whether their specific goal at a given moment is fairer treatment for wounded veterans or fairer treatment of unpopular viewpoints, we are a better country for having such people in our midst. Legion Post 1132 honors itself as it honors this past commander who has earned the grateful best wishes of thousands of his countrymen.

PEACE PROPOSALS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. O'HARA. Mr. Speaker, earlier this year, two of my constituents, Mr. Nick Ciaramitaro and Mr. John Zajac, sent me their proposals for a cease-fire in Vietnam. I am no expert on the details of the negotiations going forward in Paris or elsewhere, and I cannot comment in an informed manner on the viability of these proposals, but I do think they are evidence of a willingness on the part of these two people to make some constructive suggestions instead of just griping about the war. In this spirit, Mr. Speaker, I call the proposal by Mr. Ciaramitaro and Mr. Zajac to the attention of the House:

The undersigned representatives of the United States of America, The Democratic Republic of Viet-Nam, the Republic of South Viet-Nam, and the National Liberation Front agree to the following pending ratification by their respective governing bodies.

I. An immediate, total and permanent cease fire will be observed by all the signatories of this agreement within the accepted boundaries of Viet-Nam.

II. The political division of Viet-Nam at the seventeenth (17th) parallel will end six (6) months following the signing of this agreement. During this six (6) month period, the powers controlling territory at the time of the signing of this agreement will maintain control in their respective areas.

III. All prisoners-of-war will be released and returned to their previous status.

IV. Prior to the end of the six (6) month period referred to in section two (2) of this agreement a free, internationally supervised election will take place throughout Viet-Nam, the results of which will be considered valid. The purpose of this election will be to elect one representative from each province to a Constitutional Congress. The function of this Congress will be to temporarily govern all of Viet-Nam (henceforward in this document referred to as the united Viet-Nam) and to draw up and present to the people for ratification such constitutions until one is ratified by a majority of the electorate. But if said Congress does not succeed in presenting an acceptable constitution to the electorate within two (2) years of said Congress' assumption to office, it shall be dissolved and a new Congress shall be elected in like manner as the first and

its duties shall be the same as the first. ("Free" is herein defined to mean for the purposes of this agreement that all Vietnamese citizens over the age of _____ have the right to vote and all Vietnamese citizens over the age of _____ have the right to seek, campaign in any part of the country for, and be elected to public office. "Internationally supervised" for the purposes of this agreement is herein defined to mean that at every polling place there will be one (1) representative of Canada, one (1) representative of India, and one (1) representative of Poland.) Representatives of these nations (Canada, Poland, and India) will handle the vote tabulation.

The Constitutional Congress elected according to this provision will assume its responsibilities on the first (1st) day of the first (1st) month following the elections.

V. Beginning at the cease fire all Non-Vietnamese military personnel will be withdrawn from the boundaries of Viet-Nam within one (1) year.

Re-introduction of foreign troops will occur only at the written, public request of the government of the united Viet-Nam.

VI. No government in the united Viet-Nam will take any action preventing or restricting in any way the peaceful existence and activities of any political party or ideology for a period of at least fifty (50) years after the date of re-unification of Viet-Nam. (For the purposes of this agreement the "date of re-unification of Viet-Nam" is herein defined to mean the date on which the government elected according to section two (2) of this agreement assumes its responsibilities.)

VII. The United States will sponsor the admittance of Viet-Nam to the United Nations.

VIII. Complete amnesty will be granted for any and all alleged political and military crimes committed prior to and including the date of re-unification of Viet-Nam except those brought before the International Court of Justice.

IX. Freedom of movement within, into, or out of Viet-Nam is guaranteed during the period before election of the Constitutional Congress.

X. The United States will recognize the duly elected government of the united Viet-Nam.

XI. The United States will contrive substantial sums of money, services, and goods for the purpose of rebuilding Viet-Nam in the form of foreign aid.

Use of United States' weather satellites, communications satellites, mapping satellites and mineral research satellites will be granted to the united Viet-Nam for non-military and non-intelligence gathering purposes in accordance with the above pledge.

XII. The United States reaffirms its pledge to protect all of Southeast Asia against external aggression and internal subversion in accordance with the Southeast Asia Treaty Organization Agreement.

XIII. Viet-Nam will pledge itself to peace in the world and will refrain from all forms of aggression. Further, it will support and abide by the United Nations Charter.

The united Viet-Nam will sign and honor the Geneva Convention Agreements.

XIV. If any of the signatories of this agreement delegate their authority to any other power, that power shall be bound by this agreement.

XV. The powers in control of the two zones of Viet-Nam, or any part of Viet-Nam, prior to the date of reunification will adhere to the same agreements made by this document concerning the government of the united Viet-Nam during their tenure of office.

XVI. The encroachment of any section or any part of any section of this agreement by any Vietnamese power will render the

entire agreement invalid. In the event of this agreement being rendered invalid the administration of Viet-Nam will be entrusted to the United Nations pending the correction of the situation to the satisfaction of the United Nations.

If any section of this agreement is broken by any non-Vietnamese power, the section(s) broken will be re-instated with United Nations' supervision and the power which encroached this agreement will pay a fine of an amount which shall be determined by the International Court of Justice and which shall befit the nature and severity of the offense to the duly elected government of the united Viet-Nam.

Any questions as to whether or not an encroachment of this agreement has occurred will be determined by the International Court of Justice.

Drawn up by Nick Ciaramitaro and John Zajac.

WHITESIDE, THE BRAIN

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. WYLIE. Mr. Speaker, occasionally a former boss gets a real feeling of pride when one of his charges receives special recognition. This was my reaction when I read a story which appeared in the Columbus Dispatch on Sunday, November 15, 1970, about Alba Whiteside, one of my assistants when I was city attorney of Columbus, Ohio. The way Judge Whiteside became an assistant city attorney holds fond memories. I had heard of a statement by the then dean of Ohio State University Law School in effect discouraging graduates from going into politics. I talked to the dean about his statement and before it was over I had hired the two top graduates in the class of 1956, the top graduate being Alba Whiteside. He is indeed an outstanding judge and student of the law. His wife, Virginia, is the sister of one of our distinguished colleagues, the Honorable WILLIAM AYRES, who undoubtedly gave him some political advice along the way.

Mr. Speaker, I insert the article from the Columbus Dispatch at this point in the RECORD:

ALBA WHITESIDE NICKNAMED 'BRAIN': JUDGE APPOINTMENT ASTUTE

(By Robert Horan)

Of The Dispatch Staff

If you passed Alba L. Whiteside on the street, you probably wouldn't give him more than a glance.

He's not a tall man—he doesn't reach 5-feet 8-inches on his tiptoes. There's nothing really spectacular about him visually in street clothes.

But, sitting on the Franklin County Common Pleas Court bench, he is rather awesome. He seems to embody and personify the dignity and decorum that has surrounded law and the courts for generations.

He is a quiet man—both off and on the bench.

But, even more important, he has probably forgotten more law than most lawyers and many judges even learned.

And that's the reason that sometime this week, he will be appointed to the 10th District Court of Appeals in Franklin County.

Governor Rhodes is expected to appoint Whiteside to the seat left vacant when

Judge Leonard Stern was elevated to the Ohio Supreme Court. Even though Whiteside ran unopposed for a full six-year term starting in January on the appellate court, he is needed there now because of the case load.

Whiteside is regarded by his colleagues on the Common Pleas Court as the "brain." He is the one consulted by other judges when a tricky legal question arises.

Born in Lilly Chapel, Ohio, four miles south of West Jefferson—the third of six children—Whiteside says he made his mind up when he was 15 years old in Chillicothe High School—where his family then resided—to be a lawyer.

"I really can't tell you why I wanted to be a lawyer. I just decided I wanted to be one," he says.

He went into the Army in 1945 just prior to the end of World War II and elected to stay three years "just to get the GI Bill." He was sent to Italy with the army of occupation.

When he returned to civilian life, he attended Ohio State University, where he was elected to Phi Beta Kappa, then continued on in OSU's College of Law, and was made a member of the Order of the Coif, a law school honorary society.

With his sheepskin, he spent 1954 in Cleveland in private practice, but decided he liked Columbus better and returned to the capital city.

He was with the Ohio Turnpike Commission from 1955, and in 1956, became an assistant city attorney, where he remained until 1968, when he successfully ran for Common Pleas Court.

Whiteside was guest of honor at a luncheon at the Press Club last week, attended by his fellow judges and those who work closely with the Common Pleas Court.

A center piece in front of his place was a small cardboard replica of a football field, with a batch of grass pasted on it, and the inscription, "When in doubt, Punt."

It was Whiteside who irritated football buffs by issuing a temporary injunction against OSU, prohibiting the board of trustees, under terms of a certain contract, from placing artificial turf at the stadium.

Displaying a finely-honed wit he usually tries to hide, Whiteside quipped, "After seeing how Ohio State made out against Wisconsin, maybe Woody's (Hayes) boys are better off on grass."

Whiteside claims he has never had high ambitions. But he says his wife, Virginia, whom he married in 1958 and who bore him a daughter, Elizabeth, now 10, has her own ideas.

"She says she knows I'll end up on the U.S. Supreme Court. But that's a joke," he states flatly.

Is it? Whiteside is only 40.

NANNY POLLITZER AT 100

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. LOWENSTEIN. Mr. Speaker, it is a remarkable occasion when anyone reaches the age of 100. But when the most remarkable person you know reaches 100, it is remarkable squared—an event of a century.

Ask anyone who knows Nanny Pollitzer and they will talk about her in ways that make her seem impossible. No one has ever been able to convey ade-

quately her goodness and wisdom to anyone who has not been exposed to it. If you set out to describe her energy, integrity, and selflessness, you risk making her sound rather earnest and a bit stuffy, if well intentioned—unless you happen to know that she is also more fun—and funnier—than can be conveyed second-hand. What is more, her inner beauty is reflected in her face, and the effect of all this beauty is to light up people and places wherever she goes. Until she was in her late 90's she went places mostly by herself. "I'm glad I'm not with Nanny when she's alone," one of her granddaughters once remarked after coming upon her as she was descending alone from a New York City bus on a dark night when husky men might have preferred less risky adventures.

So it is difficult to talk about Nanny Pollitzer without making her sound incredible. But what really is incredible is that she is as real as she is incredible. She does not like anyone to make a fuss over her, but we must make a fuss over her anyway, not for her sake but for everyone else's. We are all likely to live out the rest of our lives without their ever being touched again by someone who is, literally, too good to be true, someone who makes the word "impossible" lose its meaning. And we make a fuss over her because we hear a lot about some of the ugliness America has produced and we need to be reminded occasionally that great beauty can come from our midst as well.

The project Nanny has cared most about during her most recent quarter century is the Encampment for Citizenship, which she launched when she was 75 years old in partnership with Algeron Black, the brilliantly creative leader of the Ethical Culture Society. The encampment has now graduated thousands of young Americans into lives that are fuller and more useful as a result of their experiences there. But to begin to grasp the dimensions of Nanny's usefulness you have to remind yourself that this same woman who is inspiring young people at the encampment to strive for justice today was seeking justice for their grandparents when their grandparents were children.

I include in the RECORD at this point a few letters about Nanny. But the most compelling testimonial has come from Nanny's little sister, Dr. Lucile Kohn, herself something of a legend in her own time. Lucile told a dinner honoring Nanny at 90 that she had been asked if her sister had always been as wonderful as she is now. "No," Lucile replied. "She gets better all the time. And I will repeat this reply when we celebrate her 100th birthday 10 years from now." That she did.

The Congress honors itself when it pays tribute to Nanny Pollitzer, and I am glad so many of my colleagues have joined in this event of a century. I must add that Nanny would be less displeased by all this fuss if it could somehow be turned to the benefit of her beloved encampment; and that we promise to try to do as soon as this discussion has ended.

The letters follow:

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., April 14, 1970.

Mr. DOUGLAS KELLEY,
Executive Director, Encampment for Citizenship, Inc., New York, N.Y.

DEAR MR. KELLEY: Faced with what sometimes seem insurmountable problems of continuing war, poverty, pollution and racism, some are tempted to yield to the temptation of despair.

But there are others, who, with special gifts of insight and energy, can convert despair into hope. Alice K. Pollitzer is one of the rare individuals whose life effort has inspired and nurtured belief in democracy and in the efficacy of social action. The Encampment for Citizenship of which she was a founder, has provided for thousands of young people the opportunity to absorb the tenets of democracy—tolerance, egalitarianism, and a belief in the rights of man.

For what she has done and for what she represents, she has my deep respect and continuing admiration.

Sincerely,

JOHN V. LINDSAY,
MAYOR.

U.S. SENATE,
May 18, 1970.

DEAR NANNY: I understand that today marks the celebration of the 25th anniversary of the Encampment for Citizenship, Inc., and your one-hundredth birthday.

May I join your devoted friends and admirers from throughout the nation in extending my greetings and congratulations to you.

Your life has, indeed, been a testament to your faith in mankind. As a pioneer for vocational and occupational guidance and social reform, you have known no equal over the past century.

And so I send my special birthday greetings, and my deepest admiration.

Sincerely,

EDWARD M. KENNEDY.

U.S. SENATE,
Washington, D.C., May 6, 1970.

Mrs. ALICE K. POLLITZER,
Encampment for Citizenship,
New York, N.Y.

DEAR MRS. POLLITZER: Congratulations and best wishes upon the occasion of your 100th birthday. Your family and friends bespeak for you many more years of the good life you have so generously shared with them.

May I also take this opportunity to commend you on your great contributions to human understanding of the youth of our nation.

My very best wishes to you for a continuing life of good health, happiness and all blessings.

With best wishes.

Sincerely,

JACOB K. JAVITS.

U.S. SENATE,
Washington, D.C., May 8, 1970.

Mrs. ALICE K. POLLITZER,
Encampment for Citizenship,
New York, N.Y.

DEAR MRS. POLLITZER: It is a very special pleasure for me to send to you my warmest congratulations on this very meaningful occasion!

I salute the dedication of heart and spirit that has led you to your 100th birthday and twenty-five years of success as co-founder of Encampment for Citizenship. You have devoted a considerable period of your life towards enriching and fulfilling other lives, and have done so in a profound and unique fashion.

Please accept my warmest best wishes on this joint celebration and know how honored

I am to wish you every success today and always.

Sincerely,

EDWARD W. BROOKE.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 30, 1970.

Mrs. ALICE K. POLLITZER,
Encampment for Citizenship,
New York, N.Y.

DEAR MRS. POLLITZER: I want to join with your countless friends and admirers in extending to you my best wishes and congratulations on your 100th birthday. Few people can point to even 25 or 50 years of accomplishment. You have the enviable privilege of being able to look back upon 100 years of worthwhile and admirable deeds. And I have the honor to offer my tribute to you for having done so much for so many.

Your wise counsel and compassionate understanding of human values have inspired the youth of America. It is indeed appropriate that your 100th birthday coincides with the 25th Anniversary of the founding of the Encampment for Citizenship, which you helped to found and have guided with such dedication. You can be proud of the leadership achieved by so many alumni of the Encampment.

Your commitment to your ideals, and your tireless efforts to better the lot of your fellow citizens, are hallmarks to which we should all aspire. Certainly at a time when America is facing so many critical problems, and it is so easy to become discouraged and doubt that these problems can ever be solved, your example counsels against any such discouragement. You have shown that a dedicated individual can make a difference. And that is lesson for us all.

Again, let me wish you the happiest of birthdays.

With admiration and affection,

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

AMERICAN ETHICAL UNION,
New York, N.Y., May 11, 1970.

AN ANNIVERSARY TRIBUTE TO MRS. ALICE K. POLLITZER

The truest way to define an ethical movement is to point to someone who illustrates its spirit and does its work in the world. Mrs. Pollitzer personifies both for our Ethical Movement.

As her years have spanned the years of Ethical Culture, so have her concerns and labors illuminated the conscience of our Ethical Movement. We honor ourselves by being able to claim her; we congratulate ourselves on her long and useful life; and we wish her every happiness and satisfaction as she begins her second century.

Sincerely,

EDWARD L. ERICSON,
President, American Ethical Union.

TO ALICE K. POLLITZER—"NANNY"

John Lovejoy Elliott often spoke of the fact that we all are fortunate to have in our minds the images of a few favorite people who have influenced our lives profoundly. Tonight we are trying to express our respect and love for one such human being who has entered the life of each of us and has brought the warmth of human affection and faith to thousands.

Nanny is one of those rare spirits who go through the world without being corrupted or depressed by it. She seems to have the inner strength that enables her to stand against all kinds of destructiveness. She seems to have the kind of inner light that makes it possible for her to see her way even

in darkness and to give light that illuminates the way for others.

When we think of her, we think of Alice in the Looking Glass. She believes the world is beautiful and that people are lovely and loving. And because Nanny's special grace of mind and personality brings out so much of the best in others, she, in turn, then sees and believes in the goodness she has evoked. Hers is a very special paradise, this reflection, which she has created out of her own light and love. It is very real and it is very wise.

In the beat of her heart, is the drum-beat of the feet of the children of the world, the youth of the world and whatever is good in the struggles and hopes of the human community.

The Encampment for Citizenship, its youth and those who have taught there, have benefited by her devotion and inspiration.

ALGERNON D. BLACK.

ABRAHAM PASCAL KANNER,
New York, May 11, 1970.

DEAR NANNY: Our joy at greeting you on your hundredth birthday is tempered only by our regret at not knowing you and Lucile for more of those years. Your accomplishments are a tremendous encouragement to those of us who want to be useful but are not always sure of what can be done. What you have done is what you will continue to do in the future. We thank you for the past and the future.

With love and admiration,

Yours,

MARCIE and ABE KANNER,
Encampment for Citizenship.

DEAR NANNY: Birthday cards can't possibly say what I want them to say to you, so I'll write this little note.

I feel very lucky to have lived in a time when I could know people like you. Now that you have reached that mighty goal of a century I am doubly proud. Your contribution has been a tremendous one—one in which you continue to put new ideas, thought, inspiration and—yes—youth.

The Encampment has had an impact upon my life that I cannot describe. I suppose I can only hope it shows in my own life's work. I feel its presence, anyway, at every turn.

And so to a great lady I am happy to say "Happy Birthday". May all your hopes and dreams for mankind come true, because I know they are humanitarian hopes and dreams.

I look forward to wishing you a Happy Birthday in 1971—1972—1973 etc. etc.

Love,

MARGARET BUCHER.

DEAR NANNY: Since the 1959 N.Y. Encampment where I met you, you have been in my thoughts always across the Pacific—for I was back in Japan till last September.

You cannot imagine how happy I am to be able to send this card wishing you a Very Special & Happy 100th Birthday & Many Happy Returns!!

Thank you Nanny for what you are—what you've done—for every thing. It means so much to have known you.

CATHY MIYAZAKI KODAMA.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
New York, N.Y., April 16, 1970.

Mrs. ALICE K. POLLITZER,
Honorary Chairman, Board of Directors, Encampment for Citizenship, Inc., New York, N.Y.

DEAR MRS. POLLITZER: We of the National Association for the Advancement of Colored People are pleased to extend cordial greetings and warm congratulations to you on your Centennial. This tribute is an honor you richly deserve.

If it were possible to list even a few of your many and varied accomplishments, it would not adequately reflect the many qualities which have made you such an effective and respected leader.

Yours has been an uncommonly fruitful life. Through your long years of dedicated service and wise counsel, you have helped immeasurably to develop better understanding and establish lines of communication among the various ethnic groups. The Encampment for Citizenship program is, indeed, a notable contribution to our society.

With warm good wishes for many more anniversaries, I am

Sincerely yours,

ROY WILKINS,
Executive Director.

UNITED JEWISH APPEAL OF GREATER
NEW YORK,

May 1, 1970.

Mrs. JEAN KOTKIN,
Encampment for Citizenship,
New York, N.Y.

DEAR MRS. KOTKIN: There is no generation gap between Mrs. Sigmund Pollitzer, who is on the eve of her 100th birthday, and us, who are considerably younger in years. She is our friend and our partner in the vital work of assuring Jewish survival through the United Jewish Appeal. We are also her heirs in that task which she began in 1939 when she helped found our Women's Division and to which she has given important leadership over the years.

Perhaps the greatest tribute we can pay this remarkable lady is to try to be worthy of her dedication and accomplishments. She has spent the greater part of her life being a concerned citizen and a concerned Jew. It is this concern which she translates into action even now. Mrs. Pollitzer is an Honorary Chairman of our Women's Division and regularly participates in functions sponsored by our Manhattan group. She takes a lively interest in the proceedings and always responds to UJA's needs in generous fashion. Needless to say her presence is gratifying and inspiring.

For all of us in the Women's Division, Mrs. Pollitzer personifies the real meaning of philanthropy: love of mankind. It is a love that is returned tenfold.

We wish her the happiest of birthdays and extend our congratulations to the Encampment for Citizenship for honoring her.

Sincerely,

Mrs. HARRY ETRA,
Mrs. ALEXANDER SACK,
Chairmen, Women's Division.
Mrs. ALFRED HERZ,
Director, Women's Division.

CITIZENS' COMMITTEE FOR CHILDREN
OF NEW YORK, INC.,
New York, N.Y., March 16, 1970.

Mrs. ALICE K. POLLITZER,
New York, N.Y.

DEAR MRS. POLLITZER: At a time in which so many people are unable to sustain interest in people, commitment to human rights and dignity and vigor of mind and body for a single year, it is a wonderful privilege to know and honor someone who has done so for one hundred years.

With wonder, affection and good wishes.

Sincerely,

RAYMOND DEVERA.

OPEN DOOR CHILD CARE CENTER,
New York, N.Y., May 12, 1970.

Mrs. ALICE K. POLLITZER,
New York, N.Y.

DEAR NANNY: Your soft-spoken wisdom and faithful participation over many years have contributed importantly in shaping the character of Open Door. As a member of our Board, you have been a part of our growth and development, and yours has been an inspiring influence, enabling the rest of us to

do an ever better job in helping the children and parents of the Community.

We are honored and grateful for the privilege of having shared your energies and enthusiasms with other groups whose interests in children and their needs on many levels have filled your busy life.

We thank you, Nanny, for bringing much joy and happiness to all of us at Open Door.

The children and staff, as well as the Board, extend loving good wishes on this, your One Hundredth Birthday.

Affectionately,

Mrs. HENRY JACOBY,
President.

NEW YORK SOCIETY FOR ETHICAL CULTURE,
New York, N.Y., April 2, 1970.

DEAREST NANNY: On the occasion of your 100th birthday may I express the hope that those of us who honor you and the values you embody will try to use all our years as wisely and as well.

Affectionately,

SAUL M. FARBMAN,
President.

FIELDSTON, N.Y., May 18, 1970.

DEAR NANNY: You are an inspiration to all. As a member of the Board of the New York

Ethical Society, your presence alone commands utmost respect. You don't have to talk extensively on the issues at hand, but merely to speak a few well-chosen words that come to the point. I wish we all had your attributes. Continue to set an example for a long time.

Love,

LOUIS SAPIR,
Chairman, New York Society for
Ethical Culture.

ETHICAL SOCIETY OF ST. LOUIS,
St. Louis, Mo., May 6, 1970.

Mrs. ALICE K. POLLITZER,
Encampment for Citizenship, Inc.,
New York, N.Y.

DEAR NANNY: Though our direct relations with the Encampment from St. Louis have been all too few and far between, we have always appreciated your special personal touch. Every alumnus here remembers you, if not from day-to-day management of a New York Encampment, at least from special events such as Encampment dinners and reunions.

So far as I can see, no one from St. Louis will be able to attend the birthday banquet in your honor. However, I am sending along under separate cover a little check toward the Alice K. Pollitzer Scholarship Fund.

Again, best wishes from the entire St. Louis Society.

Sincerely yours,

JAMES F. HORNBACK.

THE ETHICAL CULTURE SCHOOLS IN
NEW YORK CITY.

New York, N.Y., May 13, 1970.

Mrs. ALICE K. POLLITZER,
Encampment for Citizenship, Inc.,
New York, N.Y.

DEAR Mrs. POLLITZER: It gives me great pleasure to have this opportunity to offer my heartiest congratulations to you on your 100th birthday.

Although I have not been a member of the Ethical Culture community for very long, my meetings with you and the conversations with others about you make me feel very proud to be associated with the Ethical Culture movement. Your many years of dedication to the Encampment and the Society is a source of great inspiration for so many of us at the present time and will continue to inspire the new generations that will follow us.

Again, my best wishes for a very happy birthday and for health and happiness in the years ahead.

Sincerely

DANIEL WAGNER,
Director.

HOUSE OF REPRESENTATIVES—Thursday, December 31, 1970

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Let Thy work appear unto Thy servants
and Thy glory unto their children.—*
Psalm 90: 16.

Eternal God, who hast been our dwelling place in all generations, our fathers prayed at this altar and trusting in Thee were sustained all their lives. Give to us the realization, as we pray at the same altar, that Thou art with us and so undergird us that we may be upheld all our days.

Strengthen us to resist temptation, deliver us from constant moods of ill will, help us to help others—to feed the hungry, to clothe the naked, to set free the captive, to give liberty to those who are oppressed, and to promote peace in our world, justice among men, and good will in all hearts.

So may our Nation be blessed and become a blessing to all mankind.

In the Master's name we pray. Amen.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill and a concurrent resolution of the House of the following titles:

H.R. 9551. An act to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S.

Park Police force, and the White House Police force to participate in the Metropolitan Police Department band, and for other purposes; and

H. Con. Res. 785. Concurrent resolution authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1001 Questions and Answers."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4426. An act to amend the act of June 1, 1948, to increase the jurisdiction and policing power of General Services Administration special policemen, to increase the penalties for violations of rules and regulations promulgated thereunder by the General Services Administration for the protection of public buildings, and to prohibit certain conduct in or near offices of the Government.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16199) entitled "An act to establish a working capital fund for the Department of the Treasury," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. WILLIAMS of Delaware, and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17550) entitled "An act to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr.

LONG, Mr. TALMADGE, Mr. RIBICOFF, Mr. WILLIAMS of Delaware and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18515) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to House amendments numbered 1, 8, 59, and 66 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) entitled "An act to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) entitled "An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes."