EXTENSIONS OF REMARKS

CHANGES IN THE DEMOCRATIC NATIONAL COMMITTEE

HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 1970

Mr. DERWINSKI. Mr. Speaker, Columnist John D. Lofton, Jr., is a very penetrating observer of the Washington scene and it is proper with all the second guessing that is involved in the changes at the Democratic National Committee that his views carried in the Monday, February 16 edition of the Boston Herald Traveler be thoughtfully analyzed.

The column follows:

HARRIS DEEP IN HOT WATER

(By John D. Lofton, Jr.)

Ostensibly, Sen. Fred Harris of Oklahoma called it quits as Democratic national chairman the other day because the "constraints" involved in presiding over his divided party cramped his style.

He said he wanted to be able to speak more freely on the issue of Vietnam, race and poverty. An odd desire, indeed, since it seems to be precisely because of his public utterances of these very subjects that he is now about as popular in his home state as hoof-and-mouth disease.

But it is only after discussing Sen. Harris with some of the folks back home that one realizes how much hot water the senator is in.

Ted Ralston, managing editor of Sen. Harris' hometown paper, the Lawton Constitution, says Harris is in "big trouble."

"In a state that is fairly conservative, Fred has forgotten the people on just about everything," said Ralston, who has known Harris for 15 years and on occasion socialized with him and his wife. "People here didn't like it when he wrote that book of his, 'Alarms and Hopes,' which said we are all racists. They didn't like his participation in the Kerner Commission, either, which said the same thing. His association with the radicals in last year's moratorium has also riled people up."

As an example of how Harris has gotten out of touch with his constituents, Ralston cited a recent business trip he made to Washington which was to include an interview with Sen. Harris. As it turned out, the senator had to be called from a committee meeting to be interviewed and Ralston was forced to stand in a crowded, noisy hall and even then was allowed only 15 minutes of the senator's time.

Does Ralston think Harris will be re-elected in 1972?

"I don't think so," he replied, more sadness than bitterness in his voice. "I don't know what happened to Fred. We had high hopes for him. But now . . . ," his voice trailed off.

Tony Solow, a political reporter for the Tulsa Tribune, says Harris is in trouble "even with the liberal Democrats."

"People feel that on such things as the war in Vietnam he sounds too much like Gene McCarthy to suit them. They also feel that he's an opportunist who's shifted with the political winds," he said.

George Gurley, editor of the Ada News, says Harris has got "definite resistance" to his policies on the war, civil rights and minorities. "He's too liberal," says Gurley. "A good conservative candidate, of either party, could give him fits."

Ditto, says Kent Halsell, news editor of the Northeastern Oklahoma Muskogee Phoenix.

"Just about anybody could beat Harris," said Halsell.

Specific gripes? Again the Vietnam thing: "People didn't like it when he took part in last year's Oct. 15 Moratorium activities at the University of Oklahoma. This raised a lot of controversy. People here don't go for those weirdo groups. If Harris wants to be re-elected, he's really going to have to go some."

"It's his association with this hippie movement on the war and the Kennedy people that's hurting him here," said Ralph Smith, political writer for the Bartlesville Examiner, which editorially supported Harris' election to the Senate in 1966.

"If the election were today, he woudn't stand a chance. I think he'd have a tough time running against anybody."

Ed Montgomery, city editor of the Oklahoma City Oklahoman, feels the same way: the average person in Oklahoma is at odds with Harris on the two most important subjects, Vietnam and integration.

The only person contacted who felt Harris to be in no particular trouble was Phil Brown, city editor of the Enid Eagle. And he admitted that Harris had incurred a great many enemies with his stance on the war in Vietnam.

All in all, a gloomy outlook for Sen. Harris to be sure. But two years is a long time and people have notoriously short memories.

Ultimately it looks as if Sen. Harris will be hoisted with his own petard because he shows no signs at all of moderating. Several democrats, including Sen. Harris, are promoting an alternative proposal to President Nixon's welfare program which advocates, among other things, a $3,600 a year guaranteed annual income—more than twice the Nixon figure—that ought to go over in Oklahoma like a lead balloon.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. ABNER J. MIKVA
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 17, 1970

Mr. MIKVA. Mr. Speaker, I am happy to join other Members in saluting Americans of Lithuanian descent on the occasion of the 52d anniversary of the Declaration of Independence of Lithuania. On February 16, 1918, independence was declared in the capital city of Vilnius. Lithuanians around the world proudly remember that day in their current celebrations.

All Americans recognize that our country has developed and prospered through the efforts of peoples from all lands and races. Among them, the Lithuanians have made an outstanding contribution to our life and culture.

Chicagoans are particularly aware of American Lithuanians, of whom over 100,000 live in Metropolitan Chicago. Their contribution to the growth and life of Chicago is known to all citizens of the city.

Whatever the present political status of Lithuania, the Lithuanian spirit continues to inspire its sons and daughters around the world. The enduring importance of the Lithuanian culture is marked by the celebration of the country's declaration of independence. It is an honor to join with other Members and with the Lithuanian American community in remembering that historic event.

LSD DRUG KILLS ANOTHER MAN

HON. JAMES M. COLLINS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 1970

Mr. COLLINS. Mr. Speaker, many committee sessions in this Congress have been devoted to a discussion of drugs. The question is often raised as to whether drugs really have any harmful effects. It has been said that LSD provides an interesting diversion. I just read an Associated Press story from Salt Lake City. From this we hear the words of the dead young man whose life was ruined at age 19 by LSD.

With the 300-percent increase in drug use last year we all consider this a major national problem. How can we tell this same story to the parents and young people of America? Read the words from this dead man's voice and let us work together and take his dying words as a challenge for a stronger future in America:

SALT LAKE CITY.—A week ago Craig Gardner, a handsome 19-year-old postal worker, got up early. He went to work for a few hours, visited his mother briefly, then went to his apartment and made a tape recording.

Then he drove from Salt Lake City to a remote area of Wyoming and, the county coroner ruled, shot himself.

The tape recording was found by a roommate and played at Craig's funeral. It was a rambling, touching account of a young man's struggle with LSD.

His parents released a portion of the tape Saturday, saying it might alert others who use drugs.

"We hope to God it will help somebody else," said his mother, Mrs. William Blain of Salt Lake City.

Here is what her son said in his last hours:

"I can't think, can't think, can't think.

"Well, about all I have to say is—actually, the real reason is that I really don't know—(pause) I'll tell you one thing, Dave, (his roommate) and anyone else who's listening, you can really get messed up on that stuff.

"You might hear about it sooner or later, Mom—I'm sorry, Mom, Dad and Bill—I'm sorry that your little boy has turned into an LSD addict.

"It's bad news, it really is. I didn't think it was when I was first taking it, but I've been getting pretty stoned lately, and you just don't know what's real and what isn't real. You really don't."

"All I can say is, I had to find out myself—kind of a poor excuse, you know—but I really shouldn't have taken any dope at all—any acid (LSD) and I shouldn't really have started off with any grass.

Marijuana, either. Of course, grass isn't bad—it's the acid that got to me.

"Tell you one thing—after you take so much of that stuff, you just really don't know where you're at sometimes . . .

"I mean, I don't think I am, but what I've heard is that a person who thinks he's insane or something would never admit it to himself.

"I had enough problems of my own without even taking LSD to keep my mind bent. Well, actually what acid does is it intensifies everything to a great extent. This probably is what it did to me.

"All I know is I'm going to be in one hell of a fix when I have to face the Big Man up in Heaven. I'm not saying that with disrespect for the Big Man. I'm just saying it because I felt like saying it. And it says in the Bible that he who kills himself will not be resurrected. Well, this is the great punishment that I'm bestowing upon myself, not only physically, but, for what I've read, I'm going to be suffering eternally for this.

"I have thought it over many times and there really isn't anything to live for. I don't think there is. And I really don't think anyone could convince me that there is—not me, anyway . . ."

Then he drove to Wyoming and killed himself.

A VOICE CRYING IN THE WILDERNESS?

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. UTT. Mr. Speaker, I wish to include an article which appeared in the Washington Sunday Star of February 8, 1970. Frances Knight has streamlined the U.S. Passport Office so that it takes only 3 days to obtain a passport. At the same time, her operation of this Office made a $10 million profit for the Government. I believe the story of the difficulties she has encountered, and the dedicated service she has performed deserves wide attention.

The article follows:

A VOICE CRYING IN THE WILDERNESS?

(By Vera Glaser and Malvina Stephenson)

Secretary of State William P. Rogers is boiling mad at Frances G. Knight.

The controversial, gutsy strawberry blonde has been director of the U.S. Passport Office for the past 15 years. She is noted for "telling it like it is," a characteristic which drives her superiors wild.

In an un-merry Christmas greeting (sent to 1,000 special friends, mostly congressmen and reporters) she cited facts on an approaching crisis in the Passport Office.

When the story hit page one, it left State Department brass red-faced and hurting for an explanation as to why they had slashed her budget and staff, crippling the U.S. Passport operation on the threshold of the jumbo jet age.

Miss Knight doubts her money troubles are related to President Nixon's economy program. In her view they should be blamed on high-level bureaucrats entrenched around the secretary of state, but lukewarm about making a good showing for the Nixon administration.

"It looks to me as though my office was singled out to fall flat on its face," she said. "Why? Because we offer a real public service. This is where the Nixon administration would get the worst lumps."

STICKY SITUATION

With the situation getting stickier by the moment, a solution now presents itself: the White House is thinking of borrowing Miss Knight, perhaps naming her a presidential assistant.

The idea would be to capitalize on her famed executive ability while making a gesture toward the nation's women, where the Nixon administration's political fences need mending.

Miss Knight could be expected to get on well with Nixon's conservative cohorts. They applaud her security-consciousness. Over the years she has tangled with upper-echelon "liberals" in the State, usually coming out on top.

Under Miss Knight's direction the U.S. Passport Office has become a model agency. She trimmed the time it takes to get a passport to three days and last year turned in a ten-million-dollar profit, something almost unheard of in government.

Her no-nonsense efficiency, coupled with a flair for publicity, riles the stodgy set at State. For three years running they have nixed her requests for more staff, field offices and research money to cope with the rising tide of passport applications.

SCORCHED SUPERIORS

Her Christmas letter didn't name names but scorched her superiors for "total indifference" to the passport needs of U.S. citizens.

It drew warm replies from Capitol Hill, including one from Sen. J. William Fulbright, Foreign Relations Committee chairman, who wrote, "I think you know most of the Senate supports you."

The Senate promptly tucked $310,000 more for Miss Knight into a then pending money bill. The funds were later knocked out, but the message was not lost on State's top brass.

They are aware that any attempt to oust Miss Knight could trigger a bipartisan tornado on Capitol Hill.

Now, for the first time, Miss Knight's fighting spirit appears to be dwindling. She believes her enemies are willing to let the public suffer in order to "get" her.

She mourns over the wreckage of her "model" operation.

New York City's understaffed passport office, for example, was mobbed last summer. Telephones went unanswered. A fist fight erupted. Women fainted. An avalanche of complaints deluged her.

By spring of this year, when the big travel rush hits, Miss Knight predicts a situation of near-chaos, spreading to Chicago, Los Angeles, and perhaps Philadelphia.

Passports, she says, are "a very measurable product. We know exactly how many we need to issue so many passports. We are rarely off more than 1 percent."

Applications are up almost 30 percent over a year ago, and she predicts a demand for two million passports by 1971.

Her pleas for three additional field offices in Detroit, Houston, and New Haven, Conn., have been repeatedly vetoed.

To stay streamlined and cope with upcoming demands, she wants to develop a single-card, dual-language passport and electronic reading devices at ports of entry. Research funds have been denied.

"I am a voice crying in the wilderness," Miss Knight said. "I'm telling them what will happen in May and June. I hate to stay here and watch it. It is so unnecessary."

Her 435 permanent and 140 seasonal employes have been working Saturdays, Sundays and holidays. Illness, absenteeism and errors are beginning to mar their splendid record.

Miss Knight holds a Civil Service grade 17 position with salary of $32,840, from which she can be dismissed only by proving malfeasance. Now 63 and physically fit, she has seven years to go before mandatory retirement age.

NO PROMOTION

Although 42 nations have sent experts to study her operation, State has never given her a promotion nor commendation. Several recommendations that she be nominated for the Federal Women's Award have been killed inside the department.

Cities, airlines, steamship lines and domestic and international organizations, however, have heaped her with awards.

Miss Knight presides over a showplace residence with her husband, Wayne W. Parrish, a wealthy aviation writer. They have traveled more than a million miles together, collecting priceless Oriental antiques, icons, paintings and china, most recently for stained glass windows from Iran.

Her efficiency is even noticeable at home, where the fine upholstered pieces are encased in clear plastic.

A report last year that Parrish might be named an ambassador was dismissed by his wife as "another attempt to get rid of me."

Parrish, as forthright as his spouse, tagged an ambassadorial job "dullsville," and added, "it would seem rather strange for a Republican to join a State Department still operated one hundred percent by Democrats."

GENOCIDE CONVENTION REJECTED BY AMERICAN BAR ASSOCIATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. RARICK. Mr. Speaker, the action of the American Bar Association, meeting in Atlanta, in defeating a proposal to endorse ratification of the UNO Genocide Convention is indeed gratifying to Americans who are not prepared to surrender their sovereignty or their safety to either the Soviet imperialists or the puppets acting the charades of "nationhood" in the so-called third world.

At best, were this convention ratified by the United States, it would create a maze of vague and hazy restrictions impossible to identify—a travesty of our fundamental principle that a criminal law must be so worded that the average man can understand when his actions contravene its provisions.

At worst, due to the supremacy clause of the Constitution, the jumble might become criminal law in the these United States, although it is patently disregarded by other nations who are signatory to the convention.

And finally, there is the ever-present danger that in a day to come, following the nauseating precedent of Nuremburg, Americans would stand a phony "trial" before foreign judges—on charges of genocide. Such charges could derive from our opposition to Red revolution in Vietnam—or Korea, since there is no statute of limitations. They could arise because we do not teach enough Swahili—or "soul"—or recently manufactured black history in our schools. Or because we bus children—forcibly transferring the children of one group to another.

Mr. Speaker, in the course of the debate on the measure in the Bar Association meeting, Mr. Ben R. Miller, a distinguished attorney of my district, delivered an excellent and succinct summary of the mischief to be wrought if we were to ratify this monstrosity. For the information of our colleagues, I include Mr. Miller's speech in my remarks:

REMARKS OF MR. BEN R. MILLER

During his eight years as President, Mr. Eisenhower never once urged ratification of the genocide treaty. His experience as a military man enabled him to better see the potential danger it would pose to the essential premise of all successful armies—obedience to orders in the heat of battle. This treaty which eliminates as a defense obedience to military orders would force each American soldier in the heat of battle to decide should he risk court-martial by violating an order or risk genocide trial at some future time, possibly back at the scene of battle or even before some future court.

Nor do I see much comfort in the statement of the Attorney General that he sees no constitutional objection to ratification of the treaty. I would assume it must be conceded that under past rulings of the United States Supreme Court a treaty becomes the supreme law of the land.

Nor do I see much comfort in the statement that no implementing legislation is now being proposed to the Congress. Many question whether implementing legislation would be needed, even for trials under the treaty of *our* citizens in *our* own courts. But if the trials of our citizens for violations of the treaty were to be in the courts of other nations it would be *their* implementing legislation, not *ours*, which would control—certainly if it is one of our military or civilian people already in that territory who is brought to trial in their courts.

Moreover, once the treaty is ratified by a two-thirds vote, the implementing legislation would require but a bare majority of the Congress.

If some United States Congressman introduced an act to create as a new crime not only some action which resulted in death but also made it a crime to either:

(1) cause or conspire to cause serious mental harm to a part of a national, ethnic racial, or religious group, or

(2) help or conspire to help bring about conditions calculated to bring about physical destruction of even a part of such a group, or

(3) impose or conspire to impose injuries intended to prevent births within such a group, or

(4) forcibly transfer or conspire to forcibly transfer children of such a group to another group—what would the American Bar Association say about so vaguely defining new crimes?

Particularly if such a bill prescribed no period of limitation within which an accused could be brought to trial and where jurisdiction to try such an accused not only in our federal courts but in the courts where the alleged actions took place or an international penal court pledged to see established.

Whose laws and procedures would control in such a trial in such a foreign country on such matters as double jeopardy, search and seizure, and self-incrimination?

These and other disturbing possibilities from a Congressional bill could of course be rectified easily by simple repeal of the act. But the announcement of a treaty is something else again and if the United States after having ratified such a treaty sought to recede from it it would certainly be accused of fraud and bad faith.

For these and many other reasons, I urge that the House of Delegates of the American Bar Association do not reverse a position it took years ago after much more discussion and debate than is now being held and after obtaining the views of lawyers throughout the United States. Instead, I hope this House will again express its stern opposition to ratification by the United States of the genocide treaty.

PRESIDENTIAL STATEMENTS ON RACIAL EQUALITY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the noted columnist, David Lawrence of U.S. News & World Report, recently wrote a column containing quotations from past Presidents of the United States on racial equality.

Because of the interest of my colleagues and the American people in this most important matter I insert the column in the RECORD at this point:

WHAT PRESIDENTS ONCE SAID ABOUT RACIAL EQUALITY

(By David Lawrence)

The controversy recently about Judge G. Harrold Carswell's speech which he made in 1948 in favor of segregation—six years before the Supreme Court ordered desegregation in the public schools—prompts a reexamination of just what was said in public speeches and in utterances of Presidents of the United States on the general subject of racial equality prior to the Court's ruling in 1954. Here are some extracts:

Thomas Jefferson, in, a letter to François Jean de Chastelleux on June 7, 1785:

"I have supposed the black man, in his present state, might not be in body and mind equal to the white man; but it would be hazardous to affirm that, equally cultivated for a few generations, he would not become so."

Jefferson's Autobiography, published in 1821:

"Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them."

Abraham Lincoln, in a speech at Ottawa, Ill., on Aug. 21, 1858:

"I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which in my judgment will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position.

"I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas, he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man."

Abraham Lincoln, in a speech at Charleston, Ill., on Sept. 18, 1858:

"I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races—that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. . . .

"I will add to this that I have never seen to my knowledge a man, woman or child who was in favor of producing a perfect equality, social and political, between Negroes and white men."

Theodore Roosevelt, in his Seventh Annual Message to Congress on Dec. 3, 1907:

"Our aim is to recognize what Lincoln pointed out: The fact that there are some respects in which men are obviously not equal: but also to insist that there should be an equality of self-respect and of mutual respect, an equality of rights before the law, and at least an approximate equality in the conditions under which each man obtains the chance to show the stuff that is in him when compared to his fellows."

William Howard Taft, in his Inaugural Address on March 4, 1909:

"The colored men must base their hope on the results of their own industry, self-restraint, thrift and business success, as well as upon the aid, comfort and sympathy which they may receive from their white neighbors."

Franklin Delano Roosevelt, in a letter to Cleveland G. Allen on Dec. 26, 1935:

"It is truly remarkable, the things which the Negro people have accomplished within living memory—their progress in agriculture and industry, their achievements in the field of education, their contributions to the arts and sciences, and, in general, to good citizenship."

Harry S. Truman, to the Democratic National Convention in 1940:

"I wish to make it clear that I am not appealing for social equality of the Negro. The Negro himself knows better than that, and the highest type of Negro leaders say quite frankly they prefer the society of their own people. Negroes want justice, not social relations."

How many of the foregoing statesmen could be confirmed as Justices of the Supreme Court today if their statements of earlier years such as the above were cited against them by the members of the Senate?

MEDICAL CARE III: SURGICAL MANPOWER

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ROSENTHAL. Mr. Speaker, in other recent articles I have entered in the RECORD on medical care, I have tried to illustrate the principal concerns about how we today deliver medical care and how our health manpower resources have reached a crisis.

I include below a recent article from the New England Journal of Medicine which compares surgical manpower in England and the United States and relates that manpower to the medical operations performed in the two countries. The article, by Dr. John P. Bunker raises many important questions about the

medical services in two countries and how they approach their responsibilities.

The article follows:

SURGICAL MANPOWER—A COMPARISON OF OPERATIONS AND SURGEONS IN THE UNITED STATES AND IN ENGLAND AND WALES

(John P. Bunker, M.D.)

ABSTRACT—"There are twice as many surgeons in proportion to population in the United States as in England and Wales, and they perform twice as many operations." Fee-for-service, solo practice and a more aggressive therapeutic approach appear to contribute to the greater number of operations in the United States. More frequent use of consultation, closely regulated and standardized surgical practices and restrictions in facilities and numbers of surgeons appear to contribute to the lower rates of operations in England and Wales. Indications for surgery are not sufficiently precise to allow determination of whether American surgeons operate too often or the British too infrequently. Determination of surgical manpower needs requires better information on how much operative treatment the public health requires and must also take into account the total medical manpower needs of the country.

The shortage of physicians' services in the United States has many causes, of which the inefficient use of the physicians' time and inequities in their distribution may have a greater role than any alleged deficiency in their actual numbers.[1] The disproportionate geographic concentration of physicians in wealthy sections of the country is common knowledge. Harder to identify, and therefore less well appreciated, is the possibility of the maldistribution of physicians among the medical specialties. Evidence is presented herein that serious maldistribution does exist in that area of medicine with which I am most familiar—the operating room and its proprietors, anesthesiologists and surgeons.

It has long been the goal of anesthesiologists in the United States to provide all anesthetic care required for surgery, obstetrics and dentistry. In its efforts to achieve this goal, the growth of anesthesiology as a medical specialty has been dramatic: in 1940 there were 1000 physicians specializing in anesthesia; and in 1969 there are over 9000. But despite such rapid growth, it is estimated that anesthesiologists can personally provide anesthesia for less than half the patients undergoing surgery, and they can hardly begin to offer anesthetic care for obstetrics and for dental surgery. There is no evidence that further rapid expansion is apt to occur, and therefore there is little prospect that the shortage in anethesiology manpower will diminish with time.

Although it is widely acknowledged that there is an acute manpower shortage in anesthesia, not much attention is given to manpower problems in surgery. It is assumed that there are probably enough general surgeons,[2] although there may be a shortage in some of the surgical specialties. But no serious thought seems to have been given to the possibility of an overall excess. Certainly, there is a marked imbalance in the ratio of anesthesiologists to surgeons, but is it possible that the imbalance is due more to an excess of surgeons than to a shortage of anesthesists? Evidence in support of this hypothesis will be developed by a comparison of anesthetic and surgical manpower and practice in the United States and in England and Wales.

There were 9024 physicians engaged full-time in the practice and teaching of anesthesia in the United States in 1967[3] for a civilian population of 197,430,000, and in England and Wales, also in 1967, there were 2298 physicians specializing in anesthia[4] for population of 48,391,000. 4.6 and 4.7 per 100,000 population respectively. At that time there were 74,746 physicians devoted to the fulltime practice of surgery or its specialties in the United States[3] as opposed to 8,924 in Great Britain[4]—39 and 18 per 100,000 population respectively (Table 1). There were, in addition, 10,850 physicians in general practice in the United States engaged in part-time surgical practice.[5] Thus, whereas the ratio of physicians engaged full time in the practice of anesthesia to population is almost exactly the same, there are proportionately more than twice as many surgeons in the United States as in England and Wales.

TABLE 1. *Physicians Engaged in Full-Time Patient Care and Clinical Training, General Surgery and Surgical Specialties, 1967*

SURGEONS IN UNITED STATES*	
Private or group practice	56,636
Hospital full-time staff	2,349
Medical-school faculty	2,000
Residents & fellows	12,840
Interns	921
	74,746
SURGEONS IN ENGLAND & WALES†	
Consultants	2,841
Other post-training hospital full-time staff	352
Senior registrars	478
Registrars & senior house officers	3,906
House officers	1,305
Other	42
	8,924

*Adapted from Table 6, page 50, Distribution of Physicians, Hospitals, and Hospital beds in the United States, 1967[3] (surgeons in federal employ [6003] & in administration & research [540] not included).

†Adapted from Table 63, Part 2, page 166, Annual Report of the Ministry of Health for yr 1967.[4]

There are also proportionately more operations perforced in acute, short-stay hospitals in the United States than in England and Wales. From sample statistics, collected by the National Center for Health Statistics for the Hospital Survey,[6] it is estimated that 14,000,000 operations were performed in the United States in 1965, a rate of 7400 per 100,000 population, and from sample statistics collected by the Ministry of Health for the British Hospital In-Patient Enquiry,[7] it is estimated that approximately 1,700,000 operations were performed in England and Wales in 1966, an operation rate of 3770 per 100,000 population. Comparison of these overall operation data must be made with caution, since there were many differences in how they were collected. Comparisons of individual procedures, however, can be made with considerably greater confidence and indicate rates for many operations that are two or more times as great for the United States as for England and Wales (Table 2).

All anesthesia in Britain is administered by physicians, over 90 per cent of whom are specialists or in specialty training, whereas in this country less than 50 per cent of all anesthetics are administered by an anesthesiologist, or by a physician in specialty training. Eckenhoff[8] attributes this discrepancy to the greater operating-room efficiency and speed of surgery in Britain. Although marked differences in organization and efficiency of operating-room care do exist, the principal reason why the American anesthesiologist cannot keep up with his British colleague is that he has twice as much work to do.

Why are there proportionately more than twice as many surgeons in the United States, and why are twice as many operations performed? Socio-economic, organizational, philosophical, geographical and population differences between the two countries all appear likely to be involved.

TABLE 2.—COMPARATIVE RATES FOR SELECTED OPERATIONS[1]

Operation	Rate per 100,000 population			
	United States of America (1965)		England and Wales (1966)	
	Male	Female	Male	Female
Thyroidectomy	9.8	68.5	8.7	42.3
Inguinal herniorrhaphy	508.0	51.1	294.0	29.2
Appendectomy	217.0	180.0	220.7	223.5
Cholecystectomy	94.5	273.0	32.2	89.9
All operations on eye	220.0	223.0	180.6	193.0
Extraction of lens	65.3	82.5	47.2	69.1
Tonsillectomy with or without adenoidectomy	637.0	641.0	322.7	321.9
Adenoidectomy without tonsillectomy	20.7	15.2	49.9	35.6
Hemorrhoidectomy	162.0	137.0	60.5	31.4
Circumcision	96.7		110.0	
Hysterectomy (including subtotal, total and vaginal)		516.0		213.2
All operations on breast	10.9	278.0	5.8	171.7
Partial mastectomy	6.5	196.0	3.0	100.6
Complete (simple) mastectomy		15.0	1.8	27.2
Radical mastectomy		51.0	0.5	25.1
Other operations on breast	4.4	16.0	0.5	18.8

[1] Calculated from sample statistics from U.S. Public Health Service and from Registrar General's Office, Hospital In-Patient Enquiry. U.S. figures based on up to 3 operations per patient (with exception of appendectomy, for which appendectomy is included only if "first listed"), whereas data for England and Wales based on 1 operation/patient, which is either "most serious operation," "first mentioned" or operation "related to principal diagnosis."

SOCIOECONOMIC DIFFERENCES

The key to an understanding of differences in medical manpower appears to lie in the British National Health Service (NHS). Surely, a socioeconomic system as different in organization and philosophy as the NHS should present differing demands for medical and surgical services, and on their utilization and quality. These possibilities have been considered in the past by many others, but it has been difficult to sort out the effects of this vast "experiment" in delivery of medical care from the effects of the many other dramatic changes in the practice of medicine that have occurred.

Social reorganization of medicine occurred with dramatic suddenness in Great Britain and was nationwide. So many changes took place simultaneously that it has been difficult to assess the effect of individual factors. In the United States, by contrast, social reorganization of medicine has occurred slowly, regionally and piecemeal. Specialized regional programs have been introduced, some as controlled experiments in delivery of patient care, and many of these programs can provide the basis for meaningful comparisons of the effects of some of the relevant factors. What are the effects, of insurance in comparison with no insurance, of prepaid in comparison with indemnity insurance and of group practice versus solo practice? These are perhaps the principal issues to consider, and a good many data can be brought to bear on them.

Insurance, by itself, appears to increase the utilization of physicians' services, presumably in response to previously unmet medical need. In a study of medical services conducted in 1954, Odin Anderson[9] reported operation rates for insured persons that were double those for the uninsured, with an even greater differential among low-income families. In attempting to explain these differences, Anderson considered it "very likely there is a higher proportion of so-called 'elective' surgery among the insured persons, and a higher proportion of 'emergency' or 'must' surgery among the uninsured persons."

The effect of insurance in increasing rates of operations vanishes when one goes from indemnity to prepaid insurance, and it is now well established that rates of operations for prepaid group-health plans such as the Health Insurance (HIP) in New York City, the group-practice option of the Federal Employees Health Benefits Program and the Kaiser Foundation Health Plans are approximately half those of the usual Blue Shield fee-for-service insurance plan. [10-12] Such prepayment plans, however, are by their nature group-practice plans, and it is not clear how much of the effect is related to the method of payment and how much to the organization of physicians' services.

The effect of method of payment on the volume of medical and surgical services provided has acquired considerable notoriety. Fee-for-service invariably results in the provision of more services than provided by capitation or salaried plans [13, 14] and has led to claims that fee-for-service encourages unnecessary operations.[13, 15]

That the method of delivery of services may be of great importance is suggested in two recent reports of experimental programs in which comprehensive ambulatory health-care facilities were established and an examination made of their effects on utilization of health facilities. In one, the Tufts Neighborhood Health Center at Columbia Point in Boston, surgical admissions fell over the first two years of study to 24 per cent of the prestudy level.[16] In the other, a randomized, controlled clinical comparison was made between comprehensive, family-oriented pediatric care (experimental group) and conventional, hospital-based care (control group). Operation rates were three times greater for the experimental than for the control group during the first six-month period, but were consistently lower (50 to 70 per cent) than control during the subsequent four six-month periods covered by the report.[17] Method of payment was apparently not a subject of special consideration in either of these studies. However, by offering ambulatory, group-practice care without charge, prepayment was, in effect, also provided, and we are still left without clear evidence on the effect of group practice separate from that of prepayment.

TABLE 3. CERTIFIED AMERICAN BOARD OF SURGERY OR OTHER SURGICAL SPECIALTIES, EXCLUDING THE AMERICAN COLLEGE OF SURGEONS [1]

	Surgeons in private practice		Surgeons not in private practice						Surgeons in Government service			
Specialty	Full-time specialty	Part-time specialty [2]	Intern	Resident	Other full time	Full-time medical school	Adminis-trative medicine	Research	Air Force	USPH	Veterans' Adminis-tration	Total
Colon and rectal surgery	128	1		3	4	1	1					138
General surgery	2,848	57	1	67	222	134	6	15	272	41	112	3,775
Neurosurgery	465	1		5	15	52	1	8	18	1	10	576
Orthopedic surgery	2,967	7		9	59	77	4	6	170	10	32	3,341
Plastic surgery	338	1		43	12	11		1	33	1	2	442
Thoracic surgery	353			60	42	27			49	3	34	568
Obstetrics and gynecology	5,914	3		4	105	279	14	16	256	11	3	6,605
Ophthalmology	3,920	3		14	67	95	3	20	102	39	22	4,285
Otolaryngology	2,051	10		7	28	46	6	4	65	9	30	2,256
Urology	1,347			1	21	44	4	2	41	4	23	1,487
Total	20,331	83	1	213	575	766	39	72	1,006	119	268	23,473

[1] One of the difficulties encountered in the attempt to assess surgical manpower is that there is no authoritative, published listing of surgical specialists. The AMA distribution of physicians, hospitals, and hospital beds in the United States lists all physicians on the basis of their principal area of activity—general practice, or individual specialty—but does not include information about specialty certification, nor does it include information on part-time specialization. The specialty boards can provide exact information on the total number of diplomas issued, but many do not keep records of how many surgeons are alive or practicing. Furthermore, there is no record of how many diplomates in 1 specialty may be certified in a 2d specialty. The surgical specialties present a special additional problem, since fellowship in the American College of Surgeons is considered equivalent to board certification as a criterion of training. The data presented in tables 3 to 6 were prepared for this article from the magnetic tape files of the Medical Mailing Service, Inc., Chicago. They are based on physician data obtained by the AMA through July 16, 1969. Tables 3 to 6 are mutually exclusive and, added together, comprise all practicing surgeons in the United States.

[2] General practice with some specialty practice.

Total hospital admissions rise with indemnity insurance and fall again with prepaid group-practice insurance plans. That is, they vary in parallel with operation rates. It has been assumed that the increases in hospitalization and operation rates with indemnity insurance reflect a response to previously unmet needs, although a second interpretation offered is that insurance is an invitation to unnecessary hospitalization and unnecessary operations. There are also at least two explanations for the decrease in admissions and operations with prepaid group plans. It is reasonable to consider that intensive ambulatory care may lead to improvement in general health, and hence to a decrease in the need for hospitalization. But, of course, it can be argued that in the absence of a fee, there is less incentive to perform procedures that are desirable, if not absolutely necessary. Other suggestions are that patients may accept group practice for routine care but go elsewhere for their operations, or that a younger and healthier group of patients participate in prepaid programs. The careful studies of Shapiro [18] have effectively ruled out these proposed alternate explanations, at least for the Health Insurance Plan in New York City, and the recently reported experience in the Neighborhood Health Centers for low-income families,[16 17] where the populations could be closely controlled, provides additional contrary evidence.

The group-practice effect is also reflected in a smaller proportion of surgeons needed in group practice, as well as a smaller number of operations performed. Roemer and DuBois [19] write that "It is significant that the ratio to population of surgeons, anesthesiologists and ophthalmologists in the United States as a whole is much higher than the ratio of these specialists found for the population of prepaid group-practice plans. (Solo surgeons seem to be either not working at full capacity or doing more surgery than is necessary—both of which points are probably true in some degree.)"

TABLE 4.—FELLOWS OF THE AMERICAN COLLEGE OF SURGEONS, EXCLUDING ALL DIPLOMATES OF ANY SURGICAL BOARD

	Surgeons in private practice		Surgeons not in private practice						Surgeons in Government service			
Specialty	Full-time specialty	Part-time specialty [1]	Intern	Resident	Other full time	Full-time medical school	Adminis-trative medicine	Research	Air Force	USPH	Veterans' Adminis-tration	Totals
Colon and rectum	32	2										34
General surgery	2,732	624		2	34	18	21	1	13	5	29	3,479
Neurosurgery	36				1	3		1	3	1		45
Orthopedic surgery	197	2			2	2	1			2	1	207
Plastic surgery	18	1		1		1	1					22
Thoracic surgery	45				2	1	2				2	52
Obstetrics and gynecology	268	43			2	3	3		2		1	322
Ophthalmology	65	1									2	68
Otolaryngology	48	3				2	1					54
Urology	121	8		2	1	1		1	1		1	136
Total	3,562	684		5	42	31	29	3	19	8	36	4,419

[1] General practice with some specialty practice.

ORGANIZATION OF CARE

Whatever the relative contribution of insurance, prepayment and group practice, it is clear that the British National Health Service embodies all three, and all probably contribute to the observed differences between the two countries. That the NHS is a form of group practice might bear brief additional comment. The essence of group practice I take to be the ready availability and routine, or nearly routine, use of medical consultation. And, of course, the consultant system is the very essence of the NHS. The British surgeon is a true consultant. He sees patients only as they are referred to him by the general practitioner or

Footnotes at end of article.

internist, and he is entirely hospital based. The American surgeon, by contrast, may function as consultant exactly as his British counterpart, he may accept patients without referral, or he may be the primary physician-general practitioner, referring the patient to himself for surgery and thus creating his own demand.

The question of referred is an important one, for surgeons and nonsurgeons are apt to have very different ideas of indications for surgery. That the internist and surgeon have different points of view is inherent in their specialty training, and this difference is reflected at its worst when surgeon and internist isolate themselves from each other, the internist often seeing himself as the patient's protector against surgery. But when two differing points of view are brought to bear on the problems of a single patient, it is very much to the patient's advantage. The essence of medical referral, or consultation, then, is the solicitation of more than one physician's opinion, and the advantage of the experience of more than one specialty.

Consultation is the way of life under the British National Health Service and is reflected in the specific designation of all specialists as "consultants." The registrar in specialty training is instructed from the outset to make frequent use of other specialists, and of course it is the assumed duty of the general practitioner to refer the sick to the hospital consultant for the treatment of all but simple illnesses. The system, if anything, works too well, and the problem of too early and too frequent referral by the general practitioner is a troublesome one. In the United States, by contrast, the physician is apt to err in the other direction. The physician or surgeon in residency training, allowed greater responsibility and independence than his British counterpart, may be reluctant to seek help lest he lose that responsibility for the patient's management. The surgeon in private practice may be reluctant to seek consultation, again for fear of losing his patient, perhaps now also for economic reasons.

TABLE 5.—CERTIFIED AMERICAN BOARD OF SURGERY OR OTHER SPECIALTY BOARDS AND FELLOWS OF THE AMERICAN COLLEGE OF SURGEONS

	Surgeons in private practice		Surgeons not in private practice						Surgeons in Government service			
Specialty	Full-time specialty	Part-time specialty [1]	Intern	Resident	Other full time	Full-time medical school	Administrative medicine	Research	Air Force	USPH	Veterans' Administration	Total
Colon and rectum	172				1		1		3			177
General surgery	7,670	42		6	177	430	40	24	127	26	221	8,763
Neurosurgery	543	2			12	70	3	1	5	1	8	645
Orthopedic surgery	1,790	3		2	19	61	6	1	30	3	18	1,933
Plastic surgery	404	1			6	18	1	1	15		1	447
Thoracic surgery	633	2		4	38	80	8	3	31	3	39	841
Obstetrics and gynecology	2,535	1			31	92	10	6	11	1	2	2,689
Ophthalmology	1,173	1			4	31	2	2	5	1	11	1,230
Otolaryngology	935	1			3	40	3		4	1	13	1,000
Urology	1,451	4		1	13	50	1	2	15	2	36	1,575
Total	17,306	57		13	304	872	75	40	246	38	349	19,300

[1] General practice with some specialty practice.

An example of the quantitative effect of consultation is provided by experience of the United Mine Workers Medical Care Program. When a plan for reimbursement of surgical fees was offered to the United Mine Workers some years ago, there seemed to be an excessively large number of surgical procedures performed—that is, an excessive number of surgical bills were submitted. The Mine Workers Fund was concerned with the large amount of what appeared to be unnecessary surgery, particularly gynecologic operations and appendectomies. When a requirement was added that all operations be endorsed by preoperative specialist consultation, the number of operations fell by as much as 75 per cent for hysterectomies, 60 per cent for appendectomies and 35 per cent for hemorrhoidectomies.[20]

Quality control or peer review has long been of concern to the medical profession. Efforts to standardize the quality of medical care date back to Codman,[21] who in 1914 implored the medical profession and its hospitals to make public all clinical "end-results"—a goal that, unfortunately, has not yet been achieved. "Tissue committees" to review specimens removed at operation and internal and external medical audits are more recent efforts at standardization in the United States. Lembcke's papers on the methodology of the Medical Audit are of special interest and in particular his demonstration of the effect of such an audit in markedly reducing the volume of gynecologic surgery performed.[22] But despite considerable improvement achieved by the Joint Commission on Hospital Accreditation, nationwide quality control of hospital practice remains an unattained goal in the United States.

By contrast, a large measure of quality control is apparently inherent in the British National Health Service hospital and consultant system, and peer review by tissue committees and medical audits has not been considered necessary. Curran believes that the high level of quality control in British hospitals can be attributed to the central role of the consultant:

The hospitals are organized in a hierarchical system that provides close supervision of all types of practice within the walls of these facilities. It is much tighter and more controlled than before the National Health Service was established. All patients are assigned to a consultant, the highest grade of the specialists. He supervises all care by lower-level doctors, from fully qualified staff physicians to residents and interns in training.[23]

Footnotes at end of article.

Another byproduct of the NHS that should be mentioned is the more efficient use of the surgeon's time, which is achieved in such a planned and regulated medical service and which has recently been discussed by Eckenhoff.[8] Perhaps the main element in this efficiency is the organization of operating-room activities around a single surgical team working together for a specific period: one team (surgeon, assistant [or assistants], anesthetist, nurse); one operating room; and one "session" (that is, morning or afternoon). How different from the erratic utilization in American operating rooms described by Eckenhoff! A second contributing factor to operating-room efficiency is the centralization of special surgery, such as neurologic and thoracic surgery, in the large specialty hospitals for special diseases and procedures, such as the specialty institutes in the University of London. Whether or not one agrees that such disease-oriented centers are medically advantageous, there can be little doubt they facilitate a more efficient use of medical manpower.

DIFFERENCES IN SURGICAL PHILOSOPHY

Quite apart from socioeconomic considerations, there may be a genuine philosophical difference in attitudes of the two countries. In keeping with his national character, the American surgeon is more aggressive. He appears to hold higher expectations of what surgery can offer in the treatment of disease, whereas the British surgeon is more modest in his expectations, possibly more realistic, but also possibly missing opportunities for surgical cure.

Philosophical differences probably have their greatest quantitative effects in the large numbers of elective procedures for which indications may be equivocal, such as tonsillectomy, hemorrhoidectomy, cholecystectomy, hysterectomy, thyroidectomy and radial mastectomy (Table 2). Given the choice of administering or withholding therapy, whether the therapy is prescribing drugs or performing an operation, the American physician appears likely to choose active therapy. The British surgeon, faced with the same choice and carrying a heavier work load, is apt to avoid surgery if the indication is in question.

Cope recently suggested that surgical attitudes that are conservative and often out of date, and emphasize technic, may encourage unnecessary surgery in the United States; he cites the treatment of goiter and carcinoma of the breast as examples of the reluctance to relinquish conventional surgical approaches.[24] The rate for radical mastectomy for the United States, which is twice that reported in England and Wales (Table 2), presumably reflects the difference in enthusiasm for this procedure evident in the current surgical literature of the respective countries. Fundamental differences in attitude or philosophy do undoubtedly exist, but probably have less quantitative effect on volume of surgery than method of payment and organization of services.

GEOGRAPHIC AND POPULATION DIFFERENCES

The relative concentration of a large population in the small geographic area of England and Wales should lend itself to a more efficient use of medical manpower, and, conversely, proportionately more physicians and surgeons might be needed to provide service over the length and breadth of a large country such as the United States. However, surgeons in the United States are not distributed in such a way as to meet geographic needs. To the contrary, they are concentrated in the heavily populated industrial areas to such an extent that trained surgeons in many of our prosperous communities have hardly enough work to keep busy, whereas there are acute needs for surgeons' services in other less populated areas. Furthermore, although it is true that Great Britain lends itself to a more efficient geographic organization of medical-care services, the British themselves have by no means escaped the problems of too many

physicians in more attractive and wealthy areas, and too few in parts of the country that are less favorably situated. The NHS has done much to redistribute medical care by limiting the number of positions in the more desirable areas (a system of "negative inducements"), but acute shortages persist in some communities and continue to be a cause of concern. Differences in geographic needs may make a contribution to the differences in surgical manpower observed between the two countries, but it appears to be a small one.

Finally, in attempting to assess the observed differences in operation rates and surgical manpower between the United States and Great Britain, one must consider the possibility of differences in patient populations. A well advertised example of such a difference is the incidence of highway accidents, which is twice as great in the United States as in Britain, and more surgeons are certainly needed to care for the victims. Overall national accident rates, including those for industry, are only slightly greater for this country, however, and can account for only a small part of the manpower differences observed. Specific surgical diseases may, and certainly do, occur with greater frequency in one country than in another. Pearson and his associates,[25] comparing hospital populations in New England, Liverpool and Uppsala, have reported cholecystectomy to be performed four times more often in Uppsala than in Liverpool, and twice as often as in New England, the excess being attributed to prevalence of biliary-tract disease in Sweden. But regional differences in disease cannot reasonably be invoked to explain the consistently higher rates for the wide variety of other procedures reported by them for New England and in the present report for the United States as a whole.

DISCUSSION

The fact that we operate nearly twice as often as the English and Welsh, or twice as often as we might under other political-economic circumstances, does not necessarily force the conclusion that we operate twice as often as the public health might justify. An alternate explanation might be that as a wealthier country, the United States may simply be affording the luxury of surgical procedures that are desirable but not essential and that the British public would be better served by more operations than are now performed in that country. For example, many British physicians believe that there are a large number of patients in need of surgery for cataract, and the long waiting lists for herniorrhaphy and prostatectomy are common gossip. Any decisions about how many surgeons we need in America must, of course, be based primarily on how much operative treatment the public health requires. But this decision must also take into account the fact that with a limited total medical manpower pool, more physicians engaged in the practice of surgery means fewer for other possibly needier medical disciplines. Thus, we have the paradox of a country that provides "luxury" surgery for the well-to-do but cannot provide basic medical care for the indigent.

TABLE 6. SURGEONS NEITHER CERTIFIED BY SPECIALTY BOARD NOR FELLOWS OF THE AMERICAN COLLEGE OF SURGEONS

Specialty	Surgeons in private practice		Surgeons not in private practice						Surgeons in Government service			Total
	Full-time specialty	Part-time specialty [1]	Intern	Resident	Other full time	Full-time medical school	Administrative medicine	Research	Air Force	USPH	Veterans' Administration	
Colon and rectum	270	178		12	1	1	2		1		3	468
General surgery	5,442	5,514	827	5,473	938	59	49	82	1,221	214	376	20,195
Neurosurgery	444	7		463	79	14		12	79	24	25	1,147
Orthopedic surgery	1,244	212		1,403	164	23	7	9	296	42	110	3,510
Plastic surgery	246	23		168	25	6			19	4	11	502
Thoracic surgery	135	5		126	45	4	3	6	11	1	17	353
Obstetrics and gynecology	4,834	2,898	59	2,381	543	118	20	64	623	35	20	11,595
Ophthalmology	2,125	168		1,095	135	34	2	36	200	62	46	3,903
Otolaryngology	1,244	251		687	75	30	3	19	178	19	65	2,571
Urology	1,157	172		772	103	27	3	9	213	23	101	2,580
Total	17,141	9,428	886	12,580	2,108	316	89	237	2,841	424	774	46,824

[1] General practice with some specialty practice.

That marked variability in surgical practices and presumably in surgical judgment and philosophy exists must be considered to reflect absent or inadequate data by which to evaluate surgical treatment, and specifically by which to compare operative with nonoperative treatment. Stated in other words, *the indications for surgery are sufficiently imprecise to allow a 100 per cent variation in rates of operation*. The risk of operating can be documented with mortality data, but comparable controlled data on the risk of *not* operating are, for most surgical diseases, not available. This, of course, is one of the big problems of surgery: that nobody has ever bothered to work out the natural history of any disease until what is regarded as an effective treatment for it has been found. Consequently, assessments of the natural history of disease must be made retrospectively and are grossly unreliable.

Although currently available data may not be adequate to define precisely the indications and contraindications for many operative procedures, it can be assumed that such wide variations in surgical practices must have marked effects on the public health. For example, a hospital that reserves operative treatment for the very ill can be expected to report very different postoperative death rates from those in another hospital specializing in minimally indicated operations in good-risk patients. It is well known that marked differences in postoperative death rates do occur from one hospital to another,[27, 28] and in the past it has been assumed that these differences reflect differences in patient populations or in the quality of care. I believe that the decision whether or not to operate may turn out to be an even more important determinant in explaining such differences in outcome.

Footnotes at end of article.

Lembcke,[29] in a classic paper, attempted to access the indications for appendectomy by correlating appendectomy rates with mortality rates for appendicitis. He was able to demonstrate that higher appendectomy rates were associated with higher, rather than lower, overall mortality from appendicitis and concluded that "considerably more operations of this type are done than necessary. . . ." Comparable data for other surgical diseases are urgently needed. Mortality data alone, however, cannot provide an adequate basis on which to judge surgical success or failure, or on which to define surgical indications and contraindications. Quantitative data on other important surgical end-result indexes, such as complications, rehabilitation and relief of discomfort, are not available, but a substantial body of theory on the evaluation of the quality of medical care has appeared in recent years[18, 30] and its application to the practice of surgery should receive a very high priority.

The direct measurement of the quality of medical care, by death rates or by other criterie, is, of course, exceedingly difficult; consequently, studies of the quality of medical care have relied heavily on other kinds of information such as internal and external audits and the qualifications of the physician rendering care. Thus, in the Columbia University Study of Medical Care under three different insurance plans in New York State, prepaid group practice (HIP) was found to be associated with fewer "unjusted" operations, and fewer operations were performed by "unqualified" surgeons than for indemnity, Blue Shield insurance plans.[10] On this basis, the quality of surgical care offered by HIP was judged to be superior.

If the qualifications of the surgeon are considered on a valid index of quality of care, the quality of surgery in England and Wales must be considered superior to that in the United States. Virtually all surgery in England and Wales is performed by consultant specialists and senior registrars, or by house officers under their direct supervision. Furthermore, there are at least twice as many candidates as there are positions, thus providing an additional degree of quality selection. In comparison to the strict state control in England and Wales, regulation of surgery in the United States occurs at the local level or not at all. Individual hospitals may require board certification, or equivalent training, but many do not. Of the 68,000 physicians listed in full-time or part-time private practice of surgery, less than two thirds are certified by a surgical board or are fellows of the American College of Surgeons (Tables 3–6). There are no reliable national data specifying who does the surgery in this country, but it has been estimated that more than 50 per cent is performed by general practitioners or osteopaths. Whether fairly or not, it is to the "unqualified" surgeon that most "unnecessary operations" are attributed.[10, 13]

CONCLUSIONS

At the outset I asked why the ratios of surgeons and of operations to population are half as large in England and Wales as in the United States. The observation that prepaid group practice halves the numbers of operations and surgeons strongly suggests that the organization of medical care is a major factor. From this assumption a tentative hypothesis is proposed. Group practice (whether privately organized in the United States or as a single large service in Great

Britain) is a system that incorporates the wide use of consultation, and encourages a greater emphasis on ambulatory office care. There is evidence that these elements lead to improved public health, which in turn leads to a decreased need for hospitalization, including a decreased need for surgery. Increased use of consultation also appears to sharpen the criteria for surgery, resulting in a smaller number of operations where indications may be equivocal. Group practice also provides the opportunity for the more efficient use of medical (and surgical) manpower. Finally, the method of payment appears to play an important, if unmeasured, part. Surgical fees in the United States, although perhaps not as large as a generation ago, are still much greater than those in other areas in medicine, and the opportunity for large incomes may attract a disproportionate number of physicians into the practice of surgery. In addition, the "incentive" of a fee for service may tend to increase the number of operations in cases in which indications are borderline. The converse must, of course, be considered: that in the absence of such economic incentive, many procedures that are desirable but not essential may not be performed.

Until new evidence is available, it is reasonable to assume that there is a disproportionate number of surgeons in the United States, at least in relation to the total medical manpower pool, and it seems likely that some unnecessary surgery is being performed. Should anything be done? Many corrective forces are, in fact, already operative. The slow but steady growth of group practice and of prepaid medical plans has already had some effect on surgical practice, at least for the populations served. The growing power of large consumer groups, such as the Teamster's Union and the United Mine Workers, has been particularly effective in forcing standardization of medical care, including indications for surgery and qualifications of physicians undertaking surgery.[32] The development of federally supported regional medical programs may also have an effect by encouraging the centralization and more efficient use of major therapeutic facilities and procedures.

A final, important corrective force is the growth and maturation of surgery itself as a specialty, and the influence of the surgical specialty boards, with the parallel decline of the general practitioner as part-time surgeon. But, although the boards have provided exemplary leadership in the establishment of standards of practice, neither they[2] nor any other organization has accepted responsibility for determining or controlling specialty manpower needs.

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HEARING FROM THE PUBLIC

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ASHBROOK. Mr. Speaker, on several occasions I have inserted in the CONGRESSIONAL RECORD material on the President's Commission on Obscenity and Pornography, a body which was established by Congress in 1967 to investigate various aspects of the smut explosion in the United States. As the Commission has been mandated to issue its final report and expire this year, its operation over the past several years is of special interest to those interested in this vital issue. A progress report of the Commission last year was accompanied by separate remarks of one of its commissioners, Rev. Morton A. Hill, S.J., who criticized the efforts of the Commission and predicted that it might well "wind up merely applying a bandaid to the festering, cancerous sore of obscenity in this country."

One of the recommendations made by Commissioner Hill in his remarks states:

> That the Commission plans public hearings to assist in ascertaining methods employed in the distribution of obscene materials and exploring the nature and value of traffic; and, in ascertaining from the American public themselves, what community standards are.

Under Public Law 90-100 which established the Commission authorization was given to hold public hearings "and sit and act at such times and such places within the United States as the Commission or such committee may deem advisable." With the expiration of the Commission but a matter of months away, to date no hearings have been held and, at this late date, it would seem that none are intended. Consequently, Commissioner Hill announced that he would invite the public to testify at hearings in various cities throughout the country to try to ascertain how the public feels about the question of control of obscene and pornographic materials.

On February 18, the first of the hearings was held in New York City with Commissioner Hill and Rev. W. S. Link, also a member of the Commission, in attendance. According to the press, 27 witnesses testified and included clergymen, politicians, judges, clubwomen, law-enforcement officials along with others concerned about the issue.

Of special significance was the testimony of Former State Supreme Court Justice Samuel H. Hofstadter who recommended that all pornography cases should be tried by juries and that the U.S. Supreme Court should "desist from acting as a national censor."

Another witness, District Attorney Carl A. Vergari of Westchester County, also took the Federal courts to task:

> It is my strong and considered recommendation that Congress pass legislation divesting the Federal courts of jurisdiction to interfere in any way with a pending obscenity prosecution.

These references were prompted by the dangerous decisions of the Federal courts, and especially the U.S. Supreme Court, in their treatment of obscenity cases in the last 10 years or so. To correct this impasse into which the courts have submerged the American public on this issue, I introduced in February 1969 legislation which would take from the Federal courts appellate jurisdiction in cases regarding determinations of what is obscene.

The public hearings being conducted by Commissioner Hill provide an excellent vehicle to gage the wishes of the American public on this volatile issue. The results of future hearings in other sections of the country should prove interesting and helpful.

I insert at this point that the two accounts of the New York City hearing as they appeared in the New York Daily News and New York Times for the Members' information:

[From the New York Daily News, Feb. 19, 1970]

A HEARING ON 44TH ST.: WHAT TO DO ABOUT SMUT

(By Joseph Modzelewski)

One block west on 44th St. the movie marquee promised a sexploitation triple feature: "Obscene Plot/Fistful of Leather/Frisco Girls."

Two blocks south, the 42d St. peep shows and sleazy book joints, despite the early hour, were filled with businessmen who paid for the short-order sex, stuffed it in briefcases, leaving with their heads bowed, hoping they might not run into someone they knew on the way out.

In a stuffy first-floor meeting room of the Bar Association at 42 W. 44th St., two members of the Presidential Commission on Obscenity and Pornography, a Jesuit priest and a Tennessee minister, sat down and called the first of 28 witnesses in a public hearing on how to check the growth of pornography and obscenity in this country.

WANT TO FIND WHERE PUBLIC STANDS

The Rev. Morton A. Hill, the Jesuit, and Rev. W. C. Link, the Methodist minister, held the daylong hearings because, according to Hill, the President's commission has not determined how the public stands on the question of control of pornography.

The witnesses ranged from prim presidents of ladies' clubs to politicians, writers, attorneys and a former state Supreme Court judge.

All were agreed that the rampant spread of smut poses a threat to society, but there was hardly a consensus on what to do about it.

Former Supreme Court Justice Samuel H. Hofstadter proposed that local juries "manifesting the community view" should replace judges in trials involving obscenity and pornography.

Hofstadter argued that the "Supreme Court should cease and desist from acting as a 'national censor'" because it is hopelessly divided and unable to define obscenity to the satisfaction of everyone.

Magazine writer Morris Ernst told the panel: "I saw sodomy on the stage in New York City. It's $9 a ticket. No critic brought his wife; they brought their girl friends and boy friends. We are becoming a standardless, tawdry society, when sodomy is allowed on the New York stage."

Long Island attorney Charles Mattingly Jr. told of the efforts of a civic group in Old Bethpage, L.I., to pressure a theater owner to stop showing "skin flicks" in the movie house located in a shopping center there.

TROUBLE FINDING PARKING SPACE

Mattingly said that residents of the neighborhood were unable to park their cars in the center's lot because of the throngs who jammed the theater every evening. The civic association polled the community and found that 94% of the people opposed the showing of sexploitation films.

Mattingly did not say where the large crowds that attended the films came from. The group is still picketing the theater.

Many, like Lt. John J. Sullivan, chief of the Police Department's legal division, equated poronography with narcotics as a social problem. Other witnesses testified that smut was a form of "mind pollution—more subtle and insidious than air pollution."

While the two clergymen and their witnesses groped for the true meaning of obscenity, police yesterday took a direct approach to the problem. They arrested two Lexington Ave. book dealers on charges of promoting and possession with intent to sell obscene materials.

The arrests of two employes of Harry's Book Shop, 469 Lexington Ave., marked according to District Attorney Frank Hogan, the first time anyone has been charged with violation of the state's obscenity law because of the fashion in which the material was displayed.

The arrested men were: Rory Brown, 28, of 84-12 262d St., Floral Park, Queens, vice president of the bookshop, and an employe, Francisco Lopez, 23, of 68 W. 10th St. The police said that if they can secure convictions of the two defendants, it would enable them to arrest hundreds of other such dealers who prominently display smutty materials in their shop windows.

[From the New York Times, Feb. 19, 1970]

HEARING ASSAILS THE SMUT "FLOOD"—SUPREME COURT IS CRITICIZED AS 27 TESTIFY HERE

(By Arnold H. Lubasch)

Witnesses at a pornography hearing yesterday denounced the extensive distribution of immoral movies, the public display of obscene publications and the unsolicited mailing of offensive material.

Two members of the Presidential Commission on Obscenity and Pornography, the Rev. Morton Hill and the Rev. W. C. Link, said they had acted as individuals in inviting the witnesses to testify, because the 18-member commission had held no public hearings.

The 27 witnesses at the all-day hearing included clergymen, politicians, judges, club women, law-enforcement officials and others opposed to obscenity. They testified in the hearing room of the Association of the Bar of the City of New York, 42 West 44th Street.

Several called for new legislation, harsher penalties and community action against "the pollution of the mind" by the purveyors of pornography.

CALLED NO. 2 PROBLEM

District Attorney Carl A. Vergari of Westchester County testified that the "filth racket," which he estimated grossed $500-million a year in the United States, was second only to narcotics as a law-enforcement problem.

"There is confusion, lack of confidence and the rising conviction that our criminal justice system, particularly the Federal judiciary, is responsible for the flood of pornographic magazines, books, newspapers and films, which is seemingly inundating us on every side," Mr. Vergari said.

"It is my strong and considered recommendation that the Congress pass legislation divesting the Federal courts of jurisdiction to interfere in any way with a pending obscenity prosecution."

Mr. Vergari joined others in criticizing the Supreme Court definition that material could not be banned as obscene unless it met three tests: "appeal to prurient interests, offensiveness to contemporary community standards and complete absence of redeeming social value."

JURY TRIALS URGED

Former State Supreme Court Justice Samuel H. Hofstadter said that all pornography cases should be tried by juries, to reflect the community view, and that the United States Supreme Court should "desist from acting as a national censor."

Mrs. Aileen B. Ryan of the Bronx, a member of the City Council, noted that she and Councilman Bertram R. Gelfand had introduced a bill that would close a theater for 30 days if it showed a film that the courts judged obscene.

"There is a campaign of terror," Mr. Gelfand said, "against those who seek to improve the moral atmosphere in our community by stemming the public exploitation of filth for profit."

In a statement read by an aide, Representative Mario Biaggi of the Bronx said he had proposed legislation to combat the increase in unsolicited pornographic mail.

Mrs. David McInnes, a women's club president in Forest Hills, Queens, suggested that a Communist conspiracy must be at work when prayers were prohibited in schools and pornography was permitted in theaters.

The two commission members, who called for community pressure to obtain legislation against pornography, said that yesterday's hearing was the first of a series they would conduct in major cities. The next is scheduled for Friday in Philadelphia.

President Nixon is due to receive the full commission's report next summer.

Father Hill heads Morality in Media, an interfaith group in New York opposed to pornography, and Mr. Link administers a Methodist retirement home in Nashville.

COMMUNIST FRONT MEETS IN WASHINGTON—HEARS INCITEMENT TO MURDER, TREASON, REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. RARICK. Mr. Speaker, the insanity of our times has become so commonplace that incitement to revolution—to treason—and to simple premeditated murder, in the Washington, D.C., convention of an identified Communist front, following which the participants adjourned to participate in the riotous disturbance of last Saturday, found itself relegated to section E, page 20, of the Sunday Star.

Nevertheless, it is time that we, representing the people of these United States, open our eyes to the grim facts and exercise our responsibility to do something about it.

Twice in the past few days I have pointed out the standard operating procedure of the conspiracy—the technique of agitation employed without fail when its members are brought to justice. This is another example of a script which every Member of this House should know by heart—it has been performed often enough. See my remarks February 16, 1970, page 3340 and February 20, 1970, page 4334.

William Kunstler, sentenced to jail for direct criminal contempt of a court in which he was appearing as an attorney, stated publicly that he had "violated the court's orders on many occasions knowingly and willfully." Yet the bleeding hearts are crying that he is a victim of some kind of oppression.

The convention was that of the Communist front National Lawyers Guild, cited as a Communist front and referred to in its official report by a committee of this House as "the foremost legal bulwark of the Communist Party, its front organizations, and controlled union" and which "since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents."

See my remarks on the National Lawers Guild on March 5, 1969, page 5414.

The new Red shock troops, the Black Panthers, were well represented at the convention by a puppet who obediently and loudly harangued the crowd on racism, fascism, and revolution, with occasional admonitions to kill judges, or to kill guards, or just to go out and shoot some "pigs."

Predictably, the convention voted to oppose the nomination of Judge Carswell to the Supreme Court before recessing to take up its "demonstrating" and local law breaking.

Mr. Speaker, I urge that our colleagues all take the care to read thoughtfully the story of this disgrace as published in the Sunday Star, and for this purpose, I include it in my remarks at this point:

"RACIST COURTS" STILL NEEDED BY REVOLUTION," LAWYERS TOLD

(By William Delaney)

America's "racist" courtrooms must continue to be used in fomenting a black-led "people's revolution," a top Black Panther party official told a cheering convention of radical lawyers here yesterday.

Chief of Staff David Hilliard, the highest-ranking Panther not now in jail or exile, said the nation's "masses" are not yet persuaded of the necessity for revolution, and "would side with the fascists now" if a violent revolt were attempted.

The courts, the 27-year-old party leader told the National Lawyers Guild, will have to serve the black revolutionary cause as "a vast podium to wage education and expose the overt racism manifested in the judges and jurors."

"Until you're ready to pick up a gun and go to the courthouse and kill the judge, the guards who stand in the way, and let out the political prisoners, then the court system is still relevant," he said.

"We have to set some more examples," Hilliard said, "Revolution is not something that takes place overnight."

CHEERS AND LAUGHTER

His several hundred listeners assembled for luncheon beneath the chandeliers of the Hotel Sonesta (formerly Hotel America) ballroom, broke up in glee as Hilliard concluded:

"I want to take this opportunity to tell Richard Nixon (silence, laughter, applause) that everybody in the country—including his daughter—is looking to the Black Panther party for regaining their humanity. "We'll give it to them. We'll give it to them because they deserve it."

The ensuing cheers, upraised clenched fists and cries of "Right on!" also characterized an earlier standing-room-only convention session yesterday on the women's liberation movement—held, ironically, adjacent to an International Playtex Corp. meeting.

During the lawyer's guild's lively discussion, a bra-less young Weatherman woman wearing a low-cut knit blouse exhorted her "sisters" to become "a living walking example of the total struggle" against imperialism, "to become Communists, if you will."

Her viewpoint—that women's liberation should be considered within the context of the "total struggle"—appeared to dominate the three-hour debate, and there was heavy applause when a middle-aged woman said male radical lawyers exploit women "worse than any of the lawyers in any of the organizations I am involved in."

William Kunstler, one of two lawyers who face a contempt sentence for his role in the defense of the "Chicago 7," told the guild last night there is an attempt by law enforcement officials to harass defense lawyers who defend New Left clients.

Kunstler said there will be more "political trials" in the next few years.

He gave the militant clinched fist salute several times during a long standing-ovation by an audience of about 300.

He said several other attorneys have been sentenced for contempt or disbarred after defending ultra-left defendants, but he said that lawyers must continue to give the "most vigorous type of defense possible."

Kunstler said that in the Chicago 7 trial he "violated the court's orders on many occasions knowingly and willfully.

"It was an honest defense with no holds barred," he said.

The guild approved resolutions opposing the Supreme Court nomination of Judge G. Harrold Carswell—stating that he is biased against women and Negroes—and favoring the right of legal secretaries and other nonlawyer law office employes to unionize.

But left for today's business session was the hot debate over whether persons other than lawyers and law students should be admitted to the 32-year-old guild.

Though a legal secretary drew cheers when she angrily condemned the "legal mystique," veteran New York lawyer Mary M. Kaufman defended the need for a radical group of lawyers, not simply revolutionary activists, "to place roadblocks to the speed with which repression takes people off the streets."

"We are already in a period of intense repression," she said, a point mentioned by several speakers at the four-day convention.

Panther attorney Charles R. Garry, introducing Hilliard, charged that America is "hell-bent on bringing about a police state."

And Hilliard said, "black people are more than certain that fascism is here," claiming a "plot implemented and authorized by the U.S. government and headed by Nixon and his phalanx of Atty. Gen. (John N.) Mitchell and all the other bootlickers who have a vested interest in the system."

Hilliard, who was charged with verbally threatening to kill the President at a San Francisco anti-war rally last fall, told the predominantly white audience yesterday:

"Ain't none of you long-haired hippies or Yippies capable of defending a black man. If you want some experience, go out there and shoot some 'pigs.' "

The Panther leader also praised the Constitution ("a revolutionary force if it were applied to black people") and dismissed protest demonstrations as a political tactic "A whole lot of demonstrating ain't worth a ——— because we're experts at that").

Nevertheless, the convention adjourned at mid-afternoon to enable the more than 500 registered participants to join "Chicago 7" demonstration march in the Federal Triangle area.

BORROWINGS FROM GOVERNMENT TRUST FUNDS MASK $7 BILLION DEFICIT IN NATIONAL BUDGET

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. EVINS of Tennessee. Mr. Speaker, in a recent newsletter to my constituents, I pointed out that rather than a $1.3 billion "surplus," as reported in the President's budget, actually a deficit exists because of projected borrowings from trust funds and the necessity for enacting much legislation designed to raise taxes in service areas and increase revenues to accomplish the projected budget surplus which does not in fact exist.

Because of the interest of my colleagues and the American people in this important matter, I insert my newsletter—Capitol Comments—in the RECORD:

BORROWINGS FROM GOVERNMENT TRUST FUNDS MASK $7 BILLION DEFICIT IN NATIONAL BUDGET

A number of pertinent and enlightening points were brought out last week during the initial hearings by the Committee on Appropriations with Secretary of the Treasury Kennedy, Director of the Budget Mayo and the President's economic adviser, Dr. McCracken, concerning the new national budget recently submitted to the Congress.

One of the major facts to emerge from these hearings is that although the budget figures as announced indicate a small surplus of $1 billion 300 million, in reality there exists an actual overall deficit of more than $7 billion in the President's 1971 budget.

The hearings disclosed that the so-called "surplus" was achieved by the use of projected borrowings from Federal trust funds which are collected and earmarked for such programs as Social Security, the Highway Trust Fund, disability insurance and railroad retirement accounts, among others. The budget proposes to borrow the money from these funds for the next year to finance the budget "deficit" and Federal spending.

Under the new budget submitted to the Congress, trust funds are now included to reflect a better budget picture. Without the separate trust funds being included expenditures over income is estimated to be $7 billion 800 million or nearly an $8 billion deficit.

The Treasury intends to borrow this amount of money in the new year to project and present a balanced budget. So it was predicted at the hearings that the Treasury Department will ask for an increase in the public debt ceiling of some $8 billion reflecting this increased indebtedness of the Federal Government.

Several members of the Committee on Appropriations expressed the view that the claim of a $1.3 billion surplus is misleading and will encourage additional pressures for expenditures when, as a matter of fact, the general budget position is declining and slipping each year.

Other factors which emerged are sharp cutbacks in several long-standing programs and the assumption by the budget of passage of a number of new taxes, including user fees and charges to provide revenue to finance a substantial part of the budget.

There is no assurance that these proposals will be approved by the Congress. These include such recommendations as a new round of postal rate increases, new user charges for airport and highway improvements, extensions of the excise tax on automobiles

and telephone services—and elimination of the school milk program, cutbacks on appropriations for Soil Conservation Service, and sale of the Government-owned Alaska Railroad, among others.

The adoption of these several proposals plus the borrowings from the trust funds indicated is required if the razor-thin "paper" surplus is to be achieved.

Several Appropriations Committee members emphasized that there is no room for complacency with respect to the Federal budget if inflation is to be stopped. The question of setting priorities on spending will be a major task of the Committee on Appropriations in this Congress.

MARITIME VANDALS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, February 25, 1970

Mr. BOGGS. Mr. President, with the tremendous explosion of public concern over the environment, there is a tendency to lose sight of the hard work and difficulty in actually molding legislative responses. For several years, now, the Committee on Public Works, on which I serve, has been engaged in writing legislation dealing with, among other things, oil pollution and, specifically, with the responsibility for removal of oil discharged into the waters of the United States. This matter is now in conference between the two Houses.

The frequency and size of oil discharges is growing; today, for instance, three large oil incidents: one in Florida, one in Nova Scotia, and another off the coast of Louisiana are being cleaned up or from which discharges are anticipated. The public interest requires a satisfactory legislative response.

On Saturday, February 21, an editorial published in the New York Times called attention to the pending legislation and the need to provide adequate public protection against the risk of oil spills. If, in its euphoria, the public forgets the hard work that must accompany action, as distinguished from rhetoric, the governmental response to environmental degradation will be less than adequate. For this reason, I ask unanimous consent that the text of the editorial be printed in the RECORD.

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

MARITIME VANDALS

For four years a small group in the House of Representatives has been making it impossible to deal effectively with oil pollution originating from ships at sea. Since the wreck of the Torrey Canyon first focused public attention on the menace, a series of such incidents has afflicted the coastal areas of the world.

Within the past few weeks oil has contaminated the shores of Grand Isle in Louisiana, Martha's Vineyard in Massachusetts, Tampa Bay in Florida and Chedabucto Bay in Nova Scotia—bringing death to sea birds and severe damage to beaches, oyster beds, boats, seawalls and waterfront property.

Following all too exactly the pattern of the 90th Congress, the 91st has so far sacrificed legislation to control water pollution because the two houses disagree on the liability of shippers for damage done by these spills. The Senate bill, largely the work of Senator Muskie, includes a provision that would have the owner of an offending vessel clean up and restore the damaged shore. If it failed to do so, it would have to reimburse the Federal Government for doing the job. Liability would be limited to $14 million, with the shipper eligible for reimbursement if he could show that the spill was caused by an act of God, an act of war, negligence on the part of the Federal Government or the act of a third party.

The House would limit liability to $10 million but, what is crucial, it would hold the shipper responsible only if the Government proved him negligent. In such cases negligence is extremely hard to prove. Under present law, which calls for a showing of *gross* negligence, it is practically impossible to recover any money at all from an offending shipping line unless it chooses to make restitution.

The result is that far more damage is being done by casual and deliberate violations than by dramatic spills from wrecked vessels. Ships routinely but unobserved discharge their oil wastes at sea, and tankers, cleaning out their cargo space after a haul, dump the oil wash into the ocean.

Only the Senate version of the bill, which has been locked up in a conference committee of the two chambers since October, would deal firmly and effectively with this maritime vandalism. If the House conferees, bemused by shipping and oil interests, remain unyielding, the oil pollution section should be removed entirely and, with maximum public support, pursued as a separate piece of legislation.

Fixing liability and forcing an offending shipowner to clean up after a spill will not undo the destruction of bird and marine life, but it can deter shippers from allowing such "accidents" in the first place. It would do so even more effectively if Congress were also to intensify surveillance by the Coast Guard's airborne oil pollution patrols, as required in a bill introduced by Senator Case of New Jersey.

Not the least of the Muskie bill's virtues is that it would drive the shipping industry to improve its scientific equipment, if for no other reason than to prevent accidents capable of causing spills so costly to the owners. Acts of God will still be unavoidable, but willful abuse of the oceans can be curbed by acts of Congress.

MILITARY UNDERSPENDING, INVITATION TO WAR?

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HALL. Mr. Speaker, in the January 9, issue of the British Publication Aviation Studies, there is a brief and penetrating study of recent history with particular emphasis on what is described as, "Americans inviting war by underspending on military preparedness."

I cannot recall when I have seen as many provocative thoughts encompassed in so few words although I do not agree in some of the premises or conclusions.

Mr. Speaker, I most strongly recommend to all Members of the House that they spend the few minutes necessary to read this article:

MILITARY UNDERSPENDING INVITATION TO WAR?

The rightly-selected source for the F-15A promulgated this week is another step in the long road to realisation of this weapon and follows the current U.S. trend toward a rearguard wordy flight for every major weapon system and perpetuates the pattern all this century of Americans inviting war by underspending on military preparedness. WWII was not so much won by the allies as lost by the axis powers through Germany's mad mistakes, notably attacking White Russia when there was no special need to, and the monumental folly of declaring war on America instead of letting Americans turn from Europe to face Japan. The Japanese only attacked because they saw Americans weak and preoccupied with domestic affairs. Right up to the eve of the Hawaii attack there was no Roosevelt disposition to buy military aircraft as clearly shown from the production list in last week's report. Again that list shows that after the war was over military aircraft production dropped drastically. With American weakness once again restored, Communist powers were soon tempted into the Korean venture. But after the sobering U.S. defeat in Korea there was at last a better aircraft production stance.

Anyone would imagine that all American resources were critically dependent on the money required for say the Safeguard or the B-1A and if funds for these systems were wasted the U.S. economy would be ruined. In fact Safeguard at say $5 billion spread over 5 years can have no measurable effect on the economy. The military budget of $85 billion including $27 billion in SEA is less than the civilian component of the budget of $106 billion.

The way to look at the Safeguard and B-1A surely is that if these weapons were available and either deterred a war or helped to, or kept a COIN war local, it would be at a paltry price. If the Safeguard system failed technically and the money was wasted it would make no difference whatsoever to U.S. finances, and if it did fail technically the chances are that the Soviet ABM would also fail too when it came to the point.

The waging of two World Wars saw the demise of Europeans as a force to be seriously reckoned with. And with the end of Europe came the end of various Empires, notably the British, Dutch, German, Italian and so on. The conflicts of this Century gradually left the two super powers alone. Concern over this situation arose from the fact that the ideologies were absolutely at variance and collision-sensitive, and almost every aspect of method in the two countries has proved different, and antagonistic.

American policy has seen some amazing swerves. In the rapid evolution of the thermonuclear weapon can anyone imagine a nation able to develop such a weapon pause in this task and begin a heated debate as to whether they should? This hiatus, needless to say, allowed the Soviets to get ahead, as is not well realised. Their fusion test when it came was a little later than the American, but was technically superior. Same with the Safeguard, America has the capacity to build it, but stopped to debate whether they should, and the Soviets used the time to field hardware that flies. Again with the event of this week—the F-15—Americans could have started this 5 years ago but there was a vast debate, inside the military. This time, on what to do and whether they should have a new fighter. The Soviets used this time to evolve a whole string of new aircraft. While the B-1A debate remains in progress the Soviets have gone ahead with their big swingwing aircraft. It took longer to decide the Atlas commitment than it took GD to build it. While Americans argue

whether or not to have a quiet/fast submarine fleet the Soviets launch one. While Americans decide for, and then against a military space workshop, the Soviets go ahead.

Another example of American, or rather Western erroneous thinking was that border and ideological controversies between Peking and Moscow can in some way be of benefit. These two highly disciplined and dedicated countries are united by the resolve to defeat a world systems dependent on American influence and technology, which primarily includes Europe. American strength requires a spacious area of freedom to expand and develop. Thus although Europe is of no importance in its own right, it is a vital adjunct to both the super powers. The Communists will never be able to put a date to their ambition until Europe is working for them, and Americans can say goodbye to their position without Europe. The Communists are determined to get Europe somehow and reasonably soon—and without fighting for it, as the organised ant heap is as important as the 190 million ants.

The leaderlessness in Europe invites confusion over aims, divisiveness in the principles of external security and chronic waste of national assets. The failure of Americans to force leadership in Europe puts the whole area at risk. American explanation for failure to lead Europe is that they do not wish to impose their will on free people, but unless they do the peoples will not be free much longer and Americans themselves will be rapidly boxed in, economically, without Europe.

The Communists have greatly extended the Clausewitz doctrine: they not only consider that war is the carrying on of diplomacy by other means but negotiation is the carrying on of war by other means.

Thus exhortation, morality, argument and compromise which form the basis of Western negotiation tend to leave Communists unmoved and they judge measures solely by whether they advance their position.

PROBLEMS OF DEFENSE OF FREEDOM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 25, 1970

Mr. THURMOND. Mr. President, David Lawrence, in a recent column, points out the problems facing the United States in its policy of defending freedom.

Mr. Lawrence correctly places the question of nuclear disarmament in the context of a withdrawal from Europe. He says:

For many years now, the countries of Western Europe have assumed that nuclear weapons possessed by the United States would act as a deterrent against any threat by the Soviet Union.

However, if we achieve a disarmament agreement on strategic nuclear weapons, then the Western European nations depending upon our nuclear umbrella would not have that protection. If the Kremlin decides to faithfully fulfill a treaty of nuclear disarmament, then it could still rely upon conventional forces.

Mr. Lawrence says:

The opportunity for conquest would probably present itself to the Communists in the next decade if the United States has already retreated from Europe and Asia.

While the United States has been concentrating on the nuclear and other exotic weapons systems, the Soviet Union has not ceased to build up its Navy and its ordinary air power. Mr. Lawrence asks:

What will be the consequences to the people (in Europe and Asia) when they find themselves at the mercy of a Communist empire which need not use nuclear weapons but can send a large land army to almost any country to achieve a military objective?

Mr. Lawrence raises some important questions, and I recommend this particular column to all Senators.

Mr. President, I ask unanimous consent that the article entitled "Isolationism May Be Danger Again" be printed in the Extensions of Remarks.

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

ISOLATIONISM MAY BE DANGER AGAIN

(By David Lawrence)

What should the policy of the United States be toward defending the peoples of Asia and Europe against aggression?

President Nixon would naturally not wish to discuss such delicate subjects in detail and deal in advance with the numerous contingencies that might arise. For U.S. policy will be made not by presidential speeches or by pronouncements by a committee of Congress. Everything will depend upon the nature of the emergency and the extent to which the defense of this country is actually involved.

Most people—even many in government here—don't like to look at the realistic picture in either Europe or Asia today. The truth is there now is no standing army which can match that of the Soviet Union. Reliance on the nuclear bomb has become a fact of international life.

For this reason the European countries have practically given up the idea of spending large sums for defense. They have been assuming that the United States would take care of the principal obligations of the North Atlantic Treaty Organization in the future and that it would immediately come to the aid of the smaller countries of Asia.

The American people, on the other hand, as a result of their experience in Vietnam, are not enthusiastic about sending an army of 500,000 or more troops into a foreign land to defend a country which is the victim of aggression. Inevitably the question then is asked: "What about collective defense under the U.N. Charter?"

There is at present no sign that the European or Asian peoples are willing to get together themselves to set up defense forces that would lighten the load for the United States.

So utterances by U.S. officials indicating a lack of interest in further missions like the one in Vietnam are bound to have an impact on the world situation. European governments are already aware that the United States will not maintain a large force to support NATO, and the Asians know that a big U.S. military establishment can hardly be stationed in their lands to guard their area.

For many years now the countries of Western Europe have assumed that nuclear weapons possessed by the United States would act as a deterrent against any threat by the Soviet Union. In recent months, the Communists in Moscow have indicated a readiness to talk about the limitation of strategic arms. Thus far, this seems to mean only a desire to prevent other nations from obtaining nuclear armaments. There is no evidence of a desire to prohibit the use of nuclear weapons.

But suppose the Kremlin decides to avoid the nuclear problem and depend solely on conventional forces? The opportunity for conquest would probably present itself to the Communists in the next decade if the United States has really retreated from Europe and Asia.

The Russians have been steadily increasing their naval strength in the Mediterranean, and have shown themselves ready to support Egypt and the Arab countries in their fight against Israel. There are as yet no signs that the Russians wish to let the Middle East conflict grow into a world crisis, but the situation could change at any time.

The big question for the 1970s is what the effect is going to be of a U.S. withdrawal of its military power from both Europe and Asia. What will be the consequences to the peoples then when they find themselves at the mercy of a Communist empire which need not use nuclear weapons but can send a large land army to almost any country to achieve a military objective?

The time may come when the "isolationism"—which is so popular today—and which was espoused prior to World War I and prior to World War II——will turn out to be dangerous again. For the Communists are not likely to be content to confine their imperialism to Europe and Asia, but will extend it intensively to Mexico and other countries in Latin America.

Ever since the Monroe Doctrine was proclaimed, it has been recognized that the United States had a duty to protect the nations of this hemisphere, and since World War II the principle of collective defense of Europe and Asia has been widely accepted. Now these concepts have deteriorated, and this constitutes the real danger in international relations in the 1970s.

IN SUPPORT OF THE NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DELLENBACK. Mr. Speaker, there is a great deal of misunderstanding about the National Forest Timber Conservation and Management Act which is scheduled for consideration by the House on Thursday.

I recently received a letter from an Oregonian who supports the bill as a forester, conservationist, and "as an individual who probably has a deeper, more balanced regard for trees than do many self-styled preservationists."

I commend the following letter to the attention of my colleagues:

DEAR CONGRESSMAN DELLENBACK: There will be considerable discussion, pro and con, during the Lincoln's Birthday recess, on the timber supply legislation now identified as H.R. 12025, the National Forest Timber Conservation and Management Act.

I would be belittling you and your colleagues in the Oregon delegation to imply, by writing this letter about the Act, that you are not fully aware of all facets of the legislation, including its intent and its goals.

But, because of the kinds of opposition which have been launched recently against the Act, I feel the letter is warranted. I doubt that anyone in the forest industry ever believed that the legislation, as earlier written or as worded today, would not generate opposition. But some of the kinds of opposition are geared to emotion alone or to lack of truth.

As the editor of a business magazine serving the forest industries, my asking your support of the Act is understandable. Let,

even under those circumstances, I would not ask that support if I did not feel benefits from passage of the Act would accrue to the nation overall.

But putting aside my position as editor of Forest Industries, I, as a graduate forester, urge you to exert all the effort you can in support of H.R. 12025. I urge this as a forester who recognizes the renewable aspects of commercial forest lands and I urge it as one who, probably more so than many among the opposition, understands and appreciates the esthetic and spiritual values so closely related to trees.

Perhaps the single most important point in the whole Act is production of more forest fiber from existing commercial forest lands, thus lessening pressure on other forest lands. Despite the "reinvest-in-forest-management" aspect of the Act, most detractors tend to suggest that the forest industry simply is seeking to harvest one area and move on to harvest another. Most detractors choose to ignore the basic truth that timber is a crop . . . and successive, managed crops can be better than preceding ones . . . all the while affording other uses of the land at the same time.

I earnestly urge your support of H.R. 12025. I do so as:

A graduate forester.

One familiar with proven forest management in commercial forests of the South and the West.

A citizen who recognizes values of commercial forest lands and, as well, lands for non-harvest use.

A long-time journalist in the forest products field.

A member of the Sierra Club.

A member of the American Forestry Association.

A member of the Society of American Foresters.

And as an individual who probably has a deeper, more balanced regard for trees than do many self-styled preservationists.

Thank you for your consideration of these thoughts.

Cordially,

FOREST INDUSTRIES,
HERBERT G. LAMBERT,
Editor.

TO SAVE THE ENVIRONMENT

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, February 25, 1970

Mr. MOSS. Mr. President, for the information of the editorial writer for the Washington Star, the number of the bill is S. 1446, and its title is "Department of Natural Resources and Environment."

In the editorial entitled "Interior Makeover," published in today's Star, the writer covered my bill rather well, except for the name and the number. He said my proposal is not new, and, indeed, it is not. In the 89th and 90th Congresses, as well as in the 91st, I have had such bills in the Senate. In the 90th Congress, the Senator from Connecticut (Mr. RIBICOFF), chairman of the Government Reorganization Subcommittee, held hearings on my bill. He said that he favored the bill—and does so now. But apparently others on the Government Operations Committee do not.

It is my hope that Senators will read and heed the editorial.

Secretary Hickel said last year that he expected the President to endorse, or propose, a Department of Natural Resources and Environment. I expected him to do in his state of the Union message.

It is my hope that the President and Secretary Hickel will read and heed the editorial. S. 1446 is ready to go.

The need is for one department to serve as overseer of the entire antipollution drive—

Says the Star—

It may, in fact, be vital—in the literal sense of that word—

It concludes.

I ask unanimous consent that the editorial be printed in the extensions of remarks, and I plead for action from the President, the Secretary, the Government Operations Committee of the Senate, and from the House and Senate.

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

INTERIOR MAKEOVER

A while back, the President proclaimed to Congress and the country his administration's dedication to saving the environment. He outlined a highly commendable program to halt the poisoning of the planet. He made the initial moves required to get the legislative machinery moving on the long, expensive road to reclamation.

There is one more basic step to be taken before the process of making the planet once again reasonably safe for living things can really get started.

At present, the task of keeping an eye on the environment is spread around through an abundance of departments and agencies. Meanwhile other departments and agencies—equal in authority to the ecological watchdogs—are busily polluting everything within reach, while they fulfill their assigned tasks of killing unwanted plant and animal life, providing cheap sewerage facilities for military establishments, or whatever.

The need is for one department to serve as overseer for the entire antipolution drive, with authority to halt any detrimental activities being carried on by any other branch of government. And the obvious candidate for the job is the present Interior Department.

Such a move would end the patent absurdity of having one department—Interior—responsible for ending water pollution, while the Department of Health, Education and Welfare guards against the poisoning of the air. It would prevent such bureaucratic monstrosities as the continued use by the Agriculture Department of mercury-treated seeds that have been labeled poisonous to men and livestock by the Food and Drug Administration. It would, in short, bring the beginnings of order out of present administrative chaos.

The proposal is not new. It has been suggested by—among others—Interior Secretary Hickel. His suggestion is that the present function of Interior as overseer of the natural resources should be continued, so that decisions concerning the advisibility of tapping these resources and the methods to be used will be based on the total effect the completed operation will have on the environment.

The suggestion has also been made that the Interior Department should rid itself of many miscellaneous duties that it inherited as it evolved as the government's administrative catch-all, spreading such responsibilities as Micronesia, the Alaskan Railroad and American Indians among the other existing agencies. A further suggestion is that Interior should be renamed to become the Department of Environment and Resources.

Whatever the mechanics and whatever the name, the concept of a single department with the responsibility of coordinating the war on pollution is sound. It may, in fact, be vital—in the literal sense of that word.

FREEDOM'S CHALLENGE

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BARING. Mr. Speaker, today I am inserting in the RECORD the speech written by Lew Church, a sophomore in the Las Vegas High School system. Mr. Church is the 1970 Nevada winner of the Veterans of Foreign Wars and its auxiliaries "Voice of Democracy" contest.

It has been my practice each year since becoming a Member of Congress to insert the speeches of the winning students from my State.

The speech follows:

FREEDOM'S CHALLENGE

The United States of America is freedom's torchbearer in the world today, but as a nation, the United States is sick. Liberty is a simple and beautiful ideal, but it is also a most complicated reality, for the liberty of the world is now in a nuclear standoff with the forces of Communism.

Externally, we are currently enmeshed in Vietnam supposedly to assure the political self-determination of the South Vietnamese people, but after nine years of the same mud and the same blood, and after forty thousand young American men have been killed, we still persist in the muck of indecision, and follow the policies of travesty and debacle while the so-called peace talks smoothly drag along in Paris. Neither unilateral withdrawal or nuclear warfare are sound policies. And regardless of the amount of American economic exploitation, it is however obvious by now, that it is the United States, rather than the South Vietnamese people, who is primarily concerned with prolonging the war, resulting in the furthered suffering of not only soldiers, but civilians and their children.

However, disregarding the individual arguments over Vietnam, we must realize the deep and dangerous division within our country on the whole.

Today in America, many dissatisfied people want change: the poor, the black, and the young. Members of the Black Power movement cry revolution and vaguely demand the creation of a new black country inside the United States. Right wing radicals stain our national heritage in their false claims of patriotism. Those belonging to Students for a Democratic Society ignorantly yell for violence and anarchy for the sake of it. The screaming must be stopped.

The point here is that violence can only be answered by counter-violence. Those who caress the doctrines of Gandhi, Dr. Martin Luther King, and the Kennedys must inevitably succeed if mankind is to overcome his ultimate, self-created fear: nuclear war.

If we want peace, both domestically and foreignally, we must love and trust and respect one another and we must adhere to what Bobby said at the University of Georgia Law School on May 6, 1961, when he quoted his brother, and our beloved, Jack: "Law is the strongest link between man and freedom."

We must remember that if the thinking youth of America want to change the establishment, the government, the law to fit our ideals, beliefs, and goals then we must protest calmly, deliberately under the silent, proud flag of non-violence. Secondly, we must realize that for change to occur and for there to be peace after, then we must go

peacefully, non-violently up through the establishment, reach the top, then express our discontent, and propose new ideals. By doing this, our voices will be heard, and respected, and our plans will most likely be adopted. We must change the law lawfully.

Internally, the United States is divided over Vietnam, confused over racial prejudice, disgruntled with over-population, distressed over abominable poverty and injustice, outraged with both right and left-wing militants, concerned with rising crime and the use of drugs among our young, and in terror at the thoughts of current violence and possible civil war or racial revolution. And we mourn our assassinated loved ones; Jack, Martin, and Bobby; and marvel at the Siege of Chicago.

We, as a people, must realize these problems are also world-wide, and that while Man may put a human being on the moon, two-thirds of the world's population goes to bed hungry each night. We must implement the necessary political motivation to shorten the gap between the research laboratory and the disease-afflicted peoples of Latin America, Africa, and Asia.

The United States of America must not become another Roman Empire and fall because of overtaxation and lax moralities! There have been but twenty-five years in our planet's history in which not a war has been waged; there must be peace in the world.

It is for the thinking youth of America—because of its fresh intelligence and boundless energy—to decide the fate of mankind. We must tame the savageness of man to save him from his own self-destruction. We must be the hope of humanity and democracy, or every individual shall perish. Let us go forth, to meet freedom's challenge, black and white together, in non-violence, and bring home as our spoils the human truths of liberty, justice, love, and peace.

OPPOSITION TO INCREASED GUN CONTROL

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 25, 1970

Mr. THURMOND. Mr. President, radio station WBT, in Charlotte, N.C., recently broadcast an editorial favoring increased gun control. As a part of their responsibility under the Fairness Doctrine, this station recently broadcast the contrary view from Mr. R. J. Allen of Catawba, N.C.

Mr. Allen takes the position that the deterioration of law enforcement in this country has not come through law-abiding citizens owning guns but through the difficulties caused law enforcement officials by rulings of the Supreme Court.

Mr. President, I ask unanimous consent that the editorial, entitled "Response To: 'With Gun in Hand,'" which was broadcast by WTB AM-FM radio station in Charlotte, N.C., be printed in the Extensions of Remarks.

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

RESPONSE TO: "WITH GUN IN HAND"

This response is from R. J. Allen of Catawba, North Carolina. Mr. Allen writes:

"Your station favored more control of guns and took the air time for its advocation; this is an infringement of my rights as a free citizen of the United States. As a U.S. Marine I used guns for 4½ years in the Pacific in defense of this country during World War II. The U.S. Government turns its head while looters burn and ransack American cities; Washington, D.C. included. T.V. cameras recorded scenes of cars being turned over and burned in Watts, California, and many other cities throughout the country." Mr. Allen continues, "the deterioration of law enforcement during the last six years has been caused by Federal interpretation of laws through a Warren controlled Supreme Court. In my estimation, 95 percent of the protection that a law abiding citizen has is his self protection of person, property, and family. I am deeply concerned that any individual can sit before a T.V. camera and say to me that I am not fit to own a handgun or have one nearby and if I don't comply to this I may be convicted of a felony and given five years in prison. Yet the subversive elements in this nation are able to go their way with no convictions or prison sentence. Captured documents as far back as World War I state the idea, that the first step to overthrow a country is to disarm the citizens."

Mr. Allen concludes: "Tell me this: How many of your city crimes of late were committed by citizens who bought and registered his firearm? You have gun laws! Armed citizens will have their own protection against all aggressive forces, internally and externally. Our government should recognize this and encourage private gun ownership rather than discourage it. It will never be the citizens of the U.S. at fault over guns. A government that does not trust its citizens does not warrant the trust of the citizens.

"Today your station claims this: 'It is our duty to present news, good and bad.' Let's keep it that way. Stop trying to make news by advocating something you seem to know so little about!"

This response was from R. J. Allen of Catawba, North Carolina.

DEFEAT THE NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT, H.R. 12025

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DENNIS. Mr. Speaker, there are a number of valid reasons for opposing and defeating H.R. 12025.

The primary purpose of the measure, as stated in the bill, is "to increase substantially the timber yield from the commercial forest land of the Nation including that in the national forests;" and "commercial forest land," it is stated, "means forest land which is producing or is capable of producing crops of industrial wood and not withdrawn from timber utilization by statute or administrative regulation." The Secretary of Agriculture is specifically directed to "develop into optimum timber productivity as soon as possible the national forest commercial timberlands."

In other words the purpose and intent of the bill is to increase, as rapidly as it can be done, timber cutting in the remaining and presently unprotected virgin forests of America, which are principally located in the great American West.

Such a program, obviously, has many serious ecological, economic, and social implications, and leads to much technical discussion as to sound forestry practices, lumber economics, home construction data, pollution factors, multiple-use concepts, watershed protection, and other important considerations.

I am not a technician, however, and I should like to speak briefly to just one facet of this matter—and to do so as one who has found true happiness, upon occasion, in hiking, camping, and climbing in some of the unspoiled areas of the kind now threatened by this bill.

Let me remind the House of a little history, which is better known to some Members here than it is to me. Back in the 1930's the Forest Service began to set aside primitive areas within the national forests. But in the 1950's, following the Second World War, there was much pressure from the lumber industry because timber from the primitive areas was withheld from sale, and the preservation of these areas became a continuous and sometimes a losing struggle. Some of these primitive areas during these years were reclassified and renamed as wilderness areas. Finally in 1964 an aroused Congress passed the Wilderness Act which blanketed in the wilderness areas so established as permanent wilderness areas by means of statutory enactment, and which provided for a 10-year schedule for continuing and similar reclassification of the remaining primitive areas after study and public hearing—a program which is still in progress.

There are, in addition, other wild and beautiful areas—some adjacent to these primitive areas and some located elsewhere—which have never yet been classified as primitive but which, from their nature, ought nevertheless, in due course, to be included in the permanent wilderness areas.

These programs necessarily take time. Many of these fine and truly wilderness areas I have mentioned contain virgin timber, and are certainly, in the language of this bill, "capable of producing crops of industrial wood." If we expand, accelerate, and increase commercial timber cutting in these areas, as is specifically intended and contemplated by H.R. 12025, many of them may well be forever destroyed as wilderness before there is ever an opportunity to consider and evaluate them for reclassification and possible permanent protection under the Wilderness Act. This, I submit, is wrong; this, I strongly suggest, is a thing which we ought not to do.

Mr. Speaker, when I was a boy I knew a country lawyer from Wisconsin—a man who was for many years, now some years ago, a Member of this House—the Honorable Edward E. Browne of Waupaca, Wis. He was a woodsman, an outdoorsman, and an early conservationist. I once visited his law office up in the State of Wisconsin, and I noticed a short verse he had upon the wall, and, because I liked it, I remembered it. It went like this:

Forests were made for weary men
That they might find their souls again,
And little leaves were hung on trees
To whisper of old memories;
And trails, with cedar shadows black,
Were placed there, just to lead men back
Beyond the pitfalls of success
To boyhood peace and happiness.

Mr. Speaker, it is the heritage referred to in that bit of verse which I value, and which I wish to hand on unspoiled to my children and to their children.

I do not propose to open this new legislative year, in which we have already heard so much rhetoric about the preservation and the improvement of our environment, by supporting the passage of a measure which appears to me to be designed and intended, in some degree, to damage and despoil that heritage.

I cannot think that it should be a preoccupation of the Congress of the United States to seek out ways and means to increase and accelerate access road building, commercial logging, and the clear cutting of virgin timber in the wilderness areas of our national forests.

This seems to me unthinkable as a national policy.

I did not come here in order to participate in such a program; and I urge my colleagues to defeat this bill.

AN ANALYSIS OF THE PROBLEMS WE CONFRONT

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 25, 1970

Mr. HARTKE. Mr. President, one of the finest public officials in Indiana, Judge Richard S. Kaplan, of the Gary City Court, has recently addressed himself to an analysis of some of our most vexing national problems—welfare reform, student unrest, racial violence, and others. The judge's views appear in two editorials which he wrote for the American Legion's Gary Memorial Post No. 17 News. Though I do not agree with every facet of his analysis, I recognize the depth of concern that causes him to speak out so eloquently. I ask unanimous consent that the two editorials by Judge Kaplan be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

I WEEP FOR THE COUNTRY I LOVE

(By Judge Richard S. Kaplan)

The year 1970 has arrived—a new Year—a new page yet to be written. But in the meantime, I weep for my country and the agony it has suffered during the year 1969.

I dare not turn back the pages of last year for fear that my tears may turn to utter despair. Yet I do dare to ask, "Why? What has my country done to deserve the horrors and pains inflicted upon it by the brutal, senseless, violent so-called Americans?"

Men gave up their lives, their fortunes and their sacred honor to fight a revolutionary war to create a nation where all men are equal under the law. They created a Bill of Rights granting to all citizens the right of peaceful petitioning and lawful dissent and built a nation "of the people, by the people and for the people."

They gave their lives in a civil war for the principle of equal citizenship and the destruction of slavery. Men and women suffered while pioneering expansion of our nation. Doors were opened to immigrants from foreign lands who came here with nothing but high hopes, strong backs and willing hands. They asked for nothing but the opportunity to work. Schools were opened for all people, and those immigrants, by dint of hard work and diligent study, became the leaders of our unions, our churches and temples, our political organizations and great business establishments, while their children, born and raised here, became our lawyers, doctors, scientists, teachers and heads of great industries.

There was no welfare, no social security, no aid to dependent children, very few scholarships but there was opportunity for all to get an education and work at any job they could find to earn the costs of such education, and to climb the ladder to success using their strength, ambition, inspiration and desire to succeed—and many did succeed. Those poor, hungry boys and girls, of every race, color or ethnic group did not ask for any special courses, special food, special professors and they all created an identity for themselves out of their own efforts.

World War II came and our men once again died bravely to preserve the basic principles of Democracy and destroyed those wild men in Nazi Germany who were out to destroy our way of life. In my mind's eye I see the similarity between the Nazi wild men and the present militant, wild, unthinking youths in our modern society who have, during the past year, done everything to destroy our educational institutions and ultimately to destroy America, just as they tried, during World War II to destroy Europe and the entire world.

Certainly there have been inequities in this nation, but our country has tried during the past thirty years, to eliminate those inequities through Social Security, the minimum wage law, greater pensions, welfare for the poor unfortunates, aid to dependent children, whose fathers, in many cases, gutless and unwilling to assume their responsibilities deserted the family home and left the wife and his children to shift for themselves, Medicare and, more important, clarified the rights of all citizens through the Civil Rights Law.

We have been generous to a fault with the tax-payers money, loaning and giving away billions of dollars to France and England, thus saving them from utter destruction—South America, Central America—Africa and so many other nations in an unselfish effort to help them, and our reward has been a kick in our "gut" by France, Peru, many other South and Central American nations, and Russia, all of whom still owe us billions of dollars which will, probably never be repaid. All we have been paid is hate—sheer undiluted hate.

And all the while, we have been a naive and trusting nation, blindly refusing to see the truth in the communist boast that the U.S. "will fall like a ripe plumb into our hands"—refusing to see or believe the truth—that our enemies overseas have never stopped helping our enemies within our country who have been gnawing at our vitals and doing everything within their power to bring this country to its knees.

Looking back to the year which is now but a miserable, shocking memory I am shocked at the phantasmagoric display of violence on the campus, the destructive efforts of the black militants who insist upon separatism, forgetting that the Blacks have fought for years to achieve integration and obtain the dignity due to free Americans, the destruction created on campuses throughout the nation by the members of Students for a Democratic (sic) Society, better known as SDS, whose members have publicly admitted they are communists, the efforts at assassination of public officials attempted by the Black members of the Revolutionary Action Movement (RAM) and similar groups, while white rightists armed themselves asserting their right to protect the nation OUTSIDE THE LAW.

Here and there a ray of hope and light appeared when such black leaders as A. PHILLIP RANDOLPH, a long time leader in the nation's civil rights movement and an outstanding labor union leader, cried out in protest against the violence and militancy. He was joined by Roy Wilkins, Executive director of the NAACP, Bayard Rustin, who organized the 1963 rights march on Washington, and Thurgood Marshall, Associate Justice of the United States Supreme Court.

There is hope in the fact that here and there the voices of the vast majority of students have been raised in protest against the denial to them of receiving the education they seek without hindrance. There is hope in the fact President Nixon is selecting men, to fill the vacancies which have occurred and will occur in the U.S. Supreme Court during his term of office, who will reverse the decisions rendered by the Warren Court which, in effect, has given the "go" signs to criminals while allowing society at large to wallow in the sea of despair.

But—where are the voices of the great majority of American citizens who have watched this nation beaten, villified, cursed and reviled and actually threatened with absolute destruction and yet have remained apathetic and silent, content with their affluency and home comforts?

I say to the Black citizens of this nation, "You have cause to be saddened by the abuse you have suffered in the past, but this nation, a nation of laws, has, slowly but surely tried to correct those abuses and today many, many large industries are moving heaven and earth to give to every Black the opportunity denied to him for so many years, provided he will accept that opportunity. I point to the Jew, who for more than 2,000 years suffered the indignities and degradation of a minority people, yes, even the slaughter of six million of their kin in the furnaces in Germany, yet they did not revolt, they did not threaten to destroy this country, they did not ask for relief. They worked and studied, worked and studied and, by their own efforts, achieved the respect of a great majority of Americans—because they understood the meaning of accepting responsibility—and they assumed that responsibility.

I weep for my country—and pray that the year 1970 may bring to this nation the peace and the unity it so richly deserves.

But that peace will come—that unity will come, only when all citizens will recognize the great love, devotion and appreciation we owe to this country by those sacrifices made by those who preceded us—when we look at our Flag with reverence and thank God every day of our life for the blessings bestowed upon us in this land of the free populated by a mass of people of every color, every race, every creed, living together and ruled by law and not by men.

WILL WE EVER RESTORE SANITY IN OUR SPENDING?

(By Judge Richard S. Kaplan)

Never in the history of this country have we seen such prosperity as exists here. Never have people been earning the wages they are now getting. We have stunned the world with our successes in our scientific endeavours. More people hold jobs than ever before and more industries are opening daily than ever before.

We produce more food, more goods, than any other nation in the world. Yet—there are more people on relief than ever before. Why? More boys and girls are being graduated from high schools and colleges; more jobs are available than ever before. Yet in the City of Gary hundreds of jobs, which are available in the mills, are not being filled because people refuse to work.

Standards for employment have been lowered. Boys do not have to have a high school diploma to get a job in the steel mills and the mills are even offering to train the un-

skilled to fit them for the jobs, yet those offers for training are not being accepted. More Federal agencies for helping others exist today than ever before and billions of dollars are being poured out in grants of one kind or another, and yet jobs are unfilled, there are more drop-outs from schools than ever before and more welfare is being offered than ever before. Why?

Warner and Swasey, the manufacturing concern in Cleveland, Ohio, put it well when they put forth a challenge to Americans in a recent ad they published in the News and World Report:

"No decent person wants any American to go hungry nor any American Child to be without a good public education. But when we have so many Federal welfare agencies that they overlap; when many men can get more money (tax-free!) from relief than they could earn in self-respecting jobs; when there are more people on relief in this all-time-high prosperity than during the worst depression in history; when these and similar projects burden us with a bureaucracy of 2½ million Federal employees and more all the time, then it seems to us we have a Welfare State rather than an earnest desire to help unfortunate people become self-reliant and self-supporting. Which, except for the disabled, is the best reason for the spending of Federal relief funds."

What are the aims of a true Democracy? Those aims certainly should consist of providing everyone with a good education, prepare everyone for good jobs at decent salaries, see that the sick and disabled receive the best available medical and hospital care at nominal costs and if funds are not available to the sick and disabled for such care, then provide those funds for them; see that every child is provided with proper food and clothes and people are free to obtain adequate living quarters regardless of race, color, or creed; furnish police protection to every community so that lives and property are safe and guarantee to every citizen the right to pursue and obtain happiness. No Democracy can guarantee happiness to any one and the Constitution merely guarantees the right to everyone to pursue happiness. Obtaining happiness, peace of mind and financial security depends upon the individual.

What has happened, however, is a break down in the aims and purposes of our Democracy and we have become fanatics in an effort to furnish the drop-outs, the lazy, the poor, who will not help themselves, with money—money and more money, thus helping to perpetuate laziness and poverty.

If the government will eliminate the multi-faceted agencies, create one agency to bring the drop-outs back to school, compel the lazy father or mother (without a husband) to seek and obtain training for work and then see that that person obtains a job with a salary adequate for his or her needs, then we will see the welfare rolls drop and the perpetuation of generation after generation of welfare recipients will cease to exist.

When will politicians realize that we are creating a monster which will, eventually, destroy the goose that lays the golden egg? Spend money for real needs, give to the really indigent, the helpless, the sick and disabled all the help they need; spend money on special classes to help the slow learner; create jobs, if necessary, build low-cost homes for the low income groups, tax those industries which are not paying their fair share of taxes, hold the line on the cost of necessaries of life, even if we have to do what we've done in time of war, namely, forbid by law the increase in wages and the cost of commodities, and this nation will soon get back on its feet.

What this nation has done during the past twenty years is to eliminate pride and the joy of working from the lives of many, many of our citizens. The pioneer spirit, which created this nation, seemingly has disappeared. Pride in workmanship, pride in holding a job, pride in raising a good family, pride in your country and what it stands for seems to have vanished into thin air. The gimme spirit is prevalent all over the land. What we have done is to tell certain segments of the population. "Yell loud enough—demonstrate—demand and keep on demanding and we'll give you everything you want—and you don't have to work for it."

That's one way of destroying pride and the will to work—and, ultimately, the one way to destroy this nation.

When will we learn that no one has the right to demand something for nothing? We get what we deserve and what we earn. We have no right to expect more. Mothers being rewarded for producing illegitimate children in ever increasing numbers. Lazy fathers receiving welfare payments because, and only because, they will not work, because they can get more from welfare than they can earn by hard work. This is absolute nonsense, illogical and a dangerous cancer on the body of this country.

How long can this last? How much can the diligent, the hard-working man and woman, the boy and girl who attends school and works hard to get an education, stand for this nonsense and the drain on the earnings of the good people? I dread to think what this country will face if this nation keeps up this folly for the next ten years. Stop the drain on our wealth or we shall live to regret it. Our children and our grandchildren will curse us for the unbearable load we will have placed on their shoulders.

A RESOLUTION STATING THAT GOVERNOR MADDOX OF GEORGIA IS NO LONGER WELCOME AS A GUEST OF THE HOUSE RESTAURANT

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DIGGS. Mr. Speaker, today I have introduced a House resolution cosponsored by several of my colleagues resolving that it is the sense of this body that Governor Maddox, of Georgia, is no longer welcomed as a guest of the House restaurant. This resolution was prompted by the despicable conduct of the Governor yesterday during the luncheon period when in one of the Member's private dining rooms he began to pass out, presumably as souvenirs, his infamous ax handles. These were the same kind of ax handles that he used to bar or discourage the patronage of black citizens in Atlanta who sought service in his public restaurant before he became Governor and which has been identified with his internationally known racism.

This action of Governor Maddox was not only a violation of the rules of the House, but because of its symbolism morally reprehensible. I trust that all Members of the House who share this view will contact my office and join in sponsorship of this resolution to express their revulsion. A "silent majority" on this issue would leave grave implications sorely effecting the stature of this House in the eyes of the Nation and elsewhere and would lend credence to the charge that we live in a racist society.

THE NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HICKS. Mr. Speaker, a great many words have been spoken and written about the National Forest Timber Conservation and Management Act, H.R. 12025. And no doubt more words will be heard in this Chamber, when the House takes up this act for consideration.

There are some words concerning the bill that bear repeating. I would like to take this opportunity to repeat them for the information of my colleagues. Here is what some supporters of the legislation have to say:

Secretary of Agriculture Clifford Harden.—"H.R. 12025 as reported has the complete approval of this Department and we recommend that it be enacted."

Secretary of Housing and Urban Development George Romney.—"Without the substantial increase in timber production which the enactment of this legislation will encourage, it will be difficult, if not impossible, to build the homes America needs."

National Association of Home Builders, Louis R. Barba, President.—"H.R. 12025 is of critical importance to meeting our national housing goals . . . NAHB strongly supports bills now pending . . . to improve the conservation and management of the national forests and, in so doing, to expand the future supply of timber necessary for housing production in the years ahead."

Associated General Contractors of America, Carl M. Halvorson, President.—"We believe that the Federal Government should embark upon an accelerated forest management program which is properly funded and which would increase the annual yield substantially."

United Brotherhood of Carpenters and Joiners of America, Peter E. Terzick, General Treasurer.—"In addition to conserving parklands and National Forests, this bill will help to insure an adequate supply of timber for the domestic needs of the country, especially for housing."

Chamber of Commerce of the United States, Hilton Davis, General Manager, Legislative Action.—"It (H.R. 12025) recognizes the other uses and benefits derived from these lands—grazing, fish and wildlife enhancement and recreation."

Washington, D.C., Mayor Walter E. Washington (Before the House Forests Subcommittee).—"Is it possible that many of our poor and needy families that may never be able to get to the scenic beauty of our great trees would be able, rather, to get the exposure by looking at cabinets and walls of wood in a decent home in a decent environment in the cities of America?"

Ronald Reagan, Governor, State of California.—"Increasing the level of timber management on the national forests will assist in meeting the steadily growing national demand for wood products. This increase can be accomplished in conjunction with fulfilling the need for improved public recreation and scenic opportunities, including wilderness additions."

American Institute of Architects, Rex Allen, FAIA, President.—"We are indeed quite concerned about the removal of another obstacle in the search for improved housing and a decent environment for all Americans."

Forest Service Chief Edward P. Cliff, USDA.—"It is clearly the intent that nothing

in the bill should be construed as threatening the multiple use-sustained yield concept in the management of the National Forests or that the bill would in any way displace or supersede the Multiple Use-Sustained Yield Act of June 12, 1960."

American Forestry Association, Kenneth B. Pomeroy, Chief Forester.—"The American Forestry Association recommends that the Senate Subcommittee on Soil Conservation and Forestry accept H.R. 12025 instead of S. 1832."

Industrial Forestry Association, W. D. Hagenstein, Executive Vice President.—"It is imperative . . . that the National Forests be provided with the means to play the part the Congress intended them to do . . . in meeting their rightful share of the wood needs of the American people."

American Farm Bureau Federation, Marvin L. McLain, Legislative Director.—"First, we endorse the general objectives of the National Timber Supply Act. Efficient use and management of public lands is obviously desirable and in the public interest."

The Union Register, published by the AFL–CIO Western Council of Lumber and Sawmill Workers.—"Tight money has depressed the lumber industry . . . when credit eases and there will be a resurgence of housing."

Oregon Journal, Editorial, Feb. 11, 1970.—"Efficient timber harvest aimed at attacking the housing crisis can live side by side with the protection of the other multiple values of the forests."

Forest Industries Magazine, Herbert G. Lambert, Editor.—"The most single important point in the whole Act is production of more forest fiber from existing commercial forest lands, thus lessening pressure on other forest lands."

Appalachian Hardwood Manufacturers, Inc., H. D. Bennett, Executive Vice President.—"We will see better timber, better water management and better game management for this is the natural result of good timber management."

National Plant Food Institute, Edwin M. Wheeler, President.—"It is essential for the U.S. that this versatile, natural product remain a vigorous contributor to our national wealth and well-being . . . the Act represents essential steps to this end."

Society of American Foresters, Hardin R. Glascock, Jr., Executive Vice President.—"We are confident this legislation will accomplish its purpose without conflicting with the Multiple Use Act directives under which national forests are administered."

National Urban League, Inc., Whitney M. Young, Jr., Executive Director.—"We heartily support H.R. 12025 and feel strongly it provides an approach for the type of proper management needed to protect conservationists' interests and at the same time provide the timber so sorely needed to provide decent housing for all American citizens."

Joint Resolution of the Senate and House of the State of Idaho.—"We most respectfully urge the passage of H.R. 12025, the National Forest Timber Conservation and Management Act."

National Association of Housing and Redevelopment Officials, Eneas J. Kane, Executive Vice President.—"Adequate housing for low and moderate income families can no longer be delayed. We urge approval of H.R. 12025."

Texas Forestry Association, O. R. Crawford, President.—"Request support H.R. 12025 approved by House Agriculture Committee without crippling amendments from floor."

American Wood Council, Boyce Price, Executive Vice President.—"H.R. 12025 vital to assure wood products needed to meet housing goals and to preserve health of forests for all public uses through enlightened forestry."

Forest Industry Affairs Letter, Dean Sherman, Editor.—"The bill is designed to provide funds to assure Growing More Trees under scientific management . . . will help provide for our critical housing needs . . . will improve habitat for wildlife . . . expand opportunities for recreation . . . contribute substanitally to our environmental needs."

Indiana State Council of Carpenters, George Tichas, Secretary-Treasurer.—"This bill can assure an adequate supply of lumber for domestic construction and will be a tremendous step in the right direction for our people and country."

California State Council of Carpenters, Anthony L. Remos, Executive Director.—"We regard enactment of this bill as urgent and important to our members . . . because it will assure an adequate supply of lumber for domestic construction . . ."

Western Wood Moulding & Millwork Producers, Warren C. Jimerson, Executive Vice President.—"The forest products industry vitally needs what this bill provides."

Red Cedar Shingle & Handsplit Shake Bureau, Virgil C. Peterson, Executive Vice President.—"This legislation most vital to future of our industry."

Minnesota Forest Industries Information Committee, M. J. Latimer.—"This legislation is needed for better management of U.S. forests and to provide needed products for public housing."

California State Chamber of Commerce, John T. Hay, General Manager.—"H.R. 12025, timber conservation program, vital to California housing and forest management."

Wood Products Association of Hawaii, Ross E. Haffner, Executive Director.—"Urgently request your favorable vote on H.R. 12025, National Forest Timber Conservation and Management Act."

Minnesota Timber Producers Association, M. R. Allen, Executive Secretary.—"This legislation is important to forestry."

Southwest Pine Association, James J. Cox, Jr., Secretary.—"Act vital to lumber industry, to national housing goals and to the state.

Southern Idaho Forestry Association, Dale V. Anderson, President.—"Will not affect wilderness—primitive, other special areas, is for much needed management of commercial timberland."

Pacific Logging Congress, Carwin A. Woolley, Executive Vice President.—"H.R. 12025 will provide Forest Service with the funds and directives it needs to apply proven long-range management techniques to the betterment of both the forests and society as a whole."

Hardwood Plywood Manufacturers Association, Clark McDonald, Managing Director.—"Urge support of H.R. 12025 as approved by the House Agriculture Committee."

Hardwood Research Council, Howard J. Doyle, Council Forester.—"National Forests have operated within budgets too limited . . . bill will make inaccessible timber available to supply the present critical housing shortage."

Alabama Forest Products Association, J. Hilton Watson, Executive Vice President.—"Aim of legislation is to grow more trees to meet present and projected home construction needs."

Sierra-Cascade Logging Conference, Inc., Roy Berridge, President.—"H.R. 12025 is the best way to guarantee the future of the National Forests . . . without proper forest management and careful harvest and replanting there will be no lumber and plywood to build American homes."

Western Wood Products Association, Wendell B. Barnes, Executive Vice President.—". . . Act is vitally needed to assure that the national forests provide a fair share of the nation's timber supply for the nation's builders seeking to meet the demand of a growing number of families."

Western Lumber Manufacturers, Inc., Sam K. Arness, President.—"Enactment of H.R. 12025 will mean more homes, more jobs, more trees, more income on a continuous basis from the commercial areas of the National Forests."

HORTON ATTACKS IRS SALE OF LISTS OF GUN LICENSEES AS "NATIONAL GUIDE FOR GUN THIEVES"

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HORTON. Mr. Speaker, the Internal Revenue Service is publishing and selling what amounts to a "National Guide for Gun Thieves."

Over 140,000 names and addresses of gun dealers and collectors, required to be licensed under the States Firearms Control Assistance Act of 1968, are willingly sold by the IRS for about one-tenth of a cent per name. The IRS has informed me that it sells rolls of mailing labels to interested buyers for about $140 for all 140,000 licensees. I understand the lists are available at an even cheaper price on a regional basis.

To me, this flies in the face of the whole intent of the State Firearms Control Assistance Act. The idea behind this law was to exercise some control over the whereabouts of firearms in an attempt to keep them from falling into criminal hands. The purpose of the licensing provisions is to help States to enforce their own gun laws. Instead, the Treasury Department's Alcohol, Tobacco, and Firearms Division is subjecting these licensees to both harassment and potential danger by proliferating these mailing lists.

So far, the IRS has told me it has sold about 60 sets of these mailing lists. Most of the buyers have been gun manufacturers and wholesalers who want to use the lists for direct mail advertising purposes. Potentially, these 60 sales will result in 8.6 million pieces of bulk mail flowing through our postal system—60 into the mail box of each licensed collector and dealer.

Besides this uninvited deluge of third-class mail, which if anything will result in more gun sales, the public availability of these lists is an open invitation to potential criminals who would welcome knowing which private homes are likely to contain numerous firearms or valuable gun collections. This policy is particularly onerous for the collectors of firearms. Most gun dealers advertise their location with signs and take normal security precautions to protect their firearm merchandise. But the collector who keeps valuable firearms in his home is far easier prey for the gun thief.

I learned of the IRS policy of selling mailing lists of gun licensees through a constituent letter from a physician who, as a licensed gun collector, has received a firearms industry circular from IRS and a sales solicitation from a firearms supply firm bearing identical mailing labels.

Section 101 of the State Firearms Control Assistance Act states:

> The Congress hereby declares that the purpose of this title is to provide support to Federal, State and local law enforcement officials in their fight against crime and violence, and it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms . . . or provide for the imposition by

Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

I do not see how proliferating lists of licensees helps States and localities to control crime and violence. In fact, this irresponsible policy could have the effect of facilitating gun thefts. Further, the disturbance of the privacy of the licensee both by potential danger of theft and by virtually limitless use of his mailing address would seem an "imposition by Federal regulations" under this act that is not "reasonably necessary to implement" its provisions.

I have written to the Commissioner of IRS, asking that the practice of selling or making available these mailing lists be stopped immediately. I have written the President, the Attorney General, and to the heads of other Federal agencies requesting information on their policies with respect to the use of names of private citizens who deal with them. I am also preparing legislation to halt this practice.

As a member of the House Government Operations Subcommittee on Government Information, I will, if necessary, ask the chairman of that subcommittee to call IRS officials to a hearing to explain this senseless practice. I do not think the Freedom of Information Act goes so far as to require the endangering or harassment of persons licensed by the Government for any purpose, least of all by the open sale of mailing lists.

Mr. Speaker, the following is the text of my constituent's letter describing his concern about being subjected to this practice:

HONEOYE FALLS, N.Y.,
February 11, 1970.

Hon. FRANK J. HORTON,
107 Federal Building,
Rochester, N.Y.

DEAR FRANK: If you will examine the enclosures, I think you will come to the same conclusion that I did. That conclusion is that the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service is selling or permitting the sale of mailing lists of firearms licensees. I would like to object vigorously. In the first place, I don't think that any government agency has the right to sell mailing lists for commercial purposes. In the second place, I am not a firearms dealer. If I were a dealer, I might expect to have my name and place of location of a number of firearms available to the public. Obviously, this includes assumption of responsibility for the possibility of theft, but I did not think that I was exposed to that risk.

I did apply for a dealer's license when the new Firearms Control Law went into effect, but I was advised that I could not secure one, so I applied anyhow and ended up with a collector's license which is essentially useless to me. Obviously, the Alcohol, Tobacco and Firearms Division has sold mailing lists of collectors to commercial agencies. In my book, this a beautiful way of advertising locations from which firearms can be stolen. It seems to me a pretty poor way to administer what is thought to be a firearms control law.

As I said earlier, if I had a dealer's license I might be prepared to take some of this risk. As a result of this sale of this mailing list, I now would seem to have the risk without the privileges. Mr. Harold Serr, Director of the Alcohol, Tobacco and Firearms Division, will get a copy of this letter. Frankly, I think it is ridiculous for an agency that is supposed to prevent firearms, or at least help prevent them from falling into criminal hands, to make it easier by selling mailing lists not only of dealers, but of collectors of firearms.

I don't very often write a critical letter like this. What I usually do is dictate them and then put them away and throw them away. However, in this instance I feel very strongly that what has been done is contrary to the public interest.

Very truly yours,
WENDELL R. AMES, M.D.,
Director.

CALIFORNIA LOCAL GOVERNMENT IN SUPPORT OF H.R. 12025

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. JOHNSON of California. Mr. Speaker, there has been considerable discussion in recent days about the National Forest Timber Conservation and Management Act, H.R. 12025, and its impact upon local communities. I would like to point out to my colleagues that as far as California is concerned, local government is solidly in support of this legislation.

During the hearings before the House Agriculture Committee, witnesses testified on behalf of the Northern California Supervisors Association which is an organization having broad representation in local government. Many of the counties of California have adopted formal resolutions in support of this legislation. Typical is that adopted by the Amador County Board of Supervisors on February 17, 1970.

Mr. Speaker, I insert the following resolution in the RECORD so that I may share these comments with my colleagues:

RESOLUTION NO. 1914

Whereas, there is an urgent need for increased timber production to meet our Nation's housing goals; and

Whereas, the National Forest Timber Conservation and Management Act (H.R. 12025) will make funds available to assure continuous intensive forest management on our National Forests and will provide for increased salvage, thinning and pre-commercial harvest to help meet these housing requirements; and

Whereas, increased timber yields will benefit our County by strengthening local employment in the Forest Products Industry, and provide additional county revenue for use on roads and schools, which will have beneficial effects on all counties of our State; and

Whereas, these improvements can be accomplished in accord with the Multiple Use—Sustained Yield Act of 1960, which gives proper recognition to all uses of our National Forests; and

Whereas, Agricultural Secretary Clifford Hardin, H.U.D. Secretary George Romney, the U.S. Forest Service and the Bureau of Budget have recommended approval of H.R. 12025;

Now, therefore, be it resolved that the Board of Supervisors of the County of Amador do hereby urge the Congress of the United States to enact H.R. 12025.

Be it further resolved that the Clerk of the Board of Supervisors of the County of Amador is directed to transmit this Resolution immediately to Congressman Harold T. "Bizz" Johnson, with the request that he bring it to the attention of the entire California Delegation.

The foregoing Resolution was duly passed by the Board of Supervisors of the County of Amador on the 17th day of February 1970, by the following vote:

Ayes: Supervisors Thomas E. Powelson, Marie C. Aiken, Edward T. Bamert, Elgin R. Bowers and Norman S. Waters.

Noes: None.

Absent: None.

THOMAS E. POWELSON,
Chairman, Board of Supervisors.

AMADOR COUNTY, CALIF.

Attest:

MARY RIMMER,
County Clerk and Ex-Officio Clerk of the Board of Supervisors, Amador County, Calif.

SALLY ONETO,
Deputy.

I, Mary Rimmer, County Clerk and Ex-Officio Clerk of the Board of Supervisors of the County of Amador, a political subdivision of the State of California, hereby certify the foregoing to be a full, true and correct copy of a Resolution passed by the Board of Supervisors of Amador County, on the 17th day of February, 1970.

SALLY ONETO,
County Clerk and Ex-Officio Clerk of the Board of Supervisors, Amador County, Calif.

HUD SUPPORTS USING NATIONAL FORESTS FOR TIMBER RESOURCES

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WIDNALL. Mr. Speaker, the Secretary of Housing and Urban Development, George Romney, has stated that the national forest timber must be used if we are to reach the national housing goal. Secretary Romney, appearing before the House Banking and Currency Committee on Tuesday, February 24, 1970, in response to a question concerning the National Forest Timber Conservation and Management Act, said:

There isn't any question about that the Forest Service controls tremendous timber resources in this country. And they are only using a small portion in an effective way, an effective way from the standpoint of not having the timber go to waste. After all, timber is like any other crop; it matures, it needs to be harvested or it dies and it is gone. And they have pointed out that a great deal more softwood can be made available through a proper management of these timber resources, and the management that contemplates the multiple use, the use for recreational and basic resource retention purposes as well as constructive use of the growth that is occurring.

And basically that is what is contemplated and that is what is proposed, and if the Congress doesn't feel that there is adequate protection in the bill for the continued use indefinitely for recreational as well as productive purposes then they ought to strengthen the conservation aspects of the bill.

But we will not be able to reach the housing goals that Congress has set unless we can get additional supplies of lumber, or go far beyond the use of substitute as compared to where we are now. So if Congress decides not to pass this bill, then the members of this Committee ought to know that they have just said, well, we are not going to reach the housing goal because you can't build houses if you don't have the materials to build them with.

QUESTIONNAIRE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BOW. Mr. Speaker, as has been my custom for many years, I have prepared and will mail in a few days a questionnaire concerning some of the vital issues to be considered in this session of Congress. The accompanying message and the questionnaire will read as follows:

MARCH 1, 1970.

DEAR FRIENDS: What promises to be a productive session of Congress is now preparing for votes on issues that will reshape the structure of our federal government in its relations with the states, cities and individual citizens. I seek your opinions and evaluation of some of these issues.

In some other years there has been criticism of Congressional questionnaires, not only my own but those of other Members of Congress, based on the presentation of the issues. Some citizens have complained that more background and explanation should be included with the question so that an individual who is not up-to-date on various proposals will have a basis of fact upon which to make a decision. Space does not permit detailed discussions of each of the issues, but I have endeavored to introduce a new format with this questionnaire giving at least the outline of the issue at stake and some of the alternatives.

You will note that this form does not require an envelope for its return. Simply fold it so that my address is on the outside, affix a six cent stamp and put in the mail.

In other years a great many people have stapled, glued or scotch-taped the questionnaire closed, apparently with the intent of keeping its contents confidential. This has meant hundreds of extra hours of labor to open and count the polls. I think it is quite reasonable to assume that no one in the mail service has time to open and read your comments. Confidentiality is assured without stapling or sealing. My small staff has its hands full keeping up with our daily work and when questionnaires come back by the mail-sackfull, time in opening them must be held down.

Please feel free to call or write me whenever I can be of assistance with any federal government problem. Our new offices in the Citizens Savings Bulding on Central Plaza in Canton is open daily and the phone number there is 456-2869. The Washington phone number is 202-225-3876. The daily work of the Appropriations Committee and House debate may make it difficult to reach me personally by phone, so please feel free to state the nature of your problem or inquiry and you will be referred to the staff member who is expert in that field.

The largest possible return of these questionnaires will help me to represent your point of view on the issues of the day. I appreciate your willingness to take time to answer the questions and return the form to me.

Sincerely yours,

FRANK T. BOW,
Member of Congress.

FRANK T. BOW'S 1970 QUESTIONNAIRE

	His	Hers
1. Reform of the welfare sytem is being considered in Congress where most people agree that the present system after 30 years is a failure. It has not encouraged people to find work, it has contributed to the breakdown of family life, and it has created a growing group of persons who have no other way of life. Please check which of the following alternatives you favor: (Check only one)—		
(a) President Nixon has proposed a "basic minimum Federal payment" of $500 for each adult and $300 for each child in a family per year, a total of $1,600 for a family of 4, with the provision that the able-bodied head of the family accept either training for a job or a job if available. The plan would encourage families to improve themselves by working, continuing a portion of the Federal payment until total work and "workfare" payments totalled $3,920 for the family of 4. This would be done by permitting the family to retain $60 weekly in earnings and reducing the "workfare" payment by 50 cents for each $1 earned above that amount	☐	☐
(b) Substantially the same proposal put forth by the Democratic Policy Council which would provide the family of 4 a basic $3,600 (instead of $1,600) with $6,100 as the cutoff	☐	☐
(c) Other changes in the present system (specify)	☐	☐
2. On August 15, 1969, President Nixon began the withdrawal of American combat forces from Vietnam. Since that date Vietnamese forces have been trained to take over many areas of the fighting and several large bases and naval forces have been turned over to Vietnam. By April 15, 1970, 115,000 American combat troops will have returned to the United States and total troop strength will be 434,000 compared with 550,000 last August. Future rate of withdrawal is dependent upon success of Vietnamization of the war effort, enemy response, progress of peace negotiations, safety of American forces that remain. Please indicate the alternative you prefer:		
(a) Continuation of the Nixon program described above, assuming withdrawal will continue as planned	☐	☐
(b) Withdrawal of all U.S. forces by September, 1971, as proposed recently by the Democratic Policy Council	☐	☐
(c) Similar withdrawal by January 1, 1971, as proposed by Senator Goodell and others	☐	☐
(d) Other (specify)	☐	☐
3. Congress has for consideration the report of the Presidential Commission recommending establishment of a volunteer Army and abolition of the draft. Please indicate your preference among the following alternatives (check one):		
(a) An all-volunteer Army with increased pay and other incentives for career service, placing the draft on a standby basis for allout war only	☐	☐
(b) A new system of national military service under which every able-bodied man would be required to serve a minimum tour of duty for training with incentives for career service	☐	☐
(c) A new system of national service under which both young men and young women would be required to serve the Nation for a period of time, either military or non-military	☐	☐
(d) Continuation of the present system	☐	☐
(e) Other (specify)	☐	☐
4. Inflation and the rising cost of living continue to be major issue. To control inflation please indicate which of the following will be helpful. (Check more than one if you wish):		
(a) Continued efforts to reduce Federal spending and balance the Federal budget without additional taxes	☐	☐
(b) Federal control of wages and prices	☐	☐
(c) Continued Federal Reserve Board restrictions on the money supply	☐	☐
(d) Other (specify)	☐	☐
5. There is increasing evidence of need for new labor-management relations law to help prevent or settle nationwide strikes that injure the economy. President Johnson promised such a proposal in 1967 but was not able to produce one. Among alternatives suggested are:		
(a) Referral of best offer of both sides to impartial panel which would set terms	☐	☐
(b) An "economic strike" during which labor would work for statutory minimum wage, management would be fined amount equal to total loss of earnings of labor, sums lost by workers and paid by management would go into trust fund and would be returnable to each on a decreasing scale as strike continued (90 percent 1st week, 80 percent 2d, etc.). Meanwhile, there could be neither a walkout nor a lockout	☐	☐
(c) Referral to a new National Labor Court empowered to consider the merits and impose settlements	☐	☐
(d) Other (specify)	☐	☐

THE FOLLOWING QUESTIONS ASK WHETHER YOU FAVOR OR OPPOSE EACH OF SEVERAL PROVISIONS IN PENDING LEGISLATION

	His		Hers	
	Favor	Oppose	Favor	Oppose
6. President Nixon has sent Congress a 37-point environmental quality program which includes the following major provisions:				
(a) Federal matching funds at the rate of $1,000,000,000 yearly to assist communities (or regional areas) in construction of sewage treatment facilities—total cost $10,000,000,000 in 5 years	☐	☐	☐	☐
(b) A Federal Environmental Financing Authority to assure purchase of local bond issues for this work at a reasonable rate if private markets cannot absorb bonds	☐	☐	☐	☐
(c) Full appropriation of $371,000,000 in 1971 and similar amounts in succeeding years for acquisition and development of Federal, State, local parks and recreation areas	☐	☐	☐	☐
(d) Utilization, including donation to local governments, of surplus Federal lands for park and recreational purposes	☐	☐	☐	☐
(e) Federal rather than State quality standards for air and water	☐	☐	☐	☐
(f) Penalties up to $10,000 per day for violation of air and water quality standards	☐	☐	☐	☐
(g) Increasingly strict control of auto exhaust emission and development of Federal standards and control of fuel and fuel additives	☐	☐	☐	☐
7. The House of Representatives will soon consider amendments to the social security program including the following:				
(a) Placing all future social security benefit increases on an automatic basis so that an increase in benefits will follow closely upon increase in cost of living	☐	☐	☐	☐
(b) Increasing the maximum wage base on which social security tax is withheld from $7,800 to $9,000	☐	☐	☐	☐
(c) Eliminate earnings as part of the retirement test (remove earnings limitation)	☐	☐	☐	☐
(d) Retain earnings limit but raise it automatically as general wage levels rise	☐	☐	☐	☐
8. The President has recommended and the Senate has passed a drug control program including the following provisions:				
(a) Increasing penalties for the manufacture or sale of narcotics, including marihuana and hallucinatory drugs, by professional criminals (the "pushers"). Present penalty for first offense is 5 to 20 years and fine up to $20,000. New penalty would be 5 years to life imprisonment and fine up to $50,000	☐	☐	☐	☐
(b) Reducing penalties for casual use or possession of same. Present penalties are the same as for hardened criminals, 5 to 20 years and $20,000. New penalty for a first offense would be imprisonment up to 1 year and fine up to $5,000	☐	☐	☐	☐
(c) A "no-knock" warrant which could be issued by a court to police in a drug case. The warrant would permit the officers to enter a premises without warning. It could be issued only after the court had evidence that the incriminating evidence would be destroyed if the police gave warning of their visit	☐	☐	☐	☐
(d) Establishment of a Committee on Marihuana to make the first indepth study on this subject	☐	☐	☐	☐

THE LOVE OF FREEDOM IS GREAT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. YATRON. Mr. Speaker, on February 16, 1970, the Lithuanian American community of the United States commemorated Lithuanian Independence Day. I salute the Lithuanian people for their continuous perseverance and self-determination in their battle for freedom.

The following editorial appeared in the February 13, 1970, issue of the Evening Herald, a newspaper serving Shenandoah-Ashland and Mahanoy City, Pa.

The article follows:

THE LOVE OF FREEDOM IS GREAT

On Monday, Feb. 16, Lithuania will mark the 52nd anniversary of the reestablishment of its independence.

To the many Americans of Lithuanian descent, the celebration has a false ring. They think of independence consisting of the many freedoms we enjoy here in America, truly the land of the free.

Lithuania and other Baltic states under Soviet domination enjoy anything but economic and intellectual freedom. Here we witness a regime of occupation. These freedom-loving people continue to be subjected to the annihilating domination of the Russian majority in the Soviet Union.

The Communist rulers are well aware of the uneasy feeling prevalent among the Baltic peoples. Their program of 1961 called for the amalgamation and in effect, Russianization of all the non-Russian nations in the Soviet Union. This has not set well in the Baltics as these people face the critical problem of national survival.

Back as early as July, of 1940, the then Secretary of State Sumner Welles, condemned the Soviet aggression against the Baltic states and expressed bitter opposition to the Communist predatory activities, no matter whether they are carried out by the use of force or by the threat of force.

Every administration since then has reaffirmed this policy of not recognizing Soviet aggression in the Baltic states.

A policy of non-recognition of a hostile act, however, could cease to have practical significance through its negative application by erosion of its meaning through bi-lateral agreements, lack of moral, legal or public actions that are corollaries of such policy. The special situation of the Baltic States calls for a positive implementation of the non-recognition policy, which the United States has pledged to maintain, and on which the hope of the Baltic nations rests. Only through constant pressure on the Soviet Union can the Baltic States be encouraged to maintain a potential for secession from the Soviet Union and hope for independence. There is no need to belabor this point, that the maintenance of such a potential in the Soviet Union is of great strategic value and interest to the United States.

Certain positive steps can be taken without risk of another serious confrontation. There are a number of things that the Government of the United States could do, and we, as citizens, should ask our Government to move in that direction.

First, the United States can intensify public and international reminders of the forced incorporation of the Baltic States into the Soviet Union and to maintain carefully the non-recognition of this act. The United States Government should utilize the United Nations and all other appropriate international forums to unmask the violation of human rights in the Baltic nations.

Second, the United States should expand the campaign of truth to the Baltic peoples, to make them aware of the concern for their interests by the United States and to nurture the hope of independence. All available means of communication, from expanded broadcasts by the Voice of America, to programs to the Baltic people by Radio Free Europe, should be encouraged and utilized.

Thirdly, the Government of the United States should strengthen the Captive Nations Week law by supporting the establishment of a special Captive Nations Committee in the U.S. House of Representatives. The function of this special committee would be to sustain the cause of freedom in the Baltic States and other parts of the world under Soviet regimes and to keep the American public and the world continuously informed of the situation in these countries.

FORESTRY AMENDMENT BILL

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McMILLAN. Mr. Speaker, I include in the RECORD these two telegrams in connection with the forestry amendment bill which is being considered on the floor of the House tomorrow, H.R. 12025.

One of these telegrams is from Mr. Louis H. Pollak, dean of Yale University Law School, and the other wire is from members of the faculty of Yale University School of Forestry.

These wires are in contradiction to an item inserted in the CONGRESSIONAL RECORD by Congressman ROSENTHAL on February 4.

I think every Member of Congress should read these telegrams:

NEW HAVEN, CONN.

Congressman JOHN MCMILLAN,
House of Representatives,
Washington, D.C.:

On February 4 Congressman Rosenthal inserted in the CONGRESSIONAL RECORD page 2500 an item under the title "Yale and Trees" concerning H.R. 12025. The source was a statement prepared by some law school students using the "Yale Legislative Services" which does not represent Yale nor any school in it. Furthermore Yale University does not take any official position on this bill or any legislation which does not affect universities directly.

Anyone who claims to speak for Yale or the Yale Forestry School on this bill sails under false colors.

KENNETH P. DAVIS,
DAVID M. SMITH,
GARTH K. VOIGG,
Faculty Members, Yale School of Forestry.

NEW HAVEN, CONN.,
February 24, 1970.

Hon. JOHN MCMILLAN,
House of Representatives,
Washington, D.C.:

The purpose of this telegram is to correct an apparent misunderstanding. Yale Legislative Services does not speak for Yale Law School or Yale University with respect to H.R. 12025—the National Forest Timber Conservation and Management Act of 1969 or any other pending legislation.

Yale Legislative Services is a law student research group and its reports simply represent individual views of those law students who prepare and sign its reports.

Neither Yale Law School students nor Yale University has a view one way or another on H.R. 12025.

LOUIS H. POLLAK,
Dean, Yale Law School.

MILITARY AIRLIFT

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RIVERS. Mr. Speaker, 10 years ago a special subcommittee of the Armed Services Committee conducted a full-scale review of our national airlift posture. I had the great privilege to be chairman of that subcommittee.

For the past few weeks, under the chairmanship of our distinguished colleague, the Honorable MELVIN PRICE, the Military Airlift Subcommittee has been conducting another full-scale review of our airlift posture. This is the third such review by the Armed Services Committee since 1960. MEL PRICE served with me on the Airlift Subcommittee in 1960 and has actively participated in every review of our airlift posture since that time. He is one of the most knowledgeable men on the subject of airlift in the U.S. Congress.

Therefore, Mr. Speaker, I insert in the RECORD Congressman PRICE's pertinent remarks on the subject of military airlift before the Aero Club of Washington on February 24, 1970, and commend its reading to every Member:

MILITARY AIRLIFT

I am honored to have the privilege of speaking to this dedicated group of representatives of the aviation community.

I have enjoyed my association with your industry over the past thirty-seven years that I have been associated with The Congress.

Today I have been asked to speak on the subject of military airlift. For more than ten years I have been a Member of the Subcommittee on Military Airlift of the House Armed Services Committee—and now am privileged to be Chairman of that Subcommittee, succeeding the Honorable L. Mendel Rivers after he was elevated to Chairman of the full Committee.

During the past ten years, the Subcommittee reviewed this vital subject three times and is now in its fourth examination.

At the close of the last session of Congress, I addressed a letter to Chairman Rivers suggesting that it was time for this review due to:

(1) Adjustments made by the Department of Defense in the strategic airlift force, namely, the cutback from six to four squadrons of C–5's;

(2) The continued phaseout of active Reserve and National Air Guard units;

(3) The congressional deferral of the Light Intratheater Transport requested by the Air Force last year;

(4) The impact of the wide-bodied jets such as the Boeing 747, the Douglas DC–10, and the Lockheed L–1011 on the Civil Reserve Air Fleet program; and

(5) The Civil Aeronautics Board's proposed regulation revising the rules applicable to military dependent charter flights.

Chairman Rivers approved my proposed review of the subjects I have mentioned and directed the Subcommittee to begin as soon as possible. Also, he urged the Secretary of Defense to favorably consider delaying the deactivation or mission reassignment of the Reserve and Guard airlift units that were scheduled for the latter part of this Fiscal Year.

At the same time, I addressed a letter to the Chairman of the Civil Aeronautics Board requesting that final action on the proposed military dependent charter regulation be withheld pending completion of the Subcommittee's hearings and the findings and recommendations which would follow. It was most gratifying to me to receive the full cooperation of the Board and the Department of Defense. The Board announced a sixty-day deferral on the closing date by which comments were to be received. And the Secretary of the Air Force agreed to re-examine the adjustments proposed for Reserve airlift units.

During our hearings we were advised by Air Force officials that the Reserve airlift units at O'Hare International Airport, Chicago, and the Tactical Airlift Unit at Willow Grove Naval Air Station, Philadelphia, would be retained for an indefinite period and would be upgraded with the C-130 Hercules.

Now that we have been successful in saving at least two Tactical Airlift units that were scheduled for deactivation, I would urge that the equipment for the balance of the Reserve airlift force be modernized as soon as possible to increase their capabilities to support the requirements of the Tactical Air Command.

I have been asked why the Armed Services Committee is interested in the military dependent charter regulations issued by the Civil Aeronautics Board. My answer is very simple. The Committee is responsible for and greatly interested in the morale and welfare of our military personnel. The revised charter regulation would, in the opinion of the thousands of people that have written letters to the Board and to the Committee, have an adverse affect on that morale and welfare.

In addition, the proposed regulation would impose an increased burden and cost for the Department of Defense and would, according to testimony received, result in less efficient service to the military personnel and their dependents.

Some of you will recall that several years ago, a Special Subcommittee of the House Armed Services Committee was established to review the air transportation problems experienced by military personnel traveling on leave.

The response from the Civil Aeronautics Board and the airline industry at that time was most cooperative and the results rewarding. The program produced the 50 per cent discount standby fare and the 33⅓ percent discount on a confirmed reservation basis for all military personnel traveling on authorized leave at their own expense. While all of the airlines did not choose to participate in this program, the vast majority did. The program is greatly appreciated by the servicemen in uniform.

With the same spirit of cooperation on the military dependent charters, I am confident that this program will be able to continue to benefit thousands of military personnel that are making their contributions to the defense of this counrty.

I would suggest that if the several large airlines opposing the program devoted as much effort in negotiating lower fares through their international trade association, IATA, they might increase their load factors so that it wouldn't be necessary to clutch at straws by using military charters as an excuse for declining revenues in the overseas market.

Turning to the area of Tactical Airlift—for several years the Committee has expressed its concern over the slow pace or lack of modernization of our Tactical Airlift force. In addition, the sizable attritions experienced in Southeast Asia have made considerable dents in our capabilities.

For instance, since 1966, over 100 airlift aircraft have been lost in Southeast Asia alone—and only 54 of those aircraft have been replaced through new procurement.

Last year the Congress refused to authorize and appropriate the funds requested for further research on the Light Intratheater Transport. This aircraft was intended to replace the slow C-7 Caribou and the aging C-123 Provider. In the minds of some, the LIT would also have replaced the C-130 Hercules which has been the workhorse in Southeast Asia. The Tactical Air Command, in its reviews of requirements during the past year, has concluded that their requirements include two aircraft to perform these missions rather than one.

It has been proposed that the Air Force procure an off-the-shelf STOL type transport as the interim replacement for the C-123 and the C-7. This would be an aircraft of the C-8 Buffalo or McDonnell-Douglas 188 type. To eventually replace the C-130, TAC would prefer a STOL aircraft slightly larger than the C-130 that would provide better interface with the C-5A—and would have a capability to handle certain pieces of equipment and cargo that are now outsize for the C-130.

The question of a V/STOL Tactical Airlift airplane would be deferred for another decade, according to TAC's plans.

I strongly support their desire for an interim replacement for the C-7 and the C-123 and would prefer to see such a program supported in the coming year's budget, in view of the present condition of this portion of our Tactical Airlift fleet.

As to the replacement for the C-130, I will defer to the judgment of the user, TAC; however, I would urge that research and development on V/STOL aircraft be continued at the rate necessary to bring this capability into existence during this decade. The V/STOL aircraft would offer an improved capability for the military and for civil aviation it could aid in solving the congested airport problem.

I have saved the strategic airlift question until last because it has received more attention over the past decade.

The modernization accomplished in both the military and civil fleet during that time period has been tremendous. The 1973 military airlift force will represent less than three-fourths the number of aircraft possessed in 1961, whereas capability will have increased more than seven times. The total investment in military aircraft, ground equipment and facilities of this all-jet airlift force amounts to nearly $6 billion.

The civil airlines contribution to our total strategic airlift capability is managed through the Civil Reserve Air Fleet program, commonly known as CRAF. During the past decade the total number of aircraft allocated to this program has remained about the same. However, in terms of capability, the contribution made by the civil carriers has increased at a pace comparable to that of the military. The international portion of CRAF is now a pure jet fleet possessing the advantages of greater reliability and productivity. The total current investment by civil carriers in this program exceeds $3 billion. This is commendable.

Under earlier emergency planning, the military was scheduled to haul sensitive cargo, heavy equipment, and outsize cargo. The palletized and bulk cargo was to be handled by the civil carriers along with most of the troops. The size of the military fleet was based on this premise. It was determined that at least six squadrons of C-5A aircraft would be needed to handle the heavy and outsize cargo along with certain support personnel.

About 15 months ago, the C-5A came under fire because of alleged cost overruns. The criticism has since turned to alleged deficiencies in design structure and performance. Explanation have been given by the Air Force and the manufacturer to the satisfaction of all but the most hard-nosed skeptics.

I have no heroic traits or tendencies; however, I have faith in the C-5 to the point that I visited Marietta, Georgia and flew in the airplane along with several other Members of the Armed Services Committee shortly after several Members of Congress leveled their recent blast at the program. I am confident that the airplane will meet its military performance requirements and will long be a vital asset to our defense force. It is because of this confidence in the C-5 and my knowledge of the total military airlift requirements to meet our most critical contingency requirements that I question the decision made and the action taken by the Department of Defense in cancelling the fifth and sixth squadrons of C-5's.

The Whittaker report of last July stated that all studies supported the need for at least six squadrons. It is alleged that a later study has been made which concludes that only four and a half squadrons will be needed to meet our commitment to NATO. The Subcommittee has been waiting for over two months to receive such a study to examine the assumptions used in arriving at the conclusion. One can support almost any position or conclusion merely by changing the assumptions used to validate the desired position.

Three key assumptions used in deployment studies are: (1) "militarily required time to close the force;" (2) "the amount of surface lift readily available;" and (3) "advance or strategic warning time."

The experience in Czechoslovakia should have taught us a lesson on the last assumption.

All three of these assumptions must be realistic from a military operations standpoint for any study to be valid, in my opinion. In view of the Defense Department's failure to deliver any material justification to the Subcommittee for the action taken in reducing our strategic airlift capability, I can only conclude that one or more of the basic assumptions used in the study are subject to question.

Critics of the military say, "Who needs the C-5A? Let the commercial carriers handle the military cargo." This position might be justified to a limited degree and the commercial carriers could do more in this area, provided they possessed the proper aircraft. However, testimony before the Subcommittee indicates that none of the aircraft presently allocated to CRAF have any outsize cargo capability. Both military and civilian departmental witnesses testified that a deficit exists today in this area and that deficit will continue through this decade unless something is done.

Members of my Subcommittee visited the facilities of the manufacturers of the wide-bodied jets—Lockheed, Boeing and McDonnell-Douglas. As presently designed, only the L-500 will have the capability of handling anything larger than a 2½ ton truck or taller than eight feet and outsize to the C-141. No decision has been made by the Lockheed Corporation to proceed with this airplane. Therefore, the outlook for greater participation by the CRAF in meeting military requirements during this decade is very doubtful.

The contribution of the CRAF will continue to be in the passenger area, where we currently have a surplus capability, and palletized cargo. The cargo deficit will continue and will probably increase if past experience is a valid yardstick.

To eliminate this deficit, I would urge the Department of Defense to take one, or perhaps both, of the following actions:

(1) Procure additional C-5A aircraft;

(2) Offer the incentive necessary for the commercial carriers to invest in the type of modern airplane that will meet military requirements to airlift outsize cargo that is beyond the programed capability of the Military Aircraft Command.

I am sure there will be additional valuable recommendations contained in the Subcommittee's report after we conclude the hearings.

Thank you for inviting me to be with you, today.

EXPANDED ROLE URGED FOR SOIL CONSERVATION SERVICE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HAMMERSCHMIDT. Mr. Speaker, why is the Soil Conservation Service not accorded a larger role in the attack on pollution? For decades, the Soil Conservation Service, staffed by a small corps of professionals and given broad-base support by dedicated citizen conservationists across the land, has carried out programs to preserve, protect, and properly develop our natural resources. Care for water and soil has long been their preoccupation.

In a recent meeting with agricultural leaders in Arkansas, I raised this question: Why not more involvement for the Soil Conservation Service? I am now most gratified to find the question being echoed by the distinguished agricultural columnist of the Arkansas Gazette, Mr. Leland DuVall. As a writer-reporter, Mr. DuVall has gained many citations, honors, and awards: From the National Association of Soil and Water Conservation Districts as "Communicator of the Year"; from the Federal land bank for his "Contributions to the Understanding of Farm Problems"; from the University of Missouri, School of Journalism for his "Excellence in Reporting Economic and Financial News." Leland DuVall's credentials as an agricultural economist-reporter are impressive, indeed.

Writing in the Arkansas Gazette, February 20, 1970, he makes a most cogent case for expanding the role of the Soil Conservation Service among the forces being mobilized to improve our environment.

I commend to the attention of my colleagues the article by Leland DuVall which follows:

IT'S TIME TO USE "KNOW-HOW" OF SCS

(By Leland DuVall)

In keeping with a well-established American tradition, the organization that has made the greatest single contribution to the protection of the environment often finds itself relagated to a seat in the back row while vociferous adolescent groups—the term should not be interpreted to mean groups of adolescents—monopolize the spotlight. The established performer of course, is the Soil Conservation Service and its associated nationwide organization of conservation districts.

The conservation districts, whose boundaries usually follow county lines, are composed of the cooperating landowners who use the technical services of the SCS—and any other facilities that may be available—to restore and protect soil and water resources and to improve the total environment.

SCS and the cooperators had been in the business as effective, practicing conservationists for 30 years before the current wave of enthusiasm for "restoring the environment" captured the attention of the public. The contributions of the established conservationists may have escaped public attention, particularly in the urban areas, but the accomplishments are impressive.

On the basis of sheer volume, the greatest source of water pollution in this country is silt. Even though it is not "poison" in the sense that industrial waste may be deadly to fish and wildlife, silt can thicken streams so that the fish habitat is destroyed, contribute to flooding by forcing rivers and creeks to seek new beds and fill the reservoirs that provide municipal and industrial water. Silt results from erosion and, significantly, the first task of the SCS and its cooperators was erosion control.

When the agency was created, in the days of the New Deal, this Nation's environment was under a greater threat from erosion than it now faces from other forms of pollution. The comparison should not be interpreted as an attempt to write off the ominous nature of the present problem. Instead, it emphasizes the hazard of uncontrolled erosion. Perhaps the difference in our nation's attitude toward the related problems—gullied fields, muddy streams and dust storms in the 1930 decade and air and stream pollution today—can be understood in the light of altered conditions. In the days of the dust storms, the nation was concerned primarily with the fact that 15,000,000 to 20,000,000 people were unemployed and commerce was all but paralyzed; now we have time to become disturbed by other matters because unemployment is low and business is booming.

Over the years, the SCS and its co-operators expanded the scope of their operations to include water conservation and concern for urban practices that damaged the total environment. The application of conservation practices on a watershed scope gained acceptance and river basin surveys became an established practice. The latest demonstration of a willingness to expand operations to cover more territory came a few days ago when the "National Association of Soil and Water Conservation Districts" changed its name to the "National Association of Conservation Districts."

John S. Wilder of Somerville, Tenn., the new president of the NACD, explained the new concept this way: "We are beginning a new era of conservation and resource management. America is waking up to its environment. All of our people are calling for clean water and an end to smog, urban sprawl and ugliness. They want more parks, better recreational facilities and more open space. Over the years, the soil and water conservation districts have enlarged their horizons in resource work. While they continued to preserve and protect our vast food-producing lands, they also help guide suburban growth, control pollution and provide water supplies, flood protection and jobs for town and country alike.

"The 'environmental decade' ahead will be a test of leadership for us all. This is why the convention at San Francisco renamed this organization the National Association of Conservation Districts. Our task goes far beyond soil erosion control and water management. It is time to involve more people in our program—students, townspeople, sportsmen and businessmen. The public wants our services and our job is to let them know what we have to offer and to help district residents do their part in restoring and improving natural resources."

A certain amount of evangelistic work is necessary to generate general public concern. Human nature dictates that all movements seem to start from "the voice of one crying in the wilderness."

The SCS-NACD movement was preceded by the voices of Gifford Pinchot, Hugh Bennett and Theodore Roosevelt while the grandfathers of our current crop of conservationists were rejecting the then-new gospel as a thinly-disguised form of socialism.

Our established national program of conservation has been largely relegated to the boondocks and has been written off by some as just another gimmick for subsidizing the farmer. The truth, of course, is that rural conservation has caught up with past needs and is keeping pace with rapidly changing conditions. Its weakness is that its accomplishments have been limited to rural areas.

While rural conservation was halting soil erosion, cleaning up the streams and preserving the topsoil to assure an abundance of food, the urban centers were dumping their waste into the rivers, stripping the sod cover from large areas for residential and industrial development (and thus inviting erosion) and pouring contaminants into the atmosphere.

The situation must (and will) be corrected but the nation could save itself quite a bit of trouble and money if it would make full use of the conservation knowledge and resources collected over the years by the SCS and the district to cooperators.

For one thing, we might dig out and rerun the sermons of Pinchot and Bennett, thus relieving the current crop of evangelists of the obligation to awaken the public. After all, everything has been said before and their energies would be more useful in doing the job at hand than in warning of the wrath to come.

NEED TO AMEND BAIL REFORM ACT OF 1966

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WIGGINS. Mr. Speaker, there is widespread recognition in this House of the need to amend the Bail Reform Act of 1966 to meet the problem of the dangerous defendant. Through congressional hearings, crime commission reports, and media commentary, more and more people are becoming aware of the serious deficiencies in the present statute and of the related incidence of violent crime committed by persons who have been released under the act prior to trial.

On July 14, 1969, I joined with 24 of my colleagues in introducing H.R. 12806, a bill intended to correct the major shortcomings in the present law. My bill would authorize Federal courts to consider danger to the community in setting conditions of pretrial release. It also provided for the limited pretrial detention of dangerous defendants, after an adversary hearing affording due process protections, when the court determines that no condition or combination of conditions of release will reasonably assure the safety of the community.

Although the increase in street crime last year, particularly in the District of Columbia, has intensified the need for bail reform, the constitutionality of pretrial detention has occasionally been

challenged. Recently, the gentleman from Virginia (Mr. POFF) performed a distinct public service by calling to the attention of the House a recent article in the Virginia Law Review by Attorney General John N. Mitchell. The article discusses in depth the constitutional issues involved in pretrial detention.

One of the questions which the Attorney General resolved is whether the eighth amendment is a barrier to pretrial detention. Some critics have made the argument that the eighth amendment, which provides that "Excessive bail shall not be required" establishes an absolute right to bail, at least in noncapital cases. They argue correlatively that the amendment has stripped Congress of its authority to define the classes of cases in which bail shall of right be granted.

This "absolute right" thesis was tested last year in New York and found wanting. The case was United States ex rel. Covington against Coparo, and the decision is new and important authority on this question.

Briefly, the petitioner in a Federal habeas corpus proceeding asserted that the eighth amendment, which is binding upon the States, requires that bail be granted as a matter of right to New York defendants accused of murder because murder in New York is no longer a capital crime. In a well-reasoned opinion, District Judge Edward Weinfeld rejected the petitioner's argument, declaring that inasmuch as Congress is free, within constitutional limits, to define which classes of crimes are bailable as a matter of right and which classes are not, so, too, are the State legislatures.

A careful reading of Judge Weinfeld's opinion should leave no doubt that Congress enjoys the power, within reasonable limits, to define which categories of offenses shall be bailable as a matter of right. As the court properly observed:

> Congress could, without running afoul of the Eighth Amendment, . . . provide . . . that persons accused of kidnapping, bank robbery with force and violence, or *other serious non-capital crimes* are not entitled to bail as a matter of right. (Emphasis added.)

Special note should be made of the fact that Judge Weinfeld made no attempt to distinguish first degree murder from other offenses for which bail might be denied. He did not say that bail could be denied to men accused of murder but not to men accused of other felonies. According to Judge Weinfeld, congressional power to define the offenses which shall be bailable as a matter of right is limited in the Federal Constitution only by the substantive due process of the fifth amendment. This requires no more than that the exercise of congressional power be rational, reasonable, and without discrimination.

The Covington case, decided by a highly regarded liberal judge, is a solid response to those who question the constitutionality of pretrial detention. Judge Weinfeld's opinion follows:

UNITED STATES EX REL. COVINGTON VERSUS COPARO

Edward Weinfeld, District Judge.

(1) The petitioner, held without bail upon an indictment returned by a New York County grand jury charging him with a triple murder in the first degree, seeks his release by way of a federal writ of habeas corpus unless reasonable bail pending trial is fixed either by the State Court or this Court. Petitioner contends he has an absolute right to bail under the Eighth Amendment to the Federal Constitution, since murder in the first degree is no longer a capital crime in New York State (with exceptions not here relevant).[1] The prosecution, in resisting petitioner's application in the State Court for bail,[2] denied such a constitutional right and also opposed the application on the ground that the three decedents named in the indictment were murdered in a dispute over narcotics; that petitioner had a criminal record; that he is a "professional hired killer"; and that if released on bail was unlikely to appear for trial. The denial of bail was affirmed by the Appellate Division without opinion and the Court of Appeals denied leave to appeal. Petitioner having exhausted the state process on this issue, federal habeas corpus is available to test the legality of his detention.[3]

Petitioner assumes that the Eighth Amendment, binding upon the State of New York under the Fourteenth Amendment,[4] requires that bail be granted as a matter of right in all except capital crimes. The Eighth Amendment, however, does not mention, much less distinguish between, capital and other felonies. It provides only that "excessive bail shall not be required * * *." It is true, as petitioner contends, that some courts have construed the Eighth Amendment to guarantee the right to bail in all but capital cases,[5] but such statements must be considered in the context of the Congressional statute governing bail, rather than as a command under the Eighth Amendment.

The Supreme Court has not spoken directly on the precise issue here presented. However, in considering a statutory provision authorizing the Attorney General to hold without bail alien communists under deportation charges, the Court observed that the Eighth Amendment did not confer a right to bail in every criminal prosecution. The Court also noted that it was within Congressional competence to define those classes of cases in which bail shall be allowed.[6] And from the Judiciary Act of 1789 to the present, Congress has always provided that an accused is entitled to bail as a matter of right in a non-capital case, whereas in capital cases bail is a discretionary matter.[7]

(2) Congressional policy thus far has provided that only capital offenses are not bailable as a matter of right. However, Congress could, without running afoul of the Eighth Amendment, also provide, for example, that persons accused of kidnapping, bank robbery with force and violence, or other serious non-capital crimes are not entitled to bail as a matter of right.[8] This Congressional power, of course, is confined by the due process clause of the Fifth Amendment. Thus, I am of the view that Mr. Justice Burton, in his dissent in Carlson v. Landon, correctly defined the scope of the Eighth Amendment to "prohibit * * * federal bail that is excessive in amount when seen in the light of all traditionally relevant circumstances. Likewise, it must prohibit unreasonable denial of bail."[9]

(3, 4) And as Congress is free, within constitutional limits, to define the classes of crimes which are bailable as a matter of right and those that are not, so, too, may the state legislatures. While the Supreme Court has not passed upon the direct issue, those federal courts which have are in accord with the Eighth and Fourteenth Amendments do not require the state to grant bail in all cases as a matter of right; all have recognized that a state may constitutionally provide that bail be granted in some cases as a matter of right and denied in others, provided that the power is exercised rationally, reasonably and without discrimination.[10] Thus, it is left to the courts to fix the amount of bail in all cases where it is a matter of right and also in those instances where the court exercises its discretion favorably; but, under the Eighth Amendment, where bail is fixed in either instance, it must not be excessive, and further, where bail is not a matter of right, the court may not arbitrarily or unreasonably deny bail.

(5, 6) New York State provides that admission to bail before conviction is a matter of right in misdemeanor cases and a matter of discretion in all other cases—including a non-capital murder charge, the charge against this petitioner.[11] New York's recent elimination of the death penalty upon conviction of murder in the first degree,[12] following a course adopted in other states,[13] manifests an enlightened policy which should not be deterred by a legislative concern that reduction of the penalty must automatically result in the granting of bail as a matter of constitutional right.[14] The penalty that may be imposed in the event of a conviction should not be the sole determinant on the issue whether bail is a matter of right; other factors, such as the nature of the offense, to mention but one, are also of substantial significance. No matter what the penalty, a murder charge remains a murder charge; a kidnapping charge remains a kidnapping charge, a rape charge remains a rape charge. Essentially, the basic purpose of bail remains whether, in the light of the nature of the charge and other significant factors, an accused will appear for trial and submit to sentence upon conviction.[15]

(7-9) The state legislature may define types of crimes so that bail is not mandatory in all cases, leaving the determination of whether an accused is a good bail risk for the courts to decide in the exercise of their sound discretion.[16] And if the totality of circumstances is such that a court is of the view that no amount of bail will ensure the defendant's presence for trial, bail may be refused. A court's refusal of bail in an appropriate case does not trespass upon a defendant's federal constitutional rights under the Eighth and Fourteenth Amendments. In those instances where the court, in the exercise of discretion denies bail, the defendant's right to a speedy trial, a guarantee that prevents "undue and oppressive incarceration prior to trial,"[17] assumes greater significance.[18]

Petitioner here is charged with a triple murder; the state contends that he is a hired killer. The state could have found a real danger that petitioner, if released on bail, would take flight from the jurisdiction; that no amount of bail would assure his appearance for trial; also that his release might constitute danger to the community. The granting of bail under such circumstances might well amount to "irresponsible judicial action * * *."[19]

The petition is dismissed.

FOOTNOTES

[1] N.Y. Penal Law, McKinney's Consol. Laws, c. 40, § 125.30, subd. 1(a).

[2] Petitioner moved by a habeas corpus proceeding, as required under New York law. United States ex rel. Hyde v. McMann, 263 F. 2d 940, 942 (2d Cir.), cert. denied, United States ex rel. Hyde v. La Vallee, 360 U.S. 937, 70 S. Ct. 1462, 3 L. Ed. 2d 1549 (1959); People ex rel. Shapiro v. Keeper of City Prison, 290 N.Y. 393, 399, 40 N.E. 2d 498 (1943).

[3] Brown v. Fogel, 387 F. 2d 692, 604 & n. 1 (4th Cir. 1967), cert. denied, 300 U.S. 1045, 88 S. Ct. 19647, 20 L. Ed. 2d 307 (1968); Wilkerson, 263 F. Supp. 54, 56 (W.D. Va. 1967).

[4] Pilkinton v. Circuit Court of Howell County, Missouri, 324 F. 2d 45, 46 (8th Cir. 1963); United States ex rel. Fink v. Heyd, 287 F. Supp. 716, 717 (E.D. La. 1968); Wansley v. Wilkerson, 263 F. Supp. 54, 56 (W.D. Va. 1967).

[5] E. g., Trimble v. Stone, 187 F. Supp. 483, 484 (D.D.C. 1960).

[6] Carlson v. Landon, 342 U.S. 524, 525, 72 S. Ct. 525, 96 L. Ed. 547 (1952).

[7] Rule 46(a), Fed. R. Crim. P.: "(1) *Before Conviction.* A person arrested for an offense not punishable by death shall be admitted to bail. A person arrested for an offense punishable by death may be admitted to bail by any court or judge authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense." See Stack v. Boyle, 342 U.S. 1, 4, 72 S. Ct. 1, 96 L. Ed. 3 (1951).

[8] Thus, it would be singular if, after the Supreme Court's invalidation of the death penalty in the Federal Kidnapping Act, 18 U.S.C. § 1201(a)(1), on grounds unrelated to bail considerations, United States v. Jackson, 390 U.S. 570, 88 S.Ct. 1209, 20 L.Ed.2d 138 (1968), the Eighth Amendment were to compel the release on bail of all defendants charged under the statute on the ground that their offense was no longer capital.

[9] 342 U.S. 524, 569, 72 S.Ct. 525, 548, 96 L.Ed. 547 (1952); cf. United States v. Motlow, 7 Cir., 10 F.2d 657, 659 (1926) (Butler, Cir. J.).

[10] Mastrian v. Hedman, 326 F.2d 708, 710–711 (8th Cir.), cert. denied, 376 U.S. 965, 84 S.Ct. 1128, 11 L.Ed.2d 982 (1964); United States ex rel. Hyde v. McMann, 263 F.2d 940, 943 (2d Cir.), cert. denied, United States ex rel. Hyde v. LaVallee, 360 U.S. 937, 70 S.Ct. 1462, 3 L.Ed.2d 1549 (1959); United States ex rel. Fink v. Heyd, 287 F.Supp. 716, 717–718 (E.D.La.1968); Wansley v. Wilkerson, 263 F.Supp. 54, 57 (W.D.Va.1967). Cf. People ex rel. Shapiro v. Keeper of City Prison, 290 NY. 393, 398, 49 N.E.2d 498 (1943). See also Bitter v. United States, 389 U.S. 15, 16, 88 S.Ct. 6, 19 L.E.d.2d 15 (1967); Rehman v. California, 85 S.Ct. 8, 13 L.Ed.2d 17, 18–19 (1964) (Douglas, Cir. J.); Carbo v. United States, 82 S.Ct. 662, 7 L.Ed.2d 769, 774 (1962) (Douglas, Cir. J.); Fernandez v. United States, 81 S.Ct. 642, 5 L.Ed.2d 683, 686 (1961) (Harlan, Cir J.).

[11] N.Y. Code Crim.Proc. §§ 552, 553.

[12] N.Y.Sess.L.1965, ch. 321, § 1.

[13] See, e.g., Alaska Sess.L.1957, ch. 132, § 1; Me.Rev.Stat.Ann., tit. 17, § 2651 (1964); Mich.Comp.Laws, § 750.316 (1948); Minn. Stat., § 619.07 (1961); R.I.Gen.Laws, § 11–23–2 (1956); Vt.Stat.Ann., tit. 13, § 2303 (1968 Supp.); W.Va.Code § 61–2–2 (1966); Wis. Stat., § 940.01(1) (1961).

[14] See also legislation, pending in the 90th Congress, that would have abolished the death penalty for all federal offenses, S. 1760, H. Rep. 754, 934, 2305, 9865, 10784, 10874, 12547, and amended the Constitution to prohibit imposition of the death penalty by the states, H.J. Res. 633.

[15] Stack v. Boyle, 342 U.S. 1, 4, 72 S. Ct. 1, 96 L. Ed. 3 (1951).

[16] People ex rel. Shapiro v. Keeper of City Prison, 290 N.Y. 393, 49 N.E. 2d 498 (1943).

[17] United States v. Ewell, 383 U.S. 116, 120, 86 S. Ct. 773, 776, 15 L. Ed. 2d 627 (1966).

[18] This right, of course, applies to the states and "is as fundamental as any of the rights secured by the Sixth Amendment," Klopfer v. North Carolina, 386 U.S. 213, 223, 87 S. Ct. 988, 993, 18 L. Ed. 2d 1 (1967).

[19] Rehman v. California, 85 S. Ct. 8, 13 L. Ed. 2d 17, 19 (1964) (Douglas, Cir. J.); Carbo v. United States, 82 S. Ct. 662, 7 L. Ed. 2d 769, 774 (1962) (Douglas, Cir. J.). Cf. Painten v. Massachusetts, 254 F. Supp. 246, 249 (D. Mass. 1966).

MEMBER'S DINING ROOM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. JACOBS. Mr. Speaker, there is no truth to rumors that the more-or-less Architect of the Capitol will discontinue live entertainment in the Member's dining room or that he had any ax to grind in passing over other acts of similar genre to handle arrangements or arrange handles for yesterday's show.

In keeping with the mood of yesterday's show, "The Beat Generation," starring the White Supremes, the Member's dining room is expected soon to schedule such programs as "A Molotov Cocktail Hour," featuring the Black Cats.

Veteran dining room observers did not consider introduction of "The Lively Arts" surprising. They pointed to the fact that the Architect is something of an actor himself who only last month produced the never to be forgotten epicurean epic, "T.B. or not T.B."

THIS IS LAW DAY—IT IS ALSO LOYALTY DAY

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WYATT. Mr. Speaker, Mr. John Salisbury, who is news director of radio station KXL in Portland, Oreg., is a strong voice in my State for the precious rights and freedoms guaranteed by our Constitution. Last year, Mr. Salisbury in a news commentary broadcast a plea for loyalty to this Nation and respect for the law. I am pleased to announce the editorial, entitled "Law Day," won the principal award in the editorial category sponsored by the Freedoms Foundation of Valley Forge.

I believe the editorial provides food for thought and I am happy to include it in the RECORD:

THIS IS LAW DAY—IT IS ALSO LOYALTY DAY

(By John Salisbury)

Tune me out and turn me off, if you so desire, because I'm going to talk about law—and about loyalty.

It won't hurt much, because I've already been tuned out and turned off by the bullies, brigands and braggarts who have decided law is no longer necessary in America, and who scoff at the very concept of loyalty.

I'm tuned out and turned off by young people in their smart pants and dirty beards who believe somehow, they've been gifted by a God they claim is dead with some kind of omniscience which gives them sole mandate to cure the world's ills and to rule it by their own laws.

I'm tuned out and turned off by the black militants who believe guns leveled at the wrongs of bigotry will win the rights of equality.

I'm tuned out and turned off by the burners of draft cards and the tramplers of flags who denounce in cowardice the names of the brave who fall in battle—the young men who didn't choose to be there but went anyway, and fought their hearts out and sometimes died believing that if their country was wrong, it went wrong trying to do right.

I'm tuned out and turned off by the far right which suspects everyone else of being disloyal—and by the new left which believes in overthrowing our government, preferring anarchy even above communism.

I'm tuned out and turned off by boys who look like girls and girls who look like ladies of the night—and by members of my generation who think long hair, sideburns and beards really open the lines of communication to their kids.

I'm tuned out and turned off by men who've lost respect for women, and women who've lost respect for themselves—and by the new sophistication which makes it permissable to tell dirty jokes in mixed company.

And I'm absolutely turned off by Polish jokes—or any others which poke unwarranted fun at race, nationality or faith.

I'm tuned out and turned off by educators who can find no way to defend their institutions except by allowing the rabble to take them over—and by professors who prefer the rabble to self-respect.

I'm tuned out and turned off by men of God doing the Devil's work because they're no longer certain where, why or how God works.

I'm tuned out and turned off by the pornographers who use liberty as a cloak for license, proclaiming their right to peddle filth as freedom of the press.

I'm tuned out and turned off by dope pushers destroying a generation of youth while proclaiming marijuana should be legalized and a trip on LSD the only way to fly.

These are some of the things which turn me off.

And what turns me on?

Whites and blacks working together to make things better for everybody.

Kids who organize decency rallies.

Students who go to school to get an education, and educators who educate.

Preachers who identify with God, and are humbled by Him.

Authors who write good books.

Clean-cut boys and pretty girls.

And people to whom law, loyalty, justice and patriotism are not dirty words—people like the great majority of Americans, young, old and middle-aged, who care and will do something about it, like tuning in and turning on to what's right with America, using it as the inspiration for overcoming what's wrong with America.

People who pledge not anarchy—but allegiance!

SERVICES OF THE HONORABLE RICHARD C. WHITE OF THE 16TH DISTRICT OF TEXAS

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PATMAN. Mr. Speaker, as dean of the Texas delegation, I have received from Congressman RICHARD C. WHITE of the 16th District of Texas, a copy of his report to the people of his district. This report demonstrates the dedicated and aggressive leadership and representation exemplicative of the hard-working members of the Texas delegation. For this reason I introduce this report into the RECORD:

REPORT TO THE PEOPLE OF THE 16TH CONGRESSIONAL DISTRICT ON THE ACTIVITIES OF CONGRESSMAN RICHARD C. WHITE, 1965–70

The following are some of the projects and activities in which your Congressman has had a part. Some of the achievements are laws, authored or coauthored by Congressman White, and passed by Congress. Others are projects of various Government agencies, on which your Congressman has served as a representative of his constituents to secure approval and implementation.

LEGISLATION

Congressman White is author of much successful legislation, including the following:

1. Guadalupe Mountain National Park.
2. Permit transfer of El Paso and Hudspeth Counties to Mountain Time Zone (pending in Senate).
3. Remove restrictions to permit transfer of land to El Paso for North-South Freeway.
4. Designating TIWAS as an Indian Tribe.
5. Variable contract for Rio Grande water users.
6. Chamizal National Memorial.
7. Proclaiming National LULAC Week.
8. Removing restrictions on former airport land to permit sale by City of El Paso.
9. Indemnity for dairy-farmers for milk contaminated by pesticides.
10. Amendment to provide opportunities for regional medical facilities.
11. Amendment authorizing community facilities to rehabilitate drug addicts.
12. Chamizal Memorial Highway.
13. Putting long-staple cotton on more marketable basis.

Congressman White is co-author of much successful legislation, including the following:

1. National Flood Insurance.
2. Scenic Rivers System. (Rio Grande to be studied for inclusion).
3. Prohibiting imports of Egyptian cotton. (vetoed)
4. Establishing Cabinet Committee on Opportunities for Spanish Speaking People.
5. Assuring confidentiality of Census information.
6. Restricting use of National Parks, preventing camping in unauthorized areas.
7. Great Plains Conservation Program. (Six Counties of District now included, six others may be)
8. Resolution supporting efforts for honorable, just, and lasting peace in Vietnam.
9. Resolution urging adherence to Geneva Convention by North Vietnam and Vietcong in treatment of war prisoners.
10. Liberalizing Civil Service Retirement benefits.
11. Provide Mexican-American representation on Equal Employment Commission.

FOOD STAMP PROGRAM

In use in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos and Terrell Counties. According to Department of Agriculture information, only ten Counties in Texas have the food stamp program and seven of these are in the 16th Congressional District.

For fiscal year 1970, $610 million has been appropriated for the food stamp program calling for an increased number of food stamps for each recipient on a need basis. A nutritionally adequate diet has been established for first time and attempts are being made to see that each food stamp recipient receives adequate nutrition.

FLOOD CONTROL PROGRAMS

In El Paso County $1,100,000 has been funded for flood control planning to date, mostly in Northeast El Paso. $3,000,000 in actual construction is scheduled for 1970. A study has been completed for Alpine Creek, with report to be issued this summer. Planning is now underway for projects in the Dell Valley Area, Van Horn Area, and Sanderson Canyon. Study is continuing in Cibolo Creek, Presidio County.

LOW RENT HOUSING

El Paso: 1,650 new units of low rent housing were authorized in 1969 alone—equalizing exactly the amount constructed in the last 20 years. The 1,650 existing units are all to be remodeled and renovated. Non-profit organizations have also been assisted in developing private low-rent housing, and in helping the City of El Paso to secure a rehabilitation program for existing sub-standard housing.

Projects also are authorized or constructed for Alpine, Balmorhea, Grandfalls, Marfa, Pecos, and Wink.

Federal assistance for the purchase of low and medium priced homes has been increased.

FEDERAL CROP INSURANCE

Now secured for Culberson, Hudspeth, El Paso, and Pecos, Presidio, and Reeves Counties.

POST OFFICES

Since 1965, new Post Offices have been built in Sierra Blanca, Canutillo, Balmorhea, Presidio, Marfa, Ranchland (El Paso), Northgate (El Paso), Coronardo Hills (El Paso), and Summit Station (El Paso), and authorized for Van Horn. Installation program is authorized for Pecos.

Delivery service is authorized for residents more than ¼ mile from the Post Office in 29 rural communities of 16th District. Downtown collection box is authorized for Presidio.

HOSPITALS

Federal construction grants for Hotel Dieu, Providence, St. Josephs, and R. E. Thomason hospitals in El Paso, and Culberson County Hospital in Van Horn. Federal grants for six city-county health units in El Paso, and for migrant medical program in Hudspeth County. Grants for El Paso Center for Mental Health and Retardation, nurses training funds for Hotel Dieu, Cancer Detection Center at Thomason General Hospital. William Beaumont Hospital—(see military).

COLLEGES

Sul Ross State University, Alpine:

New Library, new dormitory, loans and grants for student scholarship and work-study programs, grants for library materials.

University of Texas at El Paso:

Designated as official Federal Depository, construction funds for new buildings, grants for library materials, National Science Foundation grants, Project Upward Bound, closed circuit television, High School Equivalency program, aid in government contracts for Schellenger Laboratories.

ELEMENTARY AND SECONDARY EDUCATION

Impacted area funds secured for eleven school districts: El Paso, Ysletta, Canutillo, Anthony, Socorro, San Elizario, Fabens, Fort Hancock, Marfa, Marathon, and San Vicente in Big Bend National Park. Seven of these are in El Paso County. Assistance to low income school districts under Title I, Elementary and Secondary Education Act; assistance to public, private, and parochial schools through Region XIX, Education Service Center; Neighborhood Youth Corps grants to prevent high school drop outs.

WATER AND SEWER GRANTS

Alpine Water and Sewer Systems; Dell City Water and Sewer; Barstow Water System; Tornillo Water System; Madera Valley Water System; Presidio Water System; Sheffield Water and Sewer System; Ward County Rural Water System; planning underway for water systems for Marathon and Sierra Blanca.

WATER SUPPLY PRODUCTS

Bureau of Reclamation is continuing massive study of importing water to West Texas and Eastern New Mexico from the Lower Mississippi Valley, a study initiated through the efforts of Chairman George Mahon of the House Appropriations Committee and Congressman White. Work underway on clearing salt cedars and other water consuming vegetation and otherwise salvaging waste-water in the Pecos River Basin.

PARKS AND RECREATION

Guadalupe National Park and Chamizal National Memorial in process of development. Federal grants for Lomaland Park and Armijo Park and Neighborhood Center in El Paso; extensive construction and renovation at Big Bend National Park and Fort Davis National Historic Site; matching funds to state or Davis Mountains, Balmorhea, and Monahans State Parks and Alpine Municipal Swimming Pool. Hueco Tanks State Park (authorized by Congressman White's bill while in the Texas Legislature), and Fort Leaton State Park, Presidio County, are eligible for future grants. Urban beautification grants for El Paso City and El Paso County.

AVIATION

Major improvements to El Paso International Airport; Congressman White steered through Armed Services Committee Resolution which permitted Army to transfer 2,000 acres of land to City of El Paso for expanding airport; Marfa Airport improvements; planning underway for Big Bend Airport; assisted in planning for Marfa International Soaring Contest and arranged for special Postal Sub-Station for the event.

ECONOMIC OPPORTUNITY AND WELFARE

Social Security increased 15 percent. El Paso designated as site of new Job Corps Center. Numerous Manpower Development and Training Programs, including Project SER and JOBS (Job Opportunities in the Business Sector); emergency food and medical service grants; Project Head Start programs in Brewster, El Paso, Jeff Davis, Hudspeth, Pecos, Reeves, and Presidio Counties; Community Action programs in Brewster, Jeff Davis, Pecos, Presidio and El Paso Counties; Summer employment programs for low income youth. New training facilities for El Paso Association for the Blind.

MILITARY FACILITIES

Congressman White worked with both Armed Services Committee and Appropriations Committee to secure authorization and appropriations for William Beaumont General Hospital in 1969. Construction now underway on $17.5 million structure, one of the nation's finest.

Fort Bliss more than 90% utilized, and more than $4 million in new construction underway in Fiscal 1970. Former Biggs Air Force Base is now the training center for the Safeguard Missile System and site of the Vietnamese Language School of the Defense Language Institute. It also houses overflow Fort Bliss units. Personnel and payroll at Fort Bliss now greater than for Bliss and Biggs Air Force Base combined when Biggs was operation. Fort Bliss' net increase since January 1965, when Congresman White first entered Congress, is 66.1%.

INFORMATION CONFERENCES

Congressman White co-sponsored four Business Development and Federal Procurement Conferences—three in El Paso, one in Kermit, Oil and Gas Seminar (Monahans); Community Development Conference in Washington for 16th District communities; Foreign Affairs Conference (El Paso, 1968); Conference on Problems of the Aging (El Paso); Narcotics and Dangerous Drugs Seminar and Public Forum (El Paso).

MISCELLANEOUS

City Planning Grants to El Paso and Fort Stockton; State grants of Federal funds for upgrading law enforcement programs; Special Law Enforcement training grants to University of Texas at El Paso; Helicopter Rescue Service investigated, and helicopters available from military bases on request of county officials; Bridge hours extended at Fort Hancock; assisted Pyote to obtain fire engine from Defense Department; new interchange for Canutillo area on Interstate 10; obtained speakers for various civic events in 16th District; secured manpower study of Federal agencies in El Paso area. New courtroom and new electrical system for Federal Court House in El Paso. Veterinary service at Presidio; meat inspector at Fort Stockton; multiple assistance on Marfa National and International Soaring Contest.

The Congressman handles thousands of individual cases regarding problems from our District dealing with virtually every agency and department of the government; matters dealing with the military, Veterans Administration, Social Security, railroad retirement, health and welfare benefits, government contracts, government regulations of jobs, Internal Revenue Service, FAA,

FCC, FPC, FHA, HUD, HEW, Department of Agriculture, industrial and labor needs, etc. Efforts are successful in most instances.

FUTURE PROJECTS

These are some of the bills on which Congressman White is now concentrating his attention.

AUTHOR OF BILLS

To authorize American Canal in El Paso.

For the construction, maintenance and operation of toll bridge at Presidio.

To prevent sending of obscene material through the mails.

To correct inequities and provide overtime pay for employees of Agriculture and HEW.

To authorize Interstate Commerce Commission to set minimum standards of railway passenger service.

To rehabilitate Red Bluff Irrigation Project on Pecos River.

To prevent withholding of State income tax from residents who live in another State and receive no proportionate benefits from taxing State.

To facilitated certification of foreign participants in Marfa Soaring meet.

To increase by 2½ percent retirement multiplication factor in computing annuities of hazardous duty employees.

To establish U.S. Section of U.S.-Mexico Commission for Border Development and Friendship.

To allow 18 year olds in armed forces to vote.

To provide for free admission to the national parks for all active duty servicemen.

To eliminate the waiting period for entitlement to illness benefits at beginning of new fiscal year for railroad employees when illness extends from previous fiscal year.

To place El Paso and Hudspeth Counties in Mountain Standard Time Zone.

To etsablish an historic park on Guam (Pacific War Memorial).

COAUTHOR OF BILLS

To equalize military pay according to rank and years of service.

To authorize more research into drug abuse.

Authorize elderly to exchange food stamps for prepared meals.

To stimulate development and use of low-emission motor vehicles.

Agricultural Stabilization Act of 1969, to extend and liberalize farm commodity program.

To permit Social Security payments to couples on basis of combined earnings, where this will result in higher payments.

To extend the Great Plains Conservation Program to December 31, 1981.

To exempt Federal employees' group life insurance programs from taxation by States and political subdivisions.

To provide for a commission to study organization, operation and management of executive branch of government and recommend changes.

To provide for award of "Supreme Sacrifice Medal" to relatives of armed forces killed in Vietnam.

To establish Interagency Committee on Mexican-American Affairs to make sure all Federal programs are reaching Spanish Americans and providing needed assistance.

To liberalize and increase Civil Service Retirement provisions.

To assure confidentiality of information provided to Bureau of Census.

To provide benefits for survivors of law enforcement officers and firemen not employed by the U.S. who are killed or totally disabled in line of duty.

To double the $600 basic personal income tax exemption allowed a taxpayer per person.

In addition to these bills and projects, Congressman White is working on many other projects, numbering over 120, including these:

Attempting to have six more Counties of 16th District placed in Great Plains Conservation Program.

Working to secure transfer of permanent units to Fort Bliss from overseas bases and elsewhere, and build-up of existing units.

Working with Farmers Home Administration on more rural water and sewer systems for 16th District, and importation of water projects.

Working with Soil Conservation Service and Corps of Army Engineers to hurry implementation of flood control and watershed projects, and removal of salt cedars in the Pecos River and Rio Grande River.

Working with HEW to have drug rehabilitation center established in El Paso, as authorized by White amendment.

Working with House and Senate Conferees on H.R. 13000 to retain remote work site provisions for El Paso workers who commute to White Sands.

Working for lower interest rates and more available funds to finance home building.

Working with State, Federal, and local officials to increase West Texas industrial base.

Working with Federal and State officials for scenic highway on Rio Grande and designation of Rio Grande as Scenic River.

Working on a number of grants and programs for Sul Ross and the University of Texas at El Paso.

Working on a number of low cost and low rent housing projects throughout the District.

Working on a number of road programs, law enforcement programs, medical service on a regional and local basis, educational and retraining programs.

Working for bilingual educational funds.

Working for better working conditions and minimum wage standards.

Working for improved housing, parks and recreational facilities, health facilities, and training programs for low income areas.

Nominated to the service academies several hundred young men of all economic and national origin backgrounds representative of the District, on a competitive basis to provide equal opportunity for all.

In 1965, the B-52-Bs were phased out, and Secretary of Defense McNamara had Biggs Air Force Base transferred to the Army Command at the time he ordered closed or reduced 149 bases. At that time the combined military and civilian employee personnel at Biggs, William Beaumont General Hospital, and Fort Bliss was 21,733. True to the word of the Department of Defense, more units including the Defense Language Institute, three components of the Sentinel System and various others were moved in until Biggs was more full than ever, and the combined military and civilian employee personnel at all military installations in El Paso County in 1969 was 34,198. There have been some reductions at Fort Bliss and in the nationwide cutback there will be proportionately more, but, even with all reductions, as of February 19, 1970, Fort Bliss has grown since 1965 66.1%, as compared to Fort Benning, Fort Bragg, Fort Gordon and Fort Sill which at the same time have grown an average of 25.3%. My office is now active in placement of any civilians who may have been RIFed.

In accordance with Congressman White's request, as of this time, the Defense Department has replaced troop units with the following, as a beginning: a unit of the 2nd Battalion, 52nd Artillery, 329 personnel; 2nd Battalion, 60th Artillery (Chapparal Vulcan), 600 personnel; Second Army Security Agency Company, 200 personnel.

In the near future, 600 additional trainees will arrive at Fort Bliss for the Safeguard Missile Defense program with more to come as the program expands. Also, the complement of trainees at the Defense Language Institute will increase from 1100 annually to 1400.

Percentage attendance voting on the issues: 1965, 100%; 1966, 100%; 1967, 93%; 1968, 96%; 1969, 98%—one of the highest in the House.

A SENSE OF HUMANITY

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RIVERS. Mr. Speaker, I wish to call to the attention of the Members of the House a beautifully written editorial by Mr. James Hessman, senior editor of the Armed Forces Journal, concerning my concurrent resolution to express the sense of Congress that the matter of prisoners should be given first priority on the agenda of the peace talks in Paris.

I believe that Mr. Hessman's editorial characterizes the issue perfectly when it says it is "the moral Achilles' heel of the enemy."

I am very sincere when I say that I think all Members of the House will find this is a very moving editorial that makes them ask themselves if they have done all they can in this area.

I urge all Members to read the editorial, and urge the Foreign Affairs Committee to schedule action on my resolution.

The editorial follows:

A SENSE OF HUMANITY

"Resolved by the House of Representatives (the Senate concurring),

"Whereas the treatment of American prisoners in North Vietnam has been one of the most shameful chapters in the anguished history of the Vietnam war; and,

"Whereas the government of North Vietnam has not only violated the articles of the Geneva Convention concerning prisoners of war, but has shown itself in the past to be indifferent to even the most elemental standards of humane consideration by refusing to reveal the names of those held prisoner, refusing to allow communication with their families, and refusing to allow even the simplest ministrations to the prisoners by the International Red Cross; and,

"Whereas the solution of the prisoner issue would be an important step toward engendering the kind of trust which must be exchanged before any meaningful progress can be made in negotiating a settlement to the war;

"Now, therefore, be it

"Resolved, that it is the sense of the Congress that the American negotiators at the Peace Conference in Paris should be instructed to insist that the matters of prisoners be given first priority on the Peace Talks agenda; and,

"That negotiations should seek improved treatment of prisoners, release of names of prisoners, inspections of prison conditions by the International Red Cross or other international bodies, and the issuance of continuing discussions looking toward the eventual exchange or release of prisoners; and,

"That no other negotiations should proceed until there is substantive progress on the Prisoner of War issue."

So reads House Concurrent Resolution 499, introduced into the Congress last week by House Armed Services Committee Chairman L. Mendel Rivers (D-SC).

We support the Rivers resolution. We think the American people, no matter what their personal feelings on the Vietnam war itself, also will support it.

For too long a time the 1,500 U.S. military men listed as prisoners of war or missing in action were the truly forgotten Americans. Now they are no longer forgotten, thanks to the efforts of such men as Chairman Rivers, Representative William Dickinson (R.-Ala.), and Dallas billionaire H. Ross Perot, and to the continuing spotlight focused on the

POW situation by the *Reader's Digest* and such outstanding military-oriented publications as *Air Force and Space Digest* and *Army Magazine*.

Think of these men. Americans like yourself, living in the most primitive of conditions, suffering extreme physical privations and personal humiliations, the victims of a war fought by an enemy without honor.

Think also of their families. Wives who live in a limbo of uncertainty, not knowing if they are wives or widows. Children who do not know if their fathers are alive or dead. Children many of whom have never seen or can no longer remember their fathers.

These families, these wives and children, they also are prisoners of war, and they are being punished cruelly and needlessly by an enemy who claims the moral high ground but who ignores the most basic elements of common decency.

Here in the terrible grayness of our gray Cold War world is an issue that is clearly black and white.

Here is an issue which transcends partisan political and philosophical differences and behind which all Americans can and should unite.

Here is an issue which is the moral Achilles' heel of the enemy, an issue which exposes, for all the world to see, the true character of Hanoi's leaders, an issue which gives the lie to those who profess to see the North Vietnamese as liberators rather than as aggressors.

We urge the House Foreign Affairs Committee chaired by Representative Thomas Morgan (D-Pa.) to speedily ratify and report to the Congress the Rivers "sense of the Congress" resolution.

It is more than the sense of the Congress. It is the sense of the American people. And it is the sense of humanity itself.

A CONCURRENT RESOLUTION PASSED BY THE SOUTH CAROLINA STATE SENATE

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McMILLAN. Mr. Speaker, I insert in the CONGRESSIONAL RECORD a copy of the concurrent resolution which recently passed the South Carolina State Senate. This resolution was sponsored by Senator James P. Mozingo of Darlington, S.C., who is one of our ablest and most highly respected senators in the State of South Carolina. I hope every Member of the House will take a few minutes of their valuable time to read the enclosed resolution.

The resolution follows:

A CONCURRENT RESOLUTION PASSED BY THE SOUTH CAROLINA STATE SENATE

Memorializing Congress to Call a Constitutional Convention for the Purpose of Returning the Control of Public Education to the States.

Whereas, the heretofore gradual erosion of state control and direction of the public educational system and institutions has now accelerated into a wholesale usurpation of power by a federal oligarchy; and

Whereas, under the aegis of the federal courts banning prayers and abrogating freedom of choice, federal administrative agencies have been obsessed with creating an omniscient and ubiquitous Federal Board of Education capable of deciding in the smallest and most remote school district of our land problems peculiar to that district; and

Whereas, these Federal innovators have placed in grave jeopardy the public educational system of every school district in every state in the nation, and have wrought havoc, confusion and frustration; demoralized school officials and made a travesty of the education of our children. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress call a constitutional convention for the purpose of returning the control of education to the states.

Be it further resolved that copies of this resolution be forwarded to Senator James P. Mozingo, each United States Senator from South Carolina and each member of the House of Representatives of Congress from South Carolina.

POLLUTION OF THE SEA

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McDADE. Mr. Speaker, a recent article, which I commend to my colleagues, offers an appalling glimpse into the full extent of man's harmful impact on his environment. Even the vast oceans of the world are not so large that we cannot render them utterly devoid of life.

Each year a minimum of 1 million tons of oil finds its way into the sea. In a revealing and thought-provoking essay, the January 31, 1970, New Yorker magazine outlined some of the known effects of this oil pollution. Oil spilled from seagoing vessels and leaking from offshore drilling operations not only depopulates and contaminates vast areas of the ocean but disrupts the ecological balance of the sea in a number of unexpected ways. Although pollution from this source is already far advanced, there is no presently known way to reverse the damage which has already been done. Mr. Speaker, I include this article in the CONGRESSIONAL RECORD at this point:

OCEAN POLLUTION

The ocean is so large that few people even among conservationists, have worried much about its becoming polluted, except along the shore. Nonetheless, oil pollution, for one, is already widespread in mid-ocean, and some scientists have concluded that the size of the ocean makes it more, rather than less, vulnerable to pollution, especially by persistent substances like oil and DDT. Recently, we put in a call to one of these scientists—Dr. Max Blumer, an organic chemist and a Senior Scientist at the Woods Hole Oceanographic Institution. "The amount of tar—the residue of an oil spill—on the surface of the sea already equals the amount of its surface plant life," Dr. Blumer said. "My colleague Dr. Richard Backus, who has supervised several of our ocean-going expeditions, can tell you more about this. Come up and see us." A few days later, we did just that.

Woods Hole is a very small community, with a grocery store, a drugstore, a large restaurant, several small restaurants, a small boatyard, a small yacht club, a small bookstore (some of these were closed for the season), and three large laboratories—the Oceanographic Institution, which is the largest and newest; the Marine Biological Laboratory; and the U.S. Fish and Wildlife Service laboratory. There was an unpolluted coat of snow over the town, and between and above various buildings could be seen the masts of large research vessels and small fishing boats. We found Dr. Backus on the ground floor of the Marine Sciences Building, where he studies the habits of fish. Blue-eyed, brown-haired, dolphin-nosed, and weathered by voyages, he snatched a seaman's blue knitted cap off his head, handed a voluminous computer print-out to an associate, and led us into a tiny, book-lined inner office.

"These are beauties," Dr. Backus said, handing us two bottles containing gooey, golf-ball-size black globs floating in a liquid and trailing sticky-looking streamers. "That's what we get. These are comparatively firm. I wish they all were. We picked them up in our neuston nets. Neuston are minute organisms that inhabit the upper few centimetres of the water at night and live as deep as two thousand feet by day. We started towing neuston nets in 1964. Right away, we began noticing the tar fouling the nets. These tar balls are picked up by the nets, but most of the more liquid stuff goes right through them—thank God. We made them to get fish. Unquestionably, a principal source of the oil is ships pumping their bilge or tankers flushing their tanks. The amount varies, but I can't think of anywhere I've been in the Atlantic or the Mediterranean or the Caribbean where we haven't found it. I think the highest concentration we found was off Libya. We estimate that in heavy concentrations there is as much as half a cubic centimetre—a lump as big as a pencil eraser—on every square yard of sea surface. We've found tar in the stomachs of fish—sauries—that are fed on by all larger fish. The toxic chemicals must get spread around very widely; they get absorbed by both plants and animals. God knows what the effects are. Blumer will tell you something about that."

We went up some stairs and found Dr. Blumer and several associates in a large laboratory; he led us into a small office with a large window overlooking an inner harbor where sailboats covered with snow still swung at moorings. Dr. Blumer is a neat, good-looking, dark-haired man in his forties. He is Swiss-born, he told us, and has been studying hydrocarbons at Woods Hole for ten years. "Hydrocarbons are extremely persistent," Dr. Blumer said. "Once incorporated in the flesh, they remain forever, and are passed on through the whole chain of predators. For instance, in certain animals we may find hydrocarbons characteristic of algae found in a particular area, so we know that, directly or indirectly, the algae of that area are part of their diet. All living organisms manufacture hydrocarbons themselves, but the hydrocarbons in the petroleum spilled in the ocean each year already exceed the natural production. It is quite a serious problem."

We asked what the oil dumped in the ocean did to the fish and other forms of life.

"In mid-ocean, it's very hard to assess the effects of anything," Blumer said. "The currents move the stuff around. The animals move. However, the effects cannot be doubted. People have said that if you have an oil spill, the toxic volatile fractions of the oil evaporate very quickly, and that the rest—tar—is inert, though messy. This is not so. Backus has given us tar samples that have been in the ocean from two to six months, and they still contain the toxic fractions—paraffins, benzenes, toluenes. A substantial part of any oil spill goes into solution in the water, and it is toxic—indeed, the most toxic fractions are the most soluble. This affects all organisms—from phytoplankton to basking sharks. Most of the world's oil is transported by sea in established shipping lanes. A tenth of one per cent, at least—a minimum of a million tons a year—is spilled or flushed or leaked just in transport and port operations. Half the seafood of the world comes from one-tenth of one per cent of the area of the sea—chiefly the coastal areas, which are most subject to pollution. For instance, one-quarter of the oil transported by sea passes through the English Channel. Large parts of the ocean are deserts, and al-

ways will be, so we can't hope to harvest food from other parts of the sea while we go on polluting the most fruitful areas.

There are two kinds of instant damage from any oil spill: first, the immediate kill by the toxic fractions; second, the pollution of the animals that are not killed, rendering them unfit for human nutrition. And there are two other matters of concern. Because hydrocarbons are stable in the food chain and are concentrated as they are passed on, one wonders if carcinogens, for instance, may eventually become concentrated to the point of danger. The final aspect may be the most difficult of all to deal with. Organic chemical compounds, which appear in the ocean in a few parts per billion, play many roles, and certain elements of petroleum mimic them very closely. Many fish find food or mates or their spawning grounds through smell. The salmon has a very acute sense of smell. A starfish almost instantly senses the presence of an extract of oyster in a concentration of one part to a billion parts of water.

The addition of a million tons of oil a year, stirred by ocean curents, may relatively quickly produce—could have already produced, for all we know—wholesale pollution sufficient to block the finding of mates, food, or habitats, or to provide false stimuli for these. Kerosene was long ago used to attract lobsters, and was declared illegal. Once oil is spilled, most remedies make things worse. It was the tragedy of the Torrey Canyon affair that the dispersant used was particularly toxic itself. Many of the newer dispersants are touted as 'non-toxic.' But a detergent—even a truly non-toxic one—breaks up the oil from a large slick into small droplets, which simply go into solution faster and in greater quantity.

Many little animals will eat any particle of a certain size, and will consequently eat these droplets where they would not eat from a large slick. In the long run, after much of the damage is done, bacteria probably get rid of oil. Detergents kill bacteria. Some people are working on seeding spills with bacteria, but no single strain of bacteria works on all components of the oil, and the part that is neutralized first is the least toxic. Various substances have been used to sink an oil slick, and the oil does disappear from the surface, but then it destroys the bottom fauna—shellfish and bottom feeders, like cod. On the whole, short of prevention, I believe the most satisfactory way now of dealing with oil in the ocean is to burn it—which, of course, pollutes the air. Theoretically, cleaning up is the responsibility of the polluter, but today, unless a ship is wrecked, the polluter is rarely brought to account. It is quite easy, however, to identify chemically the source of even a small spill, though I'm not aware that the technique is in use anywhere. Oils from different sources are themselves different; petroleum companies have devoted a great deal of research to this, because it is helpful in exploration. The oil from any source has a characteristic composition and can be distinguished from that from any other source; refined products are even more identifiable. The technique is not difficult. It's entirely possible to compare the oil carried by a particular ship with that in a spill and know whether they are the same. I think the certainty of apprehension is the best hope for prevention. My colleague Howard Sanders, who is a marine ecologist, has been studying an oil spill right in our back yard and can tell you what it does to living creatures."

Dr. Blumer suggested that we accompany him down a corridor to Sanders' office. "In mid-September, a fuel barge went aground near here—it was miles out of the marked channel—and spilled a hundred and seventy-five thousand gallons of No. 2 fuel oil," he said. "The initial kill here was enormous; the population went from two hundred thousand animals per square metre of marsh area to maybe two animals. And they say oil is not toxic!" He snorted, and a moment later was introducing us to Dr. Sanders, a tall, cheerful-looking man with thinning sandy hair and a small mustache.

"Because of the wind at the time of the wreck, most of the oil that went ashore was confined to a bight called Wild Harbor and the stream running into it," Dr. Sanders said, pulling up three chairs and lighting a Bunsen burner under a coffeepot. "The kill was immediate and total"—Dr. Blumer nodded vigorously—"and was well in progress before any detergents or dispersants were used on the slick.

The kill continued after floating barriers were put out across the harbor mouth. It even extended to a pond separated from the stream by a road. There were windrows of dead and dying animals on the beach for days. We were lucky to be so nearby, because within a few days the carcasses had rotted—no more evidence. The oil company had teams down on the beach raking them up every day, but each tide would bring in more. We counted dozens of species of fish washed up dead, plus shellfish, marsh grasses, and bottom-living eels and worms. Those last were a surprise, because everyone had said that oil doesn't affect the bottom—that it just floats on the surface. But these bottom dwellers were apparently coming out of their burrows in hordes and being washed ashore dying or dead. They were a major part of the kill.

When we sampled the sediment, we found it saturated with oil to a depth of at least a foot, and our subsequent samplings have shown no perceptible reduction. That was against accepted ideas, too. The oil is supposed to break down rather quickly, leaving a residue of tar, which most animals couldn't eat."

"The amount and the composition of the oil in the sediment today are almost exactly what they were in September," Dr. Blumer said.

"Since September," Dr. Sanders said, "every time we have a storm, enough oil appears to get stirred back into the water to produce a new kill of fish. The river, the beaches, the bottom out to a depth of about forty feet are completely dead. None of the animals that lived there remain, and the area is only now beginning to be repopulated, by one species—a worm that thrives only in polluted waters and has never been found here before. But perhaps most disturbing of all were the animals that were affected but not killed. Their behavior became cockeyed. We found bottom fish on the surface—you could put your hand down and pull up cod and eels. It was grotesque. Their escape reactions weren't working at all. Fiddler crabs normally put up a claw and scoot away if you approach. They got the claw up, but they just stayed there. And they were in mating coloration at a time of year when they shouldn't have been. It's questionable whether they could reproduce, or whether any offspring could survive at that time of year. The contaminated shellfish have not—as they are said to be able to do—purified themselves, and probably never will."

"Some of my friends tell me that if you cook contaminated shellfish, the bad taste disappears," Dr. Blumer said. "This may be so—I haven't tried it—but taste accounts for only a very small part of oil, and the part that remains is toxic."

"We don't know how long it will take for the area to return to normal," Dr. Sanders said, "or if or how it will."

"Some people believe that, with proper measures, even Lake Erie can be cleaned up in a matter of decades," Dr. Blumer said. "But the ocean is so big, and its circulation so broad, that it's very likely that any pollution, of whatever degree, is irreversible. Four or five hundred years would be required to balance its effects."

WHY THE UNITED STATES HAS SUCH A GREAT INTEREST IN THE OCEANS

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. SHIPLEY. Mr. Speaker, at the February meeting of the American Oceanic Organization, we were privileged to have as our guest speaker Mr. George B. Anderson, head of the Ocean Sciences Department of the Naval Undersea Research and Development Center in San Diego, Calif. His topic was why the United States has such a great interest in the oceans, and I would like to share this speech with my colleagues.

Mr. Anderson's address follows:

ADDRESS BY MR. GEORGE B. ANDERSON

I appreciate very much the opportunity to appear before the American Oceanic Organization and share with you some of my personal views on the state of our oceanography.

But first, and with most respectful apologies to you Mr. Kulek (for your kind introduction) you have a right to know who I really am. Let me tell you how this oceanographer became an "Official" Oceanographer.

A few years ago, while in the Arctic on board a Navy survey vessel, I was laid low with a standard case of appendicitis. Fortunately I was already an "Arctic Bluenose" of goodstanding and King Neptune saw fit to have a young doctor on board who wanted very much to be a surgeon when he grew up. "Doc" approached me as though I was somehow his final exam. I am pleased to report that he passed that exam; however, as in all examinations, there are marking scales and the best we could award this effort was B+ or A−. At any rate it became necessary for me to be rotated to shore assignment following a medical make up exam and this brings me closer to the thrust of my story.

I called Washington, The Bureau of Navy Personnel—Did they know where my next tour would be?—Yes, as a matter of fact they did. I was to be sent to the U. S. Navy Underwater Sound Laboratory as their Oceanographic Program Officer. Well now—I personally love New England, the Sound Laboratory has an excellent reputation and I became very excited about the prospects of this new assignment. However, a small wisp of conscience required of me that I tell the Bureau detailer that in all honesty I was not an oceanographer but a hydrographer—Silence—Well, to be a little more precise I was really a gravimetric geodesist—again silence—O.K., How about geophysicist?

After a third period of prolonged silence he said "well, whatever you do, you do it at sea don't you?" Yes Sir. "Very well then, you're an oceanographer and you're going to the Sound Laboratory." And so I've been an oceanographer ever since.

I wish, however, we could qualify oceanography and oceanographer in more precise terms than we seem able to do. Certainly, the public seems mystified by it all. Mr. and Mrs. Layman know what an astronaut is, but have only a vague idea of what an aquanaut is and even less of an understanding of what it takes to be an oceanographer. How much more confused the public must be then about the entire intriguing but confusing world of ocean science.

There I go—following in the footsteps of every oceanographer-luncheon speaker that has gone before me. You want to hear about ocean science and we always start talking about the space program. All right, let's talk about spaceography versus oceanography for a moment and get it over with.

My first comment would be this—Thank heavens for the Space Program! I can't imagine where oceanography would be today if we could not get instruments from the astronautics industry. It is an industry born of space program demands, and has responded to such requirements as quality control, miniaturization, micro-miniaturization, environmental testing and calibration. The National space program has created an extremely sophisticated vehicle and instrument, design and manufacturing industry that the oceanographer can utilize—for a price.

Secondly, the space program has led the way in time series analysis and in the effective, proper utilization of high-speed computers. Very recently, while returning to San Diego from a visit to our Hawaiian Laboratory, I was discussing the distinguished Journal of Geophysical Research with one of our senior oceanographers. His remarks startled me. He claimed that he was reading fewer and fewer of their published oceanography papers and more of the space papers. The reason: space scientists' analytic treatment of large complex problems represents some of the most advanced thinking being done. To be sure the specific problem may not be of great concern to my oceanographer friend—but the statistical treatment and data-analysis approach of large multi-variable problems means a great deal.

Thirdly, in seeking solutions to the large, complicated scientific quests facing this Nation, the necessity of setting goals and marshalling forces to attain those goals is of extreme importance. Our space program is less than 10 years old. Yet Americans have walked on the moon, not once but twice! An incredible feat. Yet this would not have happened had we not had amongst us one with the courage and conviction to set for us just such an impossible goal. Oceanography needs some national goal setting—without it our efforts will remain parochial and fractured.

So let's not waste time by feeling sorry for ourselves because space has all the money—in my view the state of oceanography probably would be considerably worse than it is right now had we not had a vibrant active goal-oriented space program.

We are, as a people, becoming increasingly aware and concerned about our world's oceans. There are a host of popular organizations in all our major cities whose total-focus is ocean oriented. Among them can be found such diverse groups as GOO, or Get Oil Out, from Santa Barbara, The American Cetacean Society of Los Angeles, and, of course, the fast growing Sidney Kulek Ocean Engineering Fan Club of Brooklyn, New York.

Naturally we have our professional societies, The Marine Technology Society, The American Geophysical Union, The American Society of Limnology and Oceanography. The American Oceanic Organization, and so on. There are so many professional oceanographic societies that we might just ask if so many can serve us as well as might a few. At any rate, let it be well established that we have many groups reflecting interest and concern in Our Nation and the Sea. What of this concern and interest? I strongly suspect that many of our ladies and gentlemen are frustrated by the feeling that we are not moving purposefully enough into the ocean. Let me assure you that I share in some of that feeling of frustration. In the time remaining, then, I would like to discuss three topics—

First, my personal conviction that those of us in Navy oceanography must spend this decade developing the scientific knowledge and engineering technology that will permit the U.S. Navy to operate within the total ocean volume.

Second, the majority "first string" oceanographic research being done in the country today is either done directly by Navy in-house laboratories or is sponsored by Navy requirements and funding in industry and in the Universities. The Mansfield Amendment (so called Article 203) could jeopardize portions of this unique program.

Third, a requirement exists for establishing National oceanic goals—clearly the report Our Nation and the Sea attempts to do this. Oceanic goals will always be more diverse than space goals such as "putting a man on the moon by 1970." Our goals will require considerable public awareness and empathy and this then must be developed by our oceanographic community leaders.

Let me now discuss item one—Navy operations in the total ocean volume. Nuclear propulsion has given us a new dimension in seafaring—"staying power". Nuclear power has freed the submariner from dependence on the oxygen-rich atmosphere and allowed him to run deep for long periods. The circumnavigation of the globe in 1960 by the *Triton*, totally submerged for 61 days while logging 30,752 mi., gave a spectacular demonstration of American ocean technology.

Such exploits represent imaginative examples of man's ingenuity at seafaring. But they are temporary and limited approaches to occupation of the ocean.

It is important to realize, in spite of impressions to the contrary, that we and other nations employ surface operating maritime and naval forces. That is, all of our merchant and naval ocean-operating activity is on or very near the air-sea interface. Think for a moment of the oceans in cross section. Let a vertical 36" yardstick represent the oceans from the surface down to the Marianas Trench—the deepest known ocean trench—nearly 36,000 ft. down. The top 1½ inches of our ruler then represents the nominal operating regions of the world's surface and submarine navies.

Ten years ago last month the U.S. Navy visited the Marianas Trench with the historic bathyscaph Trieste I dive, yet for all practical purposes we have no operational ability to do sustained and varied work within the total ocean volume. Yet, were we to avail ourselves of this tremendous volume, we would increase our operating theater by an order of magnitude. We must learn to work the sea in three dimensions rather than two.

Let me now digress slightly and express the motives which when taken collectively help explain the drive into the oceans.

First, National defense. Our Navy must be provided the capability to exercise dominant control over the total ocean volume of strategic interest to this country. The 1966 President's Scientific Advisory Committee Report, "Effective Use of the Sea", states: "The most useful aspect of Federal involvement in ocean science and technology for the next five to 10 years relates to National Security in the narrow, strictly military sense."

Second, expanding need for national services. That is a national capability for such things as search, salvage and rescue in the deep ocean. Today, this is essentially a Navy Department task and represents a service to itself, but I think we will eventually see a national deep-ocean technology service for such events as offshore rig disasters, civilian-submersible sinkings, sunken-cargo retrieval, and enforcement of offshore petroleum and mineral claims.

Third, political considerations. To claim or work territory, tradition dictates occupying it physically. The United Nations' promulgated "Law of the Sea" with its included convention on the continental shelf clearly foreshadows economic and military claims of national sovereignty being extended over large promising areas of the sea floor by maritime nations.

Fourth, resources. The desire for new supplies of food, minerals, petroleum and territory has not ended with the continents. Nations are turning to the continental shelf and the continental slope for resources.

These motives help explain the rush to acquire deep-ocean technology; but I think we do ourselves an injustice if we don't admit to other compelling motives as well. We are going into the deep ocean and occupying its various domains because our intellectual and scientific curiosity demands it of us. A national program can greatly accelerate our progress, but the lack of such a program will not prevent this new adventure. It will only delay and slow it such that significant advances might be made first by other nations.

For a decade the U.S. has enjoyed a nuclear-submarine force superior to any other. We have had this superiority because, rather than wait for an adversary to establish a capability and then try to react to it, we boldly chose to develop a new submarine capability and to do it so well that any adversary would lag up in that capability for many years.

In our use of the deep ocean we must be as imaginative and as bold as we were in building the Polaris fleet.

In July, 1967, the Naval Undersea Research and Development Center, formerly entitled the Naval Undersea Warfare Center, was established under the technical leadership of Dr. William B. McLean. The new Center with Captain Charles B. Bishop as Commander is directly missioned to undersea warfare and ocean technology. Development of programs which respond to the Navy's Deep Ocean Technology programs are of primary concern to NUC and toward this end NUC has established many new programs that will allow us to try our wings—or if you will—allow us to try our fins in the deep sea.

For example: Dr. Thomas Lang, a hydrodynamist with the Center has completed tank model studies with a Twin Hulled Semi-Submerged Ship. Imagine, if you will, a catamaran hull except that the twin hull sections which are water borne are submerged well below the waterline of conventional craft. Dr. Lang's model and design studies indicate that such a vessel gives greatly improved seaworthiness, renders full control in pitch, heave and roll and is capable of 40–60 knot speeds in tonnages ranging from 100 to 100,000 tons. One nice advantage is that such a craft is possible with today's existing technology.

A second example of Naval Undersea Center new ocean programs is a design and model study for large floating ocean platforms. Many of you are aware, I am sure, of the conceptual plans for offshore floating airports. We would like to consider the idea of deployable modular sections that can be hinged together to form floating support islands for planes, helicopters or riverine and coastal patrol craft. Center designs indicate that concrete construction of square modules, perhaps 50' x 50' at the deck level supported by 300' long circular hull would be very stable and cost about one tenth the cost of comparable steel construction. Concrete for floating vessels is certainly not new. We still have WWI constructed concrete hulls around and now yacht hulls are being fabricated of this material.

A third example of NUC ocean technology will be demonstrated this fall by Will Forman when his glass and steel submersible Deepview, is lowered gently into the Pacific to begin a long series of test trials. Deepview is unique in that her entire forebody or bow is composed of a 44 inch glass hemisphere mated to a steel main hull cylinder. The little submarine will carry two personnel, a pilot and a scientific observer. Operation depth is expected to reach 1,500 ft.

May we speak for a moment about the shifting climate surrounding the subject of scientific research.

Section 203 of the recently enacted Military Procurement Authorization Act (Senator Mansfield Amendment) states:

"None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function."

The intent is most certainly appropriate, but the amendment has created considerable concern among members of Navy's research community. For example, it surely must be clear to all that it is impossible to apply knowledge that does not yet exist. Further, it is now well appreciated that there is much information missing from our oceanographic text books of the ocean world. If the total ocean domain is to become the true operating theater of the U.S. Navy then we need that missing knowledge of ocean phenomena and we need it in increasing detail. The Navy must, therefore, continue its pioneering oceanographic research effort in order that torpedoes may run deeper, that divers may stay saturated longer, that submarines may visit greater depths, that surveillance systems may enjoy greater and greater detection ranges. Once again I refer to the 1966 PSAR report "The most useful aspect of Federal involvement in ocean science and technology for the next five to 10 years relates to National Security in the narrow, strictly military sense."

It is not my place to question the Mansfield Amendment, but I do plead for a calm, most deliberate review of research programs and a considered appreciation for the very unique ocean science program established by the U.S. Navy. The line between basic and applied research is not always a clear one. But we can look back on some 10 to 15 years of Navy ocean research at just one Navy laboratory and gain an appreciation for whether or not such research, which when it started was probably ill defined, became strongly applied with an "apparent relationship to a specific military function".

Example No. 1: Discovery and definition of the deep scattering layer—a migratory layer of marine organisms and particles that is responsible for acoustic scattering of sonar transmisions.

Example No. 2: Acoustic definition of the convergence zone path and demonstration that this deep water oceanographically defined acoustic path may be used from surface ships for detection of submarines at great distances.

Example No. 3: From sea floor geology research, the creation of geo-acoustic models of the sea floor that help explain and predict behavior of U.S. Navy bottom bounce sonar systems.

Example No. 4: From the study of sea ice physics development of Arctic under sea submarine operations, including ice penetration through the polar cap.

Example No. 5: Trieste I dive to the Marianas Trench sea floor at 35,800 ft. in 1960.

We in the Navy, and we as Americans, can be immensely proud of these accomplishments; let us therefore be very concerned about jeopardizing some of these efforts for the sake of fiscal tidiness.

Finally, let me speak a moment of goal setting. The report Our Nation and the Sea is the first large national and formal statement on oceanography we've had since TENOC. Just the fact that the study was done and published is important. What now becomes important is for the most accomplished and the most articulate of our community to verbalize the goals that truly make sense for us as a Maritime nation.

For example, a large groundswell of public opinion is driving us toward a decade of pollution research which, hopefully, will lead toward environmental balance. World wide ecological problems require scientists of broad and mature insights. We should recognize that our oceanographers have, from hard necessity, learned to deal with environmental phenomena on a world-wide scale. We should also recognize that our ocean basins are the world's terrestrial run-off and atmospheric fall-out sinks. Our ocean basins are large, deep and rather evenly distributed catch basins. It may be fair, therefore, to consider that ocean pollution, once it reaches a certain level, represents "final global pollution".

A further reflection on this might be to mention in passing that the oceans are already contaminated with dissolved salts to an average level of about 35 parts per thousand. The oceans are also a primary producer of carbon monoxide which is vented into the air—yet our understanding of these phenomena is only now broadening and deepening.

Enough. I hope I've made the point that goals and priorities for ocean research must be established and accepted for the National domestic oceanographic research effort. The National domestic program should compliment and take cognizance of the Navy military oceanography program as already established.

The ocean volume awaits the nation of men bold enough to dedicate themselves to the great new adventure. That men—some men—will respond to this challenge of the deep ocean is irrefutable—but will it be us? The decision to commit great amounts of our budget resources and to commit our manpower, technology and prestige as a nation are very burdensome decisions indeed. Upon reflection, however, we find that there is only one way to insure the dominance of our fleets, the protection of our ocean industry and the environment of the nation and that is to move forward boldly with our plan to introduce man into the total ocean volume.

PUBLIC NEEDS TO LEARN MORE ABOUT CLEAR-CUTTING

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mrs. MAY. Mr. Speaker, during recent weeks and at various hearings over the past year, the Sierra Club has distributed a picture purporting to show devastation brought about by timber harvesting practices on the national forests.

The photo shows terracing operations in a stand of mixed conifers where the Forest Service was purposely experimenting with the application of the centuries-old practice in an attempt to improve timber species and growth.

In view of the alarm expressed by the Sierra Club at this isolated instance and the misunderstandings which might arise from the photos it seems essential to acquaint Congress with the facts as they have been presented by the professional forester who initiated such cutting experiments.

Mr. Axel G. Lindh, Forest Service, retired, now living in Vancouver, Wash., wrote a long and scholarly letter on the subject to the Missoulian, daily newspaper in Missoula, Mont., and it was published in its entirety on February 10, 1970. It is a revealing justification of the operation so offensive to the Sierra Club and I insert it in the RECORD at this point:

PUBLIC NEEDS TO LEARN MORE ABOUT CLEAR-CUTTING

I have just read The Missoulian's recent series of articles attacking the Forest Service timber cutting practices on the Bitter Root National Forest.

From 1944 to 1959 it was my responsibility in the Forest Service to direct the timber management activities for the region with headquarters in Missoula. Prior to that time, intermittently between 1922 and 1944, much of my forestry education and experience was acquired in the same area.

After my retirement I was a resident in the Bitter Root for five years. It has long been a favorite place for camping, hunting, and fishing. While I am temporarily residing in the state of Washington, I hope for an earl~ return to Montana.

This writing is to express concern over the bias and prejudice which apparently directed the thrust and organization of the articles by Dale Burk. Forestry to meet the needs of the future requires increased study, research, and application of the best scientific knowledge to the infinitely varied conditions found in forest lands. Professional people so dedicated and so directed ought not be mauled by word manipulators without protest by people who know better.

The principal architect of the attack appears to be Brock Evans, a lawyer by profession but speaking for the Sierra Club. His skill in using words to arouse emotions, I am sure, makes him useful to his client.

He is not, however, trained either professionally or by experience to make the decisions by which he would apparently like to manage the national forests.

Friends of former Forest Supervisor G. M. Brandborg, of which I have counted myself one, are dismayed at the use being made of the bitterness of a disgruntled associate. He was a devoted and energetic member of the Forest Service during the years when principal demands were in the fields of fire protection, engineering, and range management. In his latter years he devoted much of his time to educating the people of the valley in his concept of conservation.

During the early years national forest timber cutting was directed to various kinds of "selective" or "partial" cutting. As early as 1908 on the Bitter Root much of the Lick Creek area was cut selectively. However, there was little cutting of national forest timber and during the depression of the 1930s national forest timber was withdrawn from the market to permit cutting from distressed private properties.

As a result, little timber was cut on the national forests until well along in World War II. Little experience and knowledge accumulated. Thus there was an inadequate basis for improving logging and cutting practices. A several-fold increase in national forest timber use was accomplished under adverse conditions during the war. Immediately after the war even greater need for timber for housing pushed timber cutting on the national forests into higher elevation Douglas fir and mixed pine and fir stands where we continued for some years to harvest by the same general selection methods of cutting some trees and leaving some. This was done even though the diseased and decrepit mixed species stands were even less capable of good reproduction than the pine stands cut earlier.

Forest Service employes both trained professionally and in the field practice of forest management were learning, by observation and research through evaluation of past practices and the response of the tree species to various practices, how to do a better job. Forest schools and various fields of natural science study moved ahead in knowledge much more rapidly after about 1950.

By the 1950s it had become evident that a number of changes were essential if we wanted better and healthy forests for the future. One important change was to do more patch clear-cutting in pine, fir and spruce stands. The young trees required more sunlight than the older cutting methods provided. Some patch clear-cutting had been underway for more than 10 years in lodgepole pine on the Gallatin and Lewis and Clark National Forests in Montana, and in the white pine forests of northern Idaho.

Much of the ponderosa pine in the national forests of western Montana occurs where Douglas fir will also grow. The partial cutting in the pine was slowly converting the stands to fir. And it was not very good fir, either. Douglas fir in the Bitter Root country has more widespread damage from dwarf mistletoe than in other parts of the state. The disease in the old, defective parent trees remaining after partial cutting severely infects any young trees nearby. The disease is especially damaging if it is started in the tree when it is very young.

As a result of these conditions it became desirable and urgent to adopt a clear-cutting method in more areas of the Bitter Root than might be essential elsewhere. Furthermore, the areas to be clear-cut needed to be larger where mistletoe was an important factor. However, the decision as to whether or not to clear-cut has to be made on a stand-by-stand basis.

The Forest Service is quoted as saying that just over 11,000 acres were clear-cut in the past five years. This is just a bit over one per cent of the area of the Bitter Root National Forest in Montana and is probably less than two per cent of the forest land likely to be used for commercial purposes.

If all the timber harvest was from clear-cuttings, the area to be cut each five years would be around 25,000 acres. It follows that a majority of the timber cutting must be by methods other than clear-cutting. Whether the present forest management methods will maintain a healthy forest may be open to question; but I am convinced the present foresters are doing a better and better balanced job than when Brandy (Supervisor Brandborg) and I were still active in the Forest Service.

It is noted that some terracing has been done, particularly on south facing slopes, and that Brock Evans views this with alarm. Likely more than any other forester I am responsible for the application of this centuries-old practice in the few places in western Montana where it has been tried. I do not know how well these terraces are performing, but I am anxious to see the results and I hope you will be, too.

First of all, the terrace changes the angle of the soil to the mid-day sun for the purpose of reducing surface soil temperatures to a level not lethal to baby trees. If you are curious you can quite easily learn the astonishing difference in the temperatures in the uppermost level of soil or litter on a south-facing slope and the same level of soil or litter on a north-facing slope.

Second, the catching and retention of moisture is helped by making level, or back-tilting, the terrace. This is true of both snow and rain water. On dry slopes facing the mid-day sun this is a very great help to young trees which surely need help.

Third, I thought these terraces might provide a safer place for deer or elk to bed than the open slopes. Perhaps hunters, as they grow older, might appreciate the chance to carry meat to the road along a level terrace. I will be interested to see how game animals will like the terraces as trees and browse grow there.

Over the years we had very great difficulty in reestablishing forest growth on many severe south-facing slopes. I was one who urged that terracing be tried. Consequently, I cheer today's foresters for these trials. True, the treatment appears rough, at least rougher than the plowing of a clear-cut wheatfield. For that reason the results ought to be closely watched to evaluate and determine the best course for the future. These are worthy experiments.

There are many fine young forests in Montana that were reproduced following clear-cutting. Look at the young ponderosa pine forests along the lower slopes of the west side of the Bitter Root Valley. Many of the cuttings occurred 40 to 70 years ago. Look at the similar pine stands in the Clark's Fork Valley westward from Frenchtown, and look also at the young stands north of the Potomac Valley of the Blackfoot. All were clear-cut.

There is, strangely enough, a beautiful, thrifty stand of primarily Douglas fir that was established following clear-cutting within what is now the Bob Marshall Wilderness area. It is the area of healthy 80 to 85 year old timber centered about the mouth of Moose Creek in the Sun River basin of what was later to become the Lewis and Clark National Forest. When I first rode that country during the 1930s, the stumps of the extensive clear-cutting for railroad ties remained in evidence. The ties were driven down the Sun and then down the Missouri River to be used in the westward extension of the Northern Pacific Railway.

Even though the longer term results of clear-cutting is a series of ages of healthy forest stands, I will agree the newly cut-over areas are ugly. To the average person they may be uglier than a freshly disced wheat field on which a large quantity of manure has been spread. Yet by long conditioning he who sees the fresh discing and manure sees in his mind the lovely green of next year's growing crop and the ripe golden grain ready for clear-cutting.

It is obvious that your reporter and his adverse witnesses have a different understanding of the meaning of "sustained yield" than that of the foresters responsible for applying the law to the forests. I suppose a rancher planting and harvesting by clear-cutting an equal number of acres of wheat each year could say he was practicing sustained yield. He might also practice sustained yield by cutting part of the wheat stems per acre and hope that the stems left would reproduce without plowing or discing and that he could then harvest some more next year.

Both could produce as much grain each year as each of the two methods of farming would grow. Both could produce a "sustained yield" even if one method produced twice as much annually as the other.

The amount of timber to be cut each year is subject to periodic review. I understand the review on the Bitter Root will be soon. This review will no doubt be explained and presented to the pople of the local communities. This was done in the past, but too often those disposed to criticize do not listen and many of the rest do not come.

I am sure the present critics, in comparing the present cut with the past, are talking about widely different areas, growth rates, and degrees of utilization. The estimate of usable timber volume has increased with changes in logging methods, utilization of smaller logs, and especially in road building. The Bitter Root has had several of the most skilled road system planners to be found anywhere in the Northern Rockies. Most of their roads do an outstanding job of opening high slopes to timber use with a minimum of damage to the soil.

Recently I read a passage from the writing of one who has been a long-time supporter of wilderness areas. She has had much experience as a camper in both wilderness and non-wilderness forests, parks, and other wildlands. I quote:

"I might add just one more thought before I leave the subject of clear-cuts. Personally, I have always taken a dim view of any kind of clear-cut, but I must say that this summer in the Cascades of Oregon and Washington we saw millions of acres of beautiful timber with many 'patches.' Where did we camp by preference; where did we pick berries; where did we see the most birds and game; where did we enjoy the flaming leaves of fall; where did we go to see the snow peaks by day and the stars by night? The clear-cuts! And I am talking about aesthetics not timber production. My only criticism of methods (aesthetics again) is that more care should be given to streamside and roadside greenstrips, and more inspection and insistence in the quality of cleanup."

As experience grows I am sure the shape and size of areas to be clear-cut will be more expertly blended into the forest terrain and scenery. There is a very important case to be made for clear-cutting. There is also a case to be made for silvicultural concessions to the aesthetics of particular areas. I am somewhat critical of foresters in managements, research, and the schools for having done so little public education about how trees reproduce, grow, and get along together.

Perhaps your newspaper deserves even more criticism. You have the only daily paper in the area. I suggest you have an obligation to try harder to be fair. After the degree of controversy you have already created the essential truths will be difficult to establish. It will require field demonstrations, pictures, studies, and patience over a long period of time. The newspaper can help or hurt to present the facts so the people's choice will be for the best.

If there were not so many of us, productivity of the forest would not be as important as it is. If we were fewer, each of us could have a larger share. But many of the humans already born need better food and shelter, and their numbers increase. Surely we need the best management of renewable forest resources we can get. It will not be accomplished by shouting, "Thou shalt preserve!"

The forest is a living thing. It is important that people learn more precisely about the ways of its life.—Axel G. Lindh, Forest Service (retired), Vancouver, Wash.

TIMBER SUPPLY ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. CONTE. Mr. Speaker, there has been a great deal of debate within this body over the Timber Supply Act. That act, H.R. 12025, will be before us on February 26, 1970.

In an editorial entitled "Speaking of the Environment" on February 25, 1970, the New York Times has set forth some very important questions that I think my colleagues should consider before voting on the timber bill. For this reason, I include the editorial in the RECORD at this point:

SPEAKING OF THE ENVIRONMENT

The Sierra Club and Senator Edmund S. Muskie have raised a question that directly tests the determination of the Nixon Administration to protect and restore the environment against the pressures of vested interests. The question is: where are the detailed statements of the Secretary of Agriculture and the Secretary of Housing and Urban Development on the environmental impact of pending legislation to get "optimum timber productivity" out of the national forests?

The freshly signed Environment Policy Act calls for just such an analysis to be made to the President and the Council on Environmental Quality by agencies recommending just such legislation. The House is scheduled to take up the bill—the so-called "National Timber Supply Act"—tomorrow, and both Cabinet heads have endorsed it. But

from neither of the departments has come the evaluation required under law.

Their reluctance, though hardly commendable, is all too understandable. The bill threatens to upset the "multiple use," long established as policy for the national forest: a balance among the various demands of water supply, wildlife protection, recreation and timber production. It would do so emphatically in favor of timber as the priority use, to the profit of the logging industry and the despoliation of much of the 19 per cent of the country's forest land that is still owned by the people of the United States. In fifteen years, old growth would be cut that the Forest Service has been planning to ration out over a century. Logging would be king—and forget about scenery, environment and everything else.

The pretext for this raid is the need for more housing. But it would be hard for Secretary Romney or anyone else to make a convincing case. If the country is short of lumber, why did it export four-billion board feet last year? Why has the rate of export been doubling in the past few years? And why are huge quantities of logs still being shipped to Japan? It is pertinent to ask why some thirty out of thirty-three members of the Agriculture Committee used the need for housing to justify this bill, while only nine of those 33 voted for the Housing and Urban Development Act.

The House should turn back this attempted misuse of a great national asset. And the Administration ought to be fighting this timber grab, not endorsing it.

EIGHTEENTH ANNUAL AMERICANISM AWARD IS PRESENTED TO MILTON ARONSOHN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McDADE. Mr. Speaker, on Sunday, February 22, of this year, the B'nai B'rith award for Americanism, given by the Amos Lodge 136 in the city of Scranton, was bestowed on Mr. Milton Aronsohn. He thus became the 18th man to receive this distinguished award, adding a new name to a roster of accomplishment without parallel in our community.

Milton Aronsohn is the very personification of all which we hold to be precious in America. He is a man of immense personal integrity. In the highest sense of the word, he is a great philanthropist, because he truly loves his fellow men. He has poured his life into the service of the young and the old, the sick and the healthy. Wherever men sat together to plan for the betterment of our community, Milton Aronsohn sat among them.

Seated with me on the dais of that award dinner were some of the leaders of our area: Dr. Melvin Ufberg, president of Amos Lodge 136; Mayor Eugene Peters of the city of Scranton; Attorney Norman Harris, who made the presentation; Rabbi Milton Richman of the Madison Avenue Temple; Charles Luger, chairman of the award dinner; Judge Richard Conaboy, toastmaster; and, of course, Mr. Aronsohn and his lovely daughter, Joanne.

All of these and the hundreds gathered at the dinner paid tribute to this fine man who has so richly distinguished himself.

I insert here two articles covering that award dinner:

[From the Scranton (Pa.) Tribune, Feb. 23, 1970]

18TH ANNUAL AMERICANISM AWARD IS PRESENTED TO MILTON ARONSOHN

(By Frank X. Froncek)

The 18th annual Americanism Award of Amos Lodge 136, B'nai B'rith, was presented Sunday night to Milton Aronsohn on the grounds that "no worthwhile cause in our community nor elsewhere has failed to receive his earnest consideration and helpful response."

Those in attendance at the affair, which was held in the Jewish Community Center, heard Cong. Joseph McDade recite the achievements of Aronsohn as they related to the ideal of Americanism.

"In the life of this one man," McDade declared, "there is summed up the triumph of an Americanism that transcends the boundaries of this nation, that makes him a true son of every covenant between man and God, or between God and man.

"When the community stood together to help the weak, the sick, the needy, the elderly, he became the chairman of our Community Chest.

"Because it is imperative that the young people be given a home for their own activities, he became the founder of a great community center here in Scranton.

"Because he wanted to enrich our lives with great music, he serves on the philharmonic board of the community concert board.

"And because he understands well that we are brothers only if God is our father, he serves also on the board of his own temple.

"The recitation of the life and some of the works of Milton Aronsohn have been placed before all of us."

The Americanism Award is presented annually by Amos Lodge to an outstanding local citizen who must meet a rigid set of standards to qualify. The standards require that he must be a man who sets his fellow man, his community, his state, and his country far above his own considerations and comforts and is willing to become involved in the problems that beset all men and to work tirelessly to improve existing conditions.

According to a statement on Aronsohn's achievements issued by Dr. Melvin Ufberg, Amos Lodge, president, and Attys. Irwin Schneider and Donald Fendrick, selection committee members, Aronsohn has long been a zealous campaigner and active in prominent local civic drives.

Aronsohn came to Scranton as a young man, graduated Philadelphia Textile College and attended Officers Training School during World War I.

He served the Scout movement for more than 40 years, as leader, committee man, council member and executive committee member. He holds the Silver Beaver Award for Service.

In the world of education, Aronsohn served on the President's Board of the University of Scranton and was awarded the 50th Year Alumni Medal by his own school in 1969.

He became an early leader in the local Chamber of Commerce, serving as an officer, first vice president and chairman of its Industrial Committee during a sustaining drive. He is a president of the Community Chest and a charter member of the Scranton-Lackawanna Jewish Council, having served on its board of trustees for 25 years.

Aronsohn also is a trustee of Amos Lodge, the Jewish Home of Northeastern Pennsylvania, the Jewish Community Center and United Fund. He was a member of the board of Madison Avenue Temple Reformed Congregation and the Jewish Federation, among others.

In 1947, he spearheaded the drive to raise $350,000 in the greater YMHA Community Center expansion drive. In 1951, Aronsohn headed the special gifts division for the United Jewish Appeal and the trustees of the Community Chest of Scranton and Dunmore elected him president.

In 1953, he received the red feather award as president of the Greater Scranton-Dunmore Community Chest.

In 1959, he served as chairman of the Lackawanna United Fund and in 1962 was elected chairman of the board of the JCC.

With that in mind, McDade said in beginning his speech:

"When I learned that the award was to be given to Milton Aronsohn, my feeling of elation increased ten-fold. Here indeed was a worthy successor to the long line of men who have been honored by B'nai B'rith in the past."

On the other hand, however, McDade admitted that Americanism is a topic not very much in vogue today.

"I came to realize," he said, "that the one thing that to talk about is the very thing we are honoring tonight—Americanism."

Except for events such as the B'nai B'rith affair, McDade said that "Americanism is not a word we say too often among ourselves."

McDade ended with:

"As long as there are men who will achieve high merit by great sacrifice, as long as we recognize their lives as reflecting the highest meaning of Americanism, that prayer (for God to keep the U.S. under his protection) will not go unheard."

Also honored at the affair were Barry Kaplan and Marcia Troy. They are the 1970 winners of the George Unger Memorial Essay Contest. Both received U.S. Savings Bonds.

In receiving the award, Aronsohn succeeded in order: Worthington Scranton, I. E. Oppenheim, A. B. Cohen, Roy Stauffer, Ted Rodgers Sr., Morris Goodman, Judge T. Linus Hoban, William W. Scranton, Lawrence T. Tice, John O'Connell, Ellis M. Oppenheim, John S. Davidson, Bertram Norman Linder, O. E. McGregor, Frank E. Hemelright, Henry Nogi and Judge Michael J. Eagen.

Members of the selection committee are Roy Stauffer, John Davidson, Henry Nogi, William O'Hara, Atty. Donald Fendrick, Atty. Irwin Schneider, Gerald Raymond, and Mort Rosenthal.

Charles Luger served as general chairman of the affair and gave the welcome: Rabbi Milton Richman, Madison Avenue Temple, said the invocation and benediction; Judge Richard P. Conaboy acted as toastmaster, Mr. Melvin Ufberg, Amos Lodge president, delivered remarks, and Atty. Norman Harris, made the award presentation.

[From the Scranton (Pa.) Times, Feb. 23, 1970]

MILTON ARONSOHN RECEIVES AMERICANISM AWARD

Milton Aronsohn, 711 N. Webster Ave., was presented with the 18th annual Americanism Award of Amos Lodge 136, B'nai B'rith, Sunday night at the Jewish Community Center.

Congressman Joseph McDade, principal speaker at the Americanism dinner, referred to the background of the Hill Section man that played a part in his selection for the award.

A graduate of Philadelphia Textile College, Aronsohn has been a community leader in the Boy Scout movement for over 40 years, and holds the Silver Beaver Award for Service.

He has been known as a zealous campaigner and has been active in prominent local civic drives, including a 1947 campaign to raise $350,000 in the greater YMHA Community Center expansion drive.

Mr. Aronsohn is a past president of the

Greater Scranton-Dunmore Community Chest, trustee of Amos Lodge, the Jewish Home of Northeastern Pennsylvania, the Jewish Community Center and United Fund. He was a member of the board of Madison Avenue Temple Reformed Congregation and the Jewish Federation, among others.

Former State Representative Charles Luger served as general chairman. Rabbi Milton Richman, Madison Avenue Temple, gave the invocation and benediction. Toastmaster was Judge Richard P. Conaboy and Dr. Melvin Ufberg, lodge president, delivered remarks.

The award was presented by Atty. Norman Harris.

Also honored by the lodge were Barry Kaplan and Marcia Troy, 1970 winners of the George Unger Memorial Essay Contest.

Previous winners of the Americanism Award are:

Worthington Scranton, I. E. Oppenheim, A. B. Cohen, Roy Stauffer, Ted Rodgers Sr., Morris Goodman, Judge T. Linus Hoban, William W. Scranton, Lawrence T. Tice, John O'Connell and Ellis M. Oppenheim.

And John S. Davidson, Bertram N. Linder, O. E. McGregor, Frank E. Hemelright, Henry Nogi and Judge Michael J. Eagen.

AMERICAN BAR ASSOCIATION MISREPRESENTED

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MARTIN. Mr. Speaker, yesterday I called attention to the Members of a phony and completely unauthorized letter written by Mr. Nicholas J. Healy, Jr., who signed himself as chairman of the Environmental Quality Committee of the Young Lawyers Section of the American Bar Association.

As I pointed out, in checking with the American Bar Association there is no such committee and the gentleman whose name is on the letter had no authority from the American Bar Association to write such a letter. My statement of yesterday and today is fully substantiated by the following letter from Mr. Bernard G. Segal, who is president of the American Bar Association:

AMERICAN BAR ASSOCIATION,
February 25, 1970.

Re National Timber Supply Act—H.R. 12025

DEAR CONGRESSMAN: My attention has been called to a letter dated February 20, 1970, sent to you on stationery of the Young Lawyers Section of the American Bar Association and signed by Nicholas J. Healy, Jr. as chairman of the Environmental Quality Committee. The letter opposed enactment of the National Timber Supply Act (H.R. 12025) purportedly in behalf of such a committee.

The facts are that the House of Delegates, the policymaking body of the Association, has not considered this proposed Act, that neither has the Young Lawyers Section which, if it had, would have been required to submit its recommendation to the ABA House of Delegates, and that the Young Lawyers Section has no Environmental Quality Committee. Accordingly, please regard Mr. Healy's letter as nullity insofar as the ABA and its Young Lawyers Section are concerned.

I should like you to know however ill-considered Mr. Healy's action was, according to the information I have received, he performed it in good faith. The events which have been reported to me are that the Vice Chairman of the Section, who will not be taking office as Chairman until the close of the Annual Meeting in August, advised Mr. Healy that he intends to form such a committee upon taking office and to appoint Mr. Healy as chairman. The Vice Chairman then named a few—but not all—of the individuals whom he intends to have serve on the committee commencing in 1970. Under misunderstandings, as to the non-existence of the committee and ABA procedures even if there were such a committee, Mr. Healy advised you of the action of the few individuals who will be on the committee if and when formed.

Thomas D. Cochran, Chairman of the ABA Young Lawyers Section, wishes to say that this letter is also written in his behalf, and I am very glad to do so. Both he and I regret that you have been exposed to the obligation of reading two letters owing to the inadvertent error of one of our young lawyers.

Sincerely yours,

BERNARD G. SEGAL.

In addition, a telegram was sent to Members of Congress by three Yale University law students opposing H.R. 12025, the Timber Supply Act. I list below a telegram from Lewis H. Pollak, dean, Yale Law School, which is self-explanatory:

The purpose of this telegram is to correct an apparent misunderstanding. Yale Legislative Services does not speak for Yale Law School or Yale University with respect to H.R. 12025, the National Forest Timber Conservation and Management Act of 1969, or any other pending legislation. Yale Legislative Services is a Yale student research group and its reports simply represent the individual views of those law students who prepare and sign its reports. Neither Yale Law School or Yale University has a view one way or another on H.R. 12025.

LEWIS H. POLLAK,
Dean, Yale Law School.

TO ESTABLISH A PUBLIC COUNSEL CORPORATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MIKVA. Mr. Speaker, recently I have had the pleasure of writing for the George Washington Law Review an article entitled "Interest Representation in Washington; the Social Responsibilities of the Washington Lawyer." This article, to appear in a special symposium issue on the Washington lawyer, takes as its theme the idea that although the system of interest representation in Washington has many problems, there is one great weakness which overshadows all the rest: the lack of representation of certain important societal interests. My conclusion in the article was that the Washington lawyer would have to take some responsibility—personal and professional—to see that interests which heretofore have been inadequately represented before administrative agencies and Congress begin to receive the kind of representation they deserve. These interests are, for example, those of debtors, consumers, taxpayers, tenants, and the poor.

One of the factors which has led to the underrepresentation, or lack of representation, of certain important interests, however, makes it almost certain that for the immediate future, at least, adequate representation will not be achieved by voluntary action of the bar. The most important reason, perhaps, is that consumers, taxpayers, debtors, and other unrepresented groups simply do not have the money and are not sufficiently organized to procure the services of Washington lawyers who represent so ably the opposing interests of producers, recipients of tax benefits, creditors, and so forth. The question of money aside, there is some question whether the conflict involved in representing simultaneously the interests of debtors and creditors, producers and consumers, the wealthy and the poor, would work to the benefit of either group. For this reason, I believe that some form of independent, Government-supported agency is required to assure adequate representation before the administrative agencies of the Federal Government here in Washington.

Today, I am introducing an amendment to the Administrative Procedure Act which will establish a Public Counsel Corporation. It is identical to a bill introduced by Senator EDWARD KENNEDY in the Senate on February 10. In general, the purpose of the Corporation will be to represent otherwise unrepresented segments of the public in rulemaking proceedings before Federal regulatory agencies. The Corporation will be independent of any existing Federal agency, and will have its own board of directors appointed from members of the general public by the President. In addition to appearing in behalf of the unrepresented public before Federal regulatory agencies, the Corporation could initiate rulemaking proceedings where the board felt such an initiative would be in the public interest. It will also collect and disseminate information on impending Federal rulemaking proceedings for the benefit of organizations or individuals who might otherwise remain uninformed of these activities. Finally, after the administrative action has been completed, the Corporation will be empowered to represent individuals or organizations which seek judicial review of the administrative action in the Federal courts.

The Corporation will have an executive director and a permanent staff. The executive director is authorized to employ outside experts in support of the Corporation's operations and to accept volunteered money, property or services of private attorneys. The director will also appoint special advisory committees to keep the Corporation informed of interests of special public significance which may be arising before Federal regulatory agencies and which may require representation by the Corporation.

That some mechanism for representation of the unrepresented public in Washington is now so clear that it can hardly be disputed. The Annual Report of the Administrative Conference of the United States contained an express recommendation that some form of people's counsel be instituted to insure full presentation of all sides of controversial issues considered by Federal regulatory agencies. Indeed, as great as the need is for representation before regulatory agencies, it is often at least as great be-

fore committees of the Congress. The bill I introduce today is limited, however, to administrative agencies for several reasons. First, representation before Congress is usually easier for consumer, debtor and other groups because the issues involved are less technical and more political. In addition, because the issues are less technical, less is required in the way of professional legal expertise—and the cost of testifying or presenting views is consequently much less. Finally, Congress may be reluctant to establish an agency whose responsibility includes the presentation of political views before Congress itself—at least until such an agency has proved its value on the administrative front. For all of these reasons, I am limiting the bill I introduce today to representation before Federal regulatory and administrative agencies.

Mr. Speaker, our legal and political system is on trial today. We who are in positions of responsibility within that system have a burden of proof. Many of our citizens, young and old, are affected with a deep cynicism about the effectiveness and viability of our present institutions. I believe that the Public Counsel Corporation can make a real contribution to making our legal and political system more responsive. In our democratic Nation, nothing should receive higher priority than guaranteeing representation to the unrepresented public.

GOD'S SECRET WEAPON?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. ASHBROOK. Mr. Speaker, when this Nation's foremost militant atheist, Mrs. Madalyn Murray O'Hair, is not trying to get the astronauts to keep their mouths shut about God when broadcasting from the moon, she apparently finds time to share her wisdom with possible student converts on campus. As in the case of the astronauts, Mrs. O'Hair is planets apart from most citizens, who still reserve her the right to her beliefs and are disposed to treat her cordially and charitably. Evidently, Mrs. O'Hair does not always reciprocate in full.

A recent column by Jeanie Strand which appeared in the Wittenberg alumni monthly of Wittenberg University reports on an appearance lately of Mrs. O'Hair at this Springfield, Ohio, institution. The account struck a reminiscent chord with me, for a number of years ago I had been the object of Mrs. O'Hair's abuse in correspondence she addressed personally to me.

Columnist Strand indicated in her column that Mrs. O'Hair lost points with the student audience because of her crude and insensitive treatment of questioners. Perhaps Mrs. O'Hair should forget about the moon and concentrate on her neighbor on this planet; she could well become atheism's greatest liability.

The above-mentioned column by Jeanie Strand follows:

MADALYN O'HAIR—RUDE PRESENTATION!

(By Jeanie Strand)

All you folks out there who worried and wrote letters about Mrs. Madalyn Murray O'Hair coming to speak at Wittenberg: relax. You've nothing to worry about.

In the first place, Mrs. O'Hair is not persuasive. She harangues. She is tiresome. Aside from a few stage tricks which she uses for a laugh here and there, she is not even interesting.

Secondly, the nice young people at Wittenberg who came to hear her speak were not in the least swayed by Mrs. O'Hair's opinions. I was proud of the way they behaved. As the meeting opened they sat quietly and gave her their attention. And she even had them on her side with her first remark, "I'm delighted to be here, because I'm always glad for an opportunity to corrupt the youth!"

Everyone laughed. It was funny and it broke the ice. But from this point, the evening went downhill. Mrs. O'Hair nags. Her tone of voice is repetitious, and she rather beats a dead horse on the separation of church and state issue.

The question period was where Mrs. O'Hair lost everyone who might have been sympathetic to her cause. The lady has a perfect right not to believe in God if she chooses, but this is no excuse for rudeness, especially since she was a paid speaker and should have exercised common courtesy—which she did not.

One earnest woman tried to say that she believed God had saved her from alcoholism, but Mrs. O'Hair kept interrupting until it was almost impossible to hear her story.

"I'm an alcoholic . . ."

"You look like it. I believe you," Mrs. O'Hair boomed into the microphone.

"I wouldn't be here if it wasn't for God . . ."

"You gotta be kidding, lady," the speaker interrupted.

When the questioner finally started to leave the hall, in tears, Mrs. O'Hair called out, "Give the little lady a hand." There was scattered applause, but most of the audience was appalled at the cruel treatment.

Other questioners fared poorly also. Each was interrupted many times by sarcastic comments from the platform. One tried to say that archeologists had dug up evidence that many of the incidents described in the Bible were true. "They dug up a bunch of lies, probably," said Mrs. O'Hair.

She also quoted a place in the Bible where it says, "There is no God." She must use this as bait, because a lady in the back of the room challenged her and recited the entire verse, which reads, "Only a fool hath said in his heart, 'There is no God.'"

"If you Christians knew half of what you think you do, you wouldn't be quoting that verse to me," Mrs. O'Hair said. "Read Matthew 5:22, where it says 'and whoever says "thou fool" shall be in danger of Hell fire.' If you believed in obeying what Jesus taught, you wouldn't be calling me a fool."

"I didn't call you a fool. . . ."

"Yes, you did."

"I just read you what the Scripture says."

"You read me the verse so you could call me a fool. But that other verse says if you call someone a fool you are in danger of Hell fire. What do you say to that?"

"Even the Devil uses Scripture."

"Amen, lady. Halleluja," Mrs. O'Hair shouted, and turned to another questioner.

As sophisticated as our young people are today, they do not admire the use, by a woman, of four-letter words. Mrs. O'Hair had several particularly nasty ones with which she sprinkled her comments. It wasn't even amusing—it was merely in poor taste.

And it was obvious to most that Mrs. O'Hair is fond of making sweeping indictments which do not hold up under close scrutiny. At one point she asked, "Can a Jewish person go to the Methodist and get help? Do the Lutherans help anyone besides a Lutheran?" A coed seated near me murmured, "yes, yes." As I glanced at her she explained, "I worked in that area last summer, and we helped everyone who came without asking his religion."

And so, the students were not corrupted after all by the visit of America's best-known atheist. The young people of today have been taught to think for themselves, and they are not often taken in by propositions which do not hold together. One sharp student did, in fact, trip Mrs. O'Hair on some of her own statistics.

Freedom of speech is still the best policy, and Wittenberg's rule that anyone may visit the campus who is sponsored by a campus group is a good one. We need not worry about our young people hearing various sides of an issue. Mrs. O'Hair made some logical points concerning the separation of church and state, and with these we can find no fault. But, somehow, this woman manages to offend even those who might have been friendly to her, because of her sardonic and unlovely approach.

If the school authorities had forbidden the appearance of Mrs. O'Hair, there would be some students who would always wonder if she had something worthwhile to say.

This way, they know for sure—she doesn't.

IMAGINATIVE COMMUNITY STIRS PROGRESS WITH GOVERNMENT AND PRIVATE ENTERPRISE WORKING TOGETHER

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BELL of California. Mr. Speaker, when I was elected to Congress in 1960 the marina channel, now known as Marina del Rey, was one of the least popular harbors for private craft in the Los Angeles area. Boats were severely damaged and owners sought moorings in other areas.

Today, the marina is booming with over 5,000 small craft moorings, apartment complexes, and recreation areas. Much of the credit for this outstanding land development must go to Arthur G. Will, director of the Department of Small Craft Harbors and the Department of Real Estate Management of Los Angeles County. Federal, county, and private funds provided the necessary capital for the project which has since attracted greater industry to the area.

I share the view of the marina's developers that this project provides a fine example of the benefits that can be attained by both government and private enterprise when they work together. In sharing the marina's story with my colleagues, I would like to bring to their attention the following article which appeared in the Los Angeles Times on Sunday, January 11, 1970:

MARINA DEL REY—QUIET SEA, BOOMING HARBOR—BIG BREAKWATER TAMES WAVES, STIRS PROGRESS

(By Richard West)

Waves up to 15 feet high were battering the coast from Long Beach to Malibu but

inside the county's Marina del Rey the water was still as a mill pond.

Nearly 5,000 sailboats and cruisers lay motionless in their marina slips, not even tugging at their moorings. A man in a delicate racing shell stroked across the placid surface of the world's largest small boat harbor.

But it was not always like this.

In the early 1960s 8-foot waves generated by storms far out in the Pacific swept right up the 1,000-foot-wide marina channel with mathematical regularity, sending the moored craft crashing against the slips and one another.

"We knew we were in trouble," recalls Jerry B. Epstein, one of the marina's original lessees, "when kids starting using the channel for surfing."

DAMAGE CLAIMS FILED

Many boat owners could not get their craft out of the marina fast enough to seek moorings in other harbors. Damage claims were filed against the county.

Banks and insurance companies began to have second thoughts about the millions of dollars they had earmarked for construction of marina apartment houses, hotels, restaurants and shops. Loans were canceled.

Then a huge breakwater—2,340 feet long and 50 feet high—was built with thousands of tons of rocks beyond the channel mouth. The swells were tamed.

Now there is a long waiting list for slip space and, despite a tight money market, the millions needed for expansion of the marina are pouring in from the financial houses.

There are no surfers in the channel anymore. They have been replaced by children sailing tiny sabots and the UCLA and Loyola crews conducting rowing practice on the mirror-like water.

A $29 MILLION GROSS LAST YEAR

When the Marina del Ray solved its ocean surge problem, all its other troubles began to wane. The marina and its lessees went from operating in the red to grossing $29 million in the last fiscal year and providing a good profit.

The project, its developers believe, provides a unique example of the economic benefits that can be attained by both government and private enterprise when they work closely together.

Marina lessees are now paying the county $2 million a year, Epstein, president of the Marina del Rey Lessees Assn., points out. The county gets a guaranteed rent plus a percentage of the profits from each lessee.

The marina also has repaid the county $500,000 borrowed two years ago to keep the project from foundering, and it has begun to redeem the $13 million in bonds the county issued in 1957 for construction of the harbor.

ATTRACTS BUSINESS

In addition, lessees have paid $1,850,000 in property, sales and hotel bed taxes from 1965 to 1969. Taxes for the current fiscal year are estimated at $850,000, and in the future at $1 million annually.

The county is expected to receive a total of $15 million in taxes from the marina through the 1979-80 fiscal year.

The marina has served as an attraction to light industry and businesses, which are putting up plants and office buildings in the adjacent areas. This is bringing in more tax dollars.

The assessed valuation of areas surrounding Marina del Rey has risen from $46.25 million in 1955-56 to $120 million in 1967-68. Land that once could be bought for 20 cents a square foot now commands a price of $10 a square foot, Epstein says.

Before the marina was built, all the county was doing with the swampy 780-acre site was spending $50,000 annually for mosquito abatement there.

The county invested $36.25 million in the marina. Private enterprise put up an additional $70 million and plans to spend $128 million more.

A 60-YEAR LEASE

Lessees operate under a 60-year lease. At the end of that time, everything they have constructed—hotels, apartment houses, restaurants, anchorages, shops—goes to the county.

They are unanimous in attributing success of the marina to Arthur G. Will, director of both the Department of Small Craft Harbors and the Department of Real Estate Management for the county.

Will "really stuck his neck out" in persuading the Board of Supervisors to loan the marina $500,000 from the general fund to tide it over the period of trouble, Epstein says.

But Will was aware, Epstein says, that a defaulting of the bond issue would have affected the rating of school bonds and other bonds issued by the county for years to come and could have cost the taxpayers millions in added interest.

PUT JOB ON LINE

That is why Will put his job and his reputation as a public administrator on the block in going after the loan, Epstein says. And Will proved himself right.

Lessees like to compare Will with his father, the late Arthur J. Will, who as county chief administrative officer was responsible more than any other men for the building of the present Los Angeles Civic Center.

They believe the son is responsible for a project of equal utility and beauty in Marina del Rey.

Actually, the idea for developing the Marina del Rey estuary and inlet into a major commercial harbor was first advanced by a man named M. L. Wicks in 1887.

DUCK HUNTERS

Wicks spent $300,000 on construction work there, but he went bankrupt before any kind of harbor could be built. Duck hunters took over the site.

There were other proposals for a harbor there in 1916 and 1936, but neither got anywhere.

Then in 1949 the U.S. Army Corps of Engineers submitted a report indicating the feasibility of building a harbor for 8,000 boats at a cost of $23.6 million.

The Board of Supervisors obtained state help for the project in 1953 and federal aid in 1954. Construction began in 1957.

Voters approved the $13 million bond issue to finance the remainder of the project in 1957 and the bonds were sold in 1959.

THE 1962-63 STORMS

The most damaging big waves came in the winter of 1962-63 after the marina was opened.

Storms far out at sea brought 8-foot waves surging into the 2-mile-long channel every 8 seconds. The sudden rise and fall of the water caused extensive damage to marina facilities and small craft.

The Army Corps of Engineers solved the problem.

Studies made with a scale model of the marina at the corps' Waterways Experiment Station at Vicksburg, Miss., showed that a breakwater before the channel entrance would keep the waves out.

Meanwhile, as a temporary remedy, steel piers were constructed out into the channel from each bank. They served as baffles to block the surge.

PIERS REMOVED

Work on the breakwater started in October, 1963, and was completed in January, 1965. The steel piers were no longer needed and were removed.

The breakwater cost $4.2 million, half of which was put up by the county and half by the federal government.

It was still tough going financially for a while, though, and the marina had to get a $500,000 loan from the county in 1967.

But the marina is booming now.

Five thousand small craft—from skiffs to 150-foot yachts—are moored there at charges ranging from $1.45 to $2.50 per foot. An additional 1,000 slips will be available next year.

MANY APARTMENTS

Four thousand persons rent Marina apartments for from $150 to $800 a month. More apartment houses are going up, including three 15-story towers, to give the marina a permanent population of 10,000 eventually.

Marina apartment houses have one of the highest occupancy levels in Southern California—97.4%.

People move in as fast as an apartment building is completed, says Epstein, a partner in the South Bay Club, which has 380 units open now and will eventually expand to 1,105 units.

Seventy per cent of those who live in the marina apartments do not have boats, Epstein says. They just like to live by the water.

Marina del Rey has 15 restaurants operating, three more under construction and two in the planning stage.

RESTAURANTS GAIN

The restaurants have proved highly profitable, grossing $3,100 per seat annually. This compares to a $2,400 national average and $2,600 for the La Cienega Blvd. "restaurant row," Epstein says.

Many of the 5,000 persons employed in the area around the marina have lunch there. The eating places are also packed at dinner time, especially on weekends when some 30,000 persons visit the marina.

Marina lessees see another big economic spurt for the area when the adjacent Venice canal restoration project begins soon.

They believe the ocean beach in front of the marina will soon become one of the most popular in the county. Because of the gentle surf there, it is crowded with mothers and children in the summertime.

The five-man Small Craft Harbor Advisory Commission, of which Aubrey E. Austin is chairman, advises both the Board of Supervisors and the lessees on marine matters.

HIGH REGARD

Indicative of the regard in which it is held by the marina community was the black-tie testimonial dinner given recently to chairman Austin by lessees' association.

Every building put up at the marina must have the approval of a design control board, which is made up of two architects, a landscape architect and two businessmen.

"You can't build an outhouse here without getting their OK," Epstein says.

The Marina Freeway, which now ends at Centinela Ave., will be extended to the marina in the spring of 1971, making access to the facility easily available to everyone in Southern California.

Epstein says that millions of people living in the Southland have yet to visit Marina del Rey. The freeway link, he believes, would encourage them to make the trip.

ESTONIAN INDEPENDENCE DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. CRANE. Mr. Speaker, yesterday was the 52d anniversary of Estonian independence from the subjugation of Tsarist Russia—and this is the 13th year since the reenslavement of that nation

by the Soviet Union. We should pause to commemorate the struggle of a brave people against heavy odds for freedom, a struggle so very similar in purpose to that waged by our own forefathers. But we should further take this occasion to rededicate ourselves to the cause of genuine freedom for all the peoples of the world. Today, that freedom is being denied to many, among them the people of Estonia, by the brutal and unrelenting oppression of the Communist government of the Soviet Union. As Americans, aware and proud of our heritage, we cannot fail to recognize the sad irony of the policy that condones by official silence the denial of freedom to the people of Estonia and the other nations of Eastern Europe.

THE ROLE OF GOVERNMENT IN ACHIEVING A QUALITY ENVIRONMENT: A REGIONAL APPROACH

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. SCHEUER. Mr. Speaker, in the past few years the need for regional environmental planning has become all the more manifest. Unfortunately, our government structure, with its division of jurisdiction among many government bodies at numerous levels, has made effective planning very difficult, if not impossible, in countless areas.

Hawaii, however, offers an excellent example of a single State's attempt at regional planning to preserve the beauty of the environment. In a recently delivered paper, Thomas P. Gill, Lieutenant Governor of Hawaii, has presented an interesting account of his State's efforts to maintain a quality environment. I think that it will prove helpful for colleagues interested in regional approaches to the problems of the environment.

The material follows:

THE ROLE OF GOVERNMENT IN ACHIEVING A QUALITY ENVIRONMENT: A REGIONAL APPROACH

I assume the reason I was assigned this topic is that Hawaii is the only state in the union which is a region by itself. This may excuse using our state as an example of how environmental systems can be changed or protected on a regional basis. Hopefully, this will be applicable to other areas.

With this object in mind, let me tell you a little of Hawaii's uniqueness, of our history, of our use and abuse of land. Then I hope I can leave a few thoughts with you on how we—all of us—might achieve salvation through careful and planned use of our land, air, and sea.

Hawaii is both new and old politically. We have moved from an aboriginal polynesian society, to a Kingdom, to a Republic, to an Incorporated Territory, and then 10 years ago, to a state of the United States. We still have the flexibility of newness, yet we carry history, traditions, and a legacy of past practices and attitudes.

We are also new geologically. Our big island of Hawaii is still being built; we have no real assurance that the others are forever finished with volcanic activity. Pele, the volcano goddess, still walks among us; we are close to the awe of creation. This leads to the uncomfortable thought that if we make a bad mess of things Pele may wipe the slate clean!

Because of our isolation by thousands of miles of ocean our original ecology was determined by chance of wind, wave, or bird. A thousand or so years ago the ecology was modified by the venturesome Polynesian, who followed the stars, winds, and currents across the trackless ocean and brought pigs and dogs and food plants with him. These mingled with what grew already. This became the ecology which the white man found in the late eighteenth century.

Many of the native plants and animals are, or were, unique and fragile. We have many examples of evolutionary modifications on different islands and even on different parts of the same island. It was this fragile ecology which was so drastically damaged by the arrival of the white man with his foreign animals, grasses, and trees. One dramatic example of the defeat of native species by Alien intrusion and forest destruction has been Hawaiian bird life. According to one zoologist more birds have become extinct in Hawaii during the past 100 years than in any area of the world in the last 2000 years. This may be a difficult statement to prove but we do know that the federal government in 1966 listed 50 birds as rare and endangered species; 22 of them were Hawaiian birds.

The goats and cattle brought in by the early western contacts raised havoc with the native forests. Some trees are hurt when cattle trample the ground around their roots; others like the Koa die, unreplaced when young seedlings are eaten. Vast areas, such as the southwestern shore of Molokai, suffered sheet erosion, filling the ancient fishponds along the shore, because of overgrazing the hillsides.

Of course some of the plant imports went crazy in the lush tropical climate. One example, among many, was the Fire Tree (Myrica Faya), an ornamental shrub with pretty red berries reportedly much favored by early Portuguese immigrants and by early foresters for erosion control. Once planted, it broke loose, transformed itself into vast numbers of useless trees forty feet tall which march in legions across the pastures and forest land choking other growth.

As our ecology is different, our government structure is also varied from the traditional American pattern. The state government is highly centralized, a character inherited indirectly from the Kingdom. Our four counties are creatures of the State and do not have all of the powers often found in local governments on the mainland. Traditionally local functions such as education, health, and welfare are centralized, statewide departments. Real Property assessment is a state function. We also have a statewide planning office, and a land use commission which controls the basic land use boundaries across the State. The counties have zoning bodies which operate primarily within the urban zones. This overall planning and land use control mechanism was unique in the nation when adopted a decade ago. It may still be the key to a workable future.

Our islands also have a history of deliberate exploitation of the land. Some has been constructive and useful; some very damaging. This history is part of our culture pattern, as it is on the mainland.

Early in the 1800's the Hawaiian Kings discovered that the native Sandlewood was greatly in demand in China so the native forests were stripped of the fragrant wood and today the trees are rare and remote.

In this early period the newly introduced goats and cattle ran wild. At first they were protected by Tabu so that they could multiply, and multiply they did, destroying the native flora.

An ironic, but instructive historic accident was the death of the great naturalist, David Douglas, for whom the Douglas fir is named, he was killed by wild cattle in 1834 while on a botanical expedition on the Island of Hawaii.

In the mid-1800's Hawaii was a center of another exploitive industry, whaling. This flourished for a decade or so until destroyed by a combination of Arctic ice, the Civil War and the development of petroleum.

Then came sugar in the last half of the last century, and it is still with us today. Sugar quickly preempted most of the good agricultural land and created irrigation works and need for pest control. By and large, sugar has been a constructive ecological force because it depends on maintaining favorable growing conditions. It was largely the influence of the sugar economy which, around the turn of the century, pushed the Territory into replanting and preservation of the forest reserves and conservation of water resources. In recent years mechanical harvesting, some inefficient mills, dumping of bagasse or cane trash, and the heavy use of weed and insect killers, have raised some serious pollution problems. However, the continuance of sugar, particularly near Honolulu, is now important to the preservation of open space and a decent environment. Some times the owners of the sugar industry are our greatest opponents—they would rather subdivide!

World War II was, in a sense, another exploitive industry. It led to the occupation and use of large areas of the various islands by military forces. One entire island—Kahoolawe—was turned into a bombing and gunnery target. At present, the federal government—primarily the military—owns or controls something over 10% of the total area of the State, and more than 50% of the total land area of Oahu, the heavily populated capital island where over 80% of the state's people live.

The latest major industry, with an impact on the ecology, is tourism. One would think that the tourist industry, dependent as it is on selling scenery and pleasant living conditions, would be highly conscious of the need to preserve the environment. This has not been too evident. The main drive has been toward high rise hotel construction and land speculation. There seems to be some hope that the industry—now faced with an overbuilt situation in Waikiki, and some county pressure for standards—will modify its thinking toward environmental preservation and control.

Part of the tourist picture has been the rapid growth of population in the islands which is now in the range of 6% per year, or about twice the national average. Many of these are newcomers. This adds fuel to an already overheated island economy and greater pressure for more housing, roads, cars, and all of the other items by which modern civilization contributes to pollution and general environmental destruction. Honolulu is now developing a serious smog problem caused primarily by a heavy concentration of automobiles and faces monumental expenses for the proper disposal of sewage and waste.

With this background it is easy to see that our salvation lies in the carefully planned use of our land, air, and water so that we do not completely destroy the delicate ecological balances peculiar to our islands.

It is also easy to see that the force of economics and those whose interest is basically exploitive, will make this salvation extremely difficult.

But we do have tools. They include a statewide zoning or land use law and the concept of a statewide general plan. We do have a growing level of public concern with environment. Here are some of the things to be done to improve both our tools and our use of them.

First, our control of urban sprawl and destructive development can be strengthened. Our land use law, the first in the na-

tion, passed in the early 1960's, is meant to give a statewide pattern to land use, but it needs both administrative and legal revamping. Its intention was to put all land in the state into four categories: Conservation, Agriculture, Rural, and Urban, and to review the boundaries of these use areas every five years and to readjust them only where there was a demonstrated need. This purpose had been largely lost by the practice of continually readjusting boundaries between review periods and by the granting of special use permits. This reduces the agency, which was to set major land use patterns, to the status of a minor zoning board spending the bulk of its time considering and granting variances.

Among the additional legal tools needed is the power to allow rezoning on a conditional or incremental basis. Both the Land Use Commission and county zoning boards need power to hold developers to the plans which they originally submit to gain the rezoning. This should include the power to refuse further rezoning of subsequent increments, and even to revoke zoning, where there is a bad faith change of original plans or a gross failure to perform as promised.

The amendments should also include the requirement that rezoning of agricultural or conservation land, which results in substantial increases in land value, should only be granted if the recipient of the rezoning donates some measure of this unearned increment to the public in the form of land or money. The requirement of such donation would partially solve the government problem of having to acquire high priced land for open space, recreation, or other public uses after that same land has been increased in value by the act of rezoning.

A third tool would be to coordinate the real property system more closely with land use zoning. The current tendency is to jump over or disregard land use boundaries and to tax the abutting agricultural land at discounted urban rates. This helps destroy the effectiveness of the zoning process for the owner has a good argument for rezoning on the basis of the taxes he pays. If we allow the recovery, on rezoning, of some major part of the unearned increment of value, much of the argument for tax pressure on the potential urban land is eliminated. Also you reduce the speculative drive for rezoning.

A major step which must be taken soon in the urban center of Honolulu—as in most urban centers—is the development of efficient mass transit. Until we can remove the bulk of the commuter traffic—from cars to electrically powered trains, we will never be able to control our air pollution, nor will we be able to channel our housing and commercial development and lessen the evils of urban sprawl. Under our system of diffused governmental power it is necessary to find economic tools to help direct and shape urban growth. The traditional legal tools of zoning and taxation are too easily blunted or turned aside. The existence of a mass transit corridor gives meaning to higher density zoning along it and makes possible "New City" type urban concentrations surrounded by adequate green belts.

Of course, the automobile is central to the pollution problem of this nation. It is the "devil" in our modern day morality play. It is also the implement which encourages sprawl and flight to the suburbs. It is difficult or impossible for isolated areas to handle this beast alone. There must be national effort. A few hundred million dollars put into R&D for alternatives to the internal combustion engine would be well spent. The matching formula on mass transit should be comparable to the highway act, and the federal money should be gathered in a trust fund. The federal housing effort, which for years has been concentrated through FHA on detached houses in the suburbs, thus emphasizing sprawl over improvement of the inner city, needs redirection. These are some of the federal tools which will make regional and state environmental planning feasible.

Through all of this runs the need for better urban design. In Hawaii we need not only to keep our air and skies clear, but we should also build to make maximum use of these assets. Further, with large numbers of people in a small area, the living and working places need to be as pleasant as possible. This means readily available open space, mini-parks which are well maintained, and constant efforts to suppress waste, litter, pollution, and noise. These are city problems basically, but they require the support of federal and state law and technical personnel.

Since our shores, our close ocean, and most of our mountain and forest areas are under the control of state agencies, we in Hawaii have a great opportunity to undo past mistakes and avoid new ones.

In recent years we have done a reasonable amount of reforestation using exotic or non-Hawaiian trees. We need also to study and develop techniques for regenerating native species. On the sea shores we have begun to reinstate in modern form the ancient tabu system to protect fish and coral. We have "blue belted" two of our bays; one which was quite depleted has recovered remarkably, to the delight of swimmers who want to see reef fish in their natural setting.

The prime tool in all of this effort to save and build a regional environment is public understanding and active support. It requires an effective constituency. The first need is to bring together those with common concerns and weld them into a viable political force that "talks turkey" on election day, and is vigilant the year around.

We are pleased with some of the legislation on air and water pollution which has come from recent congresses. This is indicative of a high level of concern across the country. In our own state there is a growing element of our people—often new residents—who raise the need for firm action on environmental control. There is considerable support in the University community. I even note the right questions being asked by students in the elementary and high schools. There is good reason to believe that in coming elections the voice of the environmentalist will be heard in our land.

It is on this rock our temple will be built.

COMMUNIST RULES FOR REVOLUTION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DUNCAN. Mr. Speaker, someone called my attention to the "Communist Rules for Revolution," and I became alarmed as I reviewed these and realized how effective they are right now in this great country of ours.

I think every Member of Congress would benefit by reading this document. These rules are so simple, so easy to carry out. We see the results taking place in our society and it is our duty to warn our constituency and to protect our country.

Here follows the Communist rules:

In May 1919, at Dusseldorf, Germany, the Allied Forces obtained a copy of some of the "Communist Rules for Revolution." Nearly 51 years later, the Reds are still following the rules.

A. Corrupt the young; get them away from religion. Get them interested in sex. Make them superficial; destroy their ruggedness.

B. Get control of all means of publicity, thereby:

1. Get people's minds off their government by focusing their attention on sexy books, and plays and other trivialities.

2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

3. Destroy the people's faith in their natural leaders by holding the latter up to contempt, ridicule and obloquy.

4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.

5. By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

6. Foment unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the part of government toward such disorders.

7. By specious argument cause the breakdown of the old moral virtues, honesty, sobriety, continence, faith in the pledged.

C. Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless.

ESTONIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HOWARD. Mr. Speaker, yesterday, February 24, marked an occasion of celebration and sadness among Estonians around the world. It was the 52d anniversary of Estonian independence. On that day, in 1918, the end of the First World War and the Russian Revolution combined to present the opportunity to the people of Estonia to declare their independence and begin the road to becoming a modern nation of the highest order.

Unfortunately, that dream and the efforts to accomplish it were to last for only two decades. Thus the sadness of this celebration. For two decades Estonians saw great progress in their nation—industry, the arts, education, and prosperity flourished. The Estonians had become a free and independent nation, able to direct their own course through history.

Twenty-two years later, however, that hopeful picture was to be changed by the ravages of the Second World War, and subsequent domination, once again, by German and Russian armies. In 1939, the Estonians were politically annexed to Russia, to become a captive satellite of that nation.

I think it is appropriate today to recognize that the people of Estonia, despite their captive status have not lost that dream. They have not lost the spirit and determination which made those brief 22 years so successful. On this 52d anniversary of their independence, therefore, we reaffirm to them our support in the way of a continued hope, prayer, and confidence that one day they may once again become the free and independent nation they so desire to be, as is the right of all nations, and the privilege of our own Nation to share.

ATOMIC ENERGY AND THE ENVIRONMENT CONTINUED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WOLFF. Mr. Speaker, I am continuing to include in the RECORD statements received by my distinguished colleague from New York (Mr. REID) and I at a hearing on atomic energy and the environment.

Today I include in the RECORD the statements of Richard Curtis, coauthor of the book "Perils of the Peaceful Atom," and Irving Like, Esq.:

THE HAZARD IS NEW

(NOTE.—The statement made by Richard Curtis on insurance problems in the nuclear power industry is based on this chapter from Perils of the Peaceful Atom by Richard Curtis and Elizabeth Hogan. Published by Doubleday & Co., Inc., reprinted by Ballantine Books, Inc.)

Go to your strong box. Open it and take out your homeowner's policy. Run your finger down the column headed Perils Insured Against. Do you find anything covering your property for radioactive contamination resulting from accidental discharge of radioactivity from an atomic facility?

No? Perhaps it's elsewhere. Keep going. Ah, *there's* something: "Nuclear Clause." But wait. It says: "This policy does not cover loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under this policy."

You may want to call your broker to ask whether this clause means that if the reactor going up outside your city has an accident and the fallout contaminates your property, you cannot recover. He will tell you that that's precisely what it means. He may even be aware that Lloyd's of London itself will not write such a policy. He may tell you not to worry, that such an event is highly improbable, but you will wonder why, if it is highly improbable, no one will insure against it. Couldn't an insurer make a fortune insuring against the highly improbable?

Your broker will inform you that although nobody will insure your property against radiation damage, reactor operators are "heavily" insured against claims. A $74 million indemnification put up by insurance pools is backed up with $486 million guaranteed by the U.S. Government. Altogether, over half a billion dollars could be funded to compensate victims, an unprecedented sum.

Impressive though this figure will sound at first, it will be recalled that the Federal Government estimated—in 1957, when much smaller reactors were being built much farther from our cities than today—that a major atomic plant accident could cause property damage *alone* in the billions—as high as seven billion dollars. Even at this figure, supposing the worst, where would the other six billion plus come from? And what about life and health insurance? Your policies probably cover you for radiation injury or death, but if property claims alone can reach seven billion dollars, life and health claims would be equally staggering, would they not? Possibly large enough to wipe out even the biggest insurance companies.

These vexing questions might lead a curious insurance broker to wonder whether the public is being told *everything* about atomic power plants. And if he decided to follow up his curiosity about the anomalies in nuclear insurance, he would learn some very interesting things.

He would learn, first of all, that the atomic power program was in big trouble in the mid-1950s because neither the utilities nor the reactor manufacturers were able to calculate the astronomical damages that would result from a major accident at an atomic facility. Even if they *had* been able to do so, the insurance companies weren't prepared to put up indemnification even approaching the amounts necessary. In 1955 an advisory committee of representatives of the insurance company had been appointed by the AEC to study this problem, and two significant findings were made: The first was that in order to cope with the nuclear risks, a property and liability pool would have to be formed by the country's stock and mutual insurance companies. The second was that even with such a pool, the industry would not be able to offer satisfactory public liabilitay insurance on atomic power installations.

The feelings of the insurance industry were well expressed in 1956 by Hubert W. Yount, vice-president of Liberty Mutual Insurance Company. After considering possible consequences of a major nuclear plant accident, Yount was forced to declare to the Joint Congressional Committee on Atomic Energy:

The hazard is new. It differs from anything which our industry has previously been called upon to insure. Its potential is still unknown and must therefore be calculated currently in terms of a body of knowledge which is expanding from day to day. . . .

Very few insurance companies have had any opportunity to develop first-hand knowledge of the problems involved because of the present limited scope of operation. By the same token, very few insurance companies have developed trained technical personnel to assist their underwriting personnel in insurance evaluation of the hazards involved. . . .

The catastrophe hazard is apparently many times as great as anything previously known in industry and therefore poses a major challenge to insurance companies. . . . We have heard estimates of catastrophe potential under the worst possible circumstances running not merely into millions or tens of millions but into hundreds of millions and billions of dollars. *It is a reasonable question of public policy as to whether a hazard of this magnitude should be permitted, if it actually exists.* Obviously there is no principle of insurance that can be applied to a single location where the potential loss approaches such astronomical proportions. Even if insurance could be found, *there is a serious question whether the amount of damage to persons and property would be worth the possible benefit accruing from atomic development.* [Emphasis ours.]

That Yount was not content to confine his remarks to the dubious insurability of atomic power plants but took it upon himself to question the wisdom of the entire program is an extraordinary indication of the depth of the insurance industry's reservations.

Their own anxieties now strongly reinforced by those of insurers, private developers of atomic power had to tell their Government that unless *someone* was prepared to indemnify them, they could not proceed with an enterprise so fraught with unknowns and risks.

It was thus to head off a major rebellion of private industry that the Federal Government proposed legislation aimed at removing this chief obstacle to forward progress. That legislation, passed in 1957, was known as the Price-Anderson Act, named after its sponsors, Senator Clinton Anderson of New Mexico and Congressman Melvin Price of Illinois, members of the Joint Committee on Atomic Energy.

The Price-Anderson Act provided for Federal funds of $500 million to be made available for the settlement of damage claims resulting from a nuclear power plant accident if the insurance purchased by the plant operators proved insufficient. Since at that time the insurance pools were willing to put up $60 million altogether, the total amounted to $560 million. Beyond that ceiling, however, all obligation, both of the plant operator and the Government, ceased. A recent change in the Act has raised the insurance pool fund from $60 million to $74 million, and lowered the Government fund from $500 million to $486 million, but the important thing is that under present law no more than $560 million is provided to compensate victims of a nuclear plant disaster.

We have it on the testimony of Representative Price himself that his Act was pretty much responsible for averting economic disaster in the atomic power field at that time. In an interview over ABC Radio in August 1966, Price was asked if it had originally been impossible for private industry to get insurance against atomic power plant accidents. He answered: "That's correct. The power development program was bogged down; there was nothing but studies back in the early fifties, and it wasn't until passage of the Indemnification Act, known as the Price-Anderson Act, incidentally, that the program got off the ground and they started to build plants. The utilities, or the manufacturers of these vessels and reactors, wouldn't risk going into this uncharted area without some type of indemnification protection."

But if the atomic power industry received its biggest boost from the Price-Anderson Act, it was almost entirely at the expense of the American public, for it meant that We the People were assuming liability for someone else's risks.

Furthermore, we weren't even getting a very good policy. In the event of the maximum credible accident, which the Government had asserted could cause as much as $7 billion in property damage *alone*, the insurers would not be able to make good on more than $560 million, or 8 per cent of the total damage claims. The other 92 per cent would come out of our pockets to pay for uninsured damages. As for those of us who recovered less than the losses sustained, or recovered nothing whatsoever—well, that's life. Since you, through your billions of dollars of subsidy-supporting taxes, are responsible for the existence of the atomic power industry, it is only fair and proper that you should pick up the lion's share of the bill for damages, is it not? That would appear to be the implicit philosophy behind this insurance plan.

It is worth reminding the reader that seven billion dollars in property damages was an early estimate, and that developments since 1957, as we have demonstrated, could conceivably cause a catastrophe with a far higher price tag. Yet no matter how substantially all other industries and the public are exposed to potential bankruptcy, the nuclear industry is protected by virtue of the "no recourse" provision of the Price-Anderson Act.

In the commercial market place the imposition of liability has always served, among other purposes, to discourage management from proceeding with potentially hazardous enterprises by making it intensely aware of its financial obligation should that enterprise prove harmful to the public. As a result of the Price-Anderson Act, however, the nuclear industry was released to proceed with its hazardous enteprise secure in the knowledge that its annual insurance premium on sixty million dollars worth of indemnity per nuclear power plant constituted the limit of liability against damages that could amount to fifty or a hundred times sixty million dollars, or more. Accordingly, one of the traditional and fundamental balances to caution was removed from the scales. *Temptation to cut cost,* in an industry in which engineering safety is expensive, *was no longer counteracted by fiscal responsibility.* And

since Price-Anderson coverage was extended to liability of third parties such as reactor manufacturers, they too were relieved of a good deal of legal compulsion to honor the yellow light of caution.

If the reader feels anything less than despair at the prospect of being compensated, it is undoubtedly because he clings to the hope of being awarded *some* of the $560 million that is supposed to be made available for that purpose. Unfortunately, survivors of an atomic plant calamity might discover their woes compounded by a Congress uncertain about its obligations—so that even that $560 million might not be totally freed, or freed at once, to aid the ailing and the destitute. Speaking before the House early in August 1965, Representative Robert T. Secrest voiced the opinion that serious questions of liability and constitutionality were inherent in the Price-Anderson Act, and that unless time-consuming litigation was avoided, it seemed "logical to assume that several years will pass after an atomic power plant accident before any funds can actually be paid to persons injured."

It is most significant, Secrest pointed out, that even the Atomic Energy Commission expressed serious reservations about the constitutionality of the Price-Anderson approach to indemnification. On page 43 of the 1956 Governmental Indemnity Hearings transcript can be found this statement made by the AEC before the Joint Committee on Atomic Energy: "We have carefully considered the approach of limitation of liability and do not recommend this method primarily on account of doubts as to constitutionality of this approach. Also limitation of liability does not offer the degree of protection to the public that is offered by the indemnity or reinsurance approach."

Despite the AEC's own misgivings, the Price-Anderson Act was carried. Supporters of the plan assembled a number of arguments for the Act's constitutionality should the matter come to a court test. But Congressman Secrest, reviewing those justifications in his House statement in 1965, cast doubts about their validity. For instance, it was assumed when the Act was passed that plutonium produced in power plants might be needed for military purposes. That need, Secrest pointed out, has been filled. Secondly, in 1957 the law provided that all atomic fuel must be the property of the U.S. Government, but under "private ownership" legislation enacted since Price-Anderson, that is no longer true. Thirdly, Secrest thought the bankruptcy power of Congress would not justify the constitutionality of the Price-Anderson Act's no-recourse provision. Bankruptcy power presumably applies only in the event of actual or threatened insolvency. "It hardly seems proper to assume that the bankruptcy power gives Congress the authority to completely eliminate financial responsibility for damages without even touching the assets of the utility involved."

Secrest's last point was telling:

"It does appear that Congress has jurisdiction over the construction and operation of atomic power plants because of the commerce clause. Even so, the delegation of jurisdiction under the clause does not give us complete constitutional authority to act as we wish, without limitation. Whatever laws we pass under the commerce clause will not be constitutional unless they are reasonable and appropriate means to a lawful end. There is very serious question as to whether or not an act of Congress giving complete immunity from responsibility for negligency constitutes a reasonable and appropriate means to a lawful end."

Intimately connected with questions of constitutionality are those surrounding the matter of liability. A substantial body of law maintains that the owner-operator of a dangerous enterprise must assume full financial responsibility for the destructive effects of that enterprise, and that, as one court decision puts it, "the person who for his own purposes brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril and if he does not do so, is prima facie answerable for all of the damage which is the natural consequence of its escape." It might therefore be maintained that the absolute cutoff of liability now guaranteed private industry by the Price-Anderson Act was unlawfully granted, and liability should be pinned back on the concerns that shed it when the Act was passed. The *Insurance Counsel Journal*, in January 1963 predicted that as a result of this issue of "strict liability," there would be "plenty of lawsuits."

Although members of the two houses of our Federal legislature would be horror-stricken if an atomic plant catastrophe occurred, they would still wish to be on certain ground before releasing damage awards, and opponents in those houses might resort to a number of legal defenses against full assumption of liability. For instance, suppose the reactor accident had resulted from an earthquake; might not Congress try to claim that damages resulting from such an Act of God were not insurable? Or suppose foreign sabotage could be proved; might not Congress try to claim that an Act of War invalidated damage claims? Consider another view: Acts performed in pursuance of a public duty or for national defense or security may exempt those performing those acts from liability for resulting damages. Since the atomic energy program is founded on the principles, as stated in the Atomic Energy Act of 1946, of "improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace," might not our Government try to claim that the reactor accident occurred in pursuance of public duties?

Many other questions would be raised should tragedy strike, and even a brief outline of some of the issues that might be brought to court will make it readily apparent that much new legal ground may have to be broken before damages can be properly assessed and compensation disbursed.

Formulas would have to be established to determine priorities. Would an individual who suffered immediate illness from a high dose of radiation be entitled to compensation ahead of one whose exposure to a smaller dose might not produce harmful effects for years? How would it be determined that cancer and leukemia were directly attributable to radiation exposure experienced at the time of the accident? Since there does not seem to be a threshold below which radiation is harmless, would the courts be obliged to hear claims from people who believed their lives had been shortened appreciably by minute doses of radiation? Will the cost of evacuation and decontamination of an area be recoverable? If radiation causes damages to a parent's genes, might a deformed child be entitled to bring action? If the disaster carried damage claims beyond the $560 million limit, how would further claims be handled? Which would take precedence, and how would funds be apportioned?

The machinery for dealing with some of these questions exists in the original Price-Anderson Act and in subsequent amendments, but just how fast that machinery would move is open to debate. Our court system is already staggering from an unprecedented volume of claims; auto accident litigation alone is, in many areas of the country, years behind reasonable schedule. Recent revision of the Act has set up ways and means of expediting payment, but even if Federal aid were put on an emergency relief basis, would that aid be speedy? After the Alaskan earthquake of 1964, for instance, it was complained that Congress was slow to appropriate even fifty million dollars for damages estimated at some five hundred million dollars, and *that* tragedy was a fairly cut-and-dried instance of an Act of God, where no complex questions of human liability or constitutionality were involved.

So important has the Price-Anderson Act become to the nuclear industry that, at hearings held in June 1965 on the extension of this law, which was due to expire in 1967, representatives of several utilities testified that unless it was extended they would "probably not" build additional nuclear plants at present. Mr. Mel Frankel, on behalf of the Department of Water and Power, City of Los Angeles, stated for example that: "Without the protection which presently is provided by the Price-Anderson Act, it is doubtful that any utility would consider it prudent to build nuclear plants." Several utility representatives confirmed this, and the following year Philip Sporn, one of the most highly regarded authorities on electric power, declared in a review of nuclear power economics that "Price-Anderson insurance is absolutely essential to the continued development of nuclear power. Its elimination would choke off the construction of nuclear power plants."

The Act was extended until 1977, but a basic question has never been answered. For if utilities are sufficiently convinced of the safety of nuclear plants to be willing to gamble with the lives, health, and property of the public, why are they not equally willing to assume financial responsibility for accidents at such plants? It was this line of reasoning that produced a move by Congressman Leonard Farbstein of New York to make utilities and manufacturers responsible for an additional hundred-million-dollar indemnification beyond the amount guaranteed by the insurance pools. It was never passed.

Harold Green, the attorney whose views have shed considerable light in this book on other legal aspects of atomic energy, illuminates the matter of insurance, too, noting that "although the licensing of nuclear reactors proceeds on the assumption that there are no undue risks to the public, the Price-Anderson Act is bottomed on the premise that operation of a nuclear reactor involves undue risk to industry. The public assumes the very same risk of a serious accident that the utilities and equipment manufacturers are unwilling to assume and against which they are indemnified by the Government. The only sop thrown to the public is some assurance that funds will be available to provide compensation for damages incurred if liability can be established." The paradox Green has formulated has been stated with eloquent simplicity by another critic, who phrased it: "If a thing isn't insurable, it isn't safe." And an even less temperate characteristization of the Act was given by Rolla D. Campbell, a lawyer of Huntington, West Virginia, in a letter inserted into the Congressional Record for July 16, 1965:

"The license which AEC is authorized to grant to the operators and manufacturers of an atomic plant can fairly be characterized as a license to them, for their own financial benefit, to create huge risks to others, involving death, sickness, and property damage, without any liability whatsoever for the harmful consequences, and to throw all such risks (over and above private insurance available) upon the U.S. Treasury and upon the persons suffering death, personal injury, or property damage. . . ."

These are some of the things your broker would learn when he decided to explore the prospects of compensation for radiation damage due to an atomic power plant accident. There would be other avenues he might care to explore if he were industrious enough: the largely unformulated policy on insurance coverage for transportation accidents involving nuclear materials, for instance. An amendment to the Price-Anderson Act embraces such accidents, but the insurance pools have yet to establish codes in that area,

and many forms of transportation are uninsurable when atomic material is involved. Or there is the matter of accidental releases of small doses of radiation which merely add to the harmful "radiation budget" growing each year in our environment. The Price-Anderson Act gives the AEC the exclusive right to declare what is a nuclear accident and what is not; yet the gradual seeping of radiation into our air and water represents a long-term health threat which even the grossly inadequate insurance we have does not recognize.

"The hazard is new," said the insurance man, and it is dubious that this nation will be in any better a position to deal with the economic hardships than it will be to handle the appalling suffering and dislocation produced by a major accident.

Take another look at your homeowner's policy. Reread the Nuclear Clause.

Now what?

THE RIGHT TO BE FREE OF UNNECESSARY ATOMIC RADIATION—THE ENVIRONMENTAL RIGHT OF THE PEOPLE OF THE LONG ISLAND SOUND AREA

(By Irving Like [1])

My name is Irving Like. I am a partner of the law firm of Reilly, Like & Schneider, Babylon, New York, and am concerned about the impact of atomic energy projects on man and his environment, with particular concern for Long Island and its natural resources.

The basic theme of my statement is that the people of the Long Island Sound area have a right to a quality environment, free of pollution, nuclear or otherwise, and that the Congress should enact legislation which would incorporate the provisions of Mr. Wolff's bill H.R. 12389 but with additional amendments establishing a mechanism and procedure for the ultimate adoption of a comprehensive plan, binding upon federal, state and local government. The plan would have the force of law and (1) would be designed to protect the environmental quality of the Long Island Sound area; and (2) secure to the people of this area certain environmental rights.

Among these would be the right of the people to determine whether the Long Island Sound region should be an area off limits to nuclear power plants and free of any unnecessary additional atomic radiation. A Long Island Sound Council on Environmental Quality should be established with authority to review all projects, such as nuclear power plants, which have a major impact upon the quality of the environment. The council should hold public hearings on any proposed nuclear project and inquire into its relative benefits, risks and alternatives, and then make its findings known to the public. The people should then have the right, through a referendum to vote whether to approve or reject the particular project.

It should be the privilege of the people to decide that they are willing to wait until science and technology can produce a nuclear reactor perfected to the point where it will discharge zero radioactivity. The final choice of whether to generate electricity by conventional fossil fuel plants or nuclear facilities should belong to the people who are going to have to pay the cost for such power.

The Long Island Sound is not simply an arm of the sea.

It is a way of life with an almost mystic attraction to those who live near or visit its shores.

Name any variety of marine recreation and you will find it in its waters or along its beaches and estuaries.

Very few, if any, scenic shorelines can be found near major cities along the Atlantic coast, which match the beauty of the North Shore of Long Island.

Long Island Sound supports a multi-million dollar fish and wildlife resource, and its ecology is a vast nature laboratory for government and scientific research.

Its unbridged vastness guarantees the island flavor and serenity of Long Island. The national importance of Long Island's natural heritage is evidenced by the Fire Island National Seashore and several federal wildlife refuges.

Why is Long Island unique? Why is it special?

Because it is that rare combination—an island thing of beauty vulnerable to the technological advances and growth pressures of the greater New York metropolitan area, and yet miraculously protected by the seas which encircle it.

Ironically, it is these very bodies of water, the ramparts of Long Island's natural heritage, which the project builders wish to conquer or exploit.

Bridges to Westchester and New England are proposed which would destroy the refreshment of Long Island's isolation, and substitute a fast buck industrial progress for Long Island's vintage industry of tourism, recreation and scientific research.

Oil hunters reportedly have designs to drill for Long Island's offshore mineral deposits, raising again the specter of another Santa Barbara oil spillage blackening the Fire Island National Seashore and other incomparable beaches which run the island.

And now deadliest of all—is the prospect of several nuclear power plants locating on Long Island's shoreline in order to be able to suck in the fantastic quantities of water needed to cool their power reactors and return them as heated water bearing radioactive effluents.

The first plant proposed is to be at Shoreham, in the Town of Brookhaven, one of Long Island's fastest growing towns, with a population of 214,000 as of January 1, 1969 and expected to increase to 515,000 by 1985.

What is the citizen of the Long Island Sound area confronted with when he attempts to cope with the combined power of AEC and the utility seeking a license to construct and operate a nuclear power plant?

What can you, the Congress, do to help protect the citizen against inappropriate nuclear power plant development?

These are the two questions I wish to comment on in my statement.

First I would like to point out the substantive and procedural obstacles that confront the public and any prospective intervenor in AEC nuclear power plant licensing proceedings.

I. By law, the AEC is required to promote development of atomic energy and simultaneously regulate the licensing of nuclear power plants. It is biased in favor of development, and it places its resources on the side of the utility applicant.

A. The issue in each AEC licensing proceeding is whether the proposed facility can be constructed and operated at the proposed location without undue risk to health and safety of the public.

B. AEC is the one who decides what is undue risk. "Undue risk" does not mean that there is no risk; it means simply that in the AEC's opinion, the benefit to the public from nuclear power outweighs whatever risk the public may suffer. In deciding what is "undue risk", the AEC claims that it need be concerned only with the danger of radioactive discharge.

C. It refuses to take thermal pollution or any other environmental or economic impact into consideration.

D. It claims that it is not bound by the opinions or rulings of any other federal, state or local agency.

E. Although nuclear power plants have not produced the expected benefits, the AEC continues to issue permits on the assumption that the benefits outweigh the risks. Although the permissible limits of radioactive discharge set forth in the AEC regulations are under scientific challenge, the AEC continues to stick to these questionable limits and to issue nuclear power plant permits whose radioactive discharge may exceed the safe dosages.

F. Although the applicant (utility) has the burden of proving that the nuclear reactor will not cause undue risk to the health and safety of the public, even if applicant does not prove its case during the lengthy period of technical review and at the public hearing which follows, the AEC usually resolves any doubts on the issue of undue risk in favor of the applicant by allowing the applicant:

(1) to supply, in the future, any omitted technical information;

(2) to conduct a research and development program design to resolve any open safety questions;

(3) to submit, in the future, further or supplemental evidence on any of the issues presented by the applicant.

G. On virtually every risk issue, the AEC assumes that the applicant can overcome the problem, either through additional research and development or through the presentation of additional evidence. The AEC even allows the applicant to present a design for a larger and different reactor untested by previous experience, so long as the AEC finds that such novel plant is feasible within the range of established technical and engineering practice.

H. During the period of technical review and processing of the application, the staff of the AEC and the advisory committee on reactor safeguards (ACRS) confer privately with the applicant and help him complete and perfect his application so that a public hearing can then be scheduled.

II. The procedures relating to public hearings and intervention by opponents of the project are a sham and contrary to the public interest.

A. The whole technical review procedure involving the utility applicant, the AEC staff and the ACRS takes place behind closed doors, and the basis for the reports and recommendations of the staff and the ACRS are not exposed to public view until the public hearing. During the entire period of technical review, the public is excluded from participation and there is no *opportunity* given for any outside independent expert or environmental agency to participate with the staff and the ACRS and utility in the process of technical review of the application.

B. Ostensibly, the purpose of the public hearing is as a forum to test and validate the safety findings of the staff and the ACRS. However, it really does not serve such purpose because by the time such public hearing is scheduled, the staff and the ACRS have already formed their opinions and have lined up on the side of the utility. It is hardly conceivable that the staff and the ACRS would suffer the embarrassment of reversing themselves at the public hearing after they had previously given the green light for such hearing.

C. It is difficult for a representative of the public interest to gain status as an intervenor in the proceeding. The prospective intervenor must state his specific interest in the proceeding and how it would be affected by the issuance of a permit. The AEC rules on intervention are very technical, and the AEC will refuse to allow intervention by any person unless the prospective intervenor limits himself to the presentation of evidence

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[1] Testimony presented before the Hon. Lester L. Wolff, Ogden R. Reid and Joseph P. Addabbo at a hearing on February 6, 1970 at the United States Customs Courthouse, at Federal Plaza, New York City, on the subject of atomic energy plants and their effects on the environment. (Biographic profile appended.)

on the issue of radiological effect. Many attempts by citizen groups to gain intervenor status have been rejected by the AEC. As a result, there was no opportunity to present evidence in opposition to the utility, the reports of the staff and ACRS, and to cross-examine the proponents of the permit.

D. Even if granted status as an intervenor, a party then suffers the disadvantage of having a very limited time in which to prepare for the public hearing. In contrast to the long period of time devoted to the technical review of the application, the tremendous resources of the utility, and the availability to the utility of the technical talents of the AEC staff and ACRS, the intervenor is usually a person or group of modest means unable to comprehend the technical complexity of the application, and unable to afford the independent experts whose services are necessary to investigate and testify with regard to the adequacy of the application and the findings of the staff and ACRS.

E. No opportunity is given to the prospective intervenor and his experts to confer with the staff and ACRS in their technical review of the utility's application, prior to the public hearing. Although the AEC gives the utility an opportunity to establish, through its future research, that the facility *will not* cause undue risk to the health and safety of the public, the AEC rejects any claim by the intervenor that further scientific research is needed to determine the safe dosages of radioactive discharge, and rejects the claim that future research may, on the contrary, reveal that the permissible safe dosages of radioactivity are too high and that the proposed nuclear plant will cause risk of radiological hazard. In short, the AEC assumes that future research will vindicate the position of the utility and not the intervenor.

F. Whereas the AEC gives the utility an almost unlimited opportunity to prove its case, and customarily issues provisional construction permits where there are still open questions to be resolved, and allows the utility to reopen the hearing from time to time to present additional evidence in support of its application, when it comes to dealing with the intervenor, the AEC does not keep the record open indefinitely and does not permit the reconvening of the public hearing for the purpose of receiving additional evidence from the intervenor, but instead summarily dismisses the intervenor's claim if not proven within a reasonable period after the commencement of the public hearings.

To summarize, the prospective intervenor must deal with a stacked deck. He not only must confront the formidable lineup of the utility, the AEC staff and the ACRS, but he is handicapped by the lack of legal favorable precedents and prejudiced by a grossly unfair set of procedures.

PROCEDURAL REFORM

To make the AEC procedures in nuclear plant licensing proceedings more fair to the citizen, who seeks to intervene, I recommend the following:

1. Require that the Rules of Practice of the AEC be amended to provide that the proceeding is deemed to commence, and the citizen may intervene, as soon as the utility files its application;

2. Allow the citizen and his independent experts to confer with the AEC staff and ACRS at the same time that the utility does. In this way, the participation of the citizen during the period of technical review of the application can be made meaningful, and if the proceeding ultimately reaches the stage of a public hearing, the issues can be more effectively litigated.

REQUIREMENT THAT AEC CONSIDER THERMAL POLLUTION AND OTHER ENVIRONMENTAL EFFECTS

Congress recently passed the National Environmental Policy Act of 1969 (Public Law 91-190, 91st Congress S. 1075, January 1, 1970, 83 Stat. 852) in which it directed all federal agencies to take into consideration, in their decision making, the following factors, among others:

1. The environmental impact of the proposed action;

2. Any adverse environmental effects which cannot be avoided should the proposal be implemented.

It is my opinion that because of this law, the AEC can no longer limit its responsibility to issues of radiological safety, but is now obliged to take thermal pollution and other environmental effects into consideration.

On January 29, 1970,[2] JCAE Chairman Holifield stated that he was writing a letter to the AEC urging them to take thermal effects into account in their nuclear plant licensing proceedings.

It may be that the AEC will resist my interpretation of the National Environmental Policy Act and the matter may ultimately have to be decided by the Courts.

I recommend, therefore, that if feasible, the Congress pass a resolution declaring that it is the intent and sense of Congress in the National Environmental Policy Act that the AEC be required to take thermal and other environmental effects into consideration.

I do not believe the AEC would ignore such a resolution.

ENVIRONMENTAL QUALITY LEGAL DEFENDERS

The citizen intervenor is no match for the utility AEC Staff combined legal, technical and financial resources.

To redress this power imbalance, I suggest any or all of the following measures:

1. An eminent environmental lawyer, David Sive, Esq., recently observed:

"In the environmental litigation in which the legality of a large public works project is at issue, financial, time and physical factors prevent the plaintiffs from getting the materials or data for their experts to study. Should they not therefore be permitted to examine experts employed by the adverse party, the government agency, both on deposition before trial and on trial, on direct examination and under subpoena."

Mr. Sive explained that the right to conduct such examination would be useful because in many environmental litigations, experts who are employees of the very government agencies being sued, may have opinions at variance with positions taken by the agency heads.

To secure this right of examination, I suggest that Congress pass legislation requiring modification of the present rule of discovery and evidence which prohibits such examination.

2. A special Environmental Quality defense unit should be established in the Department of Justice and in each of the district U.S. Attorney's offices with responsibility to intervene in AEC proceedings where a major environmental issue is at stake, and where the provisions of the National Environmental Policy Act and other U.S. environmental laws need to be enforced. This would be analogous to the Civil Rights Division or Anti-Trust Division now operating in the Attorney General's office. The Environmental Quality unit would be authorized to summon whatever technical experts and federal resources it needed to effectively present its case.

3. Similar responsibility could be assigned to the Consumer Protection Affairs Division, which is a part of the Executive Department.

4. Congress may, as an alternative to the use of existing arms of government, establish an independent Office of Environmental Defender or Ombudsman with its own staff and budget, to intervene and litigate on the side of environmental quality, wherever necessary.

5. Or, why not have the sub-committees of Congress, such as yours, act as environmental investigators, bringing vital information to the public's attention and even intervening in AEC proceedings as the legislative representatives of the affected public interest.

I have thus far touched on procedural reforms needed to give the cause of environmental quality a fairer day in Court.

These are of limited effectiveness unless basic substantive changes are made in the field of environmental law.

ENVIRONMENTAL LAW CHANGES NEEDED

In view of the serious scientific concern which has been raised as to the possible damaging effects of the radiation dose levels currently permitted under AEC regulations (10 CFR 20) (See testimony of John W. Gofman—Jan. 28, 1970, before the JCAE), Congress should enact legislation providing for an independent research study, reexamination and review by a broadly based scientific panel of the current radiation protection standards, with the objective of reducing such levels to the lowest possible level which is technically feasible—thereby obligating the nuclear power industry to improve its technology to the point where radiation discharge is eliminated.

Congress should also enact legislation reorganizing the structure of the Federal Radiation Council to include scientific representatives, and reforming its procedures and the rule and regulation making procedures of the AEC regarding the establishment of radiation protection standards, so that the total scientific community is given a meaningful opporunity to participate, and the interested public and the Congress is adequately informed of the risks and benefits of radiation.

Congress should consider legislation which establishes a two-step hearing procedure in Atomic Energy Licensing Proceedings.

Step 1 would be the consideration of sitting problems and all environmental effects of the proposed project.

Step 2 would follow a green light on Step 1, and would deal with the highly technical safety and engineering factors.

This sequence is analogous to the two-step hearing procedure now applicable to federally aided state highway projects. (Step 1—highway corridor selection; Step 2—design and construction features)

AEC Commissioner Ramey appeared to support the two-step approach in his testimony October 28, 1969 before the JCAE. (See p. 109—Transcript of Hearings before JCAE—91st Congress, 1st Session on "Environmental Effects of Producing Electric Power."

Another needed substantive law reform is the legislation (H.R. 4148)[3] which has passed in the House and Senate versions[4] and is awaiting action by Joint Committee, which includes provisions which would require certification by state water quality agencies that the construction and operation of new power facilities would not cause any violation of applicable water quality standards.

Most importantly, we need recognition on the federal level, preferably in the form of a constitutional amendment, of a National Conservation Bill of Rights which would guarantee each citizen's right to a healthful quality environment, free of pollution.

It would be most fitting if such a constitutional amendment could be adopted in time for the 1976 commemoration of 200 years of our independence.

In the meantime, I believe the people of the Long Island Sound area would support legislation recognizing their right to the protection of their unique natural resources, and their right of self determination in regard to the type of projects which may be imposed upon them.

The time has finally come when decisions on projects which will have a major impact upon the quality of the environment, or which involve irreversible and irretrievable

[2] Joint Committee on Atomic Energy.

[3] Water Quality Improvement Act of 1969 (91st Congress, 1st Session).

[4] S. 7.

commitments of resources, can no longer be left solely with the market oriented profit motivated producer, or his government regulator. The citizen, consumer or public who must live with the mistakes or consequences of such producer initiated actions, should have the right to participate and choose among the various alternatives—project or no project—nuclear or fossil fuel—with full knowledge of the relative risks, benefits and costs.

The legislation which I urged at the opening of my statement will give the people of the Long Island Sound area the opportunity to participate meaningfully in determining, as to any major project, what they believe represents the maximum social benefit, at the least social cost.

BIOGRAPHICAL PROFILE OF IRVING LIKE

Graduate Columbia University Law School.

Partner of Reilly, Like & Schneider, 200 West Main Street, Babylon, New York.

Resume of conservation activities and affiliations

1. New York State Conservation Bill of Rights:

(a) Originated concept conservation bill of rights and helped draft same which was adopted by New York State Constitutional Convention in 1967 and re-enacted by New York State Legislature in 1968, and approved by voters' referendum in November 1969.

(b) Received American Motors Award for contribution of conservation bill of rights.

(c) Composed articles concerning conservation bill of rights and environment, published by Horticultural Society of New York and the Long Island Daily Review.

2. Fire Island National Seashore: Counsel Citizens Committee for a Fire Island National Seashore

3. Helped draft the following legislation:

(a) Fire Island National Seashore.

(b) Hudson River Compact Legislation.

(c) Town of Oyster Bay Conservation Plan adopted 1968 by Town Board.

(d) Proposed Long Island Sound Shoreline Act (introduced in Congress by Congressmen Wolff and Grover).

(e) Proposed Route 25A Scenic and Historical Commission legislation (introduced in the New York State Legislature by Senator Bernard Smith).

(f) Proposed Great South Bay Conservation Commission Act (introduced by Assemblyman Costigan and State Senator Giuffreda).

(g) Proposed federal conservation bill of rights introduced by Congressman Bennett of Florida.

4. Town of Oyster Bay Wetlands: Negotiated agreement between Interior Department and Town of Oyster Bay for a transfer of title by Town of approximately 5000 acres of wetlands and under water lands for dedication as migratory bird refuge.

5. Chairman—Town of Babylon Conservation Commission.

6. Member of Suffolk County Charter Revision Commission.

Memberships

Atlantic Advisory Committee—Sierra Club.

National Audubon Society.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

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

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

PRO ARTE SYMPOSIUM

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WYDLER. Mr. Speaker, support for the arts has received new and important encouragement from President Nixon in his announcement of a request for increased appropriations in a period when most items are suffering a reduction in the Federal budget. This type of support is important but would be meaningless without a strong private response.

The Pro Arte Symphony Orchestra is an outstanding addition to culture and to the arts. I have the honor of serving on the men's committee for this worthwhile organization.

On February 3, 4, and 5, the Pro Arte Symphony Orchestra, sponsored by Hofstra University, Hempstead, N.Y., conducted a symposium on contemporary music. This is the first time that a cultural undertaking of this kind and magnitude has been attempted on Long Island; it was accomplished without government support.

Musicians, teachers, and students and others attending the seminar at Garden City, Long Island had an opportunity to study new scores and their unusual system of notation, to be present at workshop rehearsals of the Pro Arte Symphony from the first reading of new works to their actual premiere performance, and to hear and participate in discussions about contemporary music with 15 nationally recognized composers, conductors, performing artists, and educators. Some of the more advanced student instrumentalists rehearsed side by side with Pro Arte's regular orchestra members as they prepared for a performance.

Among those participating in the discussions were: Dr. Eleazar de Carvalho, conductor and music director of the Pro Arte Symphony and lifetime conductor of the National Orchestra of Brazil; Lukas Foss, conductor and music director of the Buffalo Philharmonic Orchestra; Dr. Arthur Custer, director of the Metropolitan Educational Center in the Arts in St. Louis; British Composer Richard Arnell, visiting professor of Humanities at Hofstra University, Gabriel Fontrier, professor of music at Queens College and music critic of the Long Island Press; Albert Tepper, chairman of the Hofstra University Music Department; and Composer Raoul Pleskow, chairman of the music department of C. W. Post College. Elie Siegmeister, composer-in-residence at Hofstra University, was the moderator for the symposium discussions, "Contemporary Music: New Sounds for a New Decade"—during which each panelist made a statement on music of the seventies, what he felt it might be, what it should be, and the direction he would like to see it take. This was followed by a lively exchange between the panelists and the audience. Another symposium discussion involved new systems of notation and interpreting the intentions of the composers which included a strong suggestion by Dr. de Carvalho that there be a codification of musical notation for the new works.

Each of the symposium sessions were attended by about 100 people and the orchestra's dress rehearsal had an audience of about 250. The symposium culminated with two performances by the Pro Arte Symphony: a free one in the predominantly black area of Wyandanch in Suffolk County; and the regularly scheduled concert at the Hofstra Playhouse. These performances featured the world premiere of a work commissioned by Pro Arte, Richard Arnell's "The Town Crier," with a poem by Hofstra professor of drama, Stanley Young, and the U.S. premiere of "ST/48" by Greek composer, Iannis Xenakis who came to this country to attend the performance of his work.

The Pro Arte Symphony, Long Island's only fully professional symphony orchestra, was founded in 1965 by Hofstra University in order to bring the best of the traditional and new music to the people of Long Island. How well Pro Arte fills that role and, indeed, adds to the cultural well-being of our country can best be indicated by the following telegram recently sent to the orchestra at the behest of the President of the United States:

J. BURCHENAL AULT,
President Pro Arte Symphony Orchestra, Hofstra University, Hempstead, N.Y.:

On behalf of the President and National Endowment for the Arts, I offer congratulations to Pro Arte Symphony as it hosts a symposium on Contemporary music. The performing of the great orchestral works of the past, as well as the compositions by recognized composers of the present time is an important responsibility that symphony orchestras should assume unhesitatingly. In providing opportunities for audiences to hear the finest music of all periods, the Pro Arte Symphony and Hofstra University are to be commended for the sponsorship of a Symposium which will make a significant contribution to music patrons of Long Island and at the same time permit a group of the country's leading living composers to be heard.

Sincerely,

NANCY HANKS,
Chairman of National Endowment for the Arts and Humanities.

GOVERNOR MADDOX AND HIS AX HANDLES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. FINDLEY. Mr. Speaker, yesterday the gentleman from Michigan (Mr. CONYERS) voiced very appropriate comments about the bad manners of Governor Maddox in bringing ax handles—the ugly symbol of racial segregation in restaurants—into the House of Representatives restaurant.

I was momentarily off the House floor

when the gentleman from Michigan made his comments and was joined by other Members. Had I been here at that moment I would have joined in supporting his observations.

I have heard many of my colleagues on this side of the political aisle speak clearly their own resentment over Governor Maddox's activities in the House restaurant, and I welcome this opportunity to say that the party of Lincoln is outraged by this affair.

What shocks me the most is the realization that a man of such poor taste, crude manners, and warped judgment could have been elevated to the position of Governor of the great State of Georgia.

He and his ax handles are grim reminders of the past and the sooner they are both consigned completely to an unpleasant page in history the better.

AMERICA'S CHALLENGE

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. FOREMAN. Mr. Speaker, America has, from its beginning, been a land of challenge, of opportunity, and freedom. Even with all our technical successes and advancements, today America faces her greatest challenge since the Civil War, a challenge from within—the growing anarchistic civil disobedience and disrespect for law—the decreasing respect for individual initiative and for moral and economic responsibility.

America's opportunities are her most attractive challenges. There are a great deal of things that are right and good about America, and, yes there are some problems and wrongs that challenge our country today. Justice is not the child of ethics, but of law. Until laws are legally amended, it is the duty of those in government—particularly the courts—not to ignore or reinterpret them, but to enforce them as written. It is the duty of the people, whether they agree with them or not, to obey and abide by them. The failure to do so is a major symptom of what ails American society today.

Other symptoms are the continuation of both organized and "spontaneous" crime; the current epidemic of drug addiction; the public's permissive attitude toward obscenity, exhibitionism and vulgarity; draft-card burning and military desertion; and, most disturbing of all, the widespread fear of confrontation with the self-proclaimed Communist enemy.

Millions of concerned and bewildered Americans are asking: Why? How come? Where does the responsibility lie? Obviously, it lies not only with the mass communication media, professional pornographers and our spiritual, political and educational leaders, but with all of us. Through our careless complacency, we have accepted, in fact, we have encouraged this moral void.

When a Harvard student says "I don't want to hear any more about the Constitution"; when Berkeley students give blood contributions for the Vietcong enemies; when a Columbia student burns the American flag, then we should recognize that these unruly dissidents were never taught the facts of life in their home, school, or university and they become pushovers for the Red fascism, because they want to be positive and because they want to undo wrongs and equalize the people.

There is not and cannot be any such thing as equality. Free men are not equal, and equal men are not free. We should be equal before the law and nowhere else.

Looking at the other side—toward those great things that are right about America—the picture is bright and encouraging, indeed. This has been the greatest Nation in history because of four things: The constitutional American system of free enterprise, the profit motive; the land and climate; the kind of spirited individualists who settled and developed this country; and a deeply religious and spiritual faith in God. Now, the collectivists are deliberately destroying the system and the free Republic which produces, on 7 percent of the world's land, more than half of the world's goods.

With 6 percent of the world's people, we Americans own 71 percent of its cars, 56 percent of its telephones, 83 percent of its TV sets, and 90 percent of its bathtubs. American business—free enterprise initiative—did this, not the Government. The hard-working, God-fearing, self-respecting squares and their parents did it.

We do not have to sell the advantages of individual initiative and constitutional American principles, all we need to do is live these principles and they will sell themselves. We can be better than our reputation, but we cannot be better than our principles.

We do not need more government, we need less government. To bring things into proper balance, economically, we do not need more taxes, we need fewer taxes. We need to become more honest with ourselves. Financially, we must stop depending on the Federal Government to do those things that we could and should do for ourselves.

The elimination of poverty is a noble, but certainly not new, idea. Our forefathers struggled with it from the beginning and many of us have carried on the battle.

The theory that underlies most Federal programs is that poverty is a deficiency which is bound to perpetuate itself through generations unless eradicated by governmental action. If that hypothesis were true, most of America's 200 million residents would still be poor, ignorant, and unemployed, as their ancestors were when they landed on these shores. The American record suggests that the condition of poverty is not so much a cause, but a result, and that it can be remedied—in cases where it can be remedied—by the individual.

You cannot help people by teaching them to depend on a welfare handout as a way of life. You only help them when you teach them to work to provide for themselves. The best way to uplift poor families is to help the head of the family get a job. Spending more tax dollars, initiating new welfare programs and bureaucratic agencies is not the answer. The way to provide new jobs is to ease the tax burdens on business and industry. Allow more business incentives to expand, develop, and invest more in new plants and services.

Yes, Americans do want to eliminate poverty everywhere possible, but the solution is primarily that of individual effort, not governmental handouts. Some folks do not seem to understand that if they want to make ends meet, they need to get off theirs.

It is the theory of many of the society planners: That the cure for crime is more public housing, more equitable racial mix to be achieved by integrating neighborhoods and crosshauling children, giant infusions of Federal money into so-called depressed areas, and hiring only those policemen who promise to behave like benevolent big brothers and more relief programs and more social workers.

Oh, yes, and because a number of dope addicts have robbed in order to find money to support their habit, it has been seriously suggested that the Government supply the drugs free, so its users may float around the streets in narcotic euphoria, paid for by the squares who work.

Now if poverty is the root of crime, how does it happen that crime has increased most rapidly in a period in which the general per capita income has increased more rapidly?

I suggest that crime, and especially juvenile delinquency, seems to flourish more in our so-called affluent society where so many of our youngsters are not permitted to work, than it did in days of so-called poverty where they, as most of us, had to work.

There are deeper reasons for this national problem than can be cured by the simple outpouring of more public funds. It is time that people of good will and intelligence recognized that, unless the rewards for gross irresponsibility can be diminished, and unless the wages of sin can be cut, the overwhelming majority of law-abiding Americans of all races are going to be increasingly victimized by an unprincipled and vicious minority.

In attempting to improve society by substituting the false god of Government for the supreme power of individual effort, we have substituted the welfare state for our individual responsibility and God-given freedom. This is the path that has meant the end of about 20 civilizations in past history.

If Americans do not arise to this challenge confronting us, our Nation can go down, but if we ever do, it will not be because the world developed the hydrogen bomb. It would be because we have developed a false philosophy that says the individual is no longer economically responsible for his own welfare, or morally responsible for his own conduct.

Thomas Jefferson gave us the great political concept that a nation governs best which governs least. Oh—how far we have abandoned that philosophy to-

day. The party which he founded ridicules his faith and makes a mockery of his name by having Jefferson Day Dinners.

The great Frenchman, Alexis de Tocqueville, who came to America in the 1830's to study what was then described as a "noble experiment" in government, summarized his findings as to the existing, and the future status, of America in the following words:

I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairies, and it was not there; in her rich mines and her vast world commerce, and it was not there. Not until I went to the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power. America is great because she is good, and if America ever ceases to be good, America will cease to be great.

My prayer at this time for you, and all of America, is that through a return to faith in God, restored confidence in the supreme worth of individual effort, and a greater devotion to our Constitution, America may continue to offer the same blessings of liberty and opportunity to our posterity as it gave to our immigrant forefathers, and to ourselves. Democracy will have availed us little, if in rescuing us from the despotism of kings, it hands us over to the tyranny of a majority who are willing to accept the shackles of a welfare state.

AX HANDLES AS SOUVENIRS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. CORMAN. Mr. Speaker, it is alleged, and I have every reason to believe that an unconscionable act against decency and dignity was performed yesterday in the Members' dining room by the Governor of Georgia, Lester Maddox, as he passed out full-size, full-length ax handles as souvenirs—replicas of the instrument with which he denied Negroes the right to come into his public restaurant a few years ago.

Lester Maddox must understand now, what he apparently did not have the grace to comprehend before, that he does not have the right to perpetrate his particular brand of racial hatred in the facilities reserved for Members of Congress and their guests.

The Governor of Georgia has exhibited an appalling disrespect for the Congress of the United States, for its citizens, both black and white, and for the rule of law by which we govern ourselves.

Perhaps we can expect no less from a man whose private and public career has been dedicated to lawlessness and to persistent attacks on both the morality and constitutional precepts which undergird this great democracy. I would hope, however, that those responsible for decorum in the Nation's Capitol building would act much more promptly in preventing obscenities such as those visited upon us yesterday by Lester Maddox. They were obviously derelict in the performance of their duty.

ALOYSIUS A. MAZEWSKI'S SPEECH AT DIAMOND JUBILEE COMMEMORATIVE DINNER OF ST. HYACINTH CHURCH, CHICAGO, ILL., ON OCTOBER 11, 1969

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PUCINSKI. Mr. Speaker, Mr. Aloysius A. Mazewski, president of the Polish National Alliance and Polish American Congress, delivered a most moving and eloquent speech commemorating the 75th anniversary of the founding of St. Hyacinth's Parish in Chicago.

He places into historical perspective the development of St. Hyacinth's Parish and its contribution as a center of Polish religious and cultural traditions, and as the hub of patriotic and civic activities.

Polish Americans can rightly be proud that through their efforts there have been built many high schools, hospitals, seminaries, and colleges. They have greatly enhanced the cultural and religious values of our Nation and are among the most patriotic citizens participating in civic affairs.

The good works of the Resurrectionist Fathers and St. Hyacinth's Parish have served to enrich our heritage immensely, and I insert in the RECORD today Mr. Mazewski's excellent speech. He inspires us all.

The speech follows:

ALOYSIUS A. MAZEWSKI'S SPEECH AT DIAMOND JUBILEE COMMEMORATIVE DINNER OF SAINT HYACINTH CHURCH, CHICAGO, ILL., OCTOBER 11, 1969

On this day of festive thanksgiving and remembrances, we reach the culmination of a series of solemn celebrations that marked the 75th anniversary of the founding of St. Hyacinth's parish.

And it is, indeed, a privilege and a signal honor to address this distinguished assemblage of church dignitaries, civic, fraternal and cultural leaders, and representatives from the professional, business and social areas of activity.

We are gathered here this evening primarily to pay tribute to the founders and pioneers of this renowned parish and to extend the words of warmest felicitations and encouragement to the spiritual and lay leaders as well as to all families and individual members of this parish.

Dedicated to the veneration of one of the noblest and most idealistic saints not only of the Polish nation but of the entire Catholic Church,—swiety Jacek,—St. Hyacinth's parish has earned the mark of distinction in the history of the Archdiocese, of Chicago and of our Polonia.

As a rapidly expanding unit of the Archdiocese, as a center of Polish religious and cultural traditions, as the hub of patriotic and civic activities, St. Hyacinth's parish grew in significance and exemplary influence.

Thoroughly researched and beautifully written histories of the parish in both Polish and English languages speak more eloquently of the great and enduring service and leadership of the Resurrectionist Fathers than any words that may add in tribute and grateful acknowledgment to them. The Resurrectionists Fathers under the wise, bold and imaginative leadership of the Reverend Vincent Barzynski were among the pioneer Polish priests in Chicago and the Middle West, and St. Hyacinth's parish is an impressive and lasting monument to their dedication and attainment in the service of the Church, to the Polish immigrants, and now, to our Polonia.

In the larger sweep of History, St. Hyacinth's parish emerges as a vital and highly significant part of the community.

It came into the existence only 57 years after the city's incorporation, 23 years after the great and devastating Chicago fire, 51 years after the establishment of the Chicago Diocese and 14 years after this See became the Archdiocese.

Thus St. Hyacinth's spans larger part of the City and Archdiocese history.

What is more important to us, however, is the fact that the highly respected Jackowo contributed much to the growth and development of Chicago's Polonia. Its parishioners stood in forefront of many and diversified activities of our fraternal organizations and of civic and patriotic endeavors. During World War One and in the years preceding it as well as during its aftermath, St Hyacinth's parish played an important, vital and vibrant part in Polonia's participation in both the American war efforts and in historic efforts aimed at the restoration of a free and independent Poland.

In World War Two, this parish not only sent its sons and daughters to serve in the American Armed Forces, not only participated in the faithful implementation of war-time economic programs, but also devoted much time, energy and money in helping the land of our ancestry Poland during the devastating war-years and in organizing Americans of Polish origin into the Polish American Congress for the purpose of continued struggle in behalf of Poland's freedom and independence and in steadfast opposition to communism.

Thus the seventy five years of the parish history are filled with deeply ingrained patriotism, whose wellspring of inspiration, strength and endurance comes from the abiding of our forefathers, from the deep and meaningful awareness of our priceless religious heritage, and from our historic fidelity to the Mother Church.

These seventy five years of service to God and Country, as exemplified by St. Hyacinth's parishioners witnessed vast changes—sociological, political, economic and technological and even cultural, which brought us to the present tormented era of dissent, and, at times—aimless search for new definitions of old and tested values.

This age of dissatisfaction and turmoil, however, should not distract us from the eternal verities which give meaning and sustenance to our existence. The aimlessness of purpose and the destructive radicalism that afflict so many of young Americans today, provide us with a better, contrasting frame of reference, in which the values of our religion, our moral principles, and our culture nourished by spiritual teaching of the church, stand in bold relief.

These constitute the basis of strength for our land, for the Church and for our Polonia. And Polonia, as a whole, keeps steadfast faith with these verities of life which are not, and never will be subject to whimsical change, dissenting depreciation or innovatory declarations that are heard in our times.

Our tower of strength is built by our religious and cultural heritage which we received from our fathers and which we will leave to our children as a noble legacy.

There is, however, one aspect of the changeless values of our faith and social fabric, which must be appraised with all sincerity and reverence. This aspect is inherent in the living history of man. It finds its fullest expression in the renewal of the heart, mind and soul of man.

The good and great Pope John XXIII called it "agiornamento" in his memorable address to the opening session of the Second Vatical Council.

Agiornamento, or the opening of windows to the fresh breeze of advancing times, is responsible for the vast renovating approaches that are being taken within the Universal Church. New dialogs in vital areas of Church activities are truly promising.

In this atmosphere of open discussion, we of mature generations of Polonia, are faced with many questions which do not lend themselves to easy answers or simple explanations. And I believe these questions to be sufficiently vital and relevant to present them in a brief outline today.

Our young people of Polish heritage point out with pride, that a conservative estimate indicates that every fifth Catholic in the United States is of Polish heritage.

They also point out that their forebears built approximately twelve hundred parishes and schools in the various Catholic Dioceses in the land. They know, that due to changing demographic and social patterns, urban renewals and superhighways dislocations, many of these originally Polish parishes have changed from the ethnic to geographical character. They heartily agree with these changes and state with pride, that those parishes although no longer identified as Polish, are, in fact monuments to Polonia's contribution to the growth and development of the Catholic Church in the United States.

Today, according to statistics prepared by the Orchard Lake Schools of Orchard Lake, Mich., we still have approximately 800 Parishes designated as ethnically Polish. Practically all these parishes have their elementary schools wherein the Polish religious tradition is cultivated.

Thus Polonia's participation in the Catholic Church in the United States is vital, meaningful and relevant.

Our young people of Polish heritage are aware of these facts and are glad of them.

However, some doubts and disappointments assail them at times. They want to know, in view of the fact that every fifth Catholic in the land is of Polish ancestry, that their forebears built so many churches, parochial schools, high schools and institutions of higher learning, Polonia has relatively small representation in the hierarchy of the Church?

The Polish American Congress, in its petition addressed to His Holiness Paul VI, states that Polonia has built 83 High Schools, 20 hospitals and 11 Seminaries and Colleges. It further states that in Chicago alone, Polish Americans built 16 High Schools out of the 30 Catholic High Schools existing in the city.

We also know that the American clergy includes many Catholic priests of Polish origin, who are eminently successful in both pastoral and administrative areas and are singularly suited for high positions of leadership, trust and confidence.

Being aware of these facts, however, makes it even more difficult for Polonia's mature leaders to answer these questions asked by our young Americans of Polish ancestry with increasing frequency:—why, in view of these contributions of Polonia, do we not have a justified share of participation in the Hierarchy?

We believe and we want our young people to believe that this inequity in the hierarchical representation will be rectified in the ecumenical spirit of the Second Council of Vatican.

We take heart and inspiration from the history of St. Hyacinth's parish, which began with 25 families and grew in the span of 75 years to four thousand families. Growth is one of the vital aspects of the Catholic Church. And with growth, through our sincere and devoted contribution—the just recognition will eventually come or we will ask for it in a deeply considered and dignified manner.

At the conclusion I wish to quote the New World, which states in its edition of last week, that

"St. Hyacinth's is a monument to the work of the Resurrectionist Fathers, who direct six parishes, two mission churches and two high schools in the Archdiocese."

The Polish American community in Chicago is proud of this fact and values with reverence and thankfulness the spiritual and cultural leadership of the Resurrectionist Fathers.

UNITED NATIONS CUT

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. SIKES. Mr. Speaker, much has been and is being said about cutbacks in Government spending. The February 16 edition of the Pensacola Journal, which is one of Florida's outstanding newspapers, carried an editorial supporting a proposal that the United States reduce its annual contribution to the United Nations. I believe my colleagues might find this editorial of interest, and I submit it herewith for reprinting in the CONGRESSIONAL RECORD:

UNITED NATIONS CUT

Government spending cutbacks always are painful. Political toes get stepped on and somebody always gets hurt.

Yet, when economies are ordered you can bet they are so necessary to the general welfare that political risks from failing to apply the axe are greater even than those who are certain to accrue if cuts are made.

The nation's leaders are in such a dilemma now. The people demand economies to accompany high taxation. They demand a rendering of the considerable fat encumbering the corporeal fiscal body. They want evidence of good administrative faith.

One such cut, and it could be considerable, has been proposed by Congressman Bob Sikes. Indeed, if undertaken a thunder of applause might even drown out any whisper of opposition that could be generated from the Left and from certain intellectuals of the Far Right.

Congressman Sikes suggests that the United States at least reduce its contribution to the United Nations of nearly $110 million a year—substantially more than twice what any other nation pays.

What would the United States lose?

Scarcely anything, really.

The United Nations long has been exposed as a completely ineffectual debating society too timid to act according to its charter, completely intimidated by the Communist bloc led by Russia, which freely exercises the veto, and a fancy club where a considerable handful of members repose comfortably without paying their souls in dues.

Even Russia has been guilty of refusing to pay assessments, although Moscow has the means. Many small and developing countries pay not one small token into the UN treasury to demonstrate their good faith. But all appeal loudly to the United States when money is needed in whatever emergency.

Meanwhile in high glee, and with Communist blessing, these same countries which now comprise an Assembly majority, never hesitate to hold up the United States to scorn and ridicule, to brand it an aggressor and an imperialist.

U Thant, the controversial general secretary, never misses an opportunity to rise and criticize America. On U.S. policies concerning Vietnam, Laos and Thailand he is vocal in opposition.

He parrots the Russian line and that toed by his own Burma which is the most completely socialistic nation outside of the Iron and Bamboo Curtains. Thant is not an asset for peace, although he heads an organization supposedly dedicated to it.

Truthfully there is little reason why American taxpayers should continue to finance this anti-American sounding board because not to do so might offend some countries.

To us it would seem the $110 million could be spent more wisely and that Congress should attend closely to the suggestion of Representative Sikes.

RUNAWAY PLANTS SOUTH OF BORDER UNDERMINE AMERICAN WAGE LEVELS AND LIVING STANDARDS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, last July I called the attention of the House to the serious problem of the "green-card" immigrant alien problem along our southwestern borders and its depressing effect on American wage levels and living standards. I also pointed out the related problem of "runaway plants" south of the border through the so-called border industrialization program that has lured increasing numbers of American companies to locate in a zone along the Mexican side of the border to take advantage of the low-wage labor supply.

Last summer, the Special Subcommittee on Labor held 4 days of hearings on legislation that would make it an unfair labor practice to hire as replacements for employees during a labor dispute these so-called green-carders or Mexican commuter aliens. Such commuter-aliens have been recruited as strikebreakers by unscrupulous employers for many years.

During the course of our hearings, we discovered flagrant cases of industrial development promoters, local chambers of commerce, and others who are working day and night to entice American industry to locate in border cities through the so-called twin plant concept. They brag about the "inexhaustible 30-cent-an-hour labor supply" across the Mexican border, where much of the product work can be performed. Semifinished products are then shipped back to the United States because of special tariff gimmicks for final assembly and marketing under the "Made in U.S.A." label.

Think of it, Mr. Speaker, wages as low as 30 cents per hour are paid to Mexican workers only a few miles from American communities where the Federal mini-

mum wage law applies and where our workers must be paid $1.60 an hour—a figure that itself is far too low to provide a decent standard of living.

Mr. Speaker, I can now report that the Mexican minimum wage has been increased. The exact figures vary, city by city; for example, in the capital city of Mexico City, the new legal minimum wage is 32 pesos, or $2.56 a day. The popular "twin-plant" border cities have slightly higher minimums. In Matamoros, Mexico, across the border from Brownsville, Tex., the new minimum is $2.70 per day, or about 34 cents an hour for an 8-hour day. In Ciudad Juarez, across the border from El Paso, Tex., the new minimum is $2.84 a day, or about 36 cents an hour. In Nogales, Mexico, near Tucson, Ariz., the new minimum is also $2.70 a day, or 34 cents an hour. In the relatively prosperous Baja California border area, the new legal minimum is $3.68 per day, or 46 cents an hour.

Mr. Speaker, our hearings produced evidence of a widespread economic hardship on American industry and American workers resulting from such medieval, sweatshop competition from runaway plants moving into Mexican border cities. For example, the unemployment rates of American border cities are several times that of other cities of comparable size and labor markets that are located in other parts of the State. If the Nixon administration's high-interest rate, inflationary economic policies continue, the severe economic recession that is bound to follow will cause untold additional human misery and suffering among workers in American border areas whose wage standards are being constantly eroded by this "sweatshop" competition.

Mr. Speaker, I include at this point the text of an article about the new Mexican minimum wage from the January 14, 1970, issue of the Times of the Americas. Also, I include an advertisement from the January 1970 issue of Forbes magazine that seeks to lure other industries to the Tucson-Nogales area with the promise of "30 cents per hour labor." It is sponsored by the Development Authority for Tucson's Expansion (DATE) under the directorship of a Mr. J. Karl Meyer. It was correspondence involving this same Mr. Meyer that was featured during our subcommittee hearings, as he was warned by one of his border industrial development colleagues against being too blatant in advertising low-wage labor, suggesting instead the use of "code words."

The articles follow:

[From the Times of the Americas, Jan. 14, 1970]

NEW MINIMUM WAGES IN MEXICO HELD INSUFFICIENT

MEXICO CITY.—Mexico is raising its legal minimum wage by a national average of over 15 per cent, but labor leaders say the increase is insufficient.

New legal minimums, effective Jan. 1, range from a low of the equivalent of $1.10 a day in some rural areas in southeastern Mexico to a high of $3.68 a day in the relatively prosperous Baja California border area.

Top rates go to urban workers in border cities like Tijuana, Tecate and Mexicali, where the U.S. dollar is as widely accepted as the Mexican peso. The bottom figures are those paid peasants in undeveloped areas in interiors of states like Chiapas, Oaxaca and Guerrero.

In between, come the workers in the rest of the country.

Here in metropolitan Mexico City, a capital of around eight million inhabitants, the legal minimum is 32 pesos, $2.56 a day. In Guadalajara, Mexico's second largest city, with a population of some 1.2 million, the figure is $2.36. The new minimum in Monterrey, the bustling industrial city of almost a million population, is $2.52.

Generally speaking, the legal minimums are calculated on the basis of the ability to pay of the economies of each of the 109 zones into which the Mexican republic is divided for the purpose.

And the figures are higher in the states along the U.S.-Mexican border.

Two notable exceptions are Acapulco, Mexico's most popular resort city, where the urban workers is supposed to be paid two cents a day more than his counterpart in the capital, or a total of $2.58; and the busy gulf coast port of Coatzacoalcos, where the minimum is $2.82.

Border cities, like Matamoros, across from Brownsville, Tex., Ciudad Juarez, in front of El Paso, and Nogales, in Sonora state, have new minimums of $2.70, $2.84 and $2.70, respectively. All are tourist meccas, as well as commercial and trade centers.

Labor leaders were virtually unanimous in complaining that the new legal minimum wage rates were too low.

Former Economy Minister Gilberto Loyo, who is president of the National Minimum Wage Commission, which prepared the recommendations, conceded that prices have increased somewhat in the last two years.

But, he said, the cost of living has risen only eight per cent here in Mexico City. Because the legal minimum for this metropolitan area was increased 13.3 per cent, slightly less than the national average, the urban worker is actually getting a real increase of around five per cent.

Justino Sanchez Madariaga, leader of the big Mexican Workers Confederation, insisted, though, that the 32 peso minimum here "does not satisfy the necessities of the workers, what with the explosive rise in prices."

[From Forbes, January 1970]

THE MOVE TO TUCSON

Mr. President: Don't be embarrassed at your next board meeting when the question-asker on the board asks: What's going on in Tucson, Ariz., that caused Motorola, Control Data, Kimberly-Clark, Lear Jet Stereo and Philco-Ford to establish plants there? And why did IBM and Monsanto stake out sites too?

Executive reading time/58 seconds.

Tucson, Arizona has come alive! It's a young, dynamic city . . . median age 26.4 years—younger than the national average.

$806,937,000 market of 335,000 people. Excellent labor pool . . . expandable industrial building available on city land . . . no inventory tax . . . low industrial water rates.

Expanding University—26,000 students with an exceptional faculty, especially in the space sciences, electronics and optics . . . astronomy center of the world.

Wonderful climate . . . a great place to visit, a better place to live . . . so easy to recruit executives here, too.

Twin plant in Nogales, Mexico, only one hour away . . . 30c per hour labor . . . more profitable than Japan, Hongkong or Taiwan.

International airport and seven airlines . . . Come see us or pick up a phone and call J. Karl Meyer, Executive Director of DATE, Development Authority for Tucson's Expansion 602/623-3673 or write: DATE—P.O. Box 5895, Tucson, Arizona 85703.

Because Tucson is on the move:

Plenty of Industrial Sites Left . . . But They're Going Fast!

DISABLED AMERICAN VETERANS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MILLER of California. Mr. Speaker, it was my high privilege to introduce National Commander Raymond P. Neal of the Disabled American Veterans to the Committee on Veterans' Affairs on the occasion of his appearance to outline the 1970 legislative program of the Disabled American Veterans.

Commander Neal is a Californian and comes from my section of the State and I was extremely honored to have this privilege. I would like to include with these remarks my introductory speech and his statement:

REMARKS OF THE HONORABLE GEORGE P. MILLER BEFORE VETERANS' AFFAIRS COMMITTEE, HOUSE OF REPRESENTATIVES

It is indeed a pleasure to appear here today to introduce a fellow Californian to the Veterans' Affairs Committee of the House.

I don't think I can be accused of parochial enthusiasm when I say that he has a notable career of dedication to not only the people of California as an attorney-at-law, but also to veterans of our Armed Services who now bear the honorable and permanent scars of war.

Commander Raymond P. Neal of the Disabled American Veterans has had a long and distinguished experience in advancing the causes of the many men of our country who have made personal sacrifices in body and in mind to carry out the ideals this nation treasures most dearly.

It is easy in this day of cynical and pseudo realism to depreciate such important concepts as patriotism, the flag, love of country, to cast off the debt we owe to many men and women who fought and suffered in the defense of the United States.

Nothing changes, however, the fact that this nation is what it is, and is as strong as it is now, because of the personal sacrifices that have been made by millions of Americans.

I have intimate knowledge during my career in public office of those sacrifices because as a veteran of World War I, I was a training officer with the Veterans' Administration and an assistant director of the Department of Cooperation for the 12th district in California which was concerned with the lives and prospects of veterans who served from the state of California.

That concern continues to be represented nationally in the person of Commander Neal who through sacrifice and a great amount of energy has devoted a large portion of his life to the welfare of the disabled veterans, many of whom continue to be outstanding contributors to the material and spiritual progress of America.

STATEMENT OF RAYMOND P. NEAL, NATIONAL COMMANDER OF THE DISABLED AMERICAN VETERANS BEFORE THE COMMITTEE ON VETERN'S AFFAIRS, HOUSE OF REPRESENTATIVES, FEBRUARY 25, 1970

Mr. Chairman and members of the committee: It is, indeed, a great honor and privilege for me to come before this distinguished panel to discuss the 1970 Legislative Program of the Disabled American Veterans.

My appearance here is most certainly the high point of our annual Mid-Winter Conference which officially opened Monday morning, February 23rd. The Conferees, all of whom are in the room with me, have come to our Nation's Capitol for formal discussions and an interchange of views on matters of serious importance to our organization.

The tone and temper of the Conference has been guided by the purpose for which the Disabled American Veterans was formed. That purpose commands us, "To uphold and maintain the Constitution and the laws of the United States; to realize the true American ideals and aims for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, gassed, injured and disabled veterans; to cooperate with the United States Veterans Administration and all other public and private agencies devoted to the cause of improving and advancing the condition, health and interest of all service disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among disabled veterans; to serve our comrades, our communities and our country; and to encourage in all people that spirit of understanding which will guard against future wars."

Mr. Chairman, this simple declaration will have for all of us gathered here this morning a very special significance in 1970, for this is the year that marks the 50th Anniversary of the founding of the Disabled American Veterans.

From an organizational meeting in 1920 in the aftermath of World War I, DAV membership rolls have expanded to comprise the names of 280,000 disabled war veterans, including United States Presidents, Senators, Congressmen and Governors. Our members come from the ranks of veterans of four wars—World War I, World War II, the Korean War, and now the war in Vietnam. The organization was set up for the sole purpose of providing service and assistance to the wartime disabled, his widow, orphans, and dependents. Because of its meaningful and historic role, we believe that no organization in the world is so aware, is so attuned to the disabled veterans' sacrifices and current needs as the DAV.

Mr. Chairman, this Golden Anniversary of the Disabled American Veterans comes at a particularly vital time. We are engaged in a costly war in Vietnam, and we are calling on a small minority of our citizens to bear for us the heavy burdens of securing the freedom of another nation.

As I speak at this moment, servicemen are giving their lives for our country in jungles half-way around the globe. As I speak, another casualty is being added to the cost of America's aspiration for freedom and universal self-respect. We must not forget the sacrifices that are being made for us daily.

In this 50th Anniversary year of the Disabled American Veterans, I think it is well to remember that 116,000 American men made the Supreme Sacrifice and a further 205,000 suffered wounds during World War I. An additional 461,000 lost their lives and 773,000 were wounded during World War II and the Korean Conflict. In the war now underway in Vietnam, 47,000 deaths and 265,000 wounded have been recorded thus far, and new casualties continue to arise.

Why did they die or suffer such severe and permanent disablement? One of the reasons was simply to allow the freedoms which we now all enjoy to continue, for it is certain that our way of life would have been very different, indeed, if we had failed in previous wars and if we fail now in Southeast Asia.

The work of the DAV and its Auxiliary—a good part of whose membership are young people—are in sharp distinction to that of many of the young radical "Americans" who today are seeking to destroy, with no plans for the subsequent rebuilding of our society. These young DAV members, in common with their elders in the organization, do not shout for freedom; they work for justice. They do not destroy; they try to repair. They devote no time to demonstrations; rather they demonstrate by their words and actions a desire to rebuild and rehabilitate. Indeed, their efforts on behalf of this Nation demonstrate that the good things in our society are worth defending and worth remembering; and in so doing, we all fervently pray that future new generations will be spared the experiences of total war.

Mr. Chairman, I think it most appropriate on this occasion of our 50th Anniversary to pay a special tribute to the House Veterans' Affairs Committee for doing so much over the years to ease the burdens of seriously disabled war veterans, their dependents, and survivors. We appreciate the sympathetic support you have always given to the proposed objectives of the Disabled American Veterans.

We are deeply grateful for all the expert help, advice, and practical assistance given us by the Staff Members of the Committee. They have at all times performed their work with a deep sense of dedication to the Committee and to the cause of America's veterans.

In this presentation I want to address myself to some of the general subjects which will—during the year 1970—have a special urgency for the Disabled American Veterans. They relate to matters seeking improved and meaningful benefits to helpfully satisfy the needs of the veteran disabled as a result of service to his country.

DISABILITY COMPENSATION

Throughout the years, Mr. Chairman, successive Congresses of the United States have maintained that disabilities incurred as a result of service in our Armed Forces entitled the sufferer to very special recognition and gratitude from the Nation; and it has been accepted that compensation payments should be adequate to meet the particular needs of those who are disabled—and meet those needs by providing payments based on ingredients of compassion and understanding.

It is basic and fundamental that VA compensation represents payment borne as a direct charge upon the Treasury for disability, which in turn represents the average impairment in earning capacity resulting from the disability. The basic rates of compensation payable in wartime cases currently range from $23 for a 10 percent disability to $400 per month for total disability.

Of the more than 2 million veterans on the compensation rolls, there are approximately 118,000 whose income is limited to monthly compensation payments. During 1967–68, these deserving veterans, whose disabilities result directly from their service in our Armed Forces, saw their ability to live by reasonable standards being eroded more rapidly than ever before.

Recognizing that this group has a special right to expect that their standard of living should be maintained at a reasonable level, the respected Chairman of the Subcommittee on Compensation and Pension, Mr. Dorn, introduced legislation which, when approved as Public Law 90–493 on August 19, 1968, inaugurated a new concept regarding compensation payments for the totally disabled veteran.

Effective January 1, 1969, the new law increased the 100 percent basic rate by $100 a month, and was warmly welcomed by the DAV. The law, for the first time, brought the totally disabled veterans' annual income up to a level roughly equivalent to the after-tax earnings of the Nation's 46 million production workers employed in private industry.

According to the latest available figures from the Department of Labor, the wages of the average production worker were increased approximately 11 percent in 1969, and his monthly after-tax earnings are now approaching $450. Moreover, wages are expected to keep on rising at a high rate through the current year. In view of this, we respectfully urge that your Committee continue the precedent established in 1968 by approving legislation authorizing for the totally disabled veteran compensation comparable to the wages received by his able-bodied contemporaries. Further, we ask that the same principle of tying increased earnings to compensation payments also be applied for those veterans whose disabilities are rated less than total.

We are certain that serious study and thoughtful consideration of the facts set forth above will lead your Committee to give high priority, this session, to recommendations for well-deserved increases in the rates of service connected disability compensation.

VA MEDICAL PROGRAM

Another item of equal significance to that of disability compensation relates to the program of hospital and medical care for disabled war veterans.

We believe that the welfare of the disabled war veteran and the debt his Nation owes him dictate aggressive action to make certain he receives a high standard of medical service as a matter of right. I want to say at once, Mr. Chairman, that the DAV is deeply indebted to you and to the members of your Committee for all the work you have put in and for all your earnest and reasoned efforts to help resolve the many problems infesting the VA medical care program.

The surveys carried out by your Committee are serving the good purpose of bringing to light the signs and symptoms of a general breakdown in the VA hospital system.

In an appearance last year before the Subcommittee on Hospitals of the House Committee on Veterans' Affairs, we expressed great pleasure in the announced VA plans to continue improvements in the delivery of health services to all eligible beneficiaries through progressive up-grading of facilities, continued emphasis upon restoration of patients to community living, and the expansion of many other services including the introduction of intensive care and coronary care capabilities into each VA hospital.

We saw the planned new and enlarged research units playing an important part not only in improving the medical and prosthetic services but also adding to the sum of knowledge on how to solve the health problems facing disabled veterans, and all other disabled people, young and old, in the United States and, indeed, the world.

We expressed the hope that funds for equipment, space, and personnel would be made available to enable the VA to carry out these indispensable functions.

Meanwhile, the Bureau of the Budget was slashing appropriations for the VA medical care program, and the Administration was reimposing the restrictive personnel ceilings of the 1968 Revenue and Expenditures Control Act which the Congress had previously repealed.

Reports received from our National Service Officers across the country revealed that applications for hospitalization and out-patient treatment were increasing; that demands for all hospital and medical services had reached an all-time high; that the number of veterans seeking nursing home care was rising. Our reports, in fact, reflected an increased need for across-the-board services to psychiatric, medical, and surgical patients.

It was most disturbing to learn that, because of a lack of funds and personnel, the promised and promising new programs, facilities, and medical units were being delayed or dropped and that some existing facilities had been "shut down entirely."

We are reminded constantly of the need for restraint in matters costing money; and while we of the DAV are concerned about the economy of the country, we are nevertheless equally concerned about the health services of our disabled war veterans.

The recently promulgated VA medical budget for fiscal year 1971 indicates a re-

quest of $1.7 billion for medical care, which represents an increase of $69 million over fiscal year 1970.

Upon reviewing the immedate and massive needs of the program, it becomes evident that this increase is unrealistically low. The proposed medical care budget may preserve the status quo, but will cause further deterioration of the VA medical system as time goes on.

The personnel of the VA Department of Medicine and Surgery give their best efforts to provide high quality care to veteran patients.

The VA hospital system can be restored to a vital, progressive, growing program if adequate funds are made available. The VA can go forward with positive programs that provide greater health services to more veterans with incerased effectiveness. But, again, this can only be done with a higher level of funds.

We welcome the Committee's plans to hold early hearings on the VA hospital and medical program. We will be pleased to appear and discuss in greater detail all facets of this vital subject.

INTEREST RATES

One of the most perplexing problems, and one which seems to defy solution, concerns interest rates charged for mortgages guaranteed under the VA Home Loan Program.

Each year, it becomes increasingly difficult for veterans of middle income to purchase homes because of the size of monthly payments on the mortgages underwritten by the government. Those veterans in the lower income group have been eliminated altogether from the housing market.

As you know, the going interest rate for VA mortgage loans today is 8.5 percent, plus additional points paid by the home buyer and by the seller of the house.

Veterans are being deprived of houses they desperately need and are pleading for Federal action. The government has said that the remedy lies in checking inflation. Veterans, understandably are not happy about waiting for the government to curb inflation, since the process at best seems certain to take a period of years.

The DAV on previous occasions has expressed real concern about preserving the original intent of the GI Home Loan Program. I do not propose to reiterate here all the supporting arguments except to say that in our view speculative rates of interest have undermined the very principle upon which the whole Home Loan Program is based, that GI interest rates should be set at a reasonable level; and that the Direct Home Loan Program should be enlarged if private lenders are unwilling to invest in these well-secured government guaranteed loans.

We think it fair to say that the highest priority should be given to meeting the housing needs of those who have served our country in times of national emergencies; and, in the carrying out of this effort, the vast resources of public or private sectors of the economy should be fully utilized.

We believe, in short, that the interest of returning veterans can best be served by greatly expanding the VA Direct Loan Program with a fixed, reasonable interest rate. We believe, above all, that the service connected totally disabled veteran should especially be given a chance to purchase a home on a direct loan basis.

We realize that the Chairman and members of this distinguished Committee have shown a deep and unchanging concern about the issue of high interest rates. We are certain that the Committee will persevere and persist in its effort to find a reasonable legislative solution to this most difficult problem.

EDUCATION AND TRAINING

Mr. Chairman, legislation presently pending before the Congress will, if enacted, expand the benefits accorded veterans and their dependents under the education and training program administered by the Veterans Administration.

The benefits are set out in the House and Senate passed bill H.R. 11959, which bears two titles and contains a wide variety of features, including a well-deserved increase in the monthly subsistence allowances paid to severely disabled veterans receiving training under the VA vocational rehabilitation program. Also included in the bill is a provision to increase the monthly rates of educational assistance payable to wives, widows, and children of service connected totally disabled veterans and deceased veterans under the War Orphans' and Widows' Educaticnal Assistance Act.

Mr. Chairman, during the preparation of my statement, word was received that the House-Senate Conference Committee had scheduled another meeting in an effort to bring about a resolution of the differences in the Senate and House versions of the bill.

It is our hope that the Conferees will find early agreement on the issues involved and that a fair and reasonable measure will be approved for early passage by both houses of the Congress.

Mr. Chairman, the subjects which I have been discussing thus far have, as mentioned earlier, a special urgency for the Disabled American Veterans.

There are other matters of high importance affecting benefits for disabled war veterans and their dependents which will draw our attention during the course of the current year. In this connection, I would like to put forward here a few legislative proposals which are set out in resolutions approved by our National Convention. The proposals call for:

Increases in the monthly compensation allowances for dependents;

Increases in the monthly compensation rates for single statutory awards;

Clothing allowances for veterans who, because of service connected disability, wear prosthetic appliances which tear or wear out their clothing;

Reopening National Service Life Insurance for service connected disabled veterans, increasing veterans' government life insurance policies to $30,000, and providing for double indemnity coverage;

Creation of an independent Court of Veterans' Appeals;

Concurrent payments of compensation and pension under a specified formula;

Additional compensation for dependents of veterans rated 10 through 100 percent;

Placing the National Cemeteries under jurisdiction of the Veterans Administration, increasing the present burial allowance, and/or providing an allowance toward purchase of a burial plot;

Dependency and indemnity compensation to widows of deceased veterans who were rated 100 percent service connected for twenty or more years;

A standing Committee on Veterans' Affairs in the United States Senate;

Extension of War Orphans Educational Benefits on a proportionate basis to children of veterans rated not less than 50 percent;

Cabinet level status for the Administrator of Veterans' Affairs.

Mr. Chairman, time does not permit a discussion of our entire legislative program, and thus I have attempted this morning to bring to notice some of the highlights of our objectives. I believe that you and the Committee Members will find them reasonable and supportable, and that they will require no excessive expenditure of public funds. When your Committee holds hearings on specific bills, I hope you will allow us to present more detailed reasons why we believe these, and other DAV bills in which we are equally interested, should be given early and favorable consideration.

At this particular point, Mr. Chairman, I think it appropriate to recall for the record that this Committee has always given recognition to the principle that the Nation owes a special responsibility to the wars' disabled and their dependents.

The December 1, 1969, increases in Dependency and Indemnity Compensation payments to 168,200 widows and 35,200 minor children of veterans whose deaths were service related give practical effect to this recognition. We are most deeply grateful for the provisions of law which authorize additional payments of $20 a month for each minor child of deceased veterans and the supplemental payment of $50 monthly for widows who require regular aid and attendance.

We are grateful, also, for the Committee's actions last year which brought to passage legislation authorizing the Veterans Administration to furnish complete medical service to the service connected totally disabled war veteran and to eliminate the six-month limitation on the furnishing of nursing home care for veterans hospitalized for service connected disability, and for the legislation prohibiting the reduction of a veteran's statutory disability award which had been continuously in effect for twenty or more years.

We are always encouraged by the expression of continued support for our proposals which come to us from individual members of this Committee, all of whom accept the fact that the service connected disabled war veteran and his dependents, by tradition, look to the Committee and the Congress to deal with their problems on a non-partisan basis.

At the beginning of this statement, Mr. Chairman, I mentioned that the people gathered here this morning represent DAV leaders from fifty states.

I can say with no danger of being contradicted that all of us—particularly during this "Golden Jubilee Year" of the DAV—are seeking in our shared exprience a common bond through which we can offer help, encouragement, and advice to the disabled of past wars and to the new generation of disabled as they arise from the war in Vietnam.

We hope that we have, during the first half century, performed our functions responsibly and well.

Fifty is the age at which men and institutions sometimes suffer from hardening of the arteries. We like to think that the DAV in its maturity has lost none of its enthusiasm or its vigor, and that all of us have learned some of the lessons of our own history.

In bringing this statement to a close, Mr. Chairman, I would like to turn for a moment to my recent trip to South Vietnam.

Without striving for dramatic effect, I want to say that I saw at firsthand the profound need for the support, both military and domestic, that America is giving the people of this struggling nation.

To belie the charges made by rabble-rousers on the home front, may I point out that the great dedication of our military people in South Vietnam speaks for itself—for the period November 1966 to September 1969, 138,000 members of the Armed Forces volunteered to extend, by at least six months, their tour of duty in Vietnam.

Despite the fact that the street critics of our Foreign Policy purport to represent the thinking of our fighting men on the battle fronts in Vietnam, it should be noted that at the present time more than 12,000 of these patriotic young Americans are voluntarily extending their tours in the combat zone each quarter.

Many of those who seek additional tours of duty have been wounded but still insist on staying on the front lines despite the high risk and the discomforts of the battlefield.

Perhaps one wonders why these young men are so deeply dedicated—so willing to serve the cause of freedom. The answer seems clear—they share the hope that is felt by many Americans that this war may be concluded in the near future. They believe, how-

ever, that the only way to end the conflict is to continue to defeat the enemy.

I must say that I developed a new and fuller appreciation of the Resolution adopted by our National Convention in Miami Beach last summer which calls upon all Americans to support the national effort—to bring about a just and honorable peace with which the people in this war-torn land can live.

Finally, I am convinced, after personally visiting with our fighting men in Vietnam, that these brave Americans are the best men that this country—or any other country—could ever produce.

And I believe, Mr. Chairman, that it is the duty of this great nation to provide nothing less than excellent service to these excellent young Americans.

May I again express our grateful appreciation for giving us this opportunity to appear before you. I shall look forward to meeting with you socially this evening at our reception honoring all Members of the Congress.

Thank you.

THE DAV NATIONAL SERVICE PROGRAM (ADDENDUM TO STATEMENT OF RAYMOND P. NEAL)

The Disabled American Veterans maintains the largest staff of full-time nationally paid service representatives of any veterans organization. These representatives, DAV National Service Officers, are specialists in laws pertaining to veterans benefits and assist veterans and their dependents in the preparation of claims for compensation, hospitalization, training, insurance, and other benefits. As attorneys-in-fact they appear before rating boards of the Veterans Administration and other government agencies on behalf of their claimants. These services are provided free of charge, without obligation, to those desiring and needing this valuable assistance.

For 50 years now, as the DAV celebrates its golden anniversary, service has been the keynote of the organization. It was the basis for origin, the reason for continuance and growth, and it is the challenge for the future. What are the DAV commitments and responsibilities for the future?

Even if the Vietnam Conflict were fortuitously to end tomorrow, the need for the DAV service program would continue for many years. Statistics of the past graphically demonstrate this! Consider, for example that there are approximately 450 widows still receiving benefits as dependents of Civil War veterans. Similar projection of statistics relating to the Spanish-American War, World War I, World War II, the Korean Conflict, as well as to the Vietnam Conflict would conclude most significantly an increasing need for a service program over the next 50 years. The DAV continues to enlarge its activities to be as effective a service organization in the future as it has been in the first 50 years of its existence.

In addition to the 68 National Service Officers, each with more than 20 years experience following their graduation from the initial academic training program at American University in the 1940's, 78 National Service Officers have been assigned over the years through on-the-job training and academic programs. Of this number, almost one-half, including 19 presently in training, have been added within the past three years. As a group, the National Service Officers have an average age of 46 and include veterans from every branch of service. Some were officers, others enlisted men, but they all have one thing in common. From the bilateral leg amputee from World War II, now 56 years old, to the 23 year old bilateral leg amputee from Vietnam service, they all have service connected disabilities. They know and understand the problems of the disabled.

At present this staff of 146 National Service Officers are assigned at VA Regional Offices and Centers throughout the country. Every effort is made to assign sufficient personnel at even the large metropolitan offices to assure personal service. Further, the DAV continues in its coverage of 20 military hospitals having Physical Evaluation Board activity, offering competent and experienced counsel to returning Vietnam disabled servicemen in connection with their disability retirement procedures.

Adding secretarial expense and office supplies it is easy to visualize that the annual DAV National Service budget is now almost 2 million dollars, an amount more than twice that necessary as recently as 1962. The financing of this program is successfully carried out each year without federal funds by means of the generous contributions of the public in response to the Idento-tag program and other official fund-raising projects of the DAV.

The far-reaching scope of the DAV service program is incapable of complete comprehension without recourse to some statistics. In the fiscal year ending June 30, 1969, 115,393 favorable awards were obtained for veterans and their dependents. The monetary value of these awards represented $186,434,276. As we enter the second half of a century of service, the annual efforts of the expanded service program of the DAV should realize even greater accomplishments.

The following National Service Officers head DAV offices at each of the Veterans Administration facilities, and all are available to furnish experienced assistance in connection with all veteran's benefits. They await your call.

J. Paul Pitts, 474 S. Court Street, Montgomery, Alabama 36104.

John Richling, Jr., 230 N. First Ave., Room 2028, Phoenix, Arizona 85025.

George N. Richardson, 700 W. Capitol, Room 4331, Little Rock, Arkansas 72201.

William E. Bullock, Federal Bldg., Room 1224, 11000 Wilshire Boulevard, W. Los Angeles, Calif. 90024.

Donald E. Downard, 2131 Third Avenue, San Diego, Calif. 92100.

Stuart J. Cody, 49 Fourth Street, San Francisco, Calif. 94103.

Alfred Luberski, Denver Fed. Center, Bldg. 20, Denver, Colorado 80225.

Rosario J. Aloisio, 450 Main Street, Hartford, Conn. 06103.

Meyer Kronberg, 1601 Kirkwood Highway, Wilmington, Delaware 19805.

William E. Gearhart, 2033 M Street, NW., Room 209, Washington, D.C. 20421.

Charles N. Girard, P.O. Box 1437, 144 First Avenue, S., St. Petersburg, Florida 33731.

Charles S. Rouse, 730 Peachtree Street, NE., Atlanta, Georgia 30308.

Rose L. Sturdyvin, P.O. Box 3198, Honolulu, Hawaii 96801.

Cecil L. Detwiler, 5th & Fort Streets, Boise, Idaho 83707.

Frank L. Calderala, 2030 W. Taylor Street, Chicago, Illinois 60612.

John H. Weiss, 36 S. Pennsylvania Street, Indianapolis, Indiana 46204.

Buford L. Phillips, 921 B. Federal Building, 2nd & Walnut Streets, Des Moines, Iowa 50309.

Wayne H. Kemp, 5500 East Kellogg, Wichita, Kansas 67218.

James M. Howard, 600 Federal Place, Room 122, Louisville, Kentucky 40202.

Arthur H. Wilson, 701 Loyola Ave., Room 5040A, New Orleans, Louisiana 70113.

John F. McPherson, P.O. Box 151, Togus, Maine 04333.

Glen D. Wallace, Federal Building, Room G-07, 31 Hopkins Plaza, Baltimore, Maryland 21201.

Eugene F. Reilly, Room E318, JFK Federal Bldg., Government Center, Boston, Massachusetts 02203.

Harold J. Revord, 801 W. Baltimore at 3rd, Detroit, Michigan 48202.

Hiram J. Fuller, Ft. Snelling Fed. Bldg. 185A, St. Paul, Minnesota 55111.

Michael P. Fedorak, 1500 E. Woodrow Wilson Ave., Jackson, Mississippi 39216.

William J. Burgh, New Federal Bldg., Room 4615, 1520 Market Street, St. Louis, Missouri 63103.

Fred H. Theurer, 601 East 12th Street, Rm. 259B, Kansas City, Missouri 64106.

John E. Sloan, Ft. Harrison, Montana 59636.

Henry E. Smith, Jr., 220 South 17th Street, Lincoln, Nebraska 68508.

Melvin Jacobsen, 1000 Locust Street, Reno, Nevada 89502.

Gerald D. Spencer, 497 Silver Street, Manchester, New Hampshire 03103.

Alexander M. Zbylut, 20 Washington Place, Newark, New Jersey 07102.

Henry J. Dudoich, Federal Bldg., Room 3508, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87101.

John J. Regan, 252 Seventh Avenue, New York, New York 10001.

Robert P. Cromer, Executive Park North, Stuyvesant Plaza, Albany, New York 12201.

John P. Battle, 1021 Main Street, Buffalo, New York 14203.

Maurice C. Lavine, 809 S. Salina St., Gateway Bldg., Syracuse, New York 13202.

John L. Gates, 301 N. Main St., Room 1606, Winston-Salem, N.C. 27102.

William J. Disher, Fargo, North Dakota 58102.

Pasquale B. Gervace, 550 Main St., Room 1020, Cincinnati, Ohio 45202.

Verne M. Nygaard, Federal Office Bldg., Room 1017B, 1240 East 9th Street, Cleveland, Ohio 44199.

Joe V. Adair, 2nd & Court Streets, Muskogee, Oklahoma 74401.

Kenneth Frazier, 921 Northeast 13th Street, Oklahoma City, Oklahoma 73104.

David W. Lloyd, 426 S. W. Stark Street, Portland, Oregon 97204.

Edward J. Norris, Wissahickon & Manheim St., P. O. Box 8079, Philadelphia, Pa. 19101.

Peter Dudish, 19-27 N. Main Street, Wilkes-Barre, Pa. 18701.

Clifford B. Stricker, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

Maurice H. Pion, Kennedy Plaza, Providence, R.I. 02903.

Philip H. Muller, 1801 Assembly Street, Columbia, S.C. 29201.

Donald C. Halligan, Sioux Falls, S.D. 57101.

Donald L. Samuels, 801 Broadway, U.S. Court House, Nashville, Tenn. 37203.

Robert O. Pugh, 515 Rusk Ave., P. O. Box 61168, Houston, Texas 77061.

Harmon A. Bardwell, 305 Dwyer Avenue, San Antonio, Texas 78204.

W. G. Lawrence, 1400 N. Valley Mills Drive, Waco, Texas 76710.

Weldon D. O'Dell, 4500 S. Lancaster, Dallas, Texas 75216.

George L. Carey, 125 S. State Street, Salt Lake City, Utah 84111.

John J. Andrisko, White River Junction, Vt. 05001.

Richard H. Frazee, 211 W. Campbell Avenue, Roanoke, Virginia 24011.

David H. Kays, 6th & Lenora Bldg., Room 1001, Seattle, Washington 98121.

Bobby T. Hinkley, 502-8th Street, Huntington, W. Va. 25701.

Robert F. Petzold, 342 N. Water Street, Milwaukee, Wisconsin 53202.

Lowell M. McGowan, Cheyenne, Wyoming 82001.

Donald H. Dunn (Appeal Cases), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

John J. Keller, National Service Director, Disabled American Veterans, 1221 Massachusetts Avenue, N.W., Washington, D.C. 20005.

THE THREAT TO BASIC RESEARCH

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. FRASER. Mr. Speaker, cutbacks in Federal spending for urgent domestic programs, at the direction of the present administration, are already having serious effect on this country's basic scientific research effort. Continued cutbacks in funds for this basic research could do enormous damage to the advancement of our medical, educational, and technological sophistication.

Numerous articles decrying this impending setback have been published rerecently. I include in the RECORD at this point a news account of one report from the February 20 New York Times, and the texts of articles from the February 16 issue of Time magazine and from the February 13 issue of Science:

[From the New York Times, Feb. 20, 1970]

SCIENTISTS URGE RESEARCH FUNDS: NATIONAL BOARD REPORT SAYS CUTS COULD HURT NATION

(By Richard D. Lyons)

WASHINGTON, February 19.—A report that criticizes cuts in Federal research funds and warns that they are hampering the productivity of American scientists was released without comment today by the White House.

The report was prepared by the National Science Board, which oversees the National Science Foundation. It listed 16 specific recommendations for the improvement of this country's research efforts.

One recommendation stated:

"The United States scientific effort is currently threatened with possible mediocrity."

"Funding limitations currently imposed by the Federal Government on scientific research should be lifted before the present vitality of the physical sciences is lost."

The budget for the fiscal year 1970 that was made public by the Nixon Administration earlier this month allotted $5.57 billion for research, an increase of 2 per cent over the current amount, or less than the rise in inflation.

"This country's research productivity in the physical sciences," the report said, "will certainly be condemned to mediocrity if a number of factors continue to converge:

"The inability to gamble on young investigators emasculating existing productive programs.

"The inability to make modern research instrumentation available to Ph. D. granting institutions.

"Rising research costs, which leave almost every single effort underfunded."

CHALLENGE IS CITED

The over-all effect of the budget restrictions, the report said, is that American leadership in science and technology "is being challenged not only by the Soviet Union but also by Western Europe and Japan."

The report, which is a distillation of the observations of 20 of the nation's leading scientists and engineers in industry, universities and the Government, said that unless more Federal funds were invested in research, "there will be a day of reckoning for United States science and for the national well being."

"In Western Europe and Japan investments in basic physical science and related education are growing at rates comparable to those in the United States during the late 1950's and early 1960's, and that growth is occurring in the newest most promising or exciting fields," the report said.

In citing examples of flaws in the American research effort, the report noted that "the highest energy accelerator is in the Soviet Union, not the United States; a nuclear accelerator specifically devoted to studies of astrophysical reactions exists in France, not the United States; pulsars were discovered in Great Britain, not the United States, and major United States manufacturers of modern chemical research instrumentation now find that approximately 50 per cent of their market lies abroad."

TREND REVERSAL ASKED

The report stated that the trend to decrease funding for space science should be reversed. "The United States now enjoys generally recognized leadership in space science [but] this situation can change easily if we lose our best people from the space program," it said.

It was noted in the report that some branches of the Federal Government, such as the Defense Department, were decreasing their investment in basic research. If this trend continued, the report said, the National Science Foundation should be given the money to underwrite the cost of the "worthwhile projects that were dropped for lack of funds."

The report said some of the smaller research programs were "underfunded to the point approaching stultification" and urged that special attention be given to such fields as chemistry, solid-state science, atomic and molecular physics, and astronomy. These areas, it was pointed out, "often establish the essential groundwork for larger and more complex efforts."

RESEARCH CRISIS: CUTTING OFF THE PLANT AT THE ROOTS

It was a campaign statement, delivered in a speech on Oct. 5, 1968, and made a point that is no less true today. Yet now, in the near-unanimous opinion of U.S. scientists, President Nixon is ignoring what Candidate Nixon said. At a time when drastic, all-around budget trimming is obviously necessary—confronting the Administration with some painful choices—sensible scientists do not expect research appropriations to keep growing at the beanstalk rate of the early 1960s, but they have hoped to maintain reasonable, normal growth. Instead, they have suffered cutbacks and hold-downs for two years, and now the Administration has submitted a budget that, despite rising costs, will keep the level of federal spending for research virtually unchanged through June 1971. As a result, some important programs will be cut down severely or actually eliminated. The net effect, says Physicist Philip H. Abelson, editor of *Science*, has been harshly called a "mindless dismantling of American Science."

According to Dr. Lee A. DuBridge, the President's science adviser, the overall effect of the new budget, after allowing for inflation, will be to reduce net buying power for research by about 3%. Others think the reduction will be much greater—in some cases as much as 20% in areas of fundamental scientific research that offer no immediate, practical payoffs. This is generally called "basic research," a favorite target of administrators and legislators with little patience and less vision. Out of apparently aimless inquiries have come antibiotics and transistors, vaccines and computers, transplants and spaceships. Government budget makers who try to judge a program's worth by the crude criterion "How soon will it pay off?" are bound to be wrong much of the time.

So-called basic research in the U.S. mushroomed after the Soviets' first Sputnik in 1957. From 1958 through 1965, federal expenditures for basic research increased at an annual rate of 19%, climbing from $1 billion to $3 billion. For the next five years, however, the average increase was only 5.5%—boosting the annual sum to its present $4 billion—and that has been barely enough to keep up with inflation. For the coming fiscal year the percentage increase is near zero—hence the net loss after inflation. Some institutions hope to keep their key programs coasting on tighter budgets. Others will simply be shut down.

Breeder Reactor. One casualty is the Princeton-Pennsylvania proton synchrotron on the Princeton campus, which is used for basic particle research by 14 universities. From a recent budget of $5,000,000 annually, the synchrotron funds have now been cut to $3.5 million, and will be down to $2,000,000 next year. Beyond that the Atomic Energy Commission is cutting off funds completely—after a total investment of $30 million on a project that, according to Director Milton White, has not yet had a chance to reach its peak efficiency. Another important tool for probing the secrets of the atom, the Cambridge Electron Accelerator at Harvard University, is in jeopardy; its budget has been cut 25%. "This," says M.I.T. Professor Victor Weisskopf, "essentially means that it will go out of business." Budget cuts have already paralyzed a less costly but still formidable piece of hardware: a $35,000 electron microscope given by New York City to New York University's department of medicine. It is lying idle because operating funds expected from the National Institutes of Health will not, after all, be supplied.

At the Naval Research Laboratory in Washington, Dr. Herbert Friedman, one of the world's foremost X-ray astronomers, estimates that budget cuts combined with inflation have reduced the effective level of his support by 40% in three years. Able to afford only half as many trainees as he had expected and with no new equipment, Friedman has drastically curtailed his studies of X-ray galaxies. He has also reduced his work on quasars and pulsars, those mysterious sources of energy in outer space that promise not only a clearer understanding of the nature of the universe and of basic physical laws but also might provide clues for developing new energy sources on earth.

Although scientists complain that the Atomic Energy Commission, along with the Department of Defense and NASA, gets a disproportionate share of federal research funds, the AEC itself has had to shut down its molten-salt breeder reactor at Oak Ridge. The Bureau of the Budget simply did not release $3,000,000 authorized for it by Congress. This was especially dismaying to environmentalists, because the breeder reactor promises, eventually, to be the cleanest and most efficient fuel source for electric power.

Barnacles and Teeth. Until recently the Department of Defense generously funded research projects that had no foreseeable military applications. That will no longer be possible. An amendment attached to a military procurement bill by Senate Majority Leader Mike Mansfield requires that research must be "mission-oriented" if it is to win DOD support. Mansfield learned 1) that reseachers were trying to ferret out the magically strong adhesive produced by barnacles, in the hope of using it to secure fillings in teeth, and 2) that the Navy was backing barnacle research. Actually, barnacle-tooth research at the University of Akron has been funded, at a mere $40,000 a year, not by DOD but by the National Institutes of Health. The Navy has spent probably twice as much on its own barnacle research, and with good reason: scraping the adhesive crustaceans from hulls and buoys costs the Navy, Coast Guard and private shipping interests $700 million a year.

Mansfield's action points up the interlocking of many facets of research. Advances in the design of nuclear reactors and of particle accelerators have brought progress in the treatment of cancer. Vitallium alloy, developed in the 1930s for dentures, later proved valuable for its heat resistance in jet engines. Immunology depends ultimately upon the

study of reactions among protein molecules. Its applications extend from the obvious field of infectious diseases and vaccination to allergies, auto-immune disorders like some forms of arthritis, to cancer, heart and kidney disease, and most dramatically, to organ transplants.

CUTS AND NIBBLES

Within medicine, research cannot be separated from teaching and treatment. Cuts in federal grants to medical institutions mean not only that research will be slowed down but also that fewer doctors will receive the specialized training that will enable them to give better care in the future. No fewer than 19 clinical research centers affiliated with major universities are due to be shut down. Among them: a small and always overtaxed unit at Children's Memorial Hospital in Chicago, for children with severe digestive and metabolic problems; a twelve-bed center for acutely ill patients (including many suffering from burns) at Albert Einstein Medical Center in New York; a research institute at Indiana University, studying and treating patients (including children) with brain tumors and disorders of bone metabolism such as osteoporosis.

Prestige is no protection against the budgeteers' knives. Recent Nobel laureates in medicine, chemistry and physics have had their funds cut. So have most of the nation's great medical centers. Programs at Massachusetts General Hospital are "only being nibbled at" now, admits its tart-tongued director, Dr. John Knowles. "But," he adds, "we'll really feel it in a year if the cutbacks continue, and if they go on too long you are going to wing the country for ten years." One of the affected M.G.H. programs turned out technicians trained to read electroencephalograms (brain-wave recordings). These specialists are in short supply at many hospitals. "When there's a shortage," says Dr. Robert Schwab, who runs M.G.H.'s program, "it doesn't mean that the EEGs are not read. It simply means that they are read by somebody who's no good. This is scandalous and dangerous." Another nibble victim, down the corridor, is Dr. Paul S. Russell, a top surgeon at M.G.H., whose research on antilymphocyte globulin (used to suppress the rejection reaction after heart, kidney and liver transplants) has been curtailed. Under current limitations, his staff can produce only 20% of the ALG it needs.

A lower budget forced Children's Hospital in Los Angeles to reduce the number of research beds from six to three in its genetic-disease unit, setting off a howl of community protests, including a petition to President Nixon with 20,000 signatures. (The cut has not yet been rescinded.) In many cases the drying-up of funds means not only that progress will be slowed but that money already spent will be wasted. M.D. Anderson Hospital and Tumor Institute in Houston, which lost $1.5 million of its $8 million in federal funds, cannot add a needed and long-planned 350-bed unit. After spending years and $1,752,000 of N.I.H. money raising monkeys in an almost germ-free environment and injecting them with cancer material and viruses, Bionetics Research Labs at Bethesda, Md., expected some to start developing tumors. Then the budget ax fell. At first it was thought that the 320 monkeys would have to be destroyed, because each costs $3 a day in upkeep. Then the monkeys were reprieved and shipped out in batches to other primate centers. Whether the experiment has been ruined because of changes in their environment is not yet known.

Heart-artery diseases are America's No. 1 killer, and the No. 1 research project on their cause has been the Framingham Study. Since 1947, more than 5,000 residents of the Massachusetts town have been given regular examinations. The results, almost but not yet quite conclusive, indicate that smoking and high blood pressure and cholesterol are the most important factors in increasing the risk of early death from heart disease. The study is to be terminated June 30—to the despair of heart researchers all over the U.S.

RADICAL SURGERY

Manhattan's Sloan-Kettering Institute for Cancer Research proclaims in its very name that it meets the Government jargon specification of being "mission-oriented." That has not saved it from radical budget surgery. Five years ago, says Director Frank L. Horsfall Jr., the Government supplied 51% of S.K.I.'s income. In 1968, wtih a federal cut and inflation, S.K.I. went $1.2 million in the red. Next year the deficit was $1.8 million, and was met by dipping into capital. Faced with still deeper federal cuts and a probable deficit of $2.6 million for 1970, the trustees have set a deficit ceiling of $1.6 million and required expenditures to be cut by $1,000,000. As a result, seven out of 69 laboratories have had to be closed, while nine others have taken cuts of 20% to 30%. Both professional and technical staffs have been reduced and further curtailment next year is inevitable.

In Buffalo, Roswell Park Memorial Institute's director, Dr. James T. Grace, has had to abandon a five-year study designed to show whether adenoviruses are a cause of cancer in man as they can be in animals.

Cancer may eventually be conquered only by a crash program along the lines of the Manhattan Project. It is equally possible that vital cancer clues will come from some seemingly unrelated "basic" research in biology. Yet the likelihood of this discovery is reduced by the decrease in the number of investigators in all the life sciences. That is where the budget cuts are hurting, and inflicting wounds that will not heal for years. The National Institutes of Health are losing valuable experienced investigators, as are the complexes of hospitals, medical schools and research institutes.

By the later 1970s, the effect on medical research could be disastrous. It is the younger men who are being dropped in the economy wave and there are no funds for replacing them next year or the year after. Says Dr. Russel V. Lee, founder of the Palo Alto Clinic: "The principal loss, to my mind, will be the great discouragement in recruitment of young men for medical research. We are cutting off the plant at the roots." Virtually all the men responsible for directing research in both the life sciences and the physical sciences share that view.

Thus there is a crisis in research that today imparts even more urgency to words spoken only 16 months ago: "In the name of economy, the current Administration cut into muscle. The U.S. must end this depreciation of research and development in its order of national priorities." That demand was made by Richard Nixon.

THE NEED FOR BASIC RESEARCH

Basic science is attacked today from two major fronts. One attack stems from a mounting opinion, widely held and shared by some members of Congress and government, that the search for deeper insight into natural phenomena is an expensive luxury which should be supported only if it promises immediate payoff in terms of practical applications for industry, for medicine, or for national defense. The other attack comes from a significant part of the younger generation; they distrust science as being the source of industrial innovations leading to further deterioration of our environment, to further destructive applications in weaponry, and to further developments in our society toward Orwell's world of 1984. At best, they say, pure science is a waste of resources which would be better devoted to some immediate, socially useful purpose.

Caught between these two wedges, basic science is threatened, and its activities may be reduced further. Lack of material support and public disinterest and distrust not only endanger basic science now, they also jeopardize its future by increasing demoralization among working scientists and sharply reducing the influx of young people into science. The character of our higher education in science is to be blamed, too, because it too strongly emphasizes narrow specialization instead of broader training for more general scientific approaches. In consequence of these trends, the number of scientists adept at pure research is already small, and basic science is in process of shrinking toward insignificance in this country. This trend must be combated.

We live in critical times. The growing speed of technological change, and the growing expansion of technology over the globe, have created vast social and technical problems which must be attacked if we are to avoid major catastrophes. This attack must take the form of painstaking investigation of the effects of industrialization and thorough study of interrelation of many factors which determine our environment. To proceed effectively will involve more basic science, not less. To quote Polanyi:

The scientific method was devised precisely for the purpose of elucidating the nature of things under more carefully controlled conditions and by more rigorous criteria than are pesent in situations ceated by practical problems. These conditions and criteria can be discovered only by taking a purely scientific interest in the matter, which again can exist only in minds educated in the appreciation of scientific value.

The careful analysis of the problems and the necessary measures for solving them will require more, not less, of the spirit engendered in pure research. We will need more, not fewer, people trained in pure research, in the unbiased search of causes and effects. The scientists who are involved in fundamental research have always proved to be the best reservoir of manpower for tasks requiring objectivity, innovative ideas, and imaginative approaches. We must not let the source of this reservoir dry up. We cannot afford to do what we did during World War II—to stop basic research for the duration, which for us was only 4 years. The present environmental trouble could well extend over many decades, during which time we must continue to train new generations of devoted young scientists. We need a continuous vigorous pursuit of basic research in this time of crisis, for its intrinsic values as well as for its role as a souce of brainpower for the tasks which we will face in the future.—Victor F. Weisskopf, *Department of Physics, Massachusetts Institute of Technology.*

THE 175TH ANNIVERSARY OF UNION COLLEGE IN SCHENECTADY, N.Y.

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BUTTON. Mr. Speaker, may I take this occasion to note the 175th anniversary of the chartering of Union College in Schenectady, N.Y. The first college chartered by the University of the State of New York, Union is junior in New York State only to Columbia. Legally constituted on February 25, 1795, the college has been in continuous operation since that time.

Among its many other "firsts," Union occupies the first architecturally planned campus in the United States. The plan was created by the distinguished French architect Joseph Jacques Ramee in 1813, a full 5 years before Thomas Jefferson's

plan for the University of Virginia—a plan which some scholars believe may have been influenced by Ramee's work at Union. Two of the building groups designed by Ramee still stand on the Union College grounds, the oldest sections dating from 1814.

The nature of Union College's contribution to education and to national life can best be illustrated, perhaps, by recalling some of those who have taught and studied there. In industry, they would include George Westinghouse, the electrical inventor, and Edward Allis, founder of the Allis-Chalmers Co.; in education, the first presidents of the Universities of Michigan, Illinois, and Iowa. In public service, Union has graduated the father of civil service, the 21st President of the United States, Chester A. Arthur; a dozen Governors of States from Maine to Mississippi; a paramount chief of the Choctaw nation; a Secretary of State of the United States, William H. Seward; and a Secretary of State of the Confederate States of America, Robert A. Toombs; more than a dozen U.S. Senators; and a hundred Members of this House, including in the 91st Congress, the Honorable JOHN S. WOLD of Wyoming, a Union College graduate of the class of 1938.

The Ramee-designed campus in Schenectady, overlooking the Mohawk River Valley, is a graceful, classical backdrop to a vital, modern institution of learning.

The 19th in seniority among the Nation's colleges, venerable Union continues to move forward. Having contributed the first presidents to Elmira, Smith, and Vassar Colleges, Union has watched with interest the radical experiment of higher education for women. Now persuaded that the trial was a successful one. Union will enroll its first full-time women students in September of 1970.

To Union College men, and to the Union women of the future, I offer congratulations on this anniversary. I know the Members of this House join me in expressing confidence that Union College will continue its distinguished service in the centuries ahead.

HARRY HODGES GIVES LIFE TO SAVE HIS BUDDY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. QUILLEN. Mr. Speaker, without fear for his own safety, Harry G. Hodges, the son of Mr. and Mrs. Edward B. Hodges, lost his own life while shielding his buddy from a hand grenade in the battlefields of Vietnam.

Harry G. Hodges did not fear death. This is made clear in a letter he wrote his parents, who live in Sevierville, Tenn., on May 4, 1967. He was killed on January 14, 1968, near Da Nang, South Vietnam.

Young Hodges, it seems, had a premonition of death.

You can easily see in the first paragraph of his letter, which is made a part of these remarks in the RECORD, that he expressed the sentiment of many of our young men who are serving our country as he said:

I, Harry G. Hodges, being of sound mind, this Fourth of May, realizing my position in all respects and proudly accept this my task, realizing that I may not come back from this War alive, . . . I don't have much to leave my loved ones, but I wish to leave everyone something to remember me by. But, most of all I leave my love and most sincere appreciation to the best family a person could ever have. I am just thankful that the good Lord has allowed me to be a part of that family. No matter how long a time it has been, but I can assure you it was too short.

I feel that Harry Hodges' attitude concerning the war, and the fact that he felt a sense of purpose by participating in the conflict, is the attitude of many of our young fighting men.

His parents, very good friends of mine, have told me that they resent very much the use of his name, in any way, in connection with any anti-American activities or demonstrations. I believe, and I am sure you will agree after reading his letter, that this would also be his desire, as he felt that this was his duty and calling.

The Hodges' oldest son, 1st Lt. John E. Hodges, is now serving with the Army at Camp Carroll in South Korea.

For the readers of the RECORD, I would like to submit Harry Hodges' letter which he left with his brother before leaving for Vietnam. The letter was sealed and marked "not to be opened unless necessary."

The letter follows:

MAY 4, 1967.

I, Harry G. Hodges, being of sound mind, this the Fourth of May, realizing my position in all respects and proudly accept this my task, realizing that I may not come back from this War alive, have set aside this time to draw up my Last Will and Testament. I don't have much to leave my loved ones, but I wish to leave everyone something to remember me by. But, most of all I leave my love and most sincere appreciation to the best family a person could ever have. I am just thankful that the good Lord has allowed me to be a part of that family. No matter how long a time it has been, but I can assure you it was too short.

I know I haven't been the best son you have. But, I love you both very, very much. No matter where I am. Mother, I haven't shown my appreciation or my gratitude as much as I should, but I just wish everyone could have as fine a family as I have had. I just want everyone to know that I love them very much, and am just sorry that I couldn't have stayed around to show it a little more.

At my funeral, please don't cry! I feel so bad to see my family cry over my account. Don't cry because I am dead. Because, you are wrong. I have just gone to another land, far away, but yet, so close. No, I will never die and you know that. Don't cry at my funeral. Please! Funerals should be like saying good-bye. I will see you soon, and I will. Life here on earth is such a short period of time compared to the eternity we will have to spend together over there. So, please don't cry at my funeral, because we shall meet again.

Now, I wish to leave something to everyone in my family. If I overlook anything I want you to decide among yourselves. I don't have much, but this is how I want to distribute it.

To my younger brother, a request that he study harder and a small sum of $5,000.00 to be used to further your education. Alvin, you are just like me, in some respects. You have the ability, but have other things that you would rather do. Just apply yourself, and you can be anything you want to be. Just study those books, they hold the future between their covers. I am also leaving you my Browning 12 Ga. 3" magnum. Treat her right and she will do the job for you. But she is just like a woman, it will take a real man to handle her.

To my older brother, John, who has already proven himself as a man in more ways than one. But, just never could learn how to out-shoot me. I leave him my Winchester Model 76 and my Marlin 35 cal. Use them as I would, just clean it a little more often than I did. Since you have already practically completed your schooling, I will leave you $5,000.00 to help you in any way you see fit, because you know more about what you need than I do. Good luck.

Mom and Dad, I don't know what to leave you except memories and my sincerest love. I am giving to you all the rest of my stuff. Without you-all, I wouldn't even have had anything. Thank you for letting me be your son. Take care of John and Alvin, and my sister-in-law, Nancy. Dad, I want you to slow down some. Dad, don't work quite as hard as you have been. Take more time to relax. I want you and mother to take a trip for a couple of weeks, and fly, don't drive. Just relax.

I also have a bowie knife with my name on it. Would you please buy a stand for it and hang it under my picture for me. My scuba equipment I would like for John and Alvin to both have a set, but I will let Mother and Dad decide about that.

To all of my other relatives I love you all and wish you-all the best in the future. Please don't think too badly of me because I didn't get around to visit as much as I should have. I must close now, even though I have much more to say. But, I just don't have the time.

P.S.—God bless you all, and may He see you through in all walks of life. I'll be seeing you. Take care now.

Love,

HARRY G. HODGES.

Please pardon my spelling and my slopping writing.

CZECHOSLOVAKIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DERWINSKI. Mr. Speaker, lest we forget, 22 years ago on February 25, 1948, the Communists staged a military coup and forced Czechoslovakia into the status of a Russian satellite. On the 20th of August 1968, the Soviets and other Warsaw pact troops invaded Czechoslovakia to cement Communist tyranny from which the people of Czechoslovakia continued to suffer.

While the events of 1968 are fresh in the minds of the public and subject to interest in the communications media, the Communist coup of 1948 has been forgotten.

I raise the point today to emphasize the consistent history of treachery perpetrated by the Soviet Union and note

that the post-World War II Czechoslovakian Government included Communists in a coalition which the Reds used to impose a dictatorship.

The arguments that communism would mellow and that people behind the Iron Curtain would be allowed to influence their government in such a way as to move toward democracy, free enterprise, and freedom rather than Communist enslavement were dashed by the invasion of August 1968. History also shows us that this Communist act was directly related to the original coup of February 25, 1948.

BIRMINGHAM NEWS OPPOSES THE TIMBER BILL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. UDALL. Mr. Speaker, we are all aware of the growing national concern about our environment and the urgency of proper measures to protect it against further deterioration. This is being called the "environmental decade." Tomorrow this body will debate a measure, H.R. 12025, the timber bill, which many of us believe would be a tragic beginning for this environmental decade. I have here an excellent editorial about this bill published on February 9 by the Birmingham News in Alabama. The editorial warns against the threat that H.R. 12025 constitutes for our national forests. I include this editorial at this point in the RECORD:

SAVE THE FORESTS

According to *Birmingham News* Washington correspondent James Free, action might be postponed indefinitely on a bill which many people fear could lead to ruinous commercial exploitation of America's national forests.

It's been tucked into a pigeonhole by the House committee which has been considering it. And until a whole lot more is known about its probable effect on our diminishing natural timberlands, that's a good place for it.

The motivation of the bill—to provide more timber for the hardpressed housing industry—may be good. And it may be that the authority granted by the bill would be wisely used, with full consideration given to the preservation of protected forests.

But the risk that it might not be wisely used—that somebody, sometime in the future, with more of an eye for a profit than for preservation of our resources, might succeed in stripping forests which we could not begin to restore in our lifetimes—is too great.

If anything, we probably need amendments to make laws protecting wilderness areas even more effective.

This is not to say that such areas ought to be "off limits." On the contrary, more should be done to encourage and make it possible for Americans to enjoy them, while at the same time preserving their natural beauty and their ecological balance.

The great out-of-doors which once seemed limitless in a vast land which sprawls from sea to shining sea is shrinking before the relentless onslaught of a growing population. We have to save what we can, and tomorrow is too late to begin.

YALE AND TREES—II

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. ROSENTHAL. Mr. Speaker, we have observed with great interest and pleasure the involvement of many university students in the great public policy issues of our country.

Those who despair of today's youth need only look to the causes which motivate the activities of young people today, whether those activities are political meetings, demonstrations, research projects or even the more outlandish sit-ins and protests.

Young people are worried about the war in Vietnam, about conservation and pollution, about corporate behavior and many other problems which their elders have not yet or not properly faced.

Yale Legislative Services is a group of Yale students who work on research projects in some of these important areas. Its work and its views do not represent official positions by Yale University, which takes no positions as an institution. In an earlier insertion in this RECORD, on February 4, which expressed the views of the Yale Legislative Service on the National Forest Timber Conservation and Management Act, H.R. 12025, I failed to make clear the separate identity of the YLS from the university.

I also include below a statement from the Society of American Foresters supporting this legislation. It should be noted that the statement bears the name, as president of the society, of Kenneth P. Davis, of the School of Forestry, Yale University. Again, the views of the society and its president are not those of Yale University but rather another manifestation of concern for important public issues by a man associated with this great center of learning.

The statement follows:

STATEMENT OF THE SOCIETY OF AMERICAN FORESTERS ON H.R. 12025, THE "NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT OF 1969"

SOCIETY OF AMERICAN FORESTERS,
Washington, D.C., February 13, 1970.

DEAR CONGRESSMAN: As the organization representing the forestry profession in America, the Society of American Foresters is directly concerned with and intensely interested in legislation affecting the scientific management of our nation's forestlands. H.R. 12025, the "National Forest Timber Conservation and Management Act of 1969" is especially significant.

In April 1969 the Society wrote you pledging our best professional efforts to help Congress attain its goal of providing 26,000,000 homes during this decade. We pointed out that this would require increased production from the nation's forests and intensified forest management. We assured you that this can be done without jeopardizing the nation's forests or future timber supply, or the other important public benefits—water, recreation, forage, wildlife and inspiration.

Among the requirements for scientific management of commercial timberlands is assurance of ample and long-range funding to permit prompt reforestation, protection against insects, diseases and fire, salvage of dead trees, and improved growth of trees through thinning, planting, fertilization and genetics.

Since land devoted to timber production is steadily decreasing, that which remains must produce more efficiently if the nation is to meet its staggering requirements for wood. The Society of American Foresters endorses legislation which provides funds to increase this production by intensified, scientific management of national forest commercial timberlands which have not been reserved for wilderness or other uses.

We are confident that this legislation will accomplish its purpose without conflicting with the Multiple Use Act directives under which the national forests are administered. At the same time the Society is actively engaged in the efforts of the Trees for People Task Force to develop effective programs for increasing the productivity of privately owned forestlands.

Sincerely,

H. R. GLASCOCK, Jr.,
Executive Vice President.

TO LIMIT RECOGNITION OF CERTAIN FOREIGN COUNTRY JUDGMENTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MIKVA. Mr. Speaker, I am introducing today a bill which is designed to meet a special and unusual situation which has arisen in the field of foreign country judgments.

Courts in the United States will not normally enforce a money judgment rendered abroad by a court which had no proper jurisdiction over the person against whom the judgment was rendered. In this refusal, our courts use our common law conception of proper in personam jurisdiction, a conception which has been recognized by many other countries. Thus, a judgment based merely on the nationality of the plaintiff, or the domicile of the plaintiff, or the presence of assets in a given country has no proper jurisdictional basis and will not be enforced in our courts. The propriety of this procedure has been recognized internationally by a protocol adopted by the Hague Conference on Private International Law.

A number of foreign countries, however, do use bases of jurisdiction which we consider improper, including members of the European Economic Community—Belgium, France, West Germany, Italy, Luxembourg, and the Netherlands. Moreover, a Convention on Recognition of Judgments signed by member states of the EEC in Brussels on September 27, 1968, provides that judgments rendered against nonresidents of the Community in one member country must be enforced in the other countries, even if they were rendered on a jurisdictionally improper basis. As a result, once the convention has been ratified, domiciliaries of the United States with assets in the Common Market area can become the victims of

forum shopping leading to enforcement in the market area of a judgment rendered on a jurisdictionally improper basis.

Because of protests from non-EEC countries, the Common Market Convention of September 17, 1968, now includes a provision allowing member states individually to promise to third countries—like the United States—that against domiciliaries in that state, judgments from other EEC countries rendered on a jurisdictionally improper basis will not be enforced. Such a promise must be part of a treaty on recognition of judgments concluded with the third country. Whether any of the EEC countries cares to conclude with the United States a treaty of the sort we could accept is not known. What is certain, however, is that we have a real interest in making such treaties worthwhile for EEC countries. The bill I am introducing today would help to create a healthy incentive to the conclusion of such treaties.

The bill, the Nonrecognition of Foreign Country Judgments Act, would give our Government power to insure that there could be no recovery in a State or Federal court of the United States on a judgment of any foreign country, first, which had obligated itself by treaty to enforce jurisdictionally improper foreign judgments, and, second, which the President had by Executive order placed on a nonrecognition list. The list would presumably contain those countries with whom we had not concluded treaties which would adequately protect American interests.

The Common Market Convention has endangered legitimate interests of the U.S. domiciliaries. For the protection of these interests, the U.S. Government should have power, if it deems it proper, to forbid the recognition in our courts of judgments rendered in a foreign country which has committed itself to the enforcement of jurisdictionally improper judgments. This bill would give our Government such power.

I commend this legislation to the attention of my colleagues in the House and my fellow members of the Judiciary Committee.

I insert the text of the bill at this point in the RECORD along with an article by Kurt H. Nadelmann, reprinted from the April 1969 issue of the Harvard Law Review, which provides further background on this problem:

H.R. 16175

A bill to limit recovery in State and Federal courts under judgments rendered on improper jurisdictional bases by courts in certain foreign countries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Non-recognition of Foreign Country Judgments Act.

SEC. 2. No proceedings may be brought in any State or Federal court for the recovery of any sum alleged to be payable under a judgment rendered in any foreign country if—

(1) such foreign country is committed by treaty to enforce judgments rendered in any other country on the jurisdictional basis of—

(A) the nationality of the plaintiff,

(B) the domicile, habitual residence, or residence of the plaintiff within the territory of the country rendering judgment, or

(C) the presence, attachment, or garnishment in the country rendering judgment of property belonging to the defendant, and

(2) the President has by Executive Order provided that judgments from such country shall not be recognized in the United States.

SEC. 3. Nothing in this Act shall be construed as depriving a holder of a judgment rendered in a foreign country of the right to sue in a State or Federal court on the original cause of action.

SEC. 4. This Act shall take effect with respect to the judgments of a particular foreign country immediately following the expiration of the two-month period beginning on the date of publication in the Federal Register of an Executive order relating to such foreign country referred to in paragraph (2) of section 2 of this Act.

THE COMMON MARKET JUDGMENTS CONVENTION AND A HAGUE CONFERENCE RECOMMENDATION: WHAT STEPS NEXT?

(Kurt H. Nadelmann*)

(A convention recently signed by the foreign ministers of the Common Market countries threatens to extend over a wide area the enforceability of judgments rendered at jurisdictionally improper fora. The history of this convention is intertwined with the efforts of the Hague Conference on Private International Law to restrict the effect of such judgments to assets in the country of rendition. Dr. Nadelmann examines the history of the Common Market Convention and of the Hague Conference Recommendation which attempts to deal with it. He concludes that the protection of Americans with assets abroad requires that the traditionally liberal recognition policies of the individual states be replaced by a more restrictive and particularized approach administered by the federal government.)

The Eleventh Session of the Hague Conference on Private International Law, held in October 1968, adopted a "Recommendation Relating to the Connection Between the Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters and the Supplementary Protocol." [1] The reader of the Recommendation will find its contents as mysterious as its title. The central issue is a still unresolved clash between the six members of the European Economic Community and the "outside world" over the enforcement of foreign judgments—a question which may seriously affect the interests of Americans with assets abroad. This comment will provide the background of the present situation and suggest the course which the United States should now follow.

In late 1964, experts from the EEC published a draft Convention on Jurisdiction and Recognition of Judgments which they had prepared for the needs of the Community.[2] By the provisions of this draft, certain jurisdictional bases were not to be used in suits against domiciliaries of any of the member states. The forbidden bases were: the nationality of the plaintiff, available under the laws of France and Luxembourg; [3] the domicile of the plaintiff, available against nonresidents in Dutch law; [4] and the presence of assets when used to obtain a judgment not limited to the value of the assets in the forum state, available against nonresidents in German law.[5] The draft allowed use of these bases of jurisdiction in suits against nondomiciliaries of the EEC. All judgments rendered in one state had to be enforced in the other states unless the jurisdictional basis asserted violated the provisions of the draft.[6] If adopted, the draft would have extended over a wide area the enforceability of judgments rendered against nondomiciliaries at jurisdictionally improper fora.

Footnotes at end of speech.

The Extraordinary Session of the Hague Conference convened in April 1966 to complete work on a Convention on Recognition and Enforcement of Foreign Judgments. A multilateral treaty of a special type was contemplated. All the basic provisions would be in the resulting Convention, but the Convention would become effective between two ratifying states only if they concluded a supplementary bilateral agreement to that effect. Such supplementary agreements, however, could not depart from the provisions of the Convention except in certain specified particulars.[7] The idea was to preserve freedom of choice of treaty partners and still to unify the law of recognition.[8]

At the Extraordinary Session the Common Market states demanded that the Convention allow regional groups to conclude their own agreements without being bound by the provisions of the Convention. The other states desired safeguards from abuse of this freedom. In "Working Paper No. 30" [9] the delegations from the United Kingdom and the United States proposed that the Convention include a provision on jurisdictionally improper fora. Judgments rendered without an adequate jurisdictional base were to be limited to the value of the assets in the country of rendition, and were not to be enforceable outside the forum state. Over this proposal a crisis developed. In a dramatic night session, it was finally agreed to refer the problem of jurisdictionally improper fora to a Special Commission. Meanwhile the Convention drafted at the Session [10] would not be open for signature.[11]

Before the Special Commission met in October 1966, the experts who had drafted the Common Market Convention had their own meeting. They did not change the basic scheme of their draft, but they added a new provision: article 59. This article allowed each of the six states individually to agree with nonmember states not to enforce against domiciliaries of such states judgments rendered at jurisdictionally improper fora. The new provision was brought to the attention of the Hague Conference Special Commission. At the meeting of the Special Commission the delegates drafted a Supplementary Protocol.[12] The Protocol lists jurisdictionally improper fora and provides that judgments rendered at such fora shall be denied extraterritorial recognition. Disagreement existed on whether the Supplementary Protocol should be mandatory for signers of the Hague Convention, but the Common Market group was able to obtain a majority in support of its view that the Protocol should not be binding. The delegate from the United States, joined by those from the United Kingdom and Sweden, formally reserved the right to reopen the question.[13]

Somewhat later, the Common Market experts made a change in new article 59 of their draft. Signatories could still promise other states that foreign judgments obtained at jurisdictionally improper fora would not be enforced, but the promise had to be part of a convention on recognition and enforcement of judgments.[14] As amended, the Convention on Jurisdiction and Enforcement of Foreign Judgments in Civil and Commercial Matters was signed in Brussels by the foreign ministers of the states forming the EEC on September 27, 1968,[15] just ten days before the opening of the Eleventh Session of the Hague Conference. Through this signing the Common Market Convention took precedence over the Supplementary Protocol where the two conflicted.[16]

At the Eleventh Session, the question of the relation between the Supplementary Protocol and the Hague Conference Convention, which had been placed on the agenda at the request of the United States, was assigned to the Fourth Committee, presided over by Judge André Panchaud of

Switzerland, who has also chaired the meeting of the Special Commission. When the subject came up, the discussion quickly became bogged down in debate over a procedural point and the meeting was finally adjourned to give the delegations time for informal contacts.

Politically, the situation was confused and confusing. Under article 63 of the Common Market Convention new members of the EEC are obliged to accept the Convention as the basis for their own duty under the Treaty of Rome to facilitate enforcement of judgments rendered by other member states. When the Convention was signed in Brussels, the foreign ministers of every state except France proposed that negotiations be suggested to states which had sought membership in the Community so that their accession to the Convention might be prepared.[17] The states involved—the United Kingdom, Denmark, Norway, and Ireland—thus were placed in a special dilemma over the Protocol issue. If the Protocol were binding, then they would not be able to use the Hague Convention if they subsequently became members of the Common Market. On the other hand, the Common Market scheme would require them to enforce judgments obtained in other EEC states even though the forum was jurisdictionally improper and enforcement would violate natural justice under their domestic law. Furthermore, the Protocol would protect them if they remained outside the Common Market.

An examination of the individual positions of the six Common Market states, moreover, furnishes an all but uniform picture. The case of Italy is particularly striking. Jurisdictionally improper fora are not used in Italy except on a retaliatory basis.[18] Italy thus has an established policy, yet under the Convention now signed Italian courts must enforce judgments rendered at an improper forum. A question of constitutionality may arise. As for Belgium, in a celebrated case the highest court of the land denied recognition to a French judgment rendered against a non-resident Englishman on the jurisdictional basis of the plaintiff's French nationality.[19] And at the Extraordinary Session in 1966, the Belgian delegate sided with the "outside world" in the confrontation over "Working Paper No. 30."[20] French courts do not recognize foreign judgments rendered on the jurisdictional basis of presence of assets,[21] and in the recently concluded treaty between France and Austria the defendant is given the right to appear in the Austrian court to limit the court's jurisdiction to assets in Austria when presence of assets is the basis for assumption of jurisdiction.[22] Even the position of Germany, seeming promoter of the Common Market scheme,[23] is equivocal. By the German treaties with Belgium and the Netherlands extraterritorial effect is given to German judgments rendered on the basis of mere presence of assets, but the condition is imposed that the defendant not have been domiciled in the other country; and German domiciliaries have the same protection from possible extraterritorial use of judgments obtained in Belgium or the Netherlands on a *forum arresti* basis.[24] Nothing in the attitude of Luxembourg suggests that it could have favored the scheme. But even assuming a perfect accord among the experts, the appearance in the Common Market Convention of article 59 is proof of second thoughts by at least some of the governments involved. The fact remains, however, that the pressure coming from the Convention's scheme has been maintained for the benefit of the individual states prepared to negotiate agreements under article 59.

Some of the Common Market states, it appears, are quite ready to proceed with negotiations under article 59. At the Hague Conference it became known that Germany and Norway have negotiated a convention and that the contents of the Supplementary Protocol are incorporated in the draft.[25] Britain and the Common Market countries would both profit from an article 59 agreement, and that procedure is facilitated by the existence of British treaties on recognition of judgments with France, Belgium, West Germany, Italy, and the Netherlands.[26] The special situations have been pointed out to show that the problems faced by states outside the EEC are not necessarily the same. Indeed, the Common Market Convention itself does not treat all other countries alike. A clause in the Convention maintains for Swiss nationals the protection which they have under the Franco-Swiss treaty of 1869.[27] Even if political considerations were not involved, a basis for concerted action by the outsiders thus would be difficult to find.

The situation at the session was such that, for one reason or another, many of the delegations did not look forward to a confrontation requiring them to vote for or against the binding character of the Supplementary Protocol. And for their own reasons the Common Market delegations let it be known that they were willing to vote for a strong recommendation in favor of use of the Supplementary Protocol by the member governments. The lines for a compromise were thus pretty well drawn. With the help of the President of the Conference Session and of the Committee Chairman, the text of a recommendation was prepared and submitted to the Conference as a joint proposal by the delegations of all six Common Market states, of the United States and the United Kingdom, and of Sweden and Switzerland. The Conference approved the Recommendation by a unanimous vote.

The Recommendation states that the Eleventh Session is "[c]onvinced that certain grounds of jurisdiction can only exceptionally justify the international recognition and enforcement of judgments and that this is particularly so where treaty relations exist regarding such recognition and enforcement," and makes three suggestions. The member states should sign and ratify the Convention and the Supplementary Protocol simultaneously. States coming to the conclusion that they cannot sign and ratify the Supplementary Protocol should take its provisions into account in any supplementary agreements that they conclude to bring the Convention into force. Any member state which is already bound by an existing convention not in accord with the principles of the Protocol should take all possible steps permitted within the existing treaty obligations to comply with those principles. For the Hague Conference the issue has been closed with the vote on the Recommendation. The Hague Conference Convention and the Supplementary Protocol, two separate documents, are open for signature. The fate of the instruments is in the hands of the members of the Conference.

However encouraging the unanimous vote on the Recommendation, the problem created by the Common Market Convention has not been removed. Once the Convention takes effect, United States domiciliaries and others with assets in the Common Market area, run the risk that forum shopping will be used and that a judgment obtained against them in one state on a jurisdictionally improper basis will be enforced automatically in the other states. Legitimate interests can be seriously damaged. This threat cannot be ignored.

Traditionally, American courts have had a liberal policy on recognition of foreign judgments. This fact is well known around the Hague Conference. The Uniform Foreign Money-Judgments Recognition Act,[28] an expression of this policy, was among the materials used by the Hague Conference in preparing its own Convention. In some quarters abroad, the belief is held that the policy is not subject to change and is beyond the control of the national authorities. Unclear ideas about the distribution of powers between the states and the federal government are at the bottom of the assumption. Like any other country, the United States can protect the interests of its domiciliaries abroad. In a large number of foreign countries, the recognition of foreign judgments is made dependent upon existence of a treaty. Should this kind of a step be desirable, under the Constitution of the United States the Congress would have ample power to pass such a statute in aid of the President's treaty-making power. The same Act could, as in other nations, authorize the Executive to grant exceptions from the treaty requirement in stated situations. Judgments from countries which have a liberal recognition policy and do not apply a scheme like that of the Common Market Convention would not have to be affected. A better balance of interests would be achieved; pressures coming from the Common Market Convention scheme would be countered.

Solid practical reasons can be advanced in support of a change in policy. Non-recognition of American judgments abroad is the rule rather than the exception. To begin a short survey with the law in the Common Market states, American judgments are not enforceable in the Netherlands because its law requires existence of a treaty;[29] they are reexamined as to their merits in Belgium, where the law makes the grant of conclusive effect dependent upon existence of a treaty;[30] they are subject to a statutory reciprocity requirement in Germany—a test often difficult to satisfy in foreign courts not operating on the basis of *stare decisis;*[31] and they are by statute subject to reexamination in Italy if rendered by default.[32] In the Scandinavian countries, a treaty is needed for enforcement.[33] In the rest of Western Europe, as well as in Latin America, the situation does not differ substantially.[34] As for Canada, under the Code of Quebec, any defense which might have been set up to the original action may be pleaded against judgments rendered outside Canada;[35] and, in some other provinces, conclusive effect is withheld as well.[36]

Redress cannot be obtained effectively by action of individual states of the union. Assuming the unproductive reciprocity requirement, unfair to the individual litigant,[37] were introduced by all or most states[38]—it can, it would seem, be done without raising constitutional problems unless *Hilton v. Guyot*[39] is overruled—the scheme of the Common Market Convention would not be reached by such a step. More radical, individualized steps would have to be taken, which would be out of bounds for the states because they would interfere with the conduct of foreign relations by the national government.[40] Furthermore, concerted action by the states is not easy to achieve. Only a response coming from the entire nation has a good chance of being effective.

As a result of complaints from its businessmen, after a full study of the situation[41] the United Kingdom in 1933 passed legislation authorizing treaty negotiations and giving the executive power to bar recognition proceedings for judgments from countries denying substantial reciprocity to judgments from the domestic courts.[42] Except for the new complications, the scheme has worked extremely well.[43] The United States has been slower in a realistic appraisal of the situation. The Uniform Act of 1962 was prepared by the Commissioners on Uniform State Laws because codification of the domestic law on recognition can facilitate enforcement of domestic judgments in foreign countries having the reciprocity requirement,[44] and benefits were expected from the example set.[45] In light of the most recent events, a more dynamic approach has become necessary. Action in the form of federal legislation on recognition of foreign judgments seems to be called for.

The way for international developments, of

Footnotes at end of speech.

course, remains open. Whether the Hague Convention and the Supplementary Protocol will be used and, in particular, whether Common Market states will use them, is one of the many unknown factors.

Moreover, a Common Market state ready to avail itself of article 59 of the Common Market Convention need not act through the Hague Conference Convention. Any bilateral treaty concluded with a third state may include the promise that foreign judgments rendered at a jurisdictionally improper forum will not be recognized. The question of interest to the United States is whether the United States is considered a potential treaty partner and by which of the states. Without inquiries this cannot be known. As far as the United States' own view is concerned, if an anti-treaty policy was followed in the past,[46] the participation of American delegations in the preparation of the Hague Convention and the Protocol would seem to suggest a change of mind.[47]

The unanimous vote on the Recommendation at the recent session of the Hague Conference facilitates exploratory talks among the member governments. It is hoped that full advantage will be taken of the climate created. In the case of the Common Market states, mutual interest seems to suggest early contacts. If no arrangements have been made before the Common Market Convention takes effect, negotiations are likely to become more difficult. But the problem created by the Common Market scheme is not the only one requiring attention. Agreements with other nations are no less desirable. Their negotiation may establish a general pattern.

A major new activity on the part of the United States Government is called for. The work is likely to go on for some time. The type of project involved cannot be carried out effectively by services charged with the daily operation of government business. Proper arrangements must be made, and this is no minor aspect of the problem. But a number of approaches can be thought of, and a discussion at this place would serve no good purpose.

The recent events on the international level suggest all manner of comment. A "philosophical" approach may be the most constructive. Ever since, for still unclear reasons,[48] the jurisdictional basis of the nationality of the plaintiff was put into the Code Napoleon, the field of recognition of foreign judgments has been one of extraordinary events. Countermeasures were taken but some of these measures added to the difficulties and the whole field became frozen. The most recent episode, apparently the escalation of an idea not fully considered at the outset,[49] should perhaps not be overdramatized. A Protocol of obvious scholarly and practical value has been produced and the Recommendation stating that "certain grounds of jurisdiction can only exceptionally justify the international recognition and enforcement of judgments" is useful, too. If a common effort is made, conditions in a field long ready for a cleaning-up operation may well improve.

FOOTNOTES

*Research Scholar Emeritus, Harvard Law School.

The views here expressed are the author's and do not necessarily represent those of the United States Government or of other members of the United States Delegation to the Eleventh Session of the Hague Conference.

[1] The Recommendation appears under B II in the Final Act of the Eleventh Session, reprinted in 16 AM. J. COMP. L. 602 (1968).

[2] Directorate on Harmonization of Laws, General Directorate on Competition, EEC Commission, Draft Convention Relating to the Jurisdiction of Courts, the Recognition and Enforcement of Decisions in Civil and Commercial Matters and the Enforcement of Public Documents, Documents No. 1437/IV/64, 1965 RABELS Z 594, I RIVISTA DI DIRITTO INTERNAZIONALE PRIVATO E PROCESSUALE 790 (1965), translated in 2 CCH COMM. MKT. REP. ¶ 6003 (1965); *see* Hay, *The Common Market Preliminary Draft Convention on the Recognition and Enforcement of Judgments—Some Considerations of Policy and Interpretation*, 16 AM. J. COMP. L. 149 (1968).

[3] C. CIV. art. 14 (1804) (France); C. CIV. art. 14 (1807) (Lux.). Dates of foreign codes herein are those of the earliest codes in which the provisions referred to appeared. Provisions have not been amended unless indicated.

[4] C. CIV. PRO. art. 126(3) (1838).

[5] ZPO § 23 (1877, as republished in 1950).

[6] *See* Nadelmann, *Jurisdictionally Improper Fora in Treaties on Recognition of Judgments: The Common Market Draft*, 67 COLUM. L. REV. 995, 1000 (1967).

[7] *See* Nadelmann & von Mehren, *The Extraordinary Session of the Hague Conference on Private International Law*, 60 AM. J. INT'L L. 803, 804 (1966).

[8] Some countries prefer the old-type bilateral convention, with the Hague Convention used as a model. *See, e.g.*, Letter from the Department of Justice of Switzerland to the Permanent Bureau of the Hague Conference, May 3, 1968.

[9] The text of "Working Paper No. 30" appears in Nadelmann, *The Outer World and the Common Market Experts' Draft Convention on Recognition of Judgments*, 5 COMM. MKT. L. REV. 409, 419–20 (1968).

[10] Draft Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, reprinted in 15 AM. J. COMP. L., 362 (1967).

[11] *See* Nadelmann & von Mehren, *supra* note 7, at 805. Publication of the Proceedings of the Session is in preparation.

[12] The text of the Protocol appears in 15 AM. J. COMP. 369 (1967).

[13] The delegates from France and Germany abstained from the vote. *See* de Winter, *Excessive Jurisdiction in Private International Law*, 17 INT'L & COMP. L.Q. 706, 714 (1968); Kearney, *Progress Report—International Unification of Private Law*, 23 RECORD OF N.Y.C.B.A. 220, 230–32 (1968). The minutes will be in the Proceedings of the Extraordinary Session, which is in preparation.

[14] Article 59 reads:

This Convention sets no obstacle to a commitment by a Contracting State toward a third State *under the terms of a convention on recognition and enforcement of judgments* not to recognize a decision, especially one rendered in another Contracting State, against a defendant domiciled or habitually resident in the territory of a third State if, in the case contemplated in Article 4, the decision could be based only on a jurisdictional basis listed in the second paragraph of Article 3 [the bases not allowed against domiciliaries of the Common Market].

Convention Concernant la Compétence Judiciaire et l' Exécution des Décisions en Matière Civile et Commerciale (ed. Conseil des Communautés Européennes, Bruxelles, undated) (official print) (unofficial translation) (emphasis added). An unofficial translation is given in 2 CCH COMM. MKT. REP. ¶ 6003 (1968).

[15] *See* BULL. EUR. COMMUNITIES, Nov. 1968, at 22–23.

[16] The Protocol applies "subject to the provisions of existing Conventions relating to the recognition and enforcement of judgments."

[17] Information supplied to author by the Services of the EEC.

[18] C. PRO. CIV. art 4(4) (1942); M. CAPPELLETTI & J. PERILLO, CIVIL PROCEDURE IN ITALY § 4.05(1) (H. Smit ed. 1965).

[19] Marychurch et Cie v Compagnie Maritime Française, [1904] Pasicrisie Belge I 293, 319, [1904] Belgique Judiciaire 1329, 1346, I REVUE DE DROIT INTERNATIONAL PRIVÉ 166 (1905) (Cass. 2e ch.).

[20] *See* de Winter, *supra* note 13, at 711, 714.

[21] *See* P. HERZOG, CIVIL PROCEDURE IN FRANCE 580–90 (1967). *See also* von Mehren & Trautman, *Recognition of Foreign Adjudications: A Survey and a Suggested Approach*, 81 HARV. L. REV. 1601, 1613, 1968).

[22] Convention of July 15, 1966, on Recognition and Enforcement of Judgments art. 11 (2), [1967] Bundesgesetzblatt No. 288 (Aust.), French text in 56 REVUE CRITIQUE DE DROIT INTERNATIONAL PRIVÉ 818 (1967).

[23] *See* Nadelmann, *supra* note 6, at 1000 n.37.

[24] *Id.* at 1015.

[25] Like other Scandinavian countries, Norway uses the presence of assets jurisdiction of the German type. C. CIV. PRO. § 32 (1915); P. AUGDAHL, NORSK CIVILPROSESS 161 (3d ed. 1961); *cf.* R. GINSBURG & A. BRUZELIUS, CIVIL PROCEDURE IN SWEDEN 159 (1964); A. PHILIP, AMERICAN-DANISH PRIVATE INTERNATIONAL LAW 25 (1957). Norway also does not allow recognition of foreign judgments in the absence of a treaty. C. CIV. PRO. § 167; P. AUGDAHL, *supra*, at 151. Both facts strengthen Norway's bargaining position.

[26] A. DICEY & J. MORRIS, THE CONFLICT OF LAWS 970 (8th ed. 1967). These treaties contain nothing to protect United Kingdom domiciliaries from the consequences of the scheme of the Common Market Convention, nor are Common Market residents protected from possible extraterritorial use of judgments obtained in the United Kingdom which should have local restriction. Scottish law allows attachment *ad fundandam jurisdictionem*, which can lead to an in personam judgment. *See* A. ANTON, PRIVATE INTERNATIONAL LAW 106–07 (1967). Moreover, in England, as in the United States, in personam jurisdiction may be obtained by personal service on a transient—a basis of jurisdiction unknown in the civil law and today considered undesirable in the common law countries. *See* G. CHESHIRE, PRIVATE INTERNATIONAL LAW 548 (7th ed. 1965); von Mehren & Trautman, *supra* note 21, at 1616; *cf.* UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT § 4(b) (6). Both means of obtaining jurisdiction are included in the list of "improper jurisdictional bases" in the Supplementary Protocol.

[27] Common Market Convention, *supra* notes 14 and 15, art. 58; *see* Treaty on Jurisdiction and Enforcement of Judgments in Civil Matters Between France and Switzerland, June 15, 1869, art. I, in JOURNAL DU DROIT INTERNATIONAL PRIVÉ, 2 Tables Générales 1874–1904, at 388 (1905).

[28] This act has been enacted in California, Illinois, Maryland, Massachusetts (with reciprocity requirement), Michigan, and Oklahoma.

[29] C. CIV. PRO. art. 431(1) (1838); *see* R. KOLLEWIJN, AMERICAN-DUTCH PRIVATE INTERNATIONAL LAW 34 (2d ed. 1961). *See generally* Smit, *International Res Judicata in the Netherlands: A Comparative Analysis*, 16 BUFFALO LAW REV. 165 (1966).

[30] CODE JUDICIAIRE art. 570 (1967) (formerly Law on Jurisdiction of 1876, art. 10); *see* G. VAN HECKE, AMERICÁN-BELGIAN PRIVATE INTERNATIONAL LAW 39–40 (1968). The case law in Luxembourg is similar. *See* Pellus v. Detilloux, 19 Pasi-crisie Luxembourgeoise 371 (Cour Supérieure (C.A.) Apr. 20, 1964). This is no longer the case in France. Nadelmann, *French Courts Recognize Foreign Money-Judgments: One Down and More To Go*, 13 AM. J. COMP. L. 72, 73 (1964).

[31] ZPO § 328(1)(5) (1877, as republished in 1950); *see* Nadelmann, *Non-Recognition of American Money Judgments Abroad and What To Do About It*, 42 IOWA L. REV. 236, 252 (1957).

[32] C. PRO. CIV. art. 780 (1942); *see* M. CAPPELLETTI & J. PERILLO, *supra* note 18, § 14.12.

[33] *See* P. Augdahl, *supra* note 25, at 161; H. Eek, The Swedish Conflict of Law 86 (1965): A. Philip, *supra* note 25, at 28.

[34] *See generally* Nadelmann, *supra* note 30.

[35] C. Civ. Pro. art. 178 (1966); *see* J. Castel, Private International Law 271 (1960); W. Johnson, Conflict of Laws 765 (2d ed. 1962).

[36] *See* J. Castel, *supra* note 35, at 284; Nadelmann, *Enforcement of Foreign Judgments in Canada,* 38 Can. B. Rev. 68 (1960).

[37] The requirement is criticized in Restatement (Second) of Conflict of Laws § 98, comment *e* (Proposed Official Draft 1967); H. Goodrich, Conflict of Laws 392 (4th ed. 1964); von Mehren & Trautman, *supra* note 21, at 1660–62.

[38] Reciprocity has been required by statute in Massachusetts since 1966, Mass. Gen. Laws Ann. ch. 235, § 23A (Supp. 1969), and in New Hampshire since 1957, N.H. Rev. Stat. Ann. § 524:11 (Supp. 1967) (limited to Canadian judgments).

[39] 159 U.S. 113 (1895).

[40] *See* Zschering v. Miller, 389 U.S. 429 (1968), *noted in The Supreme Court, 1967 Term,* 82 Harv. L. Rev. 63, 238–45 (1968), *and* 21 Vand L. Rev. 502 (1968); *cf.* Hill, *The Law-Making Power of the Federal Courts: Constitutional Preemption,* 67 Colum. L. Rev. 1024, 1056–57 (1967).

[41] *See* Foreign Judgments (Reciprocal Enforcement) Committee Report, Cmd. No. 4213 (1932).

[42] Foreign Judgments (Reciprocal Enforcement) Act, 23 & 24 Geo. 5, C. 13, § 9, at 151–52 (1933); *see* A. Dicey & J. Morris, *supra* note 26, at 970.

[43] *See* A. Dicey & J. Morris, *supra* note 26, at 970.

[44] *See* 9B Unif. L. Ann. 64 (1966) (Commissioners' Prefatory Note).

[45] The Canadian Commissioners produced a similar act in 1964. *See* 1964 Proceedings of the Commissioners on Uniformity of Legislation in Canada 107. The Swedish government has ordered an investigation of its law. *See* L. Welamson, Verkställighet av utländska domar 40 (1968) (Report to Department of Justice of Sweden).

[46] When the Secretary of State was first approached in 1874, he made a vague reference to problems created by the federal system. *See* Nadelmann, *Ignored State Interests: The Federal Government and International Efforts To Unify Rules of Private Law,* 102, U. Pa. L. Rev. 323 (1954).

[47] The change in approach has also become evident in the "neighboring" field of judicial assistance to foreign courts. *See* Amram, *United States Ratification of the Hague Convention on Service of Documents Abroad,* 61 Am. J. Int'l L. 1019 (1967).

[48] *See* H. Gaudemet-Tallon, Recherches sur les origines de l'article 14 du Code Civil (1964); Nadelmann, Book Review, 14 Am. J. Comp. L. 348 (1965).

[49] This view already expressed in Nadelmann, *supra* note 9, at 418, is supported by the fact that, at the Eleventh Session of the Hague Conference, nothing was said in support of the scheme.

SPECIAL SERVICES FOR THE WAR DEAD AT BETH EL SYNAGOGUE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. KOCH. Mr. Speaker, I am proud to advise this House that Temple Beth El of Spring Valley, N.Y., will hold memorial services consisting of special prayers and a reading of the names of our war dead in Vietnam. To my knowledge this will be the first synagogue to do so.

My sister, Mrs. Pat Thaler, advises me that the congregation, led by its distinguished rabbi, Louis Frischman, after extended discussion decided that one way to help bring the war to a conclusion is to make every death in Vietnam a personal loss to every family in our country. They will do that through the reading of those names in regularly scheduled services. In New York City at least two churches now have such prayer services and I hope Mr. Speaker that this movement will spread throughout the land.

WEIZMAN AND PERES—SIGNS OF A QUIET REVOLUTION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PUCINSKI. Mr. Speaker, Mr. M. Z. Frank has written a vignette about a most unusual man.

Maj. Gen. Ezer Weizman, the father of the Israeli air force, was recently named as Minister of Transport in Israel. Mr. Frank gives us interesting insight into the fascinating background of Ezer Weizman, a man who is held in high esteem in many quarters, and I should like to place Mr. Frank's article in today's Record.

The article follows:

Weizman and Peres Signs of a Quiet Revolution

(By M. Z. Frank)

When the Seventh Knesset opened, two new members of the Cabinet walked in arm-in-arm: Ezer Weizman and Shimon Peres.

The two are not members of the same political party: Weizman is of the Herut half of Gahal, Peres is of the Rafi section of Labor. Before the split in Mapai four years ago, Peres was an active member of that party. Weizman was never politically active: he was always known as a military man, the man who built up Israel's air force. Few people knew that he had Herut sympathies and voted Herut in the elections. As a military man, he kept out of active politics, but exercised his franchise as he saw fit.

What the two men have in common are a few things more important than political affiliations: age, mentality, methods of working. It is part of the quiet revolution going on in Israeli internal affairs that the official political lines are being blurred. Both men are in their middle forties. Both men believe in getting things done. Both men have a way of expressing themselves in lucid succinct language. Both men have been exposed to western influences and are free from the Russian-inherited habit of making long speeches always invoking ideology and being devotees of the cult of the party. Both men have strong popular support and need not depend on party machines to keep them in power when the people do not support them.

If people in Israel begin referring to Ezer Weizman as "Mr. Weizman," it will be something new. Until now he has been known either as "Ezer Weizman" or just plain "Ezer." When they say just "Weizman," they mean Ezer's late uncle, the first president. It is said that Ezer was his uncle's favorite.

Once, in 1948, after a successful military operation, Ezer, as was his custom, paid a hurried visit to his uncle in Rehovot. "How are things coming along?" uncle President asked. "Pretty good," the nephew answered, "we are making good progress." "Why don't you go on to Cairo?" Chaim Weizmann asked.

Ezer told this story first in an interview with Raphael Bashan in "Ma'ariv," next in the Knesset, to prove what Meyer Weisgal has made it his life's work to prove, that Chaim Weizmann was not the appeaser he is supposed to have been. Personally I am inclined to think that the matter is not that simple. Weizmann was a man of moods. One thing is certain: the old professor was very fond of his nephew.

Ezer's father, Yehiel, or Khilik Weizmann, was the late President's youngest brother. He was the first Weizmann to settle in Palestine. In 1912, he was studying agriculture in Germany. One day he decided that talking Zionism is not enough and just went over to Palestine. One of his older brothers, Mayshke (Moses), later a professor of chemistry in Jerusalem, was in Berlin at the time.

"Khilik," he said to his brother while they walked, "are you sure you know what you are doing? I think you're a little bit crazy." But Khilik's mind was made up.

Ezer's mother, a woman of unusual refinement and grace, was born in one of the old colonies—I am not sure whether Gadera, Rishon-le-Zion or another colony. Thus, on his mother's side, Ezer Weizmann is a second-generation Israeli. Ezer is named after his paternal grandfather, who was also the father of Israel's first President. Eyzer, or Oyzer, or Ozer Weizmann, in Motele and in Pinsk, in Western White Russia, was one of the early Zionists and one of the founders of the modern Hebrew school in Pinsk, where the pupils were taught to speak Hebrew (founded in 1900).

The new minister of transport had nothing to do, of course, with choosing his first name and how to spell it. His father had and it was he who told me the story:

"Ozer" in Hebrew means "an assistant" and it is not an uncommon name among East European Jews. But the Litvaks pronounce it "Eyzer," the Polish, Ukranian and Rumanian Jews pronounce it "Oyzer" and the Sephardim pronounce it "Ozer" (in Sephardi accent on second syllable). Since in Israel, ever since Ben-Yehuda's time in the 1880's, the Sephardi pronunciation has been the standard, a son born to Yehiel Weizmann and named after his father would be "Ozer" with the accent on the last syllable. "But I wanted him to have a name like my father's," Khilik Weizmann explained to me, "and my father's name was Eyzer." So he gave his son a name which means "Assistance" and is spelled only slightly differently from the original name and is, furthermore, accented on the first syllable. I see that the accepted transliteration in English is "Ezer."

Ezer Weizmann's father-in-law (who is also Moshe Dayan's father-in-law) is Zvi Schwartz, a lawyer in Jerusalem. When I first met him in 1949 he was the law partner of Bernard (Dov) Joseph. Schwartz is a member of the first graduating class of the Herzliah College in Tel-Aviv, the first full-fledged Hebrew secondary school in the world. If not sabra, Zvi Schwartz is certainly an early arrival in the country. Judging by Mrs. Schwartz's accent and intonation in speaking Hebrew, I would guess she is a native of one of the old colonies. But I am not sure—I only met her once.

Thus, if Moshe Dayan is the first native leader in Israel with a charismatic appeal, his brother-in-law Ezer Weizmann is even more native (Dayan's parents were both born in the Ukraine). As to his charisma, according to the Israeli press, he is quite a competition to his brother-in-law.

Ezer Weizmann is taking over a rather prosaic post, as Minister of Transport. He will have to deal with wildcat strikes in the ports of Haifa and Ashdod, with the problems of dirty busses and dirty railway trains and with an unusually high rate of motor acci-

dents on Israel's roads—twice the number of casualties caused by Arab attacks.

"Problems are there to be solved," he says. His immediate targets are to reduce the rate of accidents on the roads and to make the roads cleaner.

JUDGE G. HARROLD CARSWELL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DINGELL. Mr. Speaker, the nomination of Judge G. Harrold Carswell to be an Associate Justice of the Supreme Court is an action without redeeming features, social or otherwise.

The February 18, 1970, issue of the Georgetown Law Weekly, published by Georgetown University Law Center, Washington, D.C., carried an article in which Clarence Mitchell, director of the Washington Bureau of the NAACP, convincingly argues that Judge Carswell's nomination should be rejected. So that my colleagues may have an opportunity to read Mr. Mitchell's remarks, I include the text of the article at this point in the CONGRESSIONAL RECORD:

CARSWELL—CON

(By Clarence Mitchell)

It is not an easy task for one to oppose a Presidential appointment to a high office. Because he has been elected by the people of the United States, there is a proper and wholly understandable inclination of citizens to accept the President's recommendations on those who will carry out his policies and programs in the Executive Branch of Government. To some extent, the same attitude applies when a President makes appointments to the Judicial Branch of Government. However, there is a major difference. The Executive Branch appointees are usually for the duration of the President's term or terms in office. The Judicial appointments are for the lifetime of the nominees and through such nominees, Presidential policies may stretch far beyond the term or even natural life of a Chief Executive.

In these times the people have a right to demand that appointees to all of the courts and most especially the United States Supreme Court, be scrutinized with great care. The people have a right and a duty to insist that the nominees be free from racial bias and also free from a record of advocacy and practice of racial bias. The record of Judge Carswell is not free from the taint of racial bias. It is tragic that he is already a member of the Judiciary in the Fifth Circuit. This tragedy will be compounded if he is approved for a place on the Supreme Court.

THREE CASES IN POINT

At three points in Judge Carswell's adult life he has elected to cast his lot with those who seek to deprive negroes of first class citizenship. On each of these occasions he has chosen to take on the protective coloration on the wrongdoers because that was the accepted practice in the area where he lived at the time. We do not challenge his right as an individual, whether as a technique of survival or because of personal beliefs, to consort with racists and advocates of segregation. We do challenge his right to sit in judgment in our Federal Courts at any level when he joins those who seek to maintain a society in which some citizens are consigned to a second class status simply because they are not white.

Judge Carswell's first opportunity to take a stand came in 1948 when he was a candidate for a State office in Georgia. In order to understand the seriousness of what candidates were saying in that time it is necessary to look at the events which were occurring. On December 5, 1946, President Harry S. Truman issued Executive Order No. 9808 establishing the President's Committee on Civil Rights. In issuing that Executive Order the President said:

"Freedom from fear is more fully realized in our Country than in any other on the face of the earth. Yet, all parts of our population are not equally free from fear. And from time to time, and in some places, this freedom has been gravely threatened. It was so after the last war, when organized groups fanned hatred and intolerance, until, at times, mob action struck fear into the hearts of men and women because of their racial origin or religious beliefs.

"Today, freedom from fear, and the democratic institutions which sustain it, are again under attack. In some places from time to time, the local enforcement of law and order has broken down, and individuals—sometimes ex-servicemen, even women—have been killed, maimed, or intimidated."

The State of Georgia was riven by strife created by those who were determined to keep the negro "in his place" with force, violence and murder. There was but a short step from the inflammatory phrase spoken on the political hustings to the physical attack on individuals solely because of their race. The committee appointed by President Truman carried out its assignment. In 1948, it published a report setting forth four basic rights which "influenced its labors." These rights were safety and security of the person, citizenship and its privileges, freedom of conscience and expression and equality of opportunity.

One gruesome example of the committee's findings occurred on July 20, 1946, when four negroes were lynched in Monroe, Georgia. This is the direct quotation from the committee's report:

"On July 20, 1946, a white farmer, Loy Harrison, posted bond for the release of Roger Malcolm from the jail at Monroe, Georgia. Malcolm, a young negro, had been involved in a fight with his white employer during the course of which the latter had been stabbed. It is reported that there was talk of lynching Malcolm at the time of the incident and while he was in jail. Upon Malcolm's release, Harrison started to drive Malcolm, Malcolm's wife, and a negro overseas veteran, George Dorsey, and his wife out of Monroe. At a bridge along the way a large group of unmasked white men, armed with pistols and shotguns, was waiting. They stopped Harrison's car and removed Malcolm and Dorsey. As they were leading the two men away, Harrison later stated, one of the women called out the name of a member of the mob. Thereupon the lyncher's returned and removed the two women from the car. Three volleys of shots were fired as if by a squad of professional executioners. The coroner's report said that at least 60 bullets were found in the scarcely recognizable bodies. Harrison consistently denied that he could identify any of the unmasked murderers. State and Federal Grand Juries reviewed the evidence in the case, but no person has yet been indicted for the crime."

The reaction of the Country to the report was varied. Some viewed it with great acclaim and others denounced it. Most of those who denounced it were in the areas of the most acute racial discrimination, particularly in the State of Georgia. This report and other efforts to liberalize the racial policies of the Democratic Party became a major campaign issue. Some individuals who sought office or were public officials in the South attempted to defend the principle of equal treatment under law. Some left the party to form or participate in other political organizations. Some remained in the Democratic Party but adopted an outright racist stance during their campaigns.

CARSWELL IN LAST GROUP

Judge Carswell was in this last group. His statement while campaigning said:

"I am a Southerner by ancestry, birth, training, inclination, belief and practice. I believe that segregation of the races is proper and the only and correct way of life in our State. I have always so believed and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people. If my own brother were to advocate such a program, I would be compelled to take issue with and to oppose him to the limit of my ability. I yield to no man as a fellow candidate or as a fellow citizen in the firm vigorous belief in the principles of white supremacy and I shall always be so governed."

It is interesting to note, this statement did not come to general public attention until twenty-two years after he made it. The question arises, how can a man be investigated for the Office of United States Attorney, United States District Judge, United States Judge on the Circuit Court of Appeals and as a nominee for the United States Supreme Court without this significant part of his life being weighed in the consideration of his fitness for office? It emphasizes the callous approach to racial matters in our Country. There are a great many people who just do not take such statements seriously. We do take them seriously. We do not think they are excused by the youth of those who make them. But, even if youth is a defense, Judge Carswell was a mature adult at the time he made this statement and cannot claim that his tender years provide immunity from the censures that attach to such statements. In addition, there is nothing to show, in the long period of his public life between 1948 and the present that the Judge has rejected, retracted or reformed with respect to his 1948 views. Only now, when the prize is a place on the United States Supreme Court does he come forth to acknowledge that such a statement was in error. Because this statement was brought to light by a private citizen, it is reasonable to assume that a more careful investigation by the duly authorized government representatives may well reveal other expressions of this kind made at a later date. However, this statement standing alone is itself enough to deny approval of this nomination.

"POLITICAL EXPEDIENCY" UNACCEPTABLE

No amount of political expediency, no amount of personal criticism expressed against those who oppose this appointment and no attempts to dismiss the statement as one made in the "heat of the campaign" will ever be accepted by most negroes of the United States and most civilized people in the world as legitimate excuses for approving this nomination. The stark fact now is this. An advocate of racial segregation has been named by the Nixon Administration to serve on the United States Supreme Court. Now that this fact is known, those who vote for the approval of this nomination will be voting to place a segregationist on the United States Court.

There is a second chapter in Judge Carswell's life which must also be reviewed in the context of the times. In the 1940's the negroes of the United States expanded their legal attacks on segregation to include swimming pools, golf courses, playgrounds, parks and other recreational facilities owned and operated by state, municipal or other government units. In St. Louis, Missouri, a court granted an injunction against the city for its refusal to allow negroes to use a municipal swimming pool. (*Draper* v. *City of St. Louis, 1950*). Similar decisions had been given in California (*Lopez* v. *Seccombe, 1944*) and in municipally owned golf courses (*Law*

v. *Mayor and City Council of Baltimore, 1948*).

In 1950 a Florida Court upheld regulations providing for the use of a municipal golf course by negroes on Monday only, the claim being that the allocation of time to one day was in proportion to the negro use. (*Rice* v. *Arnold*, 1950). The Florida Supreme Court upheld this decision on the basis of the "separate but equal" doctrine. Subsequently, the United States Supreme Court held that racial segregation on publicly owned golf courses was unconstitutional. (*Holmes* v. *City of Atlanta*, 1955).

To avoid complying with the clear intention of the Supreme Court decision, many public officials either closed the facilities that were available for recreation or transferred them to private ownership.

For example, in 1956, the Georgia State Parks Director leased nine of the parks to private citizens at an average price of $2,000 per month to preserve segregation. In 1957 the residents of Marshall, Texas, voted to sell their municipal swimming pool after a suit was filed against segregation. The New York Times for July 10, 1957, reported that Fort Lauderdale, Florida, sold its $1 million dollar golf course for $526,400 to evade a Federal Court ruling permitting negroes to use the course.

SEGREGATED GOLF COURSE

On April 24, 1956, citizens of Tallahassee, Florida, where Judge Carswell was then residing, changed their golf course from a municipally owned facility where negroes played on a very restricted basis to a privately owned facility where negroes could not play at all. They were banned because of race. It is well known that Judge Carswell is listed as one of the incorporators of this private club. If Judge Carswell had been an ordinary citizen unaware of the full implication of signing articles of incorporation or if he had been a lawyer in private practice who wished to be of assistance to his fellow citizens this action would not be important. Judge Carswell was not an ordinary citizen. He was the United States District Attorney sworn to uphold the Constitution and Laws of the United States. As such, he had an obligation, not only to avoid participation in efforts to defy the law, but also to avoid the appearance of participation in such efforts. He did not fulfill this obligation. He signed a document which, whatever may have been its original objective, accomplished the result of banning negroes from a recreational facility solely because of their race. It is interesting to note that those who defend Judge Carswell first excuse him for his 1948 racist utterances on the grounds of youth, but his 1956 action is somewhat more difficult. Nevertheless, they are inclined to excuse this also because it was a routine signature and he paid a small sum of money to accomplish this noble purpose of repairing a damaged club house located on the golf course property.

UNACCEPTABLE EXPLANATION

It may be that the members of this Committee can accept this explanation given by Judge Carswell and still be at peace with their own consciences, but it is unlikely that reasonable men and women outside of the Senate will accept it. Those who favor racial segregation undoubtedly will rejoice if the explanation is accepted because it will be proved that sophisticated methods of evading the law have triumphed, but they most likely will know that it is ridiculous on its face. Those who do not favor racial segregation will feel the cold iron pressure of the chains of frustration once again restrain their efforts to achieve a society in which those who deny equal treatment to their fellow citizens are not rewarded with high office and new opportunities to poison the wells of justice as judges on the bench.

The third opportunity for Judge Carswell to demonstrate by his action that he had repudiated the 1948 speech came after the great decision of the United States Supreme Court outlawing segregation in the public schools. By that time he was a Judge on the Bench in the Northern District of the State of Florida. Others will deal more in detail with his record as a Judge. I offer one example which indicates how he again became a part of the pattern which is exemplified by the words of his 1948 speech. It is well known that the unthinking and unskillful advocates of segregation resisted the 1954 decision with force, intimidation, violence, economic pressure and even murder. It is also well known that the wiser and more sophisticated forces of resistance resorted to changes in the laws of states, delays through extended litigation and other obstructionist tactics under the color of law. Judge Carswell was a part of this latter strategy. Even if we assume that he was unknowingly a part of it, the end result is the same. He was a force which contributed to the pattern associated with the delay in implementation of the school desegregation decision. The example I offer is *Steele v. The Board of Public Instruction of Leon County, Florida*. This was a suit instituted in 1963 to require desegregation of public schools. Because of delays this case dragged on until 1967.

In closing this presentation, it should be remembered that in a convention of wolves it is always easy to pass a resolution justifying raids on the sheepfold because the occupants thereof willfully and knowingly stimulate the flow of gastric juices in the digestive system of the predators. This lupine type of reasoning is widely used in our society today—especially in the area of civil rights. We urge our citizens to rely upon the law, but we appoint prejudiced law officers as enforcers. We breathe a sigh of relief when negroes go into the courts instead of into the streets, but we then confront them with judges who have decided to deny them relief even before they enter the court house door. The one great exception to all of this has been the United States Supreme Court. This Court is under attack and condemnation because it has handed down decisions that destroy long standing unjust practices. The state legislatures pass unconstitutional restrictions on freedom and the Supreme Court is condemned because it strikes down such monstrous attacks on liberty. Those who vilify the Supreme Court have learned to make use of vague words and phrases that arouse base passions and protests against the most noble tribunal in the civilized world.

STRICT CONSTRUCTIONIST DEFINED

One of the phrases current today is "strict constructionist." One may very well ask what does that mean? The simple answer is it means everything and it means nothing. Therefore, it is better to speak in plain words when one describes the qualifications that are being sought in a judge who is to be elevated to this high court. When one makes a plain word substitute for this term it is necessary to look at the policies and practices of this administration. These policies and practices are clearly designed to create further and inexcusable delays in the desegregation of public schools. This is the policy now employed by the United States Department of Justice. It was the policy of Judge Haynsworth and it is a clearly discernible thread in the decisions given by Judge Carswell. We believe that if the administration's desire to have a so-called "strict constructionist" on the Supreme Court has any meaning in the case of the nominee now before this committee, it means that the President wants a Judge who will use his office to delay school desegregation in particular and all other civil rights progress in general.

But, let us see what Judge Carswell thought about that term "strict constructionist." He did not give a clear definition in a reply to a question on that point. Instead he offered the committee a new phrase by saying that, "I do not think the Supreme Court should be a continuing constitutional convention." The hearer is entitled to ask what does that mean? Does it mean that the Court was sitting as a convention when it upheld the right of negroes to play on a publicly owned golf course? Does it mean that the Nation's highest tribunal is no longer acting as a court when it orders implementation of a fifteen year old decree against segregation in the public schools? In the light of his past record, it is fair to conclude in these instances that Judge Carswell would believe that such decisions are the products of a "continuing constitutional convention rather than the constitutionally sanctioned decisions of a court of law.

RATIFICATION OF RACISM

We have seen and heard many of the supporters of his nomination. Some of them are reasonable men who have appeared from time to time as champions of civil rights. Their advocacy of approval for this nomination is another indication of the wide gulf that separates the reality faced by the oppressed and the insulated world in which their sympathizers live. As one travels about the country, it is clear that victims of racial discrimination are not convinced that Judge Carswell has really abandoned his belief in the wisdom of racial segregation and the verity of white supremacy. Perhaps it would be possible for the men of good will, who support Judge Carswell, to understand the feelings of the victims of racial discrimination if those gentlemen would suppose for a moment that they are considering a nominee who in his early adult career had blatantly expounded the doctrines of Adolf Hitler or Josef Stalin. We might accept his profession of a change of ways twenty years after the speech was made, but we would not put him on the Supreme Court or any other Federal Court. Most of the black citizens of the United States do not believe there is any difference between European demagoguery and the home grown variety which, for want of a more odious term, we call racism. The negroes of America are waiting to see whether the Senate of the United States will ratify racism by confirming this nominee in spite of his speech and in disregard of his record. We hope that the grave error which was committed when Judge Carswell was nominated will not be riveted into the history of our Country by the Senate of the United States. Therefore, we ask that the nomination be rejected.

WELCOME TO PRESIDENT POMPIDOU

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MORTON. Mr. Speaker, on behalf of myself and the Republican National Committee, I would indeed extend greetings and best wishes to President Pompidou. His visit to the United States is another forward step in the warm relations that our country has had with France since our very beginning. In the course of events, there will inevitably be an occasional difference between the policies of two great countries and there will be times when the leadership of strong nations will look at the issues of the time from divergent points of view. But, I would remind all of my colleagues in the Congress that the warm and

friendly relationship between the people of France and of the United States has been significant to the progress of the world and will continue to be in the future.

There is every overriding reason that we continue to work closely with the French people and their leaders and particularly with their distinguished President, Monsieur Pompidou. It is in the warmest spirit of friendship and hospitality that I extend to this great leader a rousing welcome to America.

THE REMARKABLE MORMONS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BURTON of Utah. Mr. Speaker, with all the discussions that have been taking place concerning the bold new welfare proposals of the President, and the imminent reporting of a new national welfare bill by the Ways and Means Committee, I thought it might be of interest to my colleagues in the Congress who may have missed it to read an article about the highly successful welfare program of the Church of Jesus Christ of Latter-day Saints that appeared in the February 24, 1970, issue of the Washington Daily News.

The article follows:

WELFARE PROGRAMS INCLUDE STORES, FARMS, RUN BY VOLUNTEERS

(By Richard Starnes)

SALT LAKE CITY, Feb. 24.—At welfare square a spry oldster named Charlie celebrates his 84th birthday by filling grocery orders. In the creamery a blind man sure-handedly attends a giant whirling churn. Elsewhere a sometime mental patient helps cheerfully when his mind is clear. Once in a while a paroled convict gets his new start here.

Welfare Square, one of a hundred "bishops store-houses" around which the Mormon church welfare program works, is a supermarket with no cash registers, a department store that never sends bills, a cannery where the governor's wife may peel potatoes beside the wife of a disabled indigent. It is a grain elevator built wholly by volunteer work that holds 191 carloads of wheat and is kept eternally filled. It is a grade A dairy. It is an outlet for a huge complex of some 600 church-owned farms, ranches and factories that produce food, clothing, soap, detergents, even shoe polish and toothpaste.

Nowhere are the Mormon virtues of industry, frugality and cooperation better exemplified than in the welfare program. The Church of Jesus Christ of Latter-day Saints takes care of its own, and it is a rare Mormon who needs help and who turns to the county dole rather than to the church self-help program.

WELFARE STATE

The Mormon church's private welfare state had its modern beginnings in 1936, when the travail of the Arrest Depression demanded an up-to-date system for meeting the needs of impoverished church members. The first presidency, which is the supreme authority in the LDS church, established the welfare program with typical Mormon attention to shrewd business practice and to the conviction that idleness is a curse.

"From the beginning," a tract giving the history of the welfare program says, "the long-range objective of the plan has been to build character in the members of the church, both givers and receivers alike—thus rescuing all that is finest down deep inside of them and bringing to flower and fruitage the latent richness of the spirit . . ."

Church members, the tract continues, "are taught to avoid debt as they would a plague; to live within their income; and to store a year's supply of food, clothing, and where possible, fuel."

The latter injunction, possibly an anachronism in modern times, is a hangover from Mormon pioneer beginnings that is still observed by many faithful members of the church. Even some apartment-dwelling families in modern Salt Lake City keep a year's supply of canned goods squirreled away in a closet.

VOLUNTEER LABOR

Almost without exception the goods available in the bishops storehouses are products of church-owned enterprises that are run—with rare exceptions—by volunteer labor. Glen L. Rudd, a canny Mormon businessman who operates Welfare Square, points half apologetically to a shelf filled with commercial electric light bulbs and ruefully concedes that so far the Mormons do not have a factory capable of producing them.

As with much of the social and spiritual life of the church, the welfare program revolves around the hardworking unpaid bishops who run the "wards" (congregations) that are the basic building blocks in the church's awesomely complicated organization. Upon the ward bishop falls the responsibility for making the welfare program work. He (or one of two assistants) must personally investigate cases of need, must decide what remedial steps to take, and (the keystone of Mormon philosophy) must start the family back on the road to self-sufficiency by finding jobs (often at Welfare Square).

SEVENTEEN HOSPITALS

It is the bishop who grants indigents admission to one of 17 Mormon hospitals and he is the one who signs the checks when cash relief is needed. The bishop also signs the food orders that are the only acceptable currency in Welfare Square's huge supermarket.

The "tithing" (giving of 10 per cent of one's income to the church) and the enormous amounts of volunteer labor that faithful members must produce are not the sum of the good Mormon's expected contribution to the needy. Every Mormon family is expected in addition to fast for one day each month, contributing cash to the relief fund equal to the amount saved by missing two meals.

An idea of the magnitude of Mormon welfarism can be obtained from statistics for 1967 (the latest year for which complete figures are available). In that year 16 million pounds of food were distributed, along with 5,795 tons of coal and more than one million items of household supplies and clothing. Hospitalization, medical, burial and other cash assistance amounted to more than $3 million. In all, help was provided for 81,964 persons. More than 4,000 paying jobs were found, and some 684 handicapped persons were given employment within the program.

LETS ME WORK

Welfare Square manager Rudd likes to tell the story of a British welfare state bureaucrat who visited Welfare Square. The Briton, in a captious mood because he did not agree with the Mormon philosophy of linking work with assistance, cornered two old boys who were happily choring in Welfare Square's huge root cellar.

"Tell me," the visitor asked, "don't you think at your age you should be able to sit in a rocker and enjoy yourself, instead of your bishop making you work this way?"

"Ha," snorted one old boy (who turned out to be somewhat beyond age 90), "my bishop doesn't make me work, he lets me work."

Proudly Mr. Rudd shows a caller the fleet of trucks that deliver Welfare Square groceries to families unable to come after them. "These trucks are kept unmarked deliberately," he notes. "No one in a ward except the bishop and his assistants needs to now that a family is being helped. Self-respect is the most important thing we supply here."

LUIS ORTIZ MONASTERIO

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DE LA GARZA. Mr. Speaker, the people who live on the Texas-Mexico border are subject to two cultures and have the privilege of participating in the best from each. The border people have a particular sensitivity for the artwork of Mexico where historically and through the centuries of change, sculpture has always depicted the Republic's spirit.

It was my pleasure last night to visit the Pan American Union where the sculpture of one of Mexico's greats is on display. He is Luis Ortiz Monasterio of Mexico City. Mr. Ortiz was selected as the outstanding sculptor of Mexico in 1967 and given an award by the President of Mexico. Some of his works stand in the garden of the residence of the late President Lopez Mateos. He also has works in the new Seguro Social Building in Mexico City, Chapultepec Park, as well as other locations in Mexico.

For the benefit of all, I would like to include herein what the Pan American Union's Division of Visual Arts said in its display pamphlet about Mr. Ortiz and respectfully invite my colleagues to visit his exhibit:

Throughout all periods of Mexican history, the spirit of the Mexican people has been expressed most explicitly through the art of sculpture. In present-day art the work of Luis Ortiz Monasterio, who might he considered the father of modern sculpture in Mexico, is perhaps the most representative example of this tradition. Blending past and present, combining preColumbian elements with the simplifications of contemporary sculpture, he converts his art into an international language. Although only his small-scale works are presented in this exhibition, they are sufficient to provide us with the essence of his ideas.

Born in Mexico City in 1906, Ortiz Monasterio studied at the Academy of San Carlos from 1920 to 1924. From 1924 to 1930 he resided in California, where he presented his first one-man exhibition. In Mexico City he has had one-man shows at the Palace of Fine Arts (1931), the Gallery of Mexican Art (1935, 1959), and the National University of Mexico. In the United States he has exhibited at the Book Shop Art Gallery in Los Angeles (1929), Gump's Art Gallery in San Francisco (1930), and the Betty Parsons Gallery in New York City (1950). In 1949 he participated in the International Exhibition of Sculpture at the Philadelphia Museum of Art.

More than ten public monuments executed by the artist are to be found in Mexico City, including the monument of Nezahualcoytl in Chapultepec Park, sculptures, fountains, and the portico for the Civic Plaza Theater, and a fountain for the National Medical Center. In 1967 he created a bust of the Mexican educator Justo Sierra, which now stands in the

Plaza of the Americas in Paris, and in 1969 a bust of the Mexican poet Amado Nervo, which is in Montevideo, Uruguay.

Smaller works by the artist are included in the collections of the Philadelphia Museum of Art, the National School of Mexico, and the Museum of Modern Art in Mexico City as well as in numerous private collections in his native country and the United States.

This is the first presentation of his work in the Washington area.

SPEAKING OF THE ENVIRONMENT

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. SAYLOR. Mr. Speaker, a number of our Nations major conservation organizations are deeply concerned about H.R. 12025, the timber bill, which is to come before this body tomorrow. For the benefit of my colleagues I would like to list some of these organizations because they are a very impressive group. They include the Citizens Committee on Natural Resources, the Federation of Western Outdoor Clubs, the Izaak Walton League of America, the National Audubon Society, the National Rifle Association, the National Wildlife Federation, the Sierra Club, Trout Unlimited, the Wilderness Society, and the Wildlife Management Institute. The organizations all are opposed to the passage of H.R. 12025.

I have an editorial that was printed in today's New York Times, Mr. Speaker, which calls this timber bill an attempt to raid our national forests. The editorial also calls the bill a test of the determination of the present administration to protect our environment. I include this very cogent editorial in the RECORD at this point:

SPEAKING OF THE ENVIRONMENT

The Sierra Club and Senator Edmund S. Muskie have raised a question that directly tests the determination of the Nixon Administration to protect and restore the environment against the pressures of vested interests. The question is: where are the detailed statements of the Secretary of Agriculture and the Secretary of Housing and Urban Development on the environmental impact of pending legislation to get "optimum timber productivity" out of the national forests?

The freshly signed Environmental Policy Act calls for just such an analysis to be made to the President and the Council on Environmental Quality by agencies recommending just such legislation. The House is scheduled to take up the bill—the so-called "National Timber Supply Act"—tomorrow, and both Cabinet heads have endorsed it. But from neither of the departments has come the evaluation required under law.

There reluctance, though hardly commendable, is all too understandable. The bill threatens to upset the "multiple use," long established as policy for the national forests: a balance among the various demands of water supply, wildlife protection, recreation and timber production. It would do so emphatically in favor of timber as the priority use, to the profit of the logging industry and the despoliation of much of the 19 percent of the country's forest land that is still owned by the people of the United States. In fifteen years, old growth would be cut that the Forest Service has been planning to ration out over a century. Logging would be king—and forget about scenery, environment and everything else.

The pretext for this raid is the need for more housing. But it would be hard for Secretary Romney or anyone else to make a convincing case. If the country is short of lumber, why did it export four-billion board feet last year? Why has the rate of export been doubling in the past few years? And why are huge quantities of logs still being shipped to Japan? It is pertinent to ask why some thirty out of thirty-three members of the Agriculture Committee used the need for housing to justify this bill, while only nine of those 33 voted for the Housing and Urban Development Act.

The House should turn back this attempted misuse of a great national asset. And the Administration ought to be fighting this timber grab, not endorsing it.

GOV. WILLIAM T. CAHILL'S INAUGURAL ADDRESS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. CONTE. Mr. Speaker, we hear a lot of talk about the problems of our urban society and about how we should solve them. However, when you get right down to it, it becomes clear that strong and courageous leadership is an absolute prerequisite to any kind of solution.

Gov. William T. Cahill of New Jersey, our former colleague, has undertaken a most difficult job, but he has done so with the dedication and principle that he exercised so often in this body. I have recently had the pleasure of reading his inaugural address. It eloquently reflects his acute awareness of the problems he faces, from crime to education to pollution and beyond. It also reflects his sincere determination to attack these problems with all the resources that he can command.

I applaud Governor Cahill for the strong and courageous leadership he has shown in moving to overcome these seemingly insoluble problems. I think his remarks are relevant not only to the people of New Jersey, but also to all the Members of this body and to all the people of this Nation. Therefore I would like to include them in the RECORD at this point:

INAUGURAL ADDRESS OF WILLIAM T. CAHILL, GOVERNOR OF NEW JERSEY, JANUARY 20, 1970

Reverend Clergy, Mr. Chief Justice, My Distinguished Predecessors, Members of the Legislature, my family, friends and fellow citizens:

We meet in this historic city in the first month of a new decade to finalize the will of the citizens of New Jersey emphatically declared this past November.

We meet on the banks of the Delaware on this cold January day to inaugurate a new Administration with much the same ceremony that characterized more than 50 such occasions since the establishment of the free and independent State of New Jersey.

The record of the intervening years, now almost two centuries, is one at which only the superficially informed might scoff, permitting today's headlines to crowd out the underlying story of achievement in every field by generations of sons and daughters of New Jersey . . . in science and the arts . . . in government and law . . . in war and in peace. To mention the names of Edison and Stevens, Whitman and Williams, Pitney, Griggs and Wilson, Lawrence and Halsey, Aldrin, Schirra and Schweickart . . . at this place and moment is no chauvinist rhetoric. It's an affirmation required of one assuming this high office.

No man takes his oath, no man assumes the Office of Governor without experiencing an almost tangible union with the rich history and tradition that is New Jersey. I think I speak for many of us here in public life when I add that history and tradition to us is more than yellowed parchment, stylized ritual or self-correcting remembrances of another time.

We prefer to think of history and tradition in human terms, and to identify with men not unlike ourselves attempting to solve the problems of their day. Each new Governor in his own way and in his own time saw, in his inaugural address, an opportunity to set the tone of his Administration.

Many of my predecessors, honestly alarmed at the number and complexity of problems pressing in from all sides, used this occasion to articulate a seemingly endless litany of crisis. Yet, I do not think it would be exaggeration for me to say that never before in the history of New Jersey has an incoming Governor been confronted with the number of problems, both in variety and degree, which now face this new Administration.

While this address must essentially be a declaration of principle rather than a specification of policies, the citizens have the right to know my thoughts on the most pressing of these problems.

We are all painfully aware of the image attached to our proud State's name in press and periodicals throughout the Nation. While we know New Jersey is a law-abiding and basically religious community of seven million souls, candor compels the admission that we do have serious law enforcement problems. I am personally convinced that the people of this State . . . those in North Jersey and South Jersey . . . the old and young . . . the rich and poor . . . the vocal minorities and the silent majority . . . black and white . . . all the good people . . . seven million of them . . . are shocked at the charges leveled against officials in almost every branch of the government.

They expect—they demand—that every countering resource of their government be used to insure impartial investigation, fair prosecution, and just punishment of the faithless few who have betrayed their public trust and those who have corrupted them.

I, therefore, want to assure you, my fellow citizens, that in this crisis, where the very life of self-government is at issue, there will be no executive compromise, neither of principle nor policy, not with the Legislature, the Judiciary, or with the administrative departments; for where criminals go unpunished for breaking the law, good citizens are penalized in their obedience to it.

No other single factor, in my judgment, handicaps the efforts of men of good will to compose social differences that the cynical conviction of so large a number of the law abiding themselves that a combination of great wealth and purchased influence placed a favorite few beyond the law that binds all others. The resulting malaise in the body politic has caused some, you've read or heard them, to question the further viability of the democratic system, and excited others, surely you've seen them on the television screen, to demand its overthrow.

Unconvinced by the tortured rationalization of the theorists and unfrightened by the violence of the activists, we propose another prescription, not very new to be sure, but effective in earlier times of trial. We, the representatives of this generation of good Jerseymen, reclaim for our fellow citizens the full power to do all acts and things that

this State has the sovereign right, and we the moral obligation, if not the sacred duty, to do.

This is not an opportune occasion to detail the steps that have already been taken and that will be taken in the war against crime in New Jersey. Suffice it to say that there is a total commitment on the part of this Administration to search out and destroy the corrupters and the corrupted wherever they exist in the 21 counties of New Jersey. No area will be sacrosanct, and no party will be immune. So that the message is clear to all, I would remind you that this Administration has no commitment except to the people of the State of New Jersey, and that, therefore, in the words of the soldier poet, I begin my service with a complete freedom of action, 'able to walk in my own way and with an eye to see things as they are'. War on crime in this State provides an unparalleled opportunity for this Administration to demonstrate quickly, clearly and dramatically that more than a new Administration and a new decade is under way in Trenton. This will not be a new chapter in an old book. We will start by redefinining public service, and we will hopefully write guidelines and standards that will once again bring citizens from other states to New Jersey in search of imaginative new answers to old problems.

But, my fellow citizens, let me emphasize that we must rekindle respect for New Jersey not only by what we uproot and discard, but also by what we grow and nuture.

Let the quality and progress of this State be measured by its compassion and care for its sick and elderly. Let it be measured by its ability to overcome the evils of poverty, neglect, and prejudice that tear at the hearts of our cities. And, above all, let quality and progress in New Jersey be measured by our achievements in the education of our young.

All my adult life I have held with Aristole that the fate of empires depends on the education of youth.

I know from my own personal experience that we in New Jersey are blessed with thousands of dedicated teachers at all levels. But, I also know that they are burdened with a system that did not grow quantitatively and qualtatively to meet the population boom of the 50's and 60's. We have too often settled for less than the best in education in New Jersey and we have become wed to techniques, standards and establishments whose rigidity has retarded incentive, imagination and creativity in our professional teaching corps. The Romans expressed it well, 'Talis Magister, qualis discipulus.' Not literally but accurately translated, 'To understand the pupil, look to the teacher.'

I suggest that it is the inspired teacher, freed from time-consuming demands of less productive assignments, encouraged and motivated, who can dramatically and quickly uplift the quality of educational climate that permits the fullest intellectual, physical and moral growth of our youth. In my judgment, however, the present system often forces an exceptional teacher out of the classroom and into administrative positions and too often out of the field of education altogether.

I have discussed these and other thoughts with those officially charged with the responsibility for the quality of secondary and higher education in this State. I have strongly urged that our education departments proceed with all speed to project a master blueprint for the upgrading of our system with emphasis on correcting the quality gap in the urban centers. I have asked that the views of organized teaching groups be sought and the opinions and recommendations of outstanding individual educators be solicited. I have called for a master plan that talks not only of new money, but of new ideas . . . not only of new buildings, but of new teaching techniques . . . not only of new research grants, but of new leadership dedicated to new levels of excellence.

We cannot afford to fail our young and our future.

The congestion of our highways, the plight of the commuter, the cost of highways in dollars and lives are too well known to all New Jersey citizens to require a further description by me.

Because the elements creating these problems, in most instances, are interstate and regional in character as a result of our geographic location, they can, in most instances, only be solved by federal-state or multi-state efforts.

I have every confidence that our relations, both with the Federal Government and our neighboring states, will be friendly and productive in the years ahead.

Our State has in the past utilized to a great extent the concept and mechanism of 'authorities' to develop needed highways and transportation facilities, including bridges, tunnels and turnpikes, and they have served their purposes well. There has, however, been a growing belief on the part of some that these authorities are not in any way subject to the policy of the State Government. In many instances, dialogue and communication between the State Government and the authority acting through its appointed commissioners and executive directors has been inadequate and, therefore, some extra-curricular activities of some authorities have raised serious questions as to their real mission and purpose.

It is my conviction that all authorities are creatures of the State and that they must, therefore, be completely responsive to the needs of the State as defined by the elected officials of the people.

To that end, therefore, I shall look for greater participation in the field of mass transportation and highway construction by many public authorities of this State. I am confident that in this effort to implement the policy of our State in this important endeavor we will have enthusiastic cooperation from the governors of our sister states. I am convinced that a proper, balanced program of mass transportation and highway development is indispensable to the economic growth of New Jersey and the redevelopment and revitalization of our principal cities.

My emphasis on law enforcement, education and transportation should not be interpreted as indicating any less concern for all the areas of State Government that cry out with equal volume for the attention of new minds.

I am deeply concerned with the inadequate and antiquated penal system, with the need for new, modern and enlightened facilities.

I grieve at the shortage of beds for the retarded child, the sick and the elderly. I am troubled by the soaring costs of hospital care and the almost unbearable burden of providing adequate protection for ourselves and our fellow citizens in the field of insurance.

I share the alarm of all thinking citizens at the awesome increase in the use of narcotics by our youth in all areas of the State . . . in city and suburb . . . by rich and poor . . . black and white. I am impatient with our inability to prevent the erosion and pollution of our most prized natural resource, the seashore and beaches of New Jersey. I am apprehensive and deeply troubled by the danger to health from the continued and increased pollution of air, streams, rivers and even our ocean.

The Federal priorities which exclude adequate assistance to local and state governments, as well as private entrepreneurs in the field of housing, are completely illogical and must be changed immediately. Our housing shortage, particularly in the low income and middle fields, is incredible, and no peace will ever come to our cities unless dramatic improvement is made in the field of housing in the immediate future.

Having participated in the development of the legislative process in the field of civil rights for the past decade as a member of the Judicial Committee of the House of Representatives, I am satisfied with our progress in the field of civil rights as a matter of law, but I am not satisfied with our progress in civil rights as a matter of fact. It does little good to legislate the right of open housing when there are no houses . . . the right to work regardless of color when there are no job opportunities . . . the right to equal education when the schools are not comparable.

In other words, we need the implementation of the legislation, and we need it today. No field in this competitive and profit-oriented society is more important that the protection of unwary buyers who are daily defrauded of hard-earned dollars by deceivers and those who misrepresent and oppress. It is not enough to caution, "buyer beware," especially when the buyer knows not of whom and of what to beware. Our State must and will take a strong position at the side of the citizen in this all-important field of consumer relations.

The litany of problems could continue ad infinitum, but the one which will most determine our effectiveness in coping with future needs is our willingness and our ability to pay the cost.

In recent days I have spoken out about the fiscal crisis New Jersey is in today, the causes of that crisis, and my decision to avoid a State income tax through an increase in the existing sales tax. It is not my intention today to replay the events that confront me now, in the first few minutes of my Administration, with a projected budget deficit of almost three hundred million dollars.

It does bear repeating, however, that I intend to set our fiscal house in order and that I will not flinch . . . I will not hesitate . . . I will not turn away from hard decisions dealing with the abililty of this State to meet the legitimate needs of its people.

The credibility of our avowal to root out corruption cannot be separated from our obligation to deal affirmatively with the less newsworthy but equally important everyday demands on a wide-range of necessary State services. Putting this in plainest language, it means that those programs necessary to a supportable life for our citizenry—the poor and the hungry—must be paid for as we go, with the State providing its proper share of the costs.

Local communities, and this applies to many suburban towns almost as surely as it does to all the cities in this State, have reached the point in their real estate levies where further increases might endanger their whole tax structure. The concept of state aid, though late in acceptance, is now fixed New Jersey policy.

In Washington, under a new Administration, we have at last adopted as national policy the principle of federal aid through tax sharing. This policy, whose full impact on our problems is inevitable if not imminent, reflects an understanding that most of the problems facing New Jersey today are problems that are national in scope.

Many of these problems, I suggest, were aggravated and enlarged during the decade of conflicts and contradictions we have just concluded.

In the past decade we walked on the moon, but barred black children in some states from walking into classrooms.

As a Nation we spread our wealth across the world and into space, yet we ignored the powder keg of frustrations that produced the burning of some of our major cities.

We stood in awe as one rare man breathed the winds of change in Rome, while elsewhere crowds of disillusioned youth shouted "God is dead."

We produced thousands of rebels without causes, and a black man from Atlanta who shook the conscience of a Nation and two

white men from Massachusetts who literally gave their lives for their fellowmen.

This, indeed has been a decade of differences, divisiveness and disunity. It has generated dissension, dismay and despair. As a result, we need in New Jersey and in this Nation a reappraisal of our basic political, social and personal values.

In the furor and the sound and the violence of the past decade, we have submerged and forgotten much of what made America unique in the family of governments. Since the days of the Revolution, the greatest export of the United States has not been its grain, nor its meat, nor its money, but the living proof that government of, by and for the people can and does work.

Nationally, we must end a cruel and senseless war. Our Nation must turn its energies and resources to the serious problems at home. The new proposed Federalism must be made to work. The states can no longer supply on their own the needs of their people. The Federal Government must accept the burdens or share the dollars.

In the final analysis, however, neither money nor rhetoric will solve the problems of New Jersey or the United States. We require dedicated, tough-minded men and women willing to give of themselves. The true test of this Administration will be its ability to rally to its standard men and women of all ages, colors and creeds who believe, as I do, that it is the responsibility of leaders in government to provide the Renaissance of the 70's.

We must set the example—overcome the dissension and the hates—bind the wounds of the 60's. We must restore confidence in public service and in public servants, and we must lead the fight against hypocrisy, deceit and apathy.

We must, in a word, be DOERS—men of ideals, but also men of action. We must be men who will "follow the white cockade," "seek the Grail" and "reach for the unreachable star." We must be men who, in the words of Teddy Roosevelt, will dare to do—will strive to do the deeds—will know the great enthusiasms, the great devotions—who will spend ourselves in a worthy cause—who will know the thrill of high achievement—and, even if we fail, will fail while daring greatly so that our place will never be with those cold and timid souls who know neither victory nor defeat!

"Come my friends,
'Tis not too late
To seek a newer world . . . .
To strive to seek to find
And not to yield!"

This Administration will "dare to do." We will fight mediocrity. We will seek excellence. To this cause I have given my oath before God and you, my fellow citizens.

TIMBER EXPORT

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. ULLMAN. Mr. Speaker, it is too bad that the New York Times in an editorial today has added a note of confusion to the debate over the proposed National Forest Timber and Conservation Act, due for a vote in the House this week.

The Times asserts that the multiple-use concept of forest management would be abandoned if the bill is passed. Its arguments are highly emotional, but have little relevance to fact. The bill clearly provides safeguards for multiple use—for the scenic, recreational, wildlife, and watershed values as well as commercial values.

Even more surprising is the Times' position when it justifies its opposition by demanding to know why the United States continues to export logs and finished products to Japan if timber supply is short.

It is significant to note that on three occasions in September 1968 the New York Times editorially opposed any restrictions on exports of logs to Japan. The National Forest Products Association brought this change of position to the attention of the publisher of the Times in a wire today.

Without objection I include that wire and the three 1968 editorials in the RECORD at this point:

FEBRUARY 25, 1970.

Mr. ARTHUR OCHS SULZBERGER,
President and Publisher,
The New York Times:

In his unrelenting attacks against the forest products industry of the United States, John Oakes has permitted his antagonism to becloud his recollection of previous editorial positions. This morning's editorial "Speaking of the Environment" not only misrepresents the purpose and provisions of H.R. 12025, but raises serious questions about the "Times" editorial integrity. The editorial includes these questions: "If the country is short of lumber, why did it export four-billion board feet last year? Why has the rate of export been doubling in the past few years? And why are huge quantities of logs still being shipped to Japan?"

The answers to these questions are: Last year the United States exported two billion board feet of logs and one billion feet of finished products, not four billion feet as stated in the question. The rate of export has not been doubling since passage of the Morse amendment to the Foreign Assistance Appropriations Act of 1968 which limited export of logs from Federal lands. Log shipments have been declining. Huge quantities of logs are still being shipped to Japan because the Japanese bought them prior to the imposition of the export limitation which the "Times" opposed editorially.

It should be pointed out as well that the United States, while exporting three billion feet of logs and finished products in 1969, imported six billion feet of lumber, mostly from Canada, in the same year. The U.S. is a net importer of wood. If we were to bar any exports from the United States it would not only hurt our balance of trade position, which the "Times" holds dear, but would simply oblige the Japanese to invade our Canadian suppliers with the result that the U.S. would be unable to obtain the construction lumber needed from that source.

Mr. Oake's editorial ambivalance is astonishing, it deserves careful examination by the publisher of the Times.

On September 4, 1968, a "Times" editorial "Senator Morse's Log Jam," said: "Senator Wayne Morse of Oregon is giving an object lesson in how mischievous interferences with international trade can really be." The "Times" went on to rail against Morse's attempt to restrain log exports, saying: "the objection to the ban on log exports is that it discriminates against the Japanese—who are being told to buy finished United States lumber or nothing—and it perpetuates inefficiency by providing domestic saw mills with blanket protection against higher supply prices."

Again on September 5, 1968, in an editorial "Congress Returns," the "Times" referred to Senator Morse's amendment as "Senator Morse's pernicious amendment to restrict the export of raw logs from federally owned forest. They would perform a public service by throwing this gimmick out of the bill."

On September 18, 1968, the Times editorial "banning export of logs" charged Senator Morse and Hatfield and their supporters exercised political power to shield the lumber industry from market forces. But what would happen if other legislators applied the same reasoning and had the same good fortune in restricting exports of automobiles, coal and rice, the domestic prices of which are all subject to rising foreign demand? If that logic were universally applied, United States exports, now running at an annual rate of about $33 billion, would cease, with devastating effects on income and employment. The damage caused by restricting log exports is small, but the precedent is dangerous."

I have no alternative but to ask, Mr. Sulzberger, whether Mr. Oakes is not as guilty of "mischievous interference" as he accused Senator Morse of being, whether his editorials may not be as "pernicious" as he suggested the Morse amendment to be, and while editorial whimsy may be a prerogative, whether wild swings from positions depending on whether Mr. Oakes sees a situation as advantageous or disadvantageous to the forest products industry, might not warrant your personal inquiry.

Today's "Times" editorial will be widely read in the Congress. If it helps to defeat the worthy timber management bill which will serve all the people I think the "Times" has an obligation to examine its conscience.

JAMES R. TURNBULL,
Executive Vice President, National Forest Products Association.

[From the New York Times, Sept. 4, 1968]

SENATER MORSE'S LOG JAM

Senator Wayne Morse of Oregon is given an object lesson in how mischievous interferences with international trade can really be. He attached an amendment to the foreign aid bill severly restricting the export of raw logs cut from Federal forest lands. Now he threatens to block an agreement on foreign aid in the House-Senate conference unless the Morse amendment is retained. His object is to protect Oregon's less efficient saw mill operators. They would have to pay higher prices for logs if sales to Japan were not restricted. But it is already clear that this impediment to trade is working to the detriment of Mr. Morse's constituents.

The objection to the ban on log exports is that it discriminates against the Japanese—who are being told to buy finished United States lumber or nothing—and it perpetuates inefficiency by providing the domestic saw mills with blanket protection against higher supply prices. At first the Federal prohibition—state governments have similar restrictions—applied only to logs from Government forests in the west sections of Washington and Oregon. Mr. Morse's amendment would extend the ban to Federal land in California, Idaho and Montana as well.

Japan might have to yield to this attempted squeeze, if the United States were the only lumber supplier, but it is not. The Japanese recently concluded a five-year trade agreement under which Soviet Russia is to provide them with an additional 1.6 billion board feet of lumber, the bulk of it in the form of logs. Canada also stands ready to meet Japan's needs. Common sense—to say nothing of the fate of the foreign-aid bill—demands that the Morse log jam be broken.

[From the New York Times, Sept. 5, 1968]

CONGRESS RETURNS

Congress is back at work to complete action on a sizable list of bills. If the Senate would face up to its responsibilities and act upon President Johnson's two nominees for the Supreme Court, both houses could readily dispose of their unfinished business by Oct. 1. Most members wish to get away from

Washington to conduct their campaigns for re-election, but their desires may not prevail over the obstinacy of the Senate minority planning to filibuster against the Court appointments.

Several appropriations bills have yet to clear Congress. The bill for the Department of Housing and Urban Development is in conference, where the rent supplement program is again an item of controversy. The House provided only $25 million for this program, while the Senate, properly in our view, granted the full $6 million requested by the Administration.

The conferees on the foreign-aid appropriation bill have reached agreement on a gravely inadequate sum for this vital program, but they still are deadlocked on Senator Morse's pernicious amendment to restrict the export of raw logs from Federally owned forests. They would perform a public service by throwing this gimmick out of the bill.

A measure to extend the existing program of Federal aid to colleges and universities is the subject of another conference in which members not only have to reconcile the considerable disparity between the House and Senate levels of spending but also have an obligation to eliminate the unworkable ban on aid for student demonstrators which the House added in a fit of pique. A bill providing far-reaching reforms in the antiquated vocational education program is also up for final action.

Several major conservation proposals are now nearing their definitive legislative form. Only if the Senate conferees from the Interior Committee are patient and persistent in negotiating with their counterparts from the House is there any chance for a worthwhile Redwoods National Park. The Senate also has the better version of the much less controversial bill to establish a system of national trails. If, as now expected, the House Rules Committee grants a rule next week, the House will have a second opportunity to vote on the scenic rivers bill. Bills to establish a national water commission, to proceed with the long-disputed Colorado River project and to create a national park in the North Cascades are close to final passage.

The admirable House bill to expand and make permanent the food-stamp plan has unfortunately become entangled in conference with the fate of the rather unpopular farm bill. The mild bill to reform the sale, and administration of mutual funds deserves passage but it seems to be sinking into the quagmire known as the House Commerce Committee. Reform of Congress' own procedures, passed eighteen months ago in the Senate, appears to be dying in the House.

In view of the miserably deficient American foreign aid program, it is all the more imperative for Congress to approve the international agreement to enlarge the scope of the International Development Association, which provides multilateral aid to developing countries under the aegis of the World Bank. The Administration is attempting, as yet without success, to move this measure out of the House Rules Committee.

Finally, there is the problem of guns. The House banned the mail-order sale of shotguns and rifles, but refused to provide for registering the guns or licensing the owners. An effort must be made to correct these weaknesses in the Senate. Guns haunt the nation's conscience. They will not cease to do so until politicians find the courage to bring these death-dealing weapons under rational control.

[From the New York Times, Sept. 18, 1968]

BANNING EXPORT OF LOGS

If shipping raw logs out of the country reduces the domestic lumber supply and raises prices, shouldn't the Government protect the consumers by restricting such exports? That proposition, advanced in a letter on this page by Senators Morse and Hatfield of Oregon, has a simplistic appeal. But carried to its logical conclusion, it would result in the cessation of all trade between nations.

Unless there is idle productive capacity, a sharp increase in the demand for any product will raise its price. It is through higher prices that the market allocates existing stocks among eager buyers, whether residents of this or other countries.

Senators Morse and Hatfield and their supporters exercised political power to shield the lumber industry from market forces. But what would happen if other legislators applied the same reasoning and had the same good fortune in restricting exports of automobiles, coal and rice, the domestic prices of which are all subject to rising foreign demand? If that logic were universally applied, United States exports, now running at an annual rate of about $33 billion, would cease, with devastating effects on income and employment. The damage caused by restricting log exports is small, but the precedent is dangerous.

Senators Morse and Hatfield deplore the growing imports of Canadian lumber into the Midwestern and Eastern sections of this country. But they make no mention of the principal cause, the Jones Act which decrees that all cargoes between Pacific and Atlantic ports must be carried in United States flagships, whose rates are so far above the world level that the Canadians have a decisive advantage in the competition for Eastern lumber markets.

If Oregon's Senators were willing to fight the maritime lobby, they would be doing far more for the domestic consumer than they have done by promoting their shortsighted restriction on the export of logs.

LITHUANIA SEES FREEDOM DIE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PUCINSKI. Mr. Speaker, when the Soviet hordes swallow up an independent nation, one of their professed aims is to establish a Marxist Utopia. Make no mistake—there does not exist a Marxist Utopia in Russia or anywhere else.

What Russia actually has today is military socialism. The main real purpose of socialism is to support war. Russian internal policy is ideal for supporting powerful armed forces on a continuous basis, and using such forces in conjunction with skilled diplomacy to serve expansionist aims.

When the Soviet Government takes over the job of providing, the question arises regarding where the provisions will come from. The two sides of this situation were brilliantly portrayed by Aristophanes in one of his plays written 2,300 years ago. In the play a lady Communist said:

"I want all to have a share in everything and all property to be in common; there will no longer be either rich or poor; no longer shall we see one man harvesting vast tracts of land, while another has not enough ground to be buried in . . . I intend that there shall be only one and the same condition of life for all . . . I shall begin by making land, money, everything that is private property, common to all."

"But who," asked Blepyrus, another character in the play, "shall do all the work?"

"Oh," said Praxagora, "we shall have slaves for that."

Today, Mr. Speaker, the proud Nation of Lithuania—along with her sister nations, Estonia and Latvia, and the other captive nations of the Soviet empire—is a slave colony that helps feed the Soviet war machine.

Lithuania recently marked the 52d anniversary of her declaration of independence. How sad it is that Lithuanians are not at the helm of their ship of state, as free and independent people guiding their own destiny.

The Soviet slave masters have tried to subjugate the Lithuanians by murdering thousands and scattering thousands more throughout the Soviet empire, but their spirit of freedom and their quest for human dignity lives on and will never die.

We can indeed take pride in the fact that our Government has continued to adhere to its policy of nonrecognition of the Soviet Union's forcible incorporation of Lithuania.

I should like to place in the RECORD today an article by Walter Trohan which appeared in the Chicago Tribune. Mr. Trohan places in proper perspective the sad plight of the Lithuanian people, which serves to remind us that none of us are truly free until all of us are free from tyranny.

Mr. Trohan's excellent article follows:

LITHUANIA SEES FREEDOM DIE

(By Walter Trohan)

WASHINGTON, Feb. 15.—Few remember—and fewer care, unhappily—that tomorrow marks the 62d anniversary of the declaration of independence of Lithuania.

Almost half of those years have been spent in slavery, not captivity, to the Kremlin. In slavery with Lithuania are Estonia and Latvia.

Freedom shrieked when nazi boots trampled Czechoslovakia in 1938 and 1939, but there was scarcely an outcry when Russia gobbled up its three tiny neighbors in 1939 and 1940.

By now the world has so supped on horrors that the plight of one proud and free people arouses no concern or even twinges of conscience. It was not alway so.

In 1939 when Italy invaded and annexed Albania, the late President Franklin D. Roosevelt declared: "The continued political, economic, and social independence of every small nation in the world does have an effect on our national safety and prosperity. Each one that disappears weakens our national safety and prosperity."

He did not apply such words to Lithuania, Estonia, and Latvia, which Russia occupied in 1939 and absorbed in 1940. Nor did he apply them to Poland, Czechoslovakia, Hungary, Romania, and Bulgaria but helped to deliver them into captivity at Yalta, a fate sealed by his successor, Harry S. Truman, at Potsdam. East Germany also was put into Red captivity.

Almost one in every 10 Americans comes from the enslaved or captive nations, including those who fled Russia under communism or those who left Russia under the czars. Yet for years thousands of displaced Lithuanians have denounced Russia as a perpetrator of genocide and have appealed to American Presidents, beginning with Truman, to press for a United Nations investigation of conditions in the Baltic states. The appeals have been in vain.

When Russia swallowed Lithuania, its population was just under 3 million. The Lithuanians did not accept slavery easily. They resisted.

By 1948 Russia claimed to have liquidated 12,000 or more underground fighters. Lithuanian exile sources set the number

liquidated at 8,500. An estimated 35,000 remained active against the Soviet oppressors.

Similar situations existed in Latvia and Estonia.

In combating the resistance movement, the Russians undertook a program of wholesale deportation. It has been estimated that perhaps as many as 150,000 people were deported during the war. Something like another 150,000 moved to Poland. There are more than 50,000 Lithuanians in Austria and Germany. A considerable number have made their way to the United States.

Russia has attempted to govern the three Baltic states with native officials, much as it governs the captive nations with puppets. However, in the Baltic states the local officials are paired off with imported Russian assistants, who have the iron fist and generally don't bother to conceal it. Meanwhile, life in Lithuania has deteriorated.

Industrial production reportedly has dropped to about half of what it was in 1939 or less. River traffic on the once busy Memel is reported to be all but dead. Passenger trains are down to one a day.

Russia forced its language on the country's universities and has attempted to court the students, yet only about 10 per cent are said to have joined the Young Communist league.

GEORGIA VA HOSPITAL DIRECTOR SAYS PRIVATE MEDICAL CARE FACILITIES "OUTRUN" VA "IN MOST FIELDS OF MEDICINE"

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. TEAGUE of Texas. Mr. Speaker, Dr. William J. Erdman, the director of physical medicine and rehabilitation at the University of Pennsylvania, told the House Veterans' Affairs Subcommittee on Hospitals recently that "if the Veterans' Administration hospitals are going to even stand still, great progress must be made to keep up with the competitive situation which is occurring in other medical circles." In commending VA for the "excellent work" it has done in prosthetic research for veterans who have lost limbs, eyes, hearing, and other sensory abilities, Dr. Erdman said "it is not enough to stand still and be content to rest on our laurels. Veterans' Administration facilities must continue to stay in the forefront of what is now going on as a result of the explosion of medical knowledge."

Mr. Speaker, the importance of Dr. Erdman's statement of a few months ago is underscored by recent comments made by Dr. J. A. Jarman, Director of the Atlanta VA hospital to the House Veterans' Affairs Committee. He said "increasing numbers of amputees requiring prosthesis, the aid and attendance programs, and others, such as home—kidney—dialysis generate the need for costly equipment, the acquisition of which places great strains upon limited resources." Dr. Jarman continued, "Our private sector counterparts have found new sources of revenue from medicare, medicaid, and other Federal and public agencies which are permitting them to outrun us in most every field of medicine—and employment levels in our hospital are very low when compared with university and modern community hospitals."

Mr. Speaker, the House Veterans' Affairs Committee's survey of the 166 VA hospitals is revealing similar problems throughout the system. For many years the VA medical program has received only token funding increases in its annual budget compared to what it has needed to keep up with advancing medical technology. Hospitals have been made to "absorb" substantial portions of pay increases. Along with rising workloads and increased costs, they have been forced to defer the purchase of new medical equipment, delay maintenance and modernization of hospital facilities, and delay employing much needed available medical personnel. Dr. Jarman stated that staffing is very low in his hospital. The national staffing average in nongovernmental general medical and surgical hospitals is about 2.7 staff for each patient but it is just a little over 1.5 in the VA system. I believe that VA general medical and surgical hospitals should have at least two employees for each patient, and at least a 1 for 1 ratio in VA psychiatric hospitals so that our hospitalized veterans will receive "first-class" medical care.

Mr. Speaker, in Georgia, VA hospitals are located in Atlanta, Augusta, and Dublin. The Dublin hospital also operates a 460-bed domiciliary for homeless and chronically ill veterans and a 56-bed nursing care facility.

The investigation conducted by the House Veterans' Affairs Committee in December 1969 revealed that under hospital staffing formulas which I advocate Georgia VA hospitals are approximately 825 positions short of needed staff. These extra positions would cost approximately $6.2 million. A few of the needed positions would be difficult to fill at present VA salary scales, but the hospital directors said that most of the positions would be recruitable. The Georgia hospital directors also reported last December that the community nursing care programs under the jurisdiction of their hospitals were underfunded in fiscal year 1970 by almost $200,000. In addition, more funds were needed approximating $235,000 for fee dental care due mostly to the increased workloads created by returning Vietnam veterans.

As of February 10, 1970, directors of the Georgia Veterans' Adiminstration hospitals advised the House Veterans' Affairs Committee that supplemental funds in the amount of $608,000 had been received. While these additional amounts were welcome and provided some relief in the fee basis dental program and the community nursing care program, serious problems remained in the areas of providing adequate staff and to alleviate shortages in other recurring operating expenses of the hospitals.

Dr. J. A. Jarman, director of the Atlanta VA hospital, reported a fund shortage of about $1.1 million last December for the operation of his 488-bed hospital. The Atlanta hospital is also responsible for providing outpatient services to Georgia veterans and about $235,000 of this shortage was due to increased Vietnam veteran workloads for fee basis dental care. Over $550,000 was needed to provide for staffing deficiencies; approximately $285,000 was needed to cover shortages for linen replacement beneficiary travel, prosthetic appliances, fee prescription services, and other recurring operating supplies and materials.

Director Jarman also reported that he is planning to reduce personnel or services to stay within his assigned personnel ceiling and funding allotments for fiscal year 1970 including curtailment of employment replacement when an employee leaves, a cutback in drug and medical supply inventories, delay in maintenance and repair projects and deferral of filling position vacancies which he considered to be essential. These included one cardiac catheterization technician, one physician for the laboratory, one physical therapist, one physician for radiology, one social worker, one personnel management specialist, and one equipment repairman. Other actions proposed to meet the funding deficiencies for salaries and recurring operating expenses included the diversion of approximately $150,000 of special funds allotted for replacement and new equipment including the purchase of equipment for new intensive care units, and funds for maintenance and repair projects.

Other programs at the Atlanta hospital which had been funded for specialized medical services and which are inadequate in scope include the pulmonary emphysema unit, which needed five more positions at a cost of $60,000; open heart surgery, eight more positions required at an annual cost of $91,000; the clinical laboratory, three positions at a cost of $24,000 annually; and two employees for the cardiac catheterization laboratory at an annual cost of $18,000.

Dr. Jarman reported that the Atlanta VA hospital's staffing ratio to patients as of September 30, 1969, was 1 to 58. To achieve the minimal staffing ratio for general hospitals which I advocate, 236 more positions at an annual cost in excess of $2 million would be required.

Dr. Jarman later advised the Veterans' Affairs Committee that supplemental funding support in the amount of $432,500 had been received from VA Central Office. He stated $52,500 of this amount was limited to alleviating the reported $235,000 funding deficiency in the outpatient fee dental program. The other $380,000 would be applied toward the deficiencies in salaries and other operating expenses of the hospital.

In December 1969, Director John R. Parrish of the huge 1,350-bed hospital complex at Augusta, Ga., reported funding deficiencies at his installation of over $600,000. Approximately $200,000 was needed to provide for staffing and another $130,000 was needed for general operating supplies and services. The remainder was needed for replacement and new equipment, or maintenance projects.

To meet the funding deficiencies at the Augusta hospital, Parrish said that he had deferred filling some positions including three registered nurses, one dental assistant, one dietitian, five house-

keeping aides, and 11 other paramedical and administrative positions. In addition, he had taken action to divert approximately $291,00 which had been allotted for new and replacement equipment and maintenance and repair projects to cover shortages in recurring operations. Director Parrish also reported that at the beginning of fiscal year 1970, July 1, 1969, his station assumed responsibility for 102 patients in the community nursing home program. However, funding support received would provide for an average of only 50 of these patients during the fiscal year. He stated this program was underfunded by approximately $100,000.

President Nixon included in the 1971 budget $300,000 for site acquisition to construct a new 600-bed hospital to replace the present 1,000-bed psychiatric facility located in Augusta and the Lenwood Division consisting of 389 general medical and surgical beds.

Last December, Charles A. Tosch, Director of the VA's hospital and domiciliary center at Dublin, Ga., reported funding deficiencies at his installation of almost $375,000 for fiscal year 1970. About $205,000 of this was for staffing deficiencies, $72,000 for recurring medical supplies and materials, and about $98,000 could be utilized in the community nursing home care program.

To meet the fund shortages for staffing and other operating costs Tosch said that he would divert approximately $53,000 which had been allotted for replacement of equipment, new equipment, and nonrecurring maintenance and repaid projects. In addition he would reduce staffing through attrition to meet VA central office imposed personnel ceilings, provide for a general 2 to 4 weeks delay in filling personnel vacancies, reduce overtime costs below the level of actual need, and reduce the requested ration allowance. Tosch said "funds were not available to support the requested ration cost." Actual ration cost for fiscal year 1969 was $1.08, and the dietitians had projected a cost for fiscal year 1970 at $1.20. An average cost of $1.15 was approved by Director Tosch based on his initial fiscal year 1970 target allowance.

At the beginning of the fiscal year, July 1, 1969, the Dublin hospital was responsible for the care of 19 patients in community nursing care facilities, but funding support received provided for an average of only 12 during the year. The Dublin hospital could have provided for an average of 31 patients in community care facilities if funds were made available for this purpose.

In a subsequent report to the committee, Director Tosch advised that his hospital had received supplemental funds during January 1970 in the amount of $22,689. Of this amount $20,000 was for use to support staffing and other operating deficiencies and the remaining $2,689 was to be applied toward the funding shortage in the community nursing care program.

Mr. Speaker, you only have to be behind a year today in medical care to be the equivalent of a generation behind a generation ago. Our Government—the Congress and the Executive—must move swiftly to close the gap which has begun to erode the VA hospital system.

HARD-CORE POVERTY IS CRITICAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HAMILTON. Mr. Speaker, this excellent article, which appeared in the February 8 edition of the Sunday Herald-Times, on the problems of rural poverty, as found in Lawrence, Orange, and Washington Counties in southeastern Indiana.

HARD-CORE POVERTY PROBLEM IS CRITICAL

(By Wanda G. Williams)

The highest unemployment rate in years and the severe winter weather have resulted in many families becoming hard core poverty cases in Lawrence, Orange and Washington counties, according to information from the L.O.W. Office of Economic Opportunity in Mitchell.

The Emergency Food and Medical Services unit serving the tri-county area assisted 147 families or a total of 824 individuals during the month of January.

Mrs. Oweetah Scott, project director, said that $6,840 in emergency food and medical services went to poverty stricken families last month, with the average help per family amounting to $46.55. This breaks down to $8.30 per person on a 30-day basis. Although families range in number from one to 13 people, the average is made up of five and one-half people, she stated.

"One of our three outreach workers serving the three counties found a mother and six children huddled together trying to keep warm under a couple of thin covers on a bed in an unheated lean-to shack during that zero weather. There was not a speck of food in the place and the family's drinking water, carried a half-mile up the hill in a lard can, was frozen solid as it sat in the middle of the room.

"We actually believe they would have frozen to death or starved if we hadn't found them. You could see daylight through the cracks in the walls of the lean-to that had been thrown up against the side of a dilapidated trailer whose floor had fallen through. The one room in which the family lived was so small that not all the children and their parents could stand up at one time," Mrs. Scott exclaimed.

The husband and father, like many others in the area served by the emergency unit, is an uneducated man who earns what he can, when he can, as a timber cutter.

"There are literally dozens of these men who have been out of work because they couldn't get into the woods and get the timber out due to the deep snow. The timber that is already cut and on the ground is frozen all the way through the logs and couldn't be sawed," she stated.

In many families, there is no husband to provide even a meager income. Some have deserted their families, and some are in jails or prisons, the director stated.

An outreach worker found one mother and seven children living in a shack in Orange County without food or fuel. The husband had deserted, leaving the wife expecting another child next month.

"The only furnishings in the dwelling were a wooden chair, half a table, a wood stove and three mattresses on the floor. There were no covers for the beds, let alone sheets or pillows. The only morsel of food in the house was half an onion!

"That was right before Christmas, and the staff here at the office did all they could to see that the family had food, clothing and other necessities, as well as wrapping their children's used toys as gifts for those kids," she revealed.

"A trailer sales came through with a used living room suit, end tables and a breakfast set, the Senior Citizens of Mitchell donated a cook stove, bedsteads, sheets and blankets, a local union bought coats and shoes for the children, and a shoe manufacturer in the area donated heavy winter-weight tennis shoes for each of the children. We managed to get some scrap lumber donated for firewood," she stated.

"The lady just cried and cried when we delivered the food, clothing and toys," said Mrs. Scott, blinking back tears.

Families helped by the Emergency Food and Medical Services unit of the L.O.W. must be those who are in the economic level which also allows them to get government surplus food commodities through the trustees. Only those families in which real emergencies exist, nutritionally or medically, receive help from the unit.

Most recipients are referred to the L.O.W. by trustees, welfare departments, churches, ministers, or school officials.

"We make a thorough investigation before any aid is given. We don't just take someone's word that a family needs help. Our outreach workers contact the family and we do a follow-up research to determine the need and eligibility.

We can't help people who are getting welfare payments or Social Security, unless they can prove that their medical or fuel bills for the month have taken more than half their monthly check. We have in a few cases helped elderly people whose spouses have died, until they begin receiving Social Security.

"It takes 30 to 60 days to get on the rolls of most social service agencies, and as an emergency service unit we can help out in the interim period," the director pointed out.

Recipients are never given cash. Instead, they receive a monetary voucher from the L.O.W. which they may use at the store of their choice. The vouchers are good only for consumable foodstuffs, no tobacco, paper articles, soap or pet food. The store owner must furnish an itemized list of the food purchased when he sends the monetary voucher to the L.O.W. for re-imbursement at the end of the month. The largest voucher issued has been $50, Mrs. Scott revealed.

Free school lunches can also be certified by the emergency unit. For many children, this is their only hot nourishing meal of the day.

"We can't buy fuel for these people. We have to turn to organizations and individuals for that. I call on civic clubs, churches, the Salvation Army and every source we can think of.

When there isn't time and the family is suffering from the cold, the office staff reach down in their pockets and buy firewood. There have been nights that I've stayed out until midnight trying to get wood for families before getting home to my own family," she smiled. "We get stuck in the snow and the mud on these back country roads and have to have someone pull us out quite often," she added.

Most of the hard core poverty can be found in the rural areas, with Orange County appearing to be the hardest hit at the present time. The age group most affected, according to Mrs. Scott's records, are couples ranging in age from 19 to 30 years of age.

SENATOR MUSKIE OFFERS SOME VIEWS ON OUR POLLUTED AMERICA—WHAT WOMEN CAN DO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PUCINSKI. Mr. Speaker, long before pollution became a matter of national priority and long before it became a prime concern for everyone, Senator EDMUND S. MUSKIE was leading the fight against environmental hazards that threaten to upset the balance of nature.

He, more than any other person, has for many years been lecturing, writing, and legislating in an effort to call attention to the urgent need to clean up our environment.

In the February issue of Ladies' Home Journal, Senator MUSKIE discusses very eloquently the problems that pollution in America has caused, and the vital role that women can play in helping to solve these problems.

Senator MUSKIE proposes a plan to guide women so that they can organize themselves into an effective force at all levels of government to prevent further destruction of our environment. The ladies, indeed, have been leading the fight against pollution for sometime now and are destined to play an even greater role in the years ahead.

Because Senator MUSKIE can rightly be praised as the father of war on pollution, I highly commend his timely and well-written article to my colleagues.

Mr. Speaker, the article follows:

OUR POLLUTED AMERICA—WHAT WOMEN CAN DO

(By Senator EDMUND S. MUSKIE)

We take great pride in the human ingenuity that made it possible for us to soar to the moon, transplant human organs, conquer polio, isolate the building blocks of life, develop atomic-power plants and design satellites that bounce television rays from one continent to the other.

But now we are beginning to realize that we are using our good earth thoughtlessly, like nomads at an oasis, drawing greedily from its resources as if we could pick up and move to another planet when those resources are fouled and depleted.

Our "longer, fuller, better life" has begun to mock us. We are disgusted by the dirty air, rotten odors and vile water, by the noise and ugliness that has become the backwash of modern goods and services. We are alarmed by the warning that we are upsetting the balance of nature, causing the most pressing environmental crisis in history.

We can demand change. We can decry the destruction of our country. But we will not renovate and rejuvenate our environment until we start moving our criticism from the kitchen to the hearing room, from the living room to the legislature, from the back fence to the ballot box, and from in front of the TV set to in front of the TV camera.

I think women can make a major contribution to a reversal of our trend toward self-destruction.

Some women are already at work cleaning up our dirty world. With zeal and persuasiveness they have succeeded in galvanizing their communities by asking what may be the most relevant question of our times: Is the modern technology we appreciate so much enhancing or damaging the quality of our lives?

In 1963, in New York City, when nearly 400 deaths were triggered in a few days by a dense, noxious smog, Mrs. Hazel Henderson and a half-dozen concerned friends formed the Citizens for Clean Air. Today, this is perhaps one of the most effective public watchdog groups in the nation; it has enlisted thousands of volunteers, including an advertising agency, a public relations firm and executives in the communications industry. They estimate that they have educated New Yorkers to the realities of bad air with at least $350,000 worth of free radio and TV spots and ads in the press.

Women such as Mrs. Henderson, who are indignant over the increase in childhood emphysema, bronchitis, asthma and eczema caused by the smoke, fumes and pollutants in our atmosphere, can literally sweep our skies clean if they wish. The Federal Air Quality Act of 1967, which I sponsored, specifically calls for public hearings to establish air-purity standards. It is designed to provide citizens with the facts on air pollution and to give them the opportunity to determine the quality of the air they breathe.

The system is working. In Pittsburgh, for example, a meeting to discuss proposed air-quality standards had to be transferred from the office room to a large auditorium because 500 members of a "breather's lobby—representing women's clubs, colleges, unions, conservation groups and health societies—showed up to press for stringent standards.

We were careful to write into the Air Quality Act that public sentiment should be a deciding factor in the decision-making process affecting air-pollution abatement. This means that Americans can, by concerted action, restore our pure air and save the taxpayer nearly $13 billion every year in medical expenses, cleaning bills and building maintenance.

In Front Royal, Virginia, Mrs. Gladys Harris, a Tuberculosis Association staff worker, in her spare time informs citizens about the pollution in Virginia's rivers and streams. She belongs to an all-female Izaac Walton League chapter. (The National Izaac Walton League is a conservation group that, until modern technology began to backfire, was largely a brotherhood of outdoor fishermen.)

Mrs. Harris, and others like her, are not satisfied with saying that filthy water is unacceptable. She studies the technical language of specialists concerned with such problems as the oxygen level of water, which she then interprets to her neighbors and other Virginians. They, in turn, speak up at water-control hearing boards and ask local editors, outdoor writers and businessmen to take the public stand in opposition to pollution hazards.

Woman power can make a big difference in cleaning up the waters of this nation, which are choked with waste, reeking with sewage, teeming with such organisms as the plague bacillus and so thick with oil that they are fire hazards. Many housewives and professional women already belong to the Citizens Crusade for Clean Water, an *ad hoc* coalition of dozens of organizations, including 157,000 members of the League of Women Voters, whose 1,275 local leagues have called upon women to testify, write letters, distribute fact sheets, attend public meetings and spark community dialogue about pollution.

In my own state of Maine, where vacationers from every state in the union renew body and spirit in the natural sanctuary of our forests, on the edges of our streams and by our rocky shore, women are applying pressure to clean up our man-made central cities. A Maine housewife, Mrs. Caroline Glassman, designed the health, safety and beauty factors in the Portland Model Cities area, where there are now organized litter patrols, well-designed, strategically placed trash baskets and realistic plans for the collection of garbage and also for diverting the city traffic away from neighborhood streets.

It seems to me that women can play a unique role in planning ahead to prevent the unsightly, unsafe, deteriorating effects of highways that are being designed to slash through our yards, school zones, parks, historic sites and wildlife preserves. In fact, women in such cities as San Francisco, New Orleans, San Antonio and Memphis have single-handedly and successfully led battles to maintain the integrity of communities which have been threatened by proposed highway construction.

Governments can make highway laws. But citizens must implement them. Consider what might happen if women started passing the news to each other that today's laws require public hearings both before and after highway corridors are selected, that there are state highway department lists on which they can enroll to receive public notification of impending highway plans.

Wherever we look we are faced with blight, rats, dumps, slums, agricultural refuse, mining wastes, sewage, scrapped cars, rubbish. There are ways to deal constructively with these problems. For example, the crisis in our cities and on our beleaguered earth has prompted 175,000 members of the American Association of University Women to undertake a two-year study project to develop, with school teachers, new curricula and study guides for our children about the problems of environmental control they will inherit.

I would like to suggest a plan for all women who are not yet involved in programs to stop environmental pollution. In a broad sense, its aims would be to inspire and educate every American community to potential hazards in modern life, to urge every citizen to exert pressure for change at all levels of government, and to force U.S. industry to redirect technology toward the improvement of the quality of life.

A pragmatic scheme, it calls for each woman to isolate those problems in her neighborhood or community that cause discomfort and disease, and that might ultimately jeopardize our existence. It asks her to determine if local or national organizations are working toward elimination of these ills or whether she should try to create a new mechanism with which change might be brought about faster.

Any woman who wants to change things must survey, pinpoint, document, threaten, cajole, publish, petition, telephone, write and vote. She must be hard-headed, stubborn and charming in discussing her goals with neighbors, educational institutions, industrial managers, city councils, mayors, governors and Congressmen.

From time to time she may be frustrated or angered by resistance to change, but the experience will be exciting and rewarding. She will find deep satisfaction in conserving our environment and in making the experience of living healthier and more valuable for her generation and for those who follow. I believe she will soon find herself head over heels in a new, life-long romance—with all of the elements of life on earth. And that, it seems to me, is what the power of a woman should be all about.

RAMSDEN HONORED BY MECHANICAL ENGINEERS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MILLER of California. Mr. Speaker, Mr. C. D. Ramsden, president and general manager of Paceco, a division of Fruehauf Corp., located in the city of Alameda, was recently elected a

fellow of the American Society of Mechanical Engineers.

I want to congratulate Dean Ramsden upon his election. He is richly deserving of this honor. Dean Ramsden has served the city of Alameda well. For many years he was on the school board and has been active in community endeavors, furthering the interests of the people of Alameda County and the city.

It was Paceco, under the direction of Dean Ramsden, that developed the first cranes to load and unload containers from ships. This was the first breakthrough in merchant marine activities in many years, and is one of the great advancements in that field during this century.

I am happy to insert as part of these remarks an article from the Alameda Times-Star outlining Mr. Ramsden's election as a fellow and detailing his outstanding career:

RAMSDEN HONORED BY MECHANICAL ENGINEERS

C. D. Ramsden, president and general manager of PACECO, a division of Fruehauf Corporation, has been elected Fellow of the American Society of Mechanical Engineers. The presentation was made by Henry F. Sirgo, Jr., chief estimator, Todd Shipbuilding Corporation, during the January San Francisco section ASME meeting at the Engineers Club.

Elected by action of the national council after having been nominated by five ASME members, Ramsden was elevated because of his outstanding contributions to engineering in his creative approach to heavy machinery design. His most prominent contributions have been specialized container handling cranes, the design and construction of which he pioneered. These container handling cranes, namely Portainers, Transtainers, and Shipstainers, are known throughout the world and have helped the rapid growth in the containerization field.

Other contributions by Ramsden include economical designs for hydroelectric cranes, gates hoists, and gates; development of the world's deepest digging suction dredges; and the production of the world's first privately owned atomic reactor vessel.

Ramsden has served as consultant to various ports and shipping companies in the overall design, installation, and economics of container handling systems in the United States and abroad. In this connection he has made addresses on containerization and bulk handling systems to the American Association of Ports Authorities Convention in Canada, 1960; International Cargo Handling Association, Sweden, February, 1965; Europort, 1966 in Amsterdam, Holland; and AAPA in San Francisco, October, 1969.

Joining PACECO (then known as Pacific Coast Engineering Company) in 1946 as chief Engineer, Ramsden has been president and general manager since 1958. PACECO became a division of Fruehauf Corporation in April, 1968. Under Ramsden's leadership the firm's sales volume increased from $3,000,000 to $28,000,000.

Ramsden is a native of California and was graduated from the University of California with a B.S. degree in Engineering in 1937. He is a registered professional engineer in California, Oregon, Washington, Texas, Pennsylvania, New Jersey, Georgia and Mississippi. He has been active in business and community activities having been President of the California Metal Trade Association, is presently Director of the Steel Plate Fabricators Association, a member of ASCE, ASME, AIME. He is ex-president of the Board of Education, Alameda Unified School District, and is on the BSA regional executive committee. He has also been an active member of the Alameda Chamber of Commerce.

1970 FREEDOMS FOUNDATION AWARDS

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. FLOWERS. Mr. Speaker, each year the Freedoms Foundation of Valley Forge, Pa., makes a series of awards based on individual and group accomplishments in preserving patriotism and defending the American way of life. I join with my colleagues in saluting those recognized in 1970, which include eight distinguished indivduals and organzations of the Fifth Congressional District of Alabama. Those honored include:

The Distinguished Service Award was presented to McNeil School, Bessemer;

A community programs category award was presented to Midfield Elementary School PTA;

The city of Fairfield received the George Washington Honor Medal Award in governmental unit activities category;

The Hueytown North Highland School was presented the Principal School Award;

The Northport Elementary School received the George Washington Honor Medal in school category;

The Valley Forge Teachers Medal Award was presented to Mrs. Bessie Blackmon of Northport;

Sp4c. John G. Lankford, of Montevallo, received the George Washington Honor Medal in the Armed Forces letter category;

Mr. Robert E. Lee, of Tuscaloosa, received the Honor Certificate Award in the letters to the editor division for his letter to the editor of the Tuscaloosa News, entitled "Patriotism Beyond Words," which was published November 6, 1968.

Because of the deep feeling expressed in this letter and its particular importance to the times that we live in, I am including its text at this point in the RECORD in order to share Mr. Lee's thoughts with my colleagues and others:

PATRIOTISM BEYOND WORDS

The dictionary defines a patriot as one who loves and loyally supports his country. But patriotism goes far beyond these few words.

Patriotism is actually an intangible thing. It cannot be felt, seen nor heard in the sense of using hands, eyes and ears. It cannot be readily understood by anyone who does not possess it. It cannot be bought or stolen.

No one is born with it. It is bred into a person only by an intense love of his country. Without it, a country cannot for long remain a free nation.

Patriotism is the very flame of liberty, and must be constantly fed. Else it will die out, leaving only the bitter ashes of enslavement.

Patriotism is the constant vigilance of, and the firm resolution against, any encroachment of an alien ideology. It is the willingness to make sacrifices for one's country when and if the occasion demands it.

Sometimes it seems that patriotism is becoming extinct in America. Yet, this country cannot survive as a free nation unless patriotism is prevalent in these United States.

The United States is the greatest haven of liberty on Earth today. It is the last hope of freedom loving peoples everywhere. And everyone who is privileged to call himself an American has as a solemn duty the preservation of this same freedom; that our children might also call themselves a free people under God.

If patriotism is old fashioned, then I am sadly out of date. For I believe that to truly be an American, one must first be a patriot.

Like millions of others, I dearly love this country in which I was born. And I had rather die today, knowing I had lived in a free nation under God, than to live forever under the whip of an atheist master.

A PLAUDIT TO HOFFMANN-LA ROCHE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MINISH. Mr. Speaker, knowing how important it is to focus public attention upon the critical national problem of continued pollution of our environment, I am inserting into the CONGRESSIONAL RECORD a message that Hoffmann-La Roche, Inc., of Nutley, N.J., has placed in several newspapers this month. Some of the papers in which this article appeared are the Newark News, the Newark Star-Ledger, the Clifton Herald-News, the Washington Star, the Nutley Sun, the Belvidere, the Blairstown Press, and the Easton Express.

Hoffmann-La Roche is a major manufacturer of pharmaceuticals, fine chemicals, and health-care products. This is one manufacturer who deserves our commendation for having taking a position of responsible leadership to discover a solution to the awesome problem of air and water pollution.

The article follows:

PREVENTION OF POLLUTION—SAFEGUARDING OUR ENVIRONMENT

Deeply aware of our responsibilities to our neighbors and our community, we at Hoffmann-La Roche have long had a firm commitment to prevent air and water pollution. This is not only a civic duty but an inescapable obligation to our children and grandchildren.

A four million dollar program: In a major program, stressing utilization of the most up-to-date technology to prevent the formation and escape of harmful substances, Roche has invested over four million dollars, backed by competent, ever-watchful personnel specializing in pollution control.

Doing more than required: Because of the paramount importance of assuring the quality of our air and water, Roche does more—substantially more—than is required by Government regulations. For example, in its 500-acre complex in Belvidere, N.J., Roche has designed a waste treatment plant in which over 98% of DOD (biological oxygen demand—a yardstick of water pollution) is removed from waste. This is far in excess of the 85% requirement of the Delaware River Basin Commission.

Live fish on guard: To make sure beyond doubt that the water discharged by its new, two million dollar waste treatment plant

in Belvidere is consistently harmless to aquatic life, Roche has designed a large aquarium where fish will live and breed in water receiving a continuous sample of treated waste, thus serving as an exceedingly sensitive biological monitoring system.

Round-the-clock vigilance: Day and night, seven days a week, sensitive, sophisticated electronic equipment monitors the quality of fumes, steam, water, and other effluents at Roche. Should any malfunction threaten, an alarm immediately alerts one of the operators who are in constant attendance; thus prompt action is taken before any problem arises. Automatic detection systems and recording apparatus also produce continuous permanent records which indicate that Roche operates well below State limits.

Planned prevention: In designing new processes and equipment, Roche engineers pay special attention to the prevention of the escape of fumes, dust, solid particles, acids, and other potentially harmful substances. By switching from fuel oil to gas and to expensive low sulfur fuel oil, Roche took a major step in minimizing the formation of sulfur dioxide—a serious threat to air purity. By modernizing both of its incinators, switching from oil to gas firing, and compacting waste, the emission of smoke and fly ash has also been effectively controlled.

Looking ahead: As Roche continues to grow and to produce new and better weapons in the fight against pain and disease, all its planning and designing of new buildings and processes will continue to provide for ever higher standards of air and water purity—both in the Nutley-Clifton area and in Belvidere.

V. D. MATTIA, M.D.,
President and Chief Executive Officer.

ABNER MIKVA LEADS THE FIGHT AGAINST "NO-KNOCK"

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. KOCH. Mr. Speaker, our colleague from Illinois (Mr. MIKVA) has been leading the fight against the "no-knock" provision of the administration's drug control bill. His major arguments showing how pernicious that proposal is are set forth in an editorial appearing in Chicago Today. I would urge our colleagues to read it because it so clearly presents Mr. MIKVA's sensible objections to the provision which would pose a mounting threat to our citizens' right of privacy in their homes. The editorial follows:

SHOOTOUT ON THE "NO-KNOCK" LAW

In all the testimony for and against the administration's drug control bill with it famous "no-knock" provision for police raids, the most persuasive we've seen came from Rep. Abner J. Mikva (D., Ill.), who testified Wednesday before the House subcommittee considering the bill.

Mikva is against the no-knock provisions, as we are, and for the same reason: A law allowing police to burst into a private dwelling unannounced, no matter how helpful it would be in catching suspects with the evidence, would knock a frighteningly big chip out of the citizen's presumed right to privacy. And the erosion certainly would not stop there.

As Mikva observed, if this provision is "necessary" to catch drug violators—as its proponents claim—it can be shown to be equally necessary in raiding, say, gamblers or suspected conspirators. They too might get rid of some incriminating evidence if alerted by a police knock. Where does it stop?

Mikva pointed out, however, an odd contradiction in the claim of "necessity." He said:

"When pressed to justify the no-knock procedure, its advocates inevitably fall back on a curious argument of nonnecessity. After arguing that the provision is essential, [they] turn around and indicate that the measure will not be used very often. They point to the experience in New York state, where authorities used no-knock warrants only 12 times in a single year. . .

"If no-knock is 'necessary,' then why wasn't it used more often? If it isn't really necessary, as the New York experience seems to indicate, then why should Congress authorize it anyway? Is the apprehension of 12 pieces of evidence worth this kind of inroad on our liberty?"

Aside from constitutional and policy objections, Mikva brought up this very practical one. "The reaction of the average citizen to an unexpected attempt to break into his home is to fight like hell. There are now some 90 million firearms in 60 million households thruout this country. In this situation, a no-knock provision is an invitation to a shootout with police. It will result in more dead policemen, more dead citizens, and more firearms violence in America."

We hope these sensible objections will help sober up Congress from its current stampede, in which anything goes if it can be labeled "law and order."

SOUTH AFRICA AND VIETNAM: PARALLELS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BINGHAM. Mr. Speaker, I recommend that my colleagues in the House, and other readers of the RECORD, examine carefully the following two items from today's Washington Post and New York Times, and ponder the parallels:

[From the Washington Post, Feb. 25, 1970]

TWO LEGISLATORS WITHOUT COUNSEL ARE CONVICTED QUICKLY IN SAIGON

(By Robert G. Kaiser)

SAIGON, February 25.—Tran Ngoc Chau, the House deputy who President Thieu accused of helping the Communists, was sentenced to 20 years at hard labor this morning by a military court. Another deputy, Hoang Ho, was sentenced to death on a charge of treason.

Neither defendant attended the trial, which lasted about half an hour. Attorneys representing the accused deputies came to the courtroom expecting the session to begin at 9 a.m., only to find it had begun at 8. Journalists had the same experience. Vietnamese observers said the court had always met at 9 in the past.

After announcing its verdict, the court issued an order for the arrest of Chau and Hoang Ho.

An hour and a half later, however, Chau was giving interviews to the press in the National Assembly building, and no officials had appeared to arrest him. Hoang Ho's whereabouts are unknown. Reuters quoted his wife as saying he had left the country.

Chau said the fact that he was not hiding from the police proved he was not a Communist. He also said that his conviction was unconstitutional, and that anyone who wanted to arrest him "will have to use a weapon—a rifle, a bayonet—to get me out of here."

Under the terms of this morning's verdict, handed down by a court of five army officers, Ho and Chau will also lose all their private property. Both are married and Chau has seven children.

However, today's verdict is not likely to be the final legal word in the case. Under Vietnamese law, Chau is entitled to another trial after he is arrested, since he was absent for this one. Even if the sentence against him stands, it may be less harsh in practice than it sounds. Other politicians sentenced to hard labor in the past have ended up in relatively comfortable circumstances.

The military court accepted the prosecution's suggestions for punishment, and accepted the prosecution's case without question.

The action is certain to set off a legal set-to here. The trial was pressed ahead despite appeals to the Supreme Court protesting that Chau was deprived illegally of his congressional immunity.

Progovernment deputies claim they removed Chau's and Ho's immunity by getting three-fourths of the members of the House of Representatives to sign a petition authorizing their prosecution. The accused say this petition is an unacceptable substitute for formal floor action. Even the government's supporters admit they could not have got a three-fourths floor vote against the deputies, if only because attendance at the House is so spotty.

The Supreme Court has already begun deliberating the constitutionality of the petition. There have been some signs that the court might take this opportunity to make its first significant break with President Thieu. Many prominent lawyers have attacked the petition as illegal, and no recognized attorneys outside Thieu's immediate circle have defended it.

It was unclear this morning what would happen if the court found that the petition was illegal. Vietnamese observers doubt the government would respect such a decision after Chau and Ho had been convicted, but the situation would be unprecedented.

Throughout the Chau case the government has tended to ignore legal niceties. The episode began after Chau's brother, Tran Ngoc Hien, was arrested last year as a spy for North Vietnam. In a confession, Hien said he had met often with his brother Chau during the last five years.

Chau and Hien both claimed these meetings were argumentative, fraternal sessions, and that Chau did nothing to help his brother's espionage work, Chau contends he was trying to arrange direct negotiations with North Vietnam and the National Liberation Front through his brother.

Chau has claimed in several interviews in recent weeks that the U.S. government was fully informed of his contacts with his brother since 1965. Chau said he told many high U.S. officials of his meetings, and U.S. officials encouraged him to maintain his contacts. The U.S. Embassy here has refused to comment on this claim.

Chau was waiting for reporters in the House this morning. He has been living there all week as a kind of sit-in protest against his prosecution. He said: "I consider my actions so far in the past 25 years as a service I render to my country." He also charged that the government condemns unity, reconciliation with the Buddhists, and a just peace settlement in Vietnam." Chau has long advocated a dovish policy of "national reconciliation" to settle the war.

Last fall, President Thieu began speaking out publicly against Chau and two other deputies—including Ho—who he accused of helping the Communists. Thieu was soon campaigning openly and vehemently for the House to take action against these three. The petition, which theoretically allowed

prosecution of two of them, was the culmination of the campaign.

As soon as the government had the petition in hand it moved against Chau and Ho, authorizing the defense minister to prosecute them in a military field court set up to handle cases involving national security. The court wasted no time reaching its verdict.

The case against Hoang Ho was based on his implication in a Communist spy ring, several of whose members were convicted in the same court last year. Confessed members of the ring said Ho was a principal member of it. Ho has denied any connection with the spies.

[From the New York Times, Feb. 25, 1970]

AGAIN, SOUTH AFRICAN "JUSTICE"

In its treatment of 22 blacks charged with working for the banned African National Congress, South Africa seems determined to outdo even its own appalling record for "legal" cruelty and hypocrisy. The prosecution in Pretoria was having deep trouble making a case against the defendants under the Suppression of Communism Act, so it abruptly dropped the charges.

The judge told the accused they had been found not guilty, but even while they were rejoicing in the Supreme Court at this unexpected turn they were rearrested under the Terrorism Act, then hauled back to prison. Now they can be held indefinitely without charge—incommunicado, with no right to counsel, no *habeas corpus*, no bail—as they were before being charged last October.

The prosecution was obviously embarrassed by two things: One was the triviality of its own "evidence" against the defendants. The other was the persistence of Justice Simon Bekker, rare in South African courtrooms nowadays, in inquiring into the pretrial treatment of state witnesses, some of whom had also been detained for months under the provisions of the Terrorism Act.

Nomyamise Madikizela, twenty, held in solitary for six months, told the court how police had threatened her with ten years in prison if she refused to testify against her sister, Mrs. Nelson Mendela, wife of the leader of the African National Congress, now serving a life term. A young Indian woman refused to give evidence against Mrs. Mendela and another defendant, even though she was kept in solitary for six months and interrogated constantly for five days while forced to remain on her feet.

The prosecution's strategy seems clear: It will simply hold the defendants under the Terrorism Act until more "evidence" can be obtained or concocted by the bestial methods that have become a hallmark of South African "justice."

In addition to being charged with furthering Communism, the defendants were accused of having "encouraged feelings of hostility between the races." It would be hard to conjure up a more effective weapon than South Africa's warped concept of "justice" for advancing Communism and racial hostility in that country and beyond.

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE—PARTS V AND VI

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BROWN of California. Mr. Speaker, over the past week, I have been inserting in the RECORD a fascinating series of lectures dealing with philosophy for our times by Mr. Irving Laucks of Santa Barbara, Calif.

I was enthused by the deep thought Mr. Laucks reaches in his analyses and recommendations and I am now putting into the RECORD the final two segments of this six-part series:

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE—V

(By Irving Laucks)

PSYCHIC ENERGY AT WORK

At various times in this series of talks I have spoken of the superior power of psychic energy, of its control of other forms of energy, and of its operation in a third realm or dimension quite different than space and time with which we are so familiar.

Let me clarify how I use this word dimension. I call space one dimension, time a second, and energy a third. We often hear that there are three dimensions of space, but that is only near earth or some other body of matter. Out in space all of these are *one*. It is the third dimension or realm of energy that The Cooperators believe is so important for the future of mankind.

After the serious study and experimentation of psychic phenomena began not quite a century ago it was soon realized that a previously unrecognized form of energy was acting. This was called psychic energy. That was still in the horse and buggy age. I have been told before the story of the great Gladstone wondering what Faraday was going to do do with his electric energy. Chemists had barely begun to show what chemical energies could do, and had no idea that they would later be called upon to supplement the farmer as producers of human food. And, of course, there was no realization whatever that solid matter itself was merely another form of energy.

The knowledge of all the various kinds of energy (except that of motion and of gravity) was begun by people with sufficient curiosity to follow up queer phenomena which they were unable to explain. Electrical, chemical, magnetic, nuclear all started this way, and have been developed by hard work. Psychic energy is following the same course, although its mystery is even more baffling at present, and needs much more work done on it.

Psychic energy seemed to be connected in some way with human beings. Not long before this, various unfortunate persons who possessed an unusual amount of it and hence had unusual powers had been persecuted as witches. In fact, they still are—maybe not quite as horribly. The Church connected them with the Devil. So psychic energy's early manifestations were under quite a cloud.

Then also, certain manifestations of it could easily be imitated fraudulently, by tricks, and this of course increased the suspicion under which all honest experimenters labored. Such doubts have lingered to the present day, and have greatly hindered progress in learning of this subject.

I spent fifty years of my life as a chemist—with some success. The science of chemistry was fathered by alchemy, not long prior to the start of psychic research. There was much skulduggery and crookedness mixed up in alchemy but that has not deterred the modern chemists who, in general, I believe, have a pretty fair reputation for accomplishment. So I am not discouraged in psychic research by a shady parentage.

The best known display of psychic energy is so common that we think nothing of it. The process of using our intellects to *think* is available to every human being in varying degree. Actually this ability spreads downward in the animal kingdom quite a ways. Maybe it even determines what we call life. We are finding it displayed remarkably in the dolphins. I say remarkably because man generally thinks of himself as having a monopoly of the ability to think. Some matter-minded scientists still cling to the idea that thinking is a phenomenon of the matter of the brain—but then I believe that there are still people who insist that the world is flat—even after the pictures taken from the moon. I never could figure out how these materialistic scientists accounted for the fact that Einstein's brain was not much different in *size* and *weight* than many other of the higher animals while he had infinitely more power to think.

I suppose there is no need to remind this audience that the psychic energy of man has been able to control all other kinds of energy that he has discovered so far. He is having considerable trouble with the last one found—nuclear energy, but give him a little more time. Do I hear some one object that he exercises this control simply by means of material or mechanical devices? Such objections do not go back far enough. First comes the thinking—maybe assisted by a pencil and paper—or maybe even by a computer. The final machine or apparatus desired is only the last step.

But if the doubter still doubts, there is plenty of evidence of direct control of other energies. Let him consider the following:

At the end of the last century there was a man, D. D. Home in England who was observed by a number of reputable witnesses to rise off the floor at will. Once he was observed to float out of an open third story window and float back in another. These feats were duplicated by an English clergyman, Stainton Moses, and others. An Italian peasant woman, Eusapia Paladino, was able to raise heavy objects by no physical means, and occasionally to raise herself, among other apparently impossible feats.

These are all examples connected with people of European descent, among whom it is noteworthy that psychic energy is possessed to a much smaller degree in modern times. A number of mystics and saints of the Catholic Church also have been reported to have had such powers. Some as late as the 17th century. All ancient history is replete with examples.

Reliable reports are plentiful, however, of the present ability of Indian Yogis and other Orientals to perform such "miracles". The Yogi retires to the solitude of the Himalayas to meditate, that is, to study the workings of the human mind or its psychic energy. He is reported much annoyed when involuntarily he levitates as a by-product of his meditation. The same is true of the Sufis of the Moslems. Besides levitating, these psychics have a number of other "miraculous" abilities—miraculous to the Western comprehension, nevertheless entirely natural according to the powers of psychic energy—a universal force which the materialistic West has temporarily lost touch with due to the growth of materialism in the last few centuries. For example, Yogis have amazing control of their own bodily functions, which has also been demonstrated by various other psychics, from Edgar Cayce down to practitioners of psychosomatic medicine.

There is a reciprocal effect operating in some of these phenomena of psychic energy. This has been well demonstrated in E.S.P. (extra-sensory perception). Communication depends for success on both sender and receiver being attuned. Something of the sort happens with other psychic phenomena, a psychic has difficulty in demonstrating to a hostile audience. Some psychics have attempted to demonstrate before audiences who had paid admission. Psychic energy cannot be turned on by throwing a switch or pressing a button. Some performers, when their powers failed them before doubting audiences, have resorted to trickery, which generally is easily detected. This also has tended to cast suspicion on all psychic phenomena.

One phenomenon of ESP has been turned to very practical use, after having been derided for a century after its re-discovery by Mesmer. Hypnotism, "mesmerism," a variety of ESP, has been put to much practical use today by the medical profession.

Some of the most mysterious manifestations of psychic energy are those known collectively as poltergeist. These generally occur in connection with children passing through the puberty stage. Objects fly through the air or fall off shelves, furniture is upset, strange noises are heard, and other grotesque happenings. Of course, the easiest explanation is to blame trickery of the child of the house. But this explanation has been positively eliminated by much careful observation of psychic researchers. It remains a phenomenon of psychic energy which material science does not even attempt to explain.

The commend of light energy by psychic energy has been shown for years by so-called spirit-photographs, but in the old photography requiring dark-room development tampering could always be suspected. It remained for the new photography, e.g., by Polaroid camera, never leaving the hands of the observer, to demonstrate the reality of such 'spirits'. Dr. Jule Eisenbud of Denver has had remarkable success with Ted Serios, a psychic, who makes pictures to order with your own Polaroid held in your hands with your own film and at once developed by you. Dr. Eisenbud has described these phenomena in a book, *The World of Ted Serios*.

Again, as before mentioned, it does not always work. Conditions have to be right, and no one knows as yet what the right conditions are. Dr. Eisenbud tells me he has now discovered several other persons who have even better ability than Ted Serios.

Well, I could go on for hours just barely mentioning other equally mysterious phenomena, which have puzzled psychic observers. Because they are not readily explainable many scientists refuse to admit that they are due to the operation of an energy. There is no rule for recognizing energies previously discussed other than by their ability to do work. They have no apparent family resemblance. The energy of a moving body was not like magnetism, nor did electricity resemble sunshine. Chemical energy again was quite different. So there seemed to be no rule by which energy could be identified except that it could accomplish work. But for some mysterious reason materialistic scientists refused to apply their own definition to this new psychic energy. Physical scientists complain that these psychic phenomena are not related. However, they are perfectly willing to grant a relationship between a sea weed and an oak tree, or between an elephant and a star-fish, or a tuberculosis bacterium. Why do they balk at the diversity of psychic phenomena?

I have left until last the manifestation of psychic energy most important to man. All of these crazy phenomena—seemingly crazy because unlike anything in man's ordinary experience—all these happenings suggest a realm of existence quite different to either life or matter.

At the same time our consciousness and unconscious can not be explained by anything science knows about matter or life. Just ordinary 'common sense' might suggest that mind, intellect, soul might belong in another realm of existence.

In addition our intellect as well as many of these queer phenomena are certainly related to doing work—which is science's definition of energy and, in fact, they have qualities that common sense also attributes to energy, e.g., psychic performers become exhausted—even ordinary people become tired' after engaging in deep thought as though having expended energy. It would be quite logical therefore to think that both these strange phenomena and the even stranger organizations we call intellect might be related—might even both be phenomena of this new different realm which I have heretofore been calling energetic—a realm of energy. All energies, you will remember, are also quite consistent in being complete mysteries in their essence.

But really we don't have to speculate too much about the existence of such a realm. Ever since history began there are records of communications from intellects or souls who reside therein, having passed into it by the process we call death.

These communications are of several kinds. Most common are those we call dreams, intuitions, hunches, *any knowledge* that comes to us by non-sensory means, for example, by telepathy. Some of these are also due to the operation of the psychic energy of living persons.

Next, there have been all through history famous examples of apparitions, ghosts, etc. In late years a number of these have been studied by psychic research, and there is no doubt about their reality. When seen simultaneously by more than one person they can hardly be dismissed as phantasies. When the observer is asleep the apparition is called a dream.

All through history there have been persons who have been able to communicate with intellects existing in a different realm than they inhabited in life. These persons are called 'mediums', more often women than men. Sometimes they go into a trance, but often not. The knowledge they communicate is often unknown to any living being. When in trance their communicating voice is often recognized by friends of the departed. Much of the communications is often idle conversation such as occurs commonly among living people, but there are frequent examples of real knowledge imparted as well. A great number of such mediums have been studied by psychic researchers in the last century.

Such communications are evidence, of course, of the continued existence of the organization or "structure" of psychic energy that is formed in the life of everyone—which we call the personality. Further proof of the ability of this personality to endure after leaving the material body is found in reincarnation—which is accepted as "gospel truth" by over half of the people of the world. In late years it has been studied by psychic research and very well evidenced cases have been found.

Along with the evidence from mediums' communication, reincarnation suggests that there may be several avenues or exits for a deceased personality. It may elect to return to life for another whirl. It may also be required to return for further development. A society of Hottentots and Einsteins would hardly be compatible. But most likely there are also grades of future existence, in which further education passes a soul from lower to higher. There are doubtless many difficulties in communication, as evidenced by the rarity of genuine mediums. It is not as well developed as the long distance telephone.

I have previously mentioned that material science insists that before they can be accepted, there must be some general theory of explanation for psychic phenomena. I submit that the Third Evolution of a society of beings composed of pure energy can account for all of such mysteries. Such beings might have the power to investigate and interfere in the affairs of all the planets and habitations of material beings. They could account for interferences in the laws of probability—as occur in Rhine's ESP and Carl Jung's "synchronicity". Grant them the retention of a sense of humor and they might enjoy perpetrating poltergeist and other unexplainable happenings, such as apparitions. Such a society would doubtless have rules for admission, so that ancient ideas of hell-fire might still be approximated by sending unworthy applicants back to earth life to repent.

In my next and final talk I will try to show the practical importance to every living human of the mass of evidence already collected about this form of energy called psychic.

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE—VI

(By Irving Laucks)

AN EVOLUTIONARY RELIGION TO CHANGE HUMAN NATURE

In our first talk we said that "human nature" must be changed—if civilization and culture were to endure, were to survive the dangers of extermination now besetting from all sides. In subsequent talks we have discussed various causes of these dangers—such as natural scarcity of needs on this planet originating deadly competition and slavery, culminating in nuclear war and intolerable race relations, besides numerous other lesser evils, such as the defilement of Nature, due to competition for profit.

Then the attempt to relieve scarcity by work on its causes which only lately warranted the name *"science"* gave man a false idea of his relation to the Universe, and permitted the discoveries of science to be diverted so that they now threaten the most basic instinct of all animal life—the will to live.

Western religion, a much earlier search for knowledge of the Universe, taught that man had a further existence beyond this Earth life. This hope of the future had a profound effect on human nature, which effect lately has been seriously weakened by the perversion of science by technology.

Coupled with this hope of a future was the idea that the Earth and man were the chief concern of a loving Creator. Now that science has located Earth as attached to an insignificant sun or star off in one corner, man is at a loss to know what the Universe is and what his own significance in it may be. Religion's picture of the loving Creator gave man the further idea that things were made right at the start, that man had nothing to do with change or improvement, in this 'best of all possible worlds'! Many people in this last century have come to realize that there is something wrong in this idea. But the ideas of several thousand years are slow to change; there is some justification for the saying: 'you can't change human nature'.

Let us now look at some possible 'forces of change'. It will be a complex business—there is no *one* force. First let us take a further look at this most basic instinct—the will to live. In it lie both the salvation and the great danger to man. This ambivalence of instinct may be seen all through the animal kingdom if an animal is projected into a new environment.

With man the will to live enabled him to conquer most other species, and to exist despite the environment of natural scarcity by eating them—after they had done the scrabbling for the *natural* food. Nevertheless, after man had thus obtained his greatest need he had the habit of competition so firmly imbedded in his nature he kept right on fighting his fellows.

But now the environment has changed although science has discovered energy so plentiful that there is no need of competing for man's needs. Unfortunately, this plentiful energy was first turned toward competition, to threat of war, and now, if used it will destroy the whole race of man. So far man's appointed leaders have only dared to use it on a small scale, but they show little indication of a realization of the danger, so imbued are they with ancient ideas of national sovereignty and their own private ambitions. A Hitler facing defeat would not hesitate to press the button.

There are two ways of turning the will-to-live instinct to eliminate competition. One is to control the number of consumers, to conform to the area of tillable land on the Earth's surface. Control of birth rate is nec-

essary and is making some progress. The other is to make energy so plentiful that there is sufficient cheap food for everyone with never a threat of famine. The basic constituents of food: carbon, nitrogen, oxygen and hydrogen are inexhaustible. With cheap energy the synthetic chemist can replace the farmer and at the same time provide more 'standing room' for the crowding population.

There are at least two sources of such cheap energy. One is the plentiful supply from the sun, now mostly wasted. The other is nuclear energy, turning the matter of the Earth into energy as needed, after careful control. Before this can be widely used for anything but war, the problem of the dangerous by-products must be solved. So far this has had little attention. As with many other discoveries the urge to turn them to profit takes precedence over prudent caution.

In the United States another deterrent has intervened, preventing many constructive efforts for the future. We have spent so much of our substance in preparing to destroy our neighbors that we cannot afford many *constructive* projects. It is awful to think of the trillion dollars spent since World War II in getting ready for World War III and *Finis*. And then still to maintain that man is a thinking creature.

The other day I told the President by letter that if he had the courage to stand before the world and say that war was a great mistake, and that we were henceforth renouncing it, he would go down in history as second only to Jesus Christ. It was encouraging that I received considerable approval on this idea (not from him, however).

But the concept of Energy has far more significance to Earthman than simply providing his needs and wants. Since this 20th century began it has been found to be the very essence of all creation, of all that man's senses can tell him about this vast and perhaps infinite Universe of space. All the mass of the Earth, of the Sun, of the infinite stars consists of energy. The heavenly bodies are merely concentrations of energy, that man has been calling matter for centuries. Energy is the One, else is the Many. Religion calls Energy God the Creator. Either is a mystery that neither religion nor science will unravel for a long time to come.

It is, of course, some property of Primeval Energy that causes the association which has formed the concentrations of energy we call inert matter in the First Evolution, that also form the matter of living cells and bodies, that form the flocks and herds of animals, and the tribes and societies of mankind in the Second Evolution.

Likewise it is some property of Energy that causes the changes of evolution, that are continually acting on this great Universe about us, that have produced the many forms of life on this planet, and presumably a host of others; and lastly, that develops the intellect of an individual from the cradle onward.

It is ridiculous to say that such a process will come to an abrupt halt because some small change takes place in the individual body, composed of a substance that has very little relation to the evolving intellect. There would be every expectation that it might continue in a new phase, especially since two quite distinct phases of change are quite evident already in the great process of evolution.

When therefore, as we have heretofore noted, there has been much evidence of a Third phase of existence, collected since the dawn of history; plus a deep-seated instinct in humans of the reality of such a phase, it would seem almost 'self evident' that we must accept such a further phase of existence.

We must also reckon with this very basic characteristic of all higher life—*the will to live*. This may even be related to the property of non-life, of inert matter, of the tendency to preserve its form—the counter effect to the change previously noted. Undoubtedly, such a property is due to some characteristic of primeval energy. Effects and counter-effects, positive and negative, yin and yang we see all through nature. The will to live which is so strong in life alone may be sufficient to insure a continued existence of some portion of the intellectual structure of all animals. In view of all the evidence of reincarnation it would be logical to think that below a certain level of development of the intellect it might be used over and over in the life phase before passing on to the next Third phase of pure energy. This might apply to the lower animals and to some grades of humans.

Such a view of the workings of this basic essence of Energy gives man quite a different idea of his relation to the Universe. For the individual intellect it offers a prospect of unlimited opportunity to gratify ambition, desire for "happiness", and not least his curiosity—to find out eventually what this life is all about.

I believe that once man got such ideas firmly embedded in his conscious, he would alter his conduct in this Second phase of Evolution, to make a great improvement in life on this Earth. If for no other reason, the effort spent in the search for further evidence would be of inestimable value at this stage of desperation. All this would require a great change both in the character and amount of education. I believe this would answer the question that some people still have—the fear that man would lose interest in life if he wasn't required to fight for it.

Such are the changes in human nature that a group, called The Cooperators believe must be made—by man's *own efforts*—if he is to continue on this Earth. They believe that if such changes began to be effected the difficulties and dangers of the present would correspondingly begin to be eliminated. Such a one, for example, as our political leaders continue to promulgate, that we are the chosen people, that we must have undisputed sovereignty, that others must adopt our ideas and methods, that collectively we can do no wrong, and so on and on. Such a change in outlook on the Universe would give hope to youth, would stimulate his curiosity which is a far superior urge to ambition than either power or profit. Such a change would cure much suffering and the increase of human happiness thereby caused would go a long ways toward creating a heaven on earth.

Psychic energy so far has been used but only to the extent of satisfying some of the *physical* needs of part of Earth's population. Now it must be used both to care for the other part and to provide moral and spiritual stimulus for all in the Third Evolution.

At a previous crisis in world affairs, in the 1930's, an energetic philosophy called Technocracy made considerable headway. It insisted on the importance of energy, but only in earthly processes of, and for purposes of production.

In the much more serious crisis of today The Cooperators carry the philosophy of Energy wider and deeper; applying it to the Universe and to the depth of human nature, to enable man the better to adapt to the total progress that he faces. They aim to educate the leaders of man to prepare and guide him to his real existence.

The crisis of the Thirties was ended by developing competition to a stage never before reached on Earth, and finally to the application of nuclear energy for the destruction of great areas of civilization. Now some men recognize that competition has reached its limit, but do not know what to substitute for it. The Cooperators offer cooperation, not as a substitute but as the real driving force of the Universe, hitherto only used to a small extent by man. They say it can solve the present crisis, both by the application of cheap energy to constructive purposes, and by the realization that another form of energy—psychic—has most interesting possibilities for man's future.

PISTOL-PACKING WIFE DEMANDS END TO WASHINGTON ANARCHY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RARICK. Mr. Speaker, the unbelievable depth to which the city of Washington, our Nation's Capital, has been permitted to sink is dramatized by a letter to the editor last Monday.

This beautiful city has become the foremost urban jungle in the Nation. Crime is rampant, riotous disorders are common, immorality is openly encouraged, the welfare rolls continue to *grow*, the schools are impossible, businesses fail, and the only solution offered by the leftists who have accomplished this terrible disintegration is the demand for more and more public money to apply to their programs which are responsible for the original mess.

It is important for us to recognize that what we see here in Washington is the inevitable result of the bankrupt policies of a generation of socialism. The pseudointellectual planners and the theoreticians who manipulate people like pawns are trying to force the same failures on the rest of our Nation. The schools are only the beginning.

The people of the rest of the country realize this, and they want no part of it. The American people are awakening. They do not like what they see, and they are saying so loudly. We who represent them had better listen to their voices.

I include a pertinent clipping in my remarks:

[From the Washington Daily News, Feb. 23, 1970]

GIVE US THE LEGISLATION

I am a policeman's wife. My husband's job is not an easy one. He has only been on the force for five months. After 16 weeks of careful instruction in law, city codes and police procedures he was sent out to uphold the law the best way any police officer can in this city. Every night he has some sort of story to tell me. Some are funny, but more often they are not.

We have three rules in our household that I must abide by:

(1) Not to leave our apartment under any circumstance unless he is with me. This means I have to wait to empty my trash, do my washing and other household things in the hours when he is home. There has been one rape in our building.

(2) Under no circumstance answer my front door.

(3) If I do go out of the house, even to go to work, I must carry my gun!!!

I must add here that we know that I am risking arrest by carrying this weapon. My husband has instructed me carefully on the use and the psychology behind carrying a gun. If my life was endangered I wouldn't hesitate to use it and I am a crack shot.

This isn't the answer to the city's crime problem. Congress must give us the legislation we need to help our police fight crime.

MRS. JOYCE TREMPE.

CONGRESSMAN DAVID A. PRYOR LEARNS ABOUT NURSING HOME CONDITIONS FROM FIRSTHAND EXPERIENCE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RYAN. Mr. Speaker, many of our elderly citizens have become forgotten Americans—they have been forgotten by their families, their friends, and society itself.

They cannot care for themselves, and therefore, are forced to live in nursing homes. For those who can afford the best homes, care may be adequate. But for those who cannot pay high costs, care is sometimes nonexistent.

Congressman DAVID PRYOR, our colleague from Arkansas, decided that the time had come to look into the institutions which he feels are commercializing our elderly citizens.

For more than a year, Congressman PRYOR has been investigating nursing homes. Included in his investigations were personal visits as a nurse's aide to learn what type of care our elderly are really receiving.

As a result of his research, he has called for a greatly needed investigation of these institutions and has proposed a House Select Committee on Nursing Homes and Homes for the Aged which would make recommendations to the House.

Yesterday our colleague presented his findings to us when he addressed the House for 60 minutes. His presentation was well documented, and he is entitled to great credit for the initiative he has taken.

I am inserting in the RECORD, a copy of an article which appeared in the February 24 edition of the New York Times entitled "Lawmaker Asks Study of Nursing Homes After Working in Some."

I urge my colleagues to read this article. I know that they will join me in praising Congressman PRYOR's work and dedication in this field, and his attempts to make old age a time of dignity rather than a time of despair.

The article referred to follows:

LAWMAKER ASKS STUDY OF NURSING HOMES AFTER WORKING IN SOME

WASHINGTON, February 23.—Representative David A. Pryor is only 35 years old, but has spent much time in nursing homes for the aged—as a nurse's aide helping patients and learning about their lives. What he learned sickened him and now he wants Congress to find out more about such places. After months of shaving shaky old men and writing letters for distressed old women, he is asking Congress to undertake a nationwide inquiry into the nursing home industry, which now has more than 20,000 units. He expects his move to provoke a strong counterattack from the industry but says he is ready for a fight.

The Arkansas Democrat has been collecting information for more than a year on what he calls "the commercialization of our aged."

When he decided his research would not be complete without a personal look from the inside, he first sought a regular job as an orderly. But, he says, the forms and questions would have involved him in more deceit than he was willing to practice.

RANG DOORBELLS

So, armed with a shaving kit, writing materials and a list of institutions rated by Health, Education, and Welfare Department officials as good, acceptable and poor, he began ringing the doorbells of nurshing homes in Washington and nearby Maryland and Virginia.

"I simply said my name is David Pryor and I like to spend my spare time helping out with old folks," he said in an interview.

Nobody turned him away. Nobody recognized him as a member of Congress. Few of those upon whom he waited even knew his name. He checked out 12 nursing homes. Among his conclusions:

"I found two where I would be willing to put my mother if she needed this kind of care. But I don't think I could afford either one on my $42,500 Congressional salary."

The cost at the best homes, he said—including the so-called extras few residents can do without—ranged up to $800 a month. At the other end of the scale was a home charging $150 that Mr. Pryor described tersely as deplorable.

"It had one attendant for 80 people," he said.

TASK OF SHAVING

"Have you ever tried to shave anybody?" Mr. Pryor asked. "I kept being afraid I was hurting them. But then I asked at one place who shaved the old men regularly. They said the maintenance crew did. So I suppose I did about as well as somebody whose regular job is pushing a lawn mower.

But there were times, he went on, when he had trouble controlling his emotions. He wrote, from dictation, a long wistful letter from a mother to her son in California.

"She told him she wasn't asking to live with him. But could she be out of that place, somewhere closer to him?"

And there was the time when an attendant said, in full hearing of a patient, "We think she's had a little heart attack. But we hate to disturb the doctor on Sunday."

There was the old man who asked if he could sing for Mr. Pryor.

"They used to call me the boy with a thousand songs," he told the Congressional visitor. "That was a long time ago."

SPECIAL PANEL SOUGHT

Mr. Pryor has reserved an hour's time in the House tomorrow when he and others will speak in support of his resolution to create a special committee to "look into the entire spectrum of the contemporary nursing home situation."

Mr. Pryor said there were more than 20,000 nursing homes in the country and that 92 per cent of these were profit-making institutions.

"I have nothing against profit-making," he said, "but I am against exploitation. Profits are booming, prices are rising and service is not improving.

"Through the various programs some $2-billion of tax funds is going into nursing homes every year. Chains of nursing homes are being established. The organizers are people like contractors, automobile dealers, farmers, bankers, real estate men as well as doctors. Certainly some of them are in it for a quick profit. Stock in these establishments is doing very well on the securities market."

Mr. Pryor said the responsibility for nursing homes was divided among half a dozen Government agencies and as many Congressional committees, to say nothing of the health and welfare departments of the 50 states.

"Everybody seems to look only at his little piece of the picture," Mr. Pryor said. "That's why I think there is a pressing need for one committee to go into the whole matter."

JESSE M. MARKEL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WOLFF. Mr. Speaker, how much can one man contribute toward the improvement of other people's lives?

A great deal, if one is to answer this question after knowing Jesse Markel from Great Neck, of New York's Third Congressional District. A longtime friend of mine, he has given an incredible amount of time, energy and understanding in projects which range from government activities to raising money for medical research.

For the past 50 years, Jesse Markel, a man of modesty and talent has helped his community, his State, and the Nation.

Among the worthwhile activities in which he has been active is the Steppingstone Lodge, No. 1141 of the F. & A. Masons. This month, in fact, Jesse Markel was honored for 50 years of service as a Mason.

Since he is a most remarkable man, I would like to join with my neighbors in congratulaing him for his outstanding achievements. Moreover, I would like to extend my remarks to include an article on Jesse Markel which appeared in the Masonic Journal, and also include a list of the activities in which he has given so much. For I feel it represents just how much one man can contribute toward the improvement of other people's lives.

The article referred to follows:

AN UPRIGHT MAN AND MASON: BROTHER JESSE M. MARKEL

(Mr. Great Neck; Mr. Republican)

Member, New York Republican County Committee.

Republican District Captain, 15th A.D. N.Y. County.

Grand Marshall, Annual Republican Ball, 15th A.D. N.Y. Co. (on 5 occasions).

Relief Commissioner (for Veterans) 15th A.D. N.Y. representing the Adjutant General, State of New York (non-salaried position).

Former Director, Neighborhood Association, Village of Great Neck Estates.

One of the organizers, Federation of Civic Associations of Great Neck and a Director.

Organized Great Neck Chamber of Commerce. Was its first President and held the office for 7 years. Director and Chairman of the Traffic and Transportation Committee.

Associate Director, Great Neck Civil Defense and one of the organizers of the Great Neck Ground Observer Corps. Was its first Chief Observer; then promoted to Supervisor. Awarded a 1000-Hour Certificate by the U.S. Air Force for duty on the Observation Post.

Veteran of World War I.

Over 20 years of service, New York National Guard.

Was recalled from the Officers Reserve List to assist in reorganizing the 14th Infantry, New York Guard, to replace troops entering the field in World War II.

Life Member, 69th Regiment Veterans Corps.

Member, Former Officers Association, 14th Regiment, New York National Guard.

Member, 14th New York Infantry, World War Veterans Association.

Member and one of the original organizers of the New York Society Military & Naval Officers World Wars, and past Historian.

Member, American Legion (Fowler Post); member of Executive Committee.

Member, Fifth Division, Officers Association, New York Guard.

Member, Association of U.S. Army (Long Island Chapter).

Member, American Ordnance Association.

Honorary Member, Officers Club, United States Merchant Marine Academy.

Member, Masons, B'nai B'rith, Temple Beth-El Men's Club, Charter Member and Past Director of Great Neck Square Club.

Charter Member, Steppingstone Masonic Lodge.

Organized and Director, United Community Fund of Great Neck.

Organizer and Trustee, Great Neck Senior Citizens Center, Inc.

Member, Long Island Association.

Member of the original committee of three to survey the Manhasset Valley and have established a State Housing Authority.

Member, Recreation Advisory Committee to the Board of Education of Great Neck.

Member, Teachers Salary Commission of the Great Neck Educational Association.

Member of committee to establish a memorial to the memory of Jack Hazzard (through a community ambulance) for the Vigilant Fire Co.

Worker continually for over 12 years for the elimination of the old Cutter Mill Bridge erected in 1911, and replaced by the new bridge.

Was one of the original group to assist in the organization of the Great Neck Memorial Hospital (now the North Shore Hospital).

Worked to organize a United Community Fund and is a past director.

Republican Committeeman in the 15th E.D. and assisted his wife, a former Committeeman. Has worked in the District for over 35 years.

Past Park Commissioner of the Village of Great Neck Estates having served for over 20 years.

Was one of the organizers of the Rotary Club of Great Neck and served as its Charter President. Presently he is a Director.

Past President and at present a Director of the New York Tobacco Table.

Director, National Conference of Christians and Jews, Great Neck Chapter.

Past President, Merchants and Salesmen's Club.

Past President and at present a Director, Great Neck Republican Club.

Co-Chairman, Sister Kenny Drive.

Co-Chairman, American Cancer Drive.

Fund Raiser for Boy Scouts of America. Organizer of Cub Scouts in Great Neck.

Master of Ceremonies on numerous occasions, Great Neck Memorial Day Services.

Member, Nassau County Sponsoring Committee for N.Y. State Crippled Children.

Active participant in original group sponsoring Great Neck Community concerts.

Frequently requested the Federal Government to maintain U.S. Merchant Marine Academy at Kings Point as a permanent Federal institution.

COMMERCIAL AFFILIATIONS

Was one of the organizers of the Lion Match Co. of New York and served as Vice President, Treasurer and Director for 12 years.

Associated with Universal Match Corporation of St. Louis, Mo. New York representative 35 years this October. At present its Eastern Sales Promotion Manager.

FROM THE EAST

The presentation of the Fifty Year Pin and Certificate to Brother Jesse M. Markel emphasizes outstanding Masonic service. To extol the merits of Brother Markel must be left to the speakers of the evening. I will state that Brother Markel is a living example of the vows that we all took when we entered the craft.

It is for me to stress the general importance of our fraternity in as much that this is the eve of Washington's Birthday, an event which is a custom to honor in our lodge.

Just as George Washington is called the Father of our Country, one can say that he personifies American Freemasonry, its institutions and ideals. Washington was an exemplary mason who attended meetings regularly during war time in military lodges. He was Master of his lodge (Alexandria Lodge No. 22), but resisted becoming Grand Master of the United States because he wanted to avoid creating institutions with possible dictatorial potential. Many of the memorable things Washington has said about Masonry have not lost their beauty and meaning, as when he pointed out that ours is "a society whose liberal principles must be founded in the immutable laws of truth and justice."

However, some of the things he said appear to us dated. Necessarily so: while Washington was, for his time, a progressive thinker and so were his masonic teachings and practices, his world was different from ours. When he talked about tyranny he meant the King of England, but we talk instead about dictatorships and economic oppression. His "nation" was a small part of America's East Coast with the rest of the United States wide and not yet discovered. Our world has expanded further than Washington could ever have dreamed, and so has our means of communications. His contemporaries saw slavery in its early development whereas we have to consider the civil rights movement. Today our operative masons in the building trades have a minor role in the voice of how a building is to be constructed.

Therefore, we cannot extol Masonry only in terms of Washington's era. We must explain them in meanings that can be applied to our every day situations. We must honor tradition and history but in order to attract young men in this decade, Masonry must have a meaning. We Masons, with the direction from Grand Lodge, must give them the true meaning of Masonry.

ACLU DEMANDS ABORTIONS AT TAXPAYERS' EXPENSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RARICK. Mr. Speaker, after the unhappy experiences of two of its loud-mouthed and disorderly attorneys at the hands of judges in Chicago and Washington who insisted that they abide by the same rules as ordinary lawyers, it is not surprising to see the notorious ACLU shifting its attack from the courts to the unborn. Such victims are much less likely to fight back.

The demand for socialized abortion—murder of the unborn at taxpayers' expense—is not surprising. It is typical of the causes which this dismal outfit has championed throughout its history.

The avenue of attack is not even new. The ACLU demands that a court legislate—that a judge make the law which no American legislature, much less the Congress, would touch.

The ACLU demands abortions at taxpayers' expense, if, as, and when desired by the pregnant woman.

It is easy to be sorry for the unmarried but pregnant "resident of the District" who is the vehicle for this attack. It is also easy to be sorry for her unborn offspring, which may be one of the fourth generation on welfare which we are breeding. It is even easy to be sorry for the moral and working Americans who will be asked to support and raise this unwanted child.

But murder is not the answer.

If elimination of the unwanted and the unfit by abortion is to become the public policy of the leftists, how long before their elimination by murder—euthenasia—will follow?

I include pertinent clippings in my remarks:

[From the Washington Post, Feb. 25, 1970]

ABORTION POLICY CHALLENGED

(By Myra MacPherson)

Challenging D.C. General Hospital's "unwarranted prohibition against abortions for the poor," The American Civil Liberties Union Fund announced it will file suit today in U.S. District Court against the municipal hospital.

One of the plaintiffs in the class-action suit is an indigent, 21-year-old, pregnant and unmarried resident of the District. According to ACLU fund representatives, she was refused an abortion at D.C. General last week.

D.C. General Hospital which provides the bulk of medical care for the city's poor, has long had a restrictive policy on abortions—unlike several private Washington hospitals that have for the past few years allowed many abortions to be performed under a broad "mental health" rule, after psychiatric referral.

D.C. General's abortion policy is currently unclear, following U.S. District Judge Gerhard A. Gesell's November ruling that a clause in the District's abortion law barring operations other than those necessary to save a "mother's life or health" was unconstitutionally vague.

Allison W. Brown Jr., president of ACLU Fund, said yesterday at a press conference: "Now that the law has been declared unconstitutional, instead of facing up to its community responsibilities, D.C. General has retrogressed even further by refusing to permit abortions even on psychological grounds.

"By so doing, D.C. General is perpetuating an old injustice: The rich can secure abortions; the poor, dependent upon the facilities of D.C. General, and subject to the prejudices of its administrators, cannot."

A spokesman for D.C. General Hospital said he could not comment on the suit because the hospital had not been informed of it and did not know the details.

In January, there were 22 abortion referrals, most of them psychiatric, to D.C. General. The hospital accepted *seven*. Three private hospitals—George Washington, Columbia Hospital for Women and Washington Hospital Center—average 100 abortions a month.

Hospital administrators say they are waiting for clear-cut guidelines from the Public Health Department before following a more permissive policy. Such guidelines are now being drafted. They will permit abortions for psychiatric reasons but not simply "by request."

Defendants named in the suit include D.C. General Hospital, Dr. Raymond Standard, acting director of the Department of Public Health; Dr. John Nasou, director of D.C. General Hospital; Dr. Ernst Lowe, director of obstetrics and gynecology at D.C. General Hospital; and Mayor Walter Washington.

Plaintiffs include the Women's Liberation Front, the National Association for Repeal of Abortion Laws; Dr. James Lieberman, an area psychiatrist, and Dr. Michael Jackson, a District of Columbia physician.

Ralph J. Temple, legal director of ACLU fund, said he hopes the court will set an immediate date for a hearing, at which time ACLU fund lawyers would ask for an injunction ordering D.C. General to perform the

plaintiff's abortion. She is now seven to nine weeks pregnant and abortion is considered a safe hospital operation in the first 12 weeks.

The long-range goal of the suit is some kind of declaration of law from the court stating D.C. General has to make abortions available to the poor.

Dr. Lieberman said, "As a psychiatrist, I've had reason to refer women to D.C. General whose mental health would be clearly impaired by unwanted pregnancies." These abortions requests have been refused, he said.

Bettie Randall, chairman of the District's chapter of the Medical Committee on Human Rights—a group composed of doctors, nurses and psychiatric social workers—said "good health care should be the birthright of all persons—not a luxury." "There is a great lack of leadership in the Health Department" in developing a city abortion policy, she said. "I don't see the acting health director providing leadership at this point."

In addition to lack of clear legal guidelines, D.C. General officials previously have cited a shortage of money and facilities as reasons for their restrictive policy. They also cite religious opposition by some doctors, and resistance by others—in training—who feel such operations add little to their medical knowledge.

Temple argued, "It's clear to us these are subterfuges and we hope to persuade the court of this. This (a more permissive abortion policy) is an enormous public need. You cannot have a staff full of self-directed dilettantes saying they didn't come here to perform abortions."

DECEPTIVE TV ADVERTISING—II

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. ROSENTHAL. Mr. Speaker, in yesterday's RECORD I included the first part of a petition by Prof. John F. Banzhaf III and some of his George Washington University Law School students before the Federal Communications Commission on deceptive television advertising.

I include below the appendixes of that petition which lists specific examples of such advertising:

APPENDIX B.—TOYS

SWINGEY DOLL

Setting: A number of children of various heights all wearing party clothes are in a decorated party room. Rock music is playing, and all of the children are dancing. One little girl is dancing with the toy doll (holding the doll's hand as the doll is standing on a table). The doll is dancing, making various rock-type movements. The camera shoots quickly around the room back-and-forth to the doll and to various children dancing.

Lyrics: Come on see the swingingest dolly; she can sing while she's walking.

LITTLE GIRL. Come on Swingey; do your thing.

Lyrics: Come on Swingey; do your beat; shake your arms and shuffle your feet. Swing your head: Swingey do. Dance with Swingey and she dances with you.

NARRATOR. Swingey is the only doll that dances with you. Comes with her own record too. From Mattell.

Comment

The deception here is created by showing the doll in the context of human dancers. With the camera shots going rapidly back from the doll to the people and then back to the doll again, the viewer gets the false illusion that the doll has many human-like dance motions. The doll in reality has few motions which, when seen alone, are not nearly as attractive as when they are seen in the context and motion of the party shown in the commercial.

DANCERINA DOLL

Setting: Several small children about five years old are sitting in a living room watching the ballerina doll perform. The doll, held by a small girl, makes various ballet-like motions. Throughout the commercial the camera shoots to different angles of the doll. Tchaikovsky's "Nutcracker Suite" is being played in the background.

FIRST LITTLE GIRL. It's a beautiful doll; it's like a real ballerina.

SECOND LITTLE GIRL. I want a Dancerina.

SUPERIMPOSED VOICE. There never was a doll like Dancerina. Only you know the secret of the magic crown.

CHILDREN. Polite applause in response to the performance.

NARRATOR. Dancerina, the ballerina doll, from Mattell.

Comment

The deception here is created by the camera rapidly showing many different angles of the doll as it is dancing. This process gives the false illusion that the doll has many more realistic dancing motions than it actually has.

JOHNNY LIGHTNING

Setting: Several small boys surround a race track. Dynamic music is playing in the background. The camera follows the cars and utilizes techniques that make the cars appear to slow down and speed up.

NARRATOR. Wow! Its long! Johnny Lightning, a ricochet raceway in five separate sets!—with bank turns—with giant loop-d-loop—(slow motion and stop action technique employed here)—with the incredible double jump through space—with straight ahead super speed tracks—with triple loop-d-loop! Two arches in every set which fit together—accessory packs too. It's for the wildest ride! New Johnny Lightning Ricochet Set!

JOHNNY LIGHTNING

Setting: Several small boys surround a race track. Dynamic music is being played in the background. The camera follows the cars and utilizes techniques that make the cars appear to slow down and speed up.

NARRATOR. Here come the 1970 Johnny Lightning Challengers! New triple threat three engine dragster—the speed hungry spoiler . . . the bug bomb . . . the powerful smuggler . . . the sand stormer . . . the explosive TNT . . . and many more new models! They are beautiful, and they are fast. Race any other cars against the new Johnny Lightning Challengers, and see for yourself —exciting new cars! Alone or in sets. From Johnny Lightning.

Comment

The deception in both these ads is caused by the impression, the speed of the sound track and the camera technique used. The cars seem to speed up while going around the arches and down the straightaways. The double jump (the car jumping over a break in the track) is shown in slow motion and stop action. Furthermore, the camera is focused upon the car itself. These techniques give the impression of greater size, speed, and ability of the toy. The total impression derived by the viewer is inconsistent with the actual performance of the toy.

APPENDIX C.—ANALGESICS

ANACIN

NARRATOR. When you have a headache, remember: Two Anacin tablets have more of the one pain reliever doctors recommend most than four of the other leading extra strength tablets. The others contain additional pain relievers and two is the recommended dosage, but two Anacin contain more of the specific pain reliever than four of the others. Today's Anacin.

Comment

Although not specifically stated, the "specific pain reliever" referred to in the ad is aspirin. Aspirin is the pharmaceutical agent the average consumer associates with the curing of headaches and tension and thus aspirin is what is naturally implied by the ad. All such tablets contain the same amount of "aspirin" and, thus the ad's comparison of two Anacin to four of the others is a misrepresentation of fact which the average consumer implies from the ad.

NARRATOR. Anacin relieves headache pain and so relaxes its tension. Anacin.

NARRATOR. Headache pain, stress, nerves, pain, its tension builds. There can be more to a headache than pain. Two Anacin tablets have more of the one pain reliever doctors recommend most than four of the other leading extra-strength tablets. The others contain additional pain relievers and two is the recommended dose—but two Anacin contain more of this specific pain reliever than four of the others. Anacin.

Comment

The deception in these two ads is the result of a material misrepresentation of fact. These ads give the impression that Anacin will relieve tension. Doctor's studies reveal that it will not.

APPENDIX D.—HOUSEHOLD GOODS

VEG-O-MATIC

Setting: The Veg-O-Matic utensil is sitting on a counter top. Throughout the course of the commercial, all of the different functions of the machine are demonstrated with complete ease.

FIRST VOICE. Here is what we meant about Veg-O-Matic: It slices a whole potato in one stroke; turns whole onions into zesty thin slices for hamburgers; now turn the dial and slices are automatically diced; the dial goes slice to dice and sliced onions become diced by the panful; dice carrots the same way; prepare celery for use this easily. Over five million Veg-O-Matics now in use; they must be good. And it's yours for just $7.77—Veg-O-Matic. Veg-O-Matics can slice a whole firm tomato like this in a stroke or make everybody's favorite, golden french fries—hundreds—in one minute. Veg-O-Matic; just $7.77. The perfect Christmas gift. Another great product from P.B.I.

SECOND VOICE. Order Veg-O-Matic while they last at Woodward and Lothrop. Free delivery, charge it.

Comment

This ad creates the false impression that this product cuts and slices with ease. However, it can be used only with a great deal of difficulty. The Veg-O-Matic does not cut smoothly at all—food usually gets caught in the blades. In addition, the blades rarely make a complete cut, sometimes break, and are very difficult to clean.

LIQUID DRANO

Setting: Housewife is standing before a clogged drain. Her sink is full of water and scum. The plumber enters.

PLUMBER. Look at that clogged drain.

HOUSEWIFE. Willy, angel, I've tried. Yesterday one whole bottle of liquid drain cleaner. Today another.

PLUMBER. Tell you a secret. This one won't cut grease, but Liquid Drano sure does.

HOUSEWIFE. Just one capful?

PLUMBER. It's concentrated, works right through standing water. (Plumber pours into sink and scene immediately shifts to a perfectly clean and unclogged sink.)

HOUSEWIFE. Wow! It's unclogged! I'm spreading the word. If people used Liquid Drano in all their drains, they would never need plumbers.

Comment

The deception lies in the pouring of Liquid Drano into a sink full of water and the immediate switch of the picture to a clear sink—implying that Liquid Drano is powerful that: (1) it can work to clear a drain through any obstacle (2) it will work first time, (3) it will work immediately.

MIRACLE BRUSH

NARRATOR. Miracle brush with its new patented nylon head removes every particle of dirt and lint instantly. Always brush in direction of arrow. Rotating the head enables you to brush both ways. Removes knots from sweaters in only seconds. Miracle Brush removes all types of pet hair easily. Removes all foreign material. Starts working when other brushes give up. To clean—simply brush backwards. Never needs a refill and sells for only $2.99.

Comment

The implication derived from the totality of the advertisement's claims is inconsistent with the products true performance.

APPENDIX E.—ENZYME DETERGENTS

AJAX

Setting: A mother and her son are by her washing machine. The son's shirt is filthy. An Ajax salesman arrives and goes through a dialogue with the mother. During the dialogue, the detergent is put in the washing machine, along with the boy's dirty shirt; after a short passage of time, the shirt is taken out, very clean.

MOTHER. For once, one of you guys is going to prove your product works. Look (pointing to boy's shirt): mud, grass stains, egg yoke, beef gravy.

SALESMAN. Here, new Ajax.

MOTHER. Ajax? Oh, it's stronger than dirt.

SALESMAN. Now, with Enjax, it gets out harder to clean stains, too.

MOTHER. A good thing for both of us.

Comment

The deception in this ad is the omission of various facts. First, enzyme detergents require that the clothes be pre-soaked, often overnight, before washing. Second, the enzymes only act on certain types of stains (protein base stains). Third, once the enzyme action starts, it often doesn't stop, leaving acid-like burns in the clothes.

DRIVE

Setting: Delivery man enters kitchen of housewife just as she spills food all over the tablecloth.

HOUSEWIFE. Good morning! (spilling of food). Oh, look at those stains! These stains are so bad. It'll have to go to the professional laundry (enters the animated blue dot, representing enzymes in Drive).

DOT. Wrong! Take it to this professional, Drive. Drive has me. I'm the professional stain remover professionals use. Drive is loaded with professional stain eaters (picture of enzymes eating stains). Drive eats strawberry jam from flowered percale; egg stains, even off orlons. Drive eats orange juice, even from acrylics; not to mention yellowing from pillowcases or blood stains. Drive eats stains, but not fabrics or colors.

HOUSEWIFE. Why it looks like new (removes tablecloth from washing machine). You said it, Drive is the professional.

DOT. Thank you, my lady. Because Drive has me, a professional stain remover laundrys use. From now on there's only one kind of cleaning for you and that's Drive professional clean. Buy Drive professional detergent, the professional.

Comment

For explanation of deception, see comment on Ajax.

FAB

Setting: The scene takes place in or near a home: The scene shifts as each person speaks. The women are housewives; the men are laborers.

FIRST WOMAN. I'm glad because now my wash is as clean and as fresh as all outdoors.

FIRST MAN. I'm glad because now Mary doesn't care how dirty I get.

SECOND WOMAN. I'm glad because now these stains wash out.

SECOND MAN. Glad! My wash cleans brightest.

NARRATOR. It's new Fab—the only detergent with lemon-freshened Borax and active enzymes to remove stains.

SINGING VOICE. They're always doing something good to Fab, it's true. Oh Fab we're glad they put active enzyme, lemon-freshened, Borax in you.

Comment

For explanation of deception, see comment on Ajax.

AXION

NARRATOR. If you should get a bloodstain on top of the usual dirt on a collar, should you throw the shirt away? No! You soak it in Colgate's new Axion. The enzyme active presoak that soaks out dirt and stains that detergents can't wash out and bleaches can't bleach out. Now this shirt had a bloodstain pre-soaked in Axion before detergent washing. No more stain. That's why you should try Colgate's new Axion.

Comment

For explanation of deception, see comment on Ajax.

OXYDOL

NARRATOR. How would you get these stains out. You'd need new Oxydol Plus—now a bleach detergent with an enzyme pre-soaker in it. For a better clean—better because what the enzyme pre-soaker can't get out the bleach can, and what the bleach can't get out, the enzyme pre-soaker can. Now Oxydol Plus: For a better clean.

Comment

For explanation of deception, see comment on Ajax.

GAIN

NARRATOR. John, would you come over here please?

FISH MERCHANT. Yes.

NARRATOR. We're here at the San Pedro Wharf where the fish bloodstains put on John's apron are a day old. Look! Set in, locked in bloodstains.

BYSTANDER. And they're dried in too.

NARRATOR. Virtually impossible for the conventional detergents, but not for the unbelievable detergent. New Gain with micro-enzyme action from Procter and Gamble. Gain does a better job on stains. Actually unlocks them.

BYSTANDER. By itself? How's it work?

NARRATOR. You see, stains are locked into fabric fibers. But Gain's enzymes act like little keys to unlock those stains biologically. Gain gets clothes unbelievably clean.

BYSTANDER. It does!

NARRATOR. Look, set in, dried in bloodstains virtually gone, gone, gone.

BYSTANDER. Unbelievable.

NARRATOR. Yes everything is unbelievably clean wtih the unbelievable detergent—Gain. Gain treats stains like dirt.

Comment

For explanation of deception, see comment on Ajax.

LA FRANCE

NARRATOR. Have you noticed what's been going on between pre-soaks and bleach. It's called competition. Enters new enzyme La France—the one that works without pre-soaking. It whitens and brightens better than bleach, and it removes stains faster than pre-soaks—all in the wash cycle. New enzyme La France for whitening, it's better than bleach and for removing stains, it's faster than presoaks. New enzyme La France:

Comment

For explanation of deception, see comment on Ajax.

APPENDIX F.—MISCELLANEOUS

GOODYEAR TIRES

Setting: A parking lot scene. It's snowing and the wind is blowing. A car is shown in the snow, the wheels are spinning and two men are trying to push the car. Another person walks past the car to his car in the parking lot. He gets in and drives off through the snow without the slightest problem.

NARRATOR. If you can get to your car, we can get you home, on Goodyear Suburbanite Polyglas Tire—wider than our conventional winter tire. Hundreds of deep cleats pull you. Polyglas tires wear *longer*. If you can get to your car: Goodyear can get you home.

Comment

In addition to a dangling comparative (Polyglas tires wear longer), this ad is deceptive in the impression derived from the totality of the setting: A car in the snow will slip, slide.

LISTERINE

Setting: Children are shown coming in the front door wet and cold. Mother greets them, and sends them upstairs.

MOTHER. O.K. upstairs and gargle with Listerine—you're soaking wet.

CHILD. Does Listerine keep me dry?

MOTHER. No silly. It's colds I'm worried about. We can't really stop 'em, but this year we're going to fight back with lots of sleep, good food, and gargle twice a day with Listerine. I bet that'll help keep you in school.

CHILD. Do grown-ups do this too?

MOTHER. Of course we do.

NARRATOR. This cold season, fight back, with Listerine Antiseptic.

Comment

This is deceptive because the implication derived from the totality of the ad is that Listerine will aid in preventing colds. This it cannot do.

ULTRA-BRITE TOOTHPASTE

Song: "Ultra-Brite Toothpaste, the one with sex appeal."

NARRATOR. An Ultra-Brite smile is a healthy smile because regular brushing with Ultra-Brite means the freshest breath, the brightest teeth. Helps prevent cavities, too!!

Song: Ultra-Brite gives your mouth sex appeal.

NARRATOR. For a healthy smile, get Ultra-Brite, the sex appeal toothpaste.

Comment

Ultra-Brite is harmful because it contains abrasives which remove enamel from teeth. Therefore, the ad deletes a material health factor, thus concealing a harmful side effect of the product.

GERITOL

WOMAN. Would you believe, I found out I have iron poor blood?

ANIMATED BLOOD. I know I'm your iron poor blood—I'm pale and out of shape.

WOMAN. What can I do?

BLOOD. Take Geritol. Geritol changes iron-poor blood into iron rich blood.

NARRATOR. Geritol iron enters your blood stream fast—carrying its blood building iron throughout your body. Just two Geritol tablets contain twice the iron in a pound of calf's liver—plus seven vitamins for nutrition.

BLOOD. Look at me now! Geritol changed me from iron-poor blood to iron-rich blood.

NARRATOR. If iron-poor blood is your problem, take Geritol. It carries blood building iron throughout your body.

WOMAN. Why don't you try Geritol too?

Comment

This ad implies that Geritol is a panacea for iron-poor blood. This is not true. There are several causes of iron-poor blood that are not remedied by this product.

CHUX DIAPERS

Setting: A Chux diaper and a "similar disposable" diaper are placed next to each

other. The narrator pours some water on each. The diapers are then picked up to show that the water soaked through the "similar disposable diaper."

NARRATOR. We have a most absorbing story for you about new softer disposable diapers. Take a similar disposable and new Chux. Pour the same amount of water on each. What happens? The other disposable absorbs some water. Chux absorbs it all because Chux concentrates thickness in the center where it's needed most. And of course Chux has a deep dry lining and water proof backing. New Chux—a most absorbing story.

Comment

The deception is that the implication derived from the comparison is fallacious. The comparison implies that similar disposable diapers do not have the keep-dry lining or water proof backing when in fact some of them do. It is this backing that prevents the diaper from allowing the water to pass through it.

A RESOLUTION ADOPTED BY THE AMERICAN LEGION POST NO. 73, LAKE CITY, S.C.

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McMILLAN. Mr. Speaker and Members of the House. I insert in the CONGRESSIONAL RECORD a copy of a resolution adopted by the American Legion Post No. 73, Lake City, S.C.

I would like to state that the American Legion in my congressional district is very active and they give a great deal of time in studying the war in Vietnam, our Armed Forces, and our veterans in general.

The resolution follows:

RESOLUTION

Whereas, The Vietnam War has confronted the American Fighting Forces with a guerrilla type warfare which does not have clearly defined fronts or territories, and civilians and soldiers make up the enemy forces, and said enemy follow no traditional rules of war; and

Whereas, Our fighting men in Vietnam and elsewhere have been subjected to criticism, inquiries, trials, allegations and accusations because of their conduct in battle and under the stress of combat conditions and, in several cases, long after the alleged deeds have occurred and in many instances the accused are former members of the armed forces who are no longer subject to military laws; and

Whereas, Such attitudes toward our fighting men tends to create disunity and bring confusion for those who are serving in the armed forces and a lowering of the morale not only of our fighting men but the citizens of the United States including and especially Veterans Organizations such as the American Legion who know the horrors and mistakes that occur in wars; and

Whereas, When battle conditions exist, fighting men realize there is only the quick and dead and so many times they are called upon to act quickly under emergency conditions. Mistakes are always made in the horrors of war but we believe that our fighting men and armed forces who risk their lives should receive the backing of our leaders and nation. The courage of our brave fighting men is still the main guarantee and assurance of our continued freedom and liberty.

Now be it resolved, By the Wilbur Jones Post No. 73 of The American Legion, Department of South Carolina, Lake City, South Carolina at its regular meeting assembled on December 16, 1969, that our leaders cease the prosecution, trial and belittling of our fighting men who are our first line of defense and as an organization, we call upon our leaders to realize that our military morale and unity are being threatened and our military effectiveness is being weakened by certain acts against military men who were carrying out orders or facing the enemy in battle engagements or under the stress of war conditions.

And it be further resolved, That every benefit of doubt in all situations should be resolved in favor of our American Fighting Men and those charged with alleged violations should under all circumstances be assigned both military and civilian counsel to guarantee full protection of all their rights.

Further resolved, that our leaders weigh carefully any actions that threaten to demoralize and confuse the actions of our armed forces against a ruthless, cunning enemy of our way of life.

By ROBERT M. JOHNSTON,
Commander.
RENNIE W. BAIRD,
Adjutant.

SENATE—*Thursday, February 26, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Sovereign Lord, before whose divine majesty we know that we are weak and needy. Thou art holy and we are unholy. Thou art perfect and we are imperfect. Thou art strong and we are weak. Yet there are no other hands but human hands, no other minds but men's minds to do Thy work in the world. As Thy servant of old wrote, "If any man lacks wisdom, he should pray to God, who will give it to him; for God gives generously and graciously to all," so we pray that Thou wilt flood our minds with Thy light and truth, that our work may be Thy work, and that we may know and do Thy will.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 25, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, after the distinguished Senator from New York (Mr. JAVITS) has finished his remarks this morning, I ask unanimous consent that the transaction of routine morning business be conducted with statements by any Senator being limited to 3 minutes; and I further ask unanimous consent that it be in order to include in the morning business additional statements presented at the desk by each Senator personally and respectively.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE SITUATION IN LAOS

Mr. MANSFIELD. Mr. President, on yesterday, the distinguished Senator from Maryland (Mr. MATHIAS) raised some very pertinent questions about the situation in Laos, in which he made a reference to the use of Green Berets in various forms in the Laotian situation.

I expressed some surprise at the statement, even though the Senator from Maryland said his information was not definite. However, last night, in reading an article entitled "We Seek No Wider War in Laos," written by Mr. Arnold Abrams and published in the magazine Atlas, I note a reference to the use of Green Berets in Laos.

I ask unanimous consent that the article published in the magazine Atlas be printed in the RECORD.

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

WE SEEK NO WIDER WAR IN LAOS—DOES THAT SOUND FAMILIAR?

(NOTE.—The continuing conflict in Laos sporadically produces a rash of headlines in the U.S. press which are quickly forgotten. Some time ago, for instance, Senator J. W. Fulbright questioned America's ten-year involvement in Laos, but after some fulmination the issue faded. Arnold Abrams, a seasoned correspondent now writing for Hong Kong's highly respected Far Eastern Economic Review, raises the question anew with a sweeping and ominous examination of the unpublicized battles now taking place in the Laotian underbrush. No, U.S. officials assured Abrams, America seeks no wider war in Laos . . . and the writer was reminded of other words in other places.)

Despite blithe denials and bland interpretations by Vientiane officials, the war in Laos may be entering a decisive phase. U.S. Embassy officials insist—in private—that the decade-long struggle here is still an American "holding operation," a lowkey effort with limited objectives. But intensified fighting in the last six months may have triggered an escalatory cycle leading to another face-off between Washington and Hanoi. Government forces now wait anxiously to learn what post-dated price tag will be put on their late-summer offensive which pushed the enemy off the Plain of Jars for the first time in five years. However, thrusts by communist forces in other areas have to some extent dampened the government's success.