EXTENSIONS OF REMARKS

USDA FIGHTS POLLUTION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. PRICE of Texas. Mr. Speaker, Secretary Clifford Hardin and the Department of Agriculture have been making concerted efforts to bring the great resources of the Department to bear on the problems of environmental pollution. In this connection I am pleased to inform my colleagues that USDA activities have begun to pay real dividends in the solid waste disposal area.

Just this morning, I received a most unusual letter from Edward P. Cliff, Chief of the Forest Service in the U.S. Department of Agriculture. I say unusual, because I have never seen a letter quite like it. The paper the letter was printed on was, in large part, composed of recycled solid waste materials.

In my judgment, the Department's activities constitute a most significant contribution to the continuing public and private effort to cope with the ever increasing amounts of solid wastes generated by our affluent society. The possibilities this creates for innovative uses of solid wastes are boundless. They challenge the ingenuity and abilities of the free enterprise system, and provide a means by which solid waste disposal problems can be ameliorated.

At this time, I would like to commend the Department's letter to the attention of my colleagues. In my view, this USDA activity represents a praiseworthy example of government at its best, government working to meet the human needs of America.

The letter follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., March 9, 1970.

HON. ROBERT PRICE,
House of Representatives,
Washington, D.C.

DEAR MR. PRICE: This sheet of paper is a matter of particular pride to me and to the research staff of the Forest Service. Thirty percent of the fiber in this sheet came from the city dump in Madison, Wisconsin. We have reclaimed refuse that is an eyesore and pollution problem in most American communities.

The red-dyed wood fibers that give this sheet its pink color came from that dump; the remaining 70 percent from a kraft pulp commonly used in papermaking. The transformation from rubbish to paper was made at our Forest Products Laboratory in Madison. This seeming alchemy is part of our research on reclamation and recycling of urban solid wastes.

The supply of fiber in rubbish is enormous. About half of the rubbish collected by cities is wood fiber, none of which is being reclaimed. Successful recycling of the wood fibers in waste could mean more paper like this, as well as newsprint, building materials, coarser papers, and even new products. It would also mean reduced pulpwood demand, more raw material for industry, less air pollution from burning rubbish, and less cost for waste disposal.

To get the knowledge we need to utilize fiber in solid wastes, we are cooperating with others. The City of Madison, Bureau of Mines, and Bureau of Solid Wastes Management are all concerned and participating in the exploratory research.

President Nixon in his message on the environment ordered "greater emphasis on techniques for recycling materials." We proudly present this sheet of paper as an example of what the Forest Service is doing. The President's budget for 1971 provides for an acceleration of this effort. We believe this is a significant step in learning to re-use resources and to enhance the quality of the Nation's environment.

Sincerely,

EDWARD P. CLIFF,
Chief.

CAN OUR FEDERAL AGENCIES MEET THE CHALLENGES OF THE SEVENTIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an article from Business Week magazine which analyzes the effectiveness and efficiency of Federal agencies in regulating American business. This study warns that meaningful reforms are needed if our regulatory agencies are going to meet the challenges of the decade.

The article reads as follows:

THE REGULATORS CANNOT GO ON THIS WAY

American business holds these truths to be self-evident: that this nation operates under an economic system of free, private enterprise, that competition is the greatest good, that government intervention in the affairs of business is an unmitigated evil.

The words still have that old, stirring ring. But businessmen know that they are simply not true, that they have not been true for many years, and that any lingering doubts on the matter will be finally dispelled over the next few years.

More than 100 federal agencies exercise some measure of regulation over private economic activities. The production and distribution of energy, the conduct of wired and electronic communications, the operation of the transportation system, and the practices of the banking and securities businesses are substantially regulated in incredible detail. In fact, it has been estimated that at least one-quarter, and maybe more, of U.S. commercial activity is involved only marginally in any form of free, competitive enterprise that Adam Smith would recognize.

The other three-quarters does not exactly run wild, either. Consider, for example, a large manufacturer of electrical equipment. It happens to be General Electric Co., but any other manufacturer would do as well. Just off the top of his head, without doing any research, one official ticks off 11 agencies that have a direct regulatory impact on the conduct of GE's affairs, from the Federal Communications Commission (GE has TV and cable TV properties) to the Atomic Energy Commission and the Defense Dept.

In addition, there are bills working their way through Congress, with what corporate lawyers consider startling rapidity, that could expand the federal regulatory role. Some areas: product safety, insurance rates, credit cards, product warranties, food price labeling, package size standards, trading stamps, door-to-door sales, electric power reliability, gasoline octane ratings, and reindeer meat inspection.

Most of these new regulatory areas will simply be ladled into the existing alphabet soup of agency acronyms already so abundant in Washington. Moreover, most of the new areas are significantly different from those the regulators dealt with years ago. The emphasis has shifted from controlling monopoly pricing—a knotty problem in itself—to dealing with what the economists call "externalities," things like product performance and the effect of transportation on pollution.

CAN THE AGENCIES DO MORE?

The major question of regulation in the 1970s is whether the existing agencies, or even the new ones that inevitably will be created, can take on new burdens and satisfy the requirement to serve the public interest. The evidence, based on their current and past performance suggests that they cannot, especially without real leadership on national policy from the President and Congress. The agencies, burdened with the administration of makeshift, piecemeal laws, and with only fitful support from the White House, do not work that well, and past reforms have fallen short.

Like other ecologies, the ecology of regulation is a delicate balance of forces. In 1946, Congress worried that claimants before the regulatory agencies were being denied a full and fair hearing, which went against the American grain. So an act was passed which hedged the regulators with the full trappings of the judicial process. The result has been little short of disastrous. Instead of a speedy resolution of controversies, which the regulators were set up to supply, cases drag on for years, and only the richest companies can afford to wait it out.

As one veteran observer of the Washington regulators says: "We no longer hope for a fair decision. We just hope for any decision at all."

Such paralysis is especially dangerous at a time when technological, social, and economic change is outrunning the regulators' capacity to respond:

The FCC, an agency created to bring order from chaos in the radio spectrum and to control a telephone monopoly, is faced with problems that it never could foresee: cable television, satellite communications, computers that act like telephones and telephones that act like computers.

The Federal Power Commission is an agency structured to regulate the rates of hydroelectric plants built on navigable waters, a relatively tidy matter. But the FPC is now in the business of approving the rates of thousands of gas producers at the wellhead—hardly a tidy monopoly situation.

The Interstate Commerce Commission in 1887 protected farmers from extortionate charges by monopolistic railroads; now it protects railroads from truck competition.

Even the Securities & Exchange Commission, long a model of flexibility and foresight in anticipating the problems of the securities market, is having trouble keeping up with the technological and economic changes in its industry. The SEC is a hair behind schedule in deciding what to do about public ownership of brokerages, levels of commission rates in a market dominated by big-block traders, and the probable effect of computerization on the markets.

In other words, something has gone wrong at all the great agencies with the delicate feedback from the economic organisms under regulation. The thermostat is stuck, and businessman and consumer alike will soon feel the heat. In at least three areas—communications, transportation, and energy—the lack of real leadership in the regulatory agencies is critical to the future of the nation. These three hot spots await the development of coherent national policies. The real question is whether anything can be done in the context of the American political system.

REALITY: THE LIMITS OF POWER

Not long ago, Peter Flanigan, one of President Nixon's White House assistants, leaned back in his chair and began to talk about the federal regulation of business. The burden of his comments was that perhaps competition was a better way to guarantee the public interest in some cases, that in any event the regulators had failed to solve a good many problems in important areas, and that the White House intended, with the help of newly appointed and responsive agency chairmen, to take the initiative in developing broad regulatory policies.

Flanigan was obviously both sincere and optimistic. The trouble was that his office was, figuratively speaking, cluttered with the ghosts of sincere and optimistic men.

At the beginning of every new national administration, the scene has been much the same. A bright and energetic young Presidential assistant always leans confidently back in his chair in his freshly furnished quarters in the west wing of the White House, and says much the same things:

The regulators have been allowed to decay. The former chairmen, now replaced with "better" men, were either subservient to the interests—or insanely zealous. The White House is taking the initiative; it believes it has responsibility for shaping the broad national policies of regulation. The revitalized agencies, happily reminded of their duties, are going to be responsive.

Sooner or later, a task force in one regulatory area or another is set up; a reorganization plan is offered to the Congress, and we are off and rolling.

Unhappily, the roll is likely to be downhill, just as it always has been. The plain fact is that a change of administration guarantees almost nothing. Commissioners and chairmen come and go, but the permanent staffs go on forever. The Federal Trade Commission was a more active agency under Eisenhower than under Kennedy; the FPC was all but paralyzed during the same Republican Administration. The SEC slept peacefully under Truman. The ICC has gone its own dogged way no matter who occupies the Executive Mansion.

The regulators simply are not important enough to engage much of the President's attention, and the men he appoints, especially as chairman, are inclined to be less responsive to his wishes as his Administration wears on.

Aside from the threat of withholding reappointment, which by and large is empty since the average commissioner resigns well before his statutory term is up, the White House attempts to exercise some control through the Bureau of the Budget. The bureau has two important powers: Agency budgets must be filtered through it, and it must approve any special economic studies launched by the agencies that would require replies from more than 10 individuals or businesses.

There is very little evidence that the Budget Director has used this second power in any way except those it was designed for: to make sure that the same expensive data are not being collected by two agencies ignorant of each other's work, and to make sure that studies which cost respondents enormous time and expense are not not launched needlessly.

As for the budget power itself, it is hard to pin down. In the 1950s, it was alleged that FTC's request for more money to police deceptive practices was turned down. But negotiations between agency head and budget juggler are generally oral, not written, and no one likes to talk about it. The consensus is that the Budget Bureau has enormous power but uses it sparingly. The funds involved are, after all, minute in comparison to the total U.S. budget, averaging less than $25-million apiece for the independent agencies for salaries and administration.

At any rate, Congress always makes sure the agencies do not get too much money. In fact, those wise in the ways of Washington believe that the legislators who have a say in these things like the agencies just the way they are—arms of the Congress and rather stubby arms at that. Nor is the Congress inclined to launch vast investigations of how its offspring function. The last such major series of hearings occurred in the late 1950s, when the House of Representatives decided to take a look at the independent agencies, under the prodding of Speaker Sam Rayburn. But the committee made the mistake of hiring as chief counsel an unassuming New York law professor named Bernard Schwartz. With the best intentions in the world, the presumably "safe" Schwartz managed to turn the hearings into a circus the like of which had not been seen for years. Before he was finished, one FCC commissioner had resigned amid charges of having accepted gifts in return for his vote on a TV license award, and Presidential Assistant Sherman Adams had left the White House with his vicuña coat and expensive rug.

The experiment has not been repeated. Instead, Congress gets what it wants by indirection. Every commissioner, and indeed nearly every high-ranking staff man has some political sponsor in his background. During the late 1930s, the FTC was the private fief of the Crump machine of Memphis, Tenn. The agency, incidentally, still has a distinctly Southern cast, Robert T. Bartley of FCC was Sam Rayburn's nephew; Kenneth Cox, one of the best of the FCC commissioners, is close to Senator Warren Magnuson (D-Wash.); Nicholas Johnson is allied with Senator Harold Hughes (D-Iowa); Albert B. Brooke, Jr., FTC, was long an aide of Senator Thruston B. Morton (R-Ky.); Frank W. McCulloch, outgoing chairman of the National Labor Relations Board, was an aide to former Senator Paul Douglas (D-Ill.).

The political alliances really say nothing about the quality of the commissioners; they are simply a fact of Washington political life. Almost equally irrelevant is whether the appointee is a politician or an "expert" on his industry. As former FCC Chairman Newton Minow says, "expertise is much overrated. On broad questions, what you want is a generalist." John W. Bush of the ICC has a thoroughly political background, but ranks as an effective commissioner, representing the interests of the shipper rather than the carrier; Lawrence J. O'Connor, Jr., is an "expert" on the FPC, and his views pretty much coincide with those of the oil and gas industry.

GOOD PALS TOGETHER

What happens is something a good deal more subtle than any resolution by a commissioner to be "liberal" or "conservative," tough or lax, broad or narrow. Instead, he simply gets absorbed by the industry he regulates. The process starts even before his appointment and goes something like this:

First, the White House usually queries an industry for nominees for a commission vacancy, and when that industry has been a heavy campaign supporter, its views are given special consideration.

Even when the industry is not consulted first, it has important influence behind the scenes at Senate confirmation time.

Once on the job, the commissioner is immediately visited by industry representatives "just to get acquainted." The representative normally offers to help the fledgling commissioner understand complex questions and announces that he stands ready to talk to him at any time.

Very quickly, the commissioner is invited to address the industry's conventions. At cocktail parties, the industry reps are extremely solicitous of the new man.

Next come the invitations to participate in the rich social life of the Washington lobbyist, from weekends by the shore to hunting trips. There are summer jobs for the children, a bottle of booze at Christmas and invitations to the better country clubs. To the commissioner's wife, a whole new social world has opened up.

Industry associations can often arrange for favorable articles in trade publications.

In the long run, there is the pleasant prospect of a good job in the regulated industry once the commissioner's term is up.

The same treatment is accorded to top staff men, especially the man who carries the title of executive assistant or staff director. He is the aide of the chairman, who has most influence over the agency's agenda.

Before anyone realizes it, the process of absorption is complete, and everyone is good pals together. One eminent jurist once suggested a scholarly study to be called "The Influence of the Car Pool on Administrative Adjudication."

A CURIOUS ORGANISM

Nick Johnson, who is one of the commissioners who does not play ball and who consequently is thoroughly isolated, calls the system the agency subgovernment. This curious organism, he claims, is composed of a trade association and an influential trade publication, both of which serve to keep industry members frightened and mobilized; the section of the Washington bar that most often practices before the commission; the agency and one or more of its staff bureaus; a handful of congressmen and committee staff men.

"The subgovernment has a sociology," Johnson says. "It has a subculture, so that the people in it have a loyalty to the subgovernment rather than to the organizations which formally hire them. It's incestuous. People swap jobs among various parts of it. It exists in the agencies where big money is available either from the government directly or from the general economy by government approval or license, and where a small group of companies or individuals dominate the regulated industry."

The system may be pernicious, but it is not always sinister. Very often, the trade association has the largest pool of expert talent available in Washington for drafting complex bills, many of whose provisions are utterly noncontroversial. For example, the Air Transport Assn. did the major drafting job on the early version of the act that established the Federal Aviation Administration, at the invitation of then Senator Mike Monroney (D-Okla.), and it is considered a minor masterpiece of legislative art.

Of ourtright corruption, not much has been heard since the scandals of the 1950s. The lure of a good job at the end of an appointive term, a political poll discretely conducted by an influential regulated company just before election time for a senator on a key committee—these are all one can put a finger on.

But, says Ralph Nader, "the action is at the bottom, not the top. If you have to pay off at the top, you've lost the first three battles. It's cheaper and less visible at the bottom. Bank loans are arranged; staff men are given stock tips." Meat inspectors, according to Nader, are bribed in a curious way. Under Agriculture

Dept. rules, inspectors' overtime is paid by the packing plant, in order to discourage willful obstruction of the inspection process. What really happens, though, is that the companies encourage unlimited overtime, a sort of bonus for something less than 20–20 vision.

"The corridor creepers," says one veteran Washington lawyer scornfully, "are always with us."

It has been said that under the system of competing interests struggling to be heard, regulatory agencies invariably turn out to be either monsters or slaves. Perhaps that is why the regulators have so far been unable to cope with the rapid changes in vast areas of American economic and social life.

COMMUNICATIONS: A TANGLED WEB

The Federal Communications Commission has bad luck:

It regulates, or attempts to regulate, the world's largest corporation, American Telephone & Telegraph Co., and the most powerful medium of communication—television.

It attempts to allocate one of the nation's scarcest natural resources—the frequencies available on the radio spectrum.

It tries to stay abreast of the most dynamic technology of modern times—telecommunications.

Its decisions can affect the political fortunes of members of Congress (ugly opponents when roused) and the delicate constitutional prerogatives of the news media.

It has about $20 million a year to do it all. Notes one commissioner: "The Navy spends $100 million to design a communications system for the Polaris missile."

The worst is yet to come. The FCC sooner or later must answer a set of questions of unparalleled complexity: Is a private computer that switches messages from one phone line to another subject to tariff regulation? Is a domestic satellite system a natural monopoly like a telephone system? Can a cable TV wire send printed facsimiles, and should it accommodate a two-way data-transmitting computer terminal? And, notes one official, "The FCC cannot give one interest anything without taking it from another."

ALWAYS A BEAT BEHIND THE TIMES

The FCC's weapons for dealing with its task are in no way adequate. It spends most of its time processing two-way radio licenses, radio and TV license renewals by the thousands. It almost always operates on the assumption that it is merely a passive judicial forum for settling competing claims. Thus, its process is a slow and painful one of hearings, testimony, comment, and decision.

Yet the commission has been accused repeatedly of being arbitrary. In license proceedings, thousands of pages of public records are produced, to the tune of perhaps $250,000 expense to each applicant. Petitioners, says former FCC Chairman Minow, "think of hearings as a form of punishment." And despite periodic policy statements or decisional guidelines, no one is really sure why the FCC grants a license.

In respect to the Bell System, even the adversary system that is at the heart of federal regulation breaks down. At any time, more than 50 active dockets on telephone matters are on file. The chance that an outsider can find his way through the maze and make a case against telephone rates or practices is slight.

A general investigation of Bell System rates was launched in 1965. A phase covering interstate and foreign services lasted until 1967. And an investigation into the interrelationships of computers and communications has been in bureaucratic limbo for two years. Domestic satellite policy has remained unresolved since 1965.

Because of the FCC's procedures, problems, and workload, the commission is invariably a beat behind the times. The agency failed, for example, to anticipate the enormous growth of television, and locked commercial TV into the 12 narrow channels of the VHF spectrum (2–13). UHF operators (channels 14–83), licensed afterward, quietly went bankrupt. It took an act of Congress, belatedly sponsored by the FCC early in the 1960s, to get TV manufacturers to equip sets with UHF tuners.

Moreover, Nicholas Johnson, who joined the FCC after a short and stormy career as Federal Maritime Administrator, believes that the commission's approach works against the best interests even of the regulated groups apparently most satisfied with the FCC. His prime example is AT&T's famous dislike of incurring long-term debt. The FCC, Johnson argues, had a duty to push Bell toward a higher debt-equity ratio when cheap money was available. He claims that its failure to do so has resulted in higher telephone rates for consumers, as well as a lower return on capital for shareowners. Not until the general rate investigation of 1965 did the FCC push Bell's debt goals as high as 40%. By then, interest rates on bonds had doubled.

The wonder of it is that the FCC has been as responsive and flexible as it has. Despite charges it is controlled by broadcasters and such legislators as Senator John O. Pastore (D–R.I.), the FCC has accepted citizen challenges to TV license renewals and has even revoked a Boston station's license. New conservative members, Chairman Dean Burch and Commissioner Robert Wells, may try to swing the commission back toward a protectionist position. But the door to controversy, once set ajar, is not easily closed.

In the common carrier area, the decisions have been even more remarkable. In 1969, the FCC decided two landmark cases which broke the hold of AT&T over significant areas of telecommunications, and at least pointed the way toward a limiting regulatory power in favor of competition.

Where larger companies are often unwilling to fight, Thomas Carter of Carterphone and John Goeken of Microwave Communications, Inc. (MCI) fought their cases through to the end. The Carterfone decision ruled that the telephone operating companies could no longer prohibit the attachment of "foreign" or customer-supplied devices to telephone circuits. Affected is everything from an antique French telephone plugged into a home telephone jack to specialized commercial telephone networks.

In the MCI case, the FCC permitted the first competition to AT&T in long-lines communication, which has been the only truly national monopoly this country has known.

The MCI victory, it is true, is not total. The ruling gave the company the right to operate as a common carrier between St. Louis and Chicago. Michael Bader, MCI's attorney, claims that AT&T intends to challenge any new links and force MCI to file the same arguments all over again.

Still, the MCI ruling ranks as a considerable achievement for the hidebound FCC. Not the least of it was the ability of the FCC's Common Carrier Bureau to work its way through the technical aspects of the case. Considering that it is up against no less a scientific entity than Bell Labs, the bureau is woefully short of the money and personnel to provide the countervailing technical and economic data the commissioners need to make a decision.

ENERGY: THE RELUCTANT DRAGON

Some regulators are born regulating, some achieve regulation, and some have regulation thrust upon them. The Federal Power Commission ranks with the last group.

By Washington regulatory standards, the FPC is a modest, even unassuming, agency, slow to grasp power, even slower to exercise it. It is only a slight exaggeration to say that year by year the FPC has had to be pushed by technological and economic change to assume more power.

It is almost a certainty, for example, that the commission will sooner or later be made formally responsible for the reliability of interstate electric power grids, whose failure caused the great Northeast blackout of November, 1965. The FPC is not anxious to acquire that responsibility.

Its powers of resistance are illustrated by one of the most curious episodes in the history of federal regulation. The FPC was set up in 1930 to pull together several overlapping jurisdictions then controlling the production of hydroelectric power on navigable rivers. In 1935, the FPC's authority was extended to cover all interstate utilities and, through subsequent court decisions, virtually all private generator of electric power for sale to the public. In 1938, still another form of utility was added to its stable: natural gas pipelines.

From the very beginning, the FPC resisted regulating the gas men and the prices they could charge their customers. Throughout the 1940s and early 1950s, there were charges of foot-dragging, undue industry influence, and a growing backlog of unresolved rate cases. More than once, the commission tried to get out of gas regulation through legislation.

It is easy to see why. Gas pipelines may be monopolies subject to orthodox regulation, bue their industrial economics have nothing in common with, for example, that of a telephone company. The pipelines depend for their produce on hundreds of independent producers in the Southwest, so their costs are not controllable.

The FPC failed to assert regulatory authority over wholesale pricing of gas at the wellhead on the ground that it was totally inadequate to the task of passing on rate cases one by one. The commissioners also doubted that they had the legal power.

It fact, the FPC ruled in the Phillips Petroleum case that it had no jurisdiction. What happened next surprised everyone. The state of Wisconsin, concerned about the delivered price of natural gas, sued the FPC to force it to reverse the Phillips decision. In 1954, the Supreme Court upheld Wisconsin.

Over the next few years, the FPC was literally buried by rate filings from gas producers, and the commission methodically began plodding through them. But the FPC was not finished yet. It set out to get a law passed exempting it from wellhead price regulation.

In the meantime, it routinely granted price increases, with the understanding that if by some remote chance the law failed, producers would make refunds to consumers.

The law, as it happened, did fail. On Feb. 3, 1956, Representative Francis Case (R-S.D.) arose in the House and declared that proponents of the bill had tried to influence his vote with a campaign contribution. The bill passed, but President Eisenhower vetoed it on the ground that the episode affected the "integrity of governmental processes."

Despite subsequent attempts to get rid of gas rate regulation, the FPC was stuck with it. But not until 1960 did it develop a workable method of coping with the problem: areawide rates rather than case-by-case determinations.

In 1961, with a change in national Administration, Joseph C. Swindler hit the FPC like a streak of greased lightning. On rate refunds, Chairman Swidler settled with the producers by simply splitting the difference—half refunded, half retained. He pushed area pricing proceedings, although not even Joe Swidler could galvanize the FPC on that one. The first area rate case was settled only two years ago, and there are 22 to go.

Nixon's new chairman, John N. Nassikas,

is in the great tradition of the FPC. He doesn't much like regulation and he makes no secret of it.

Reluctance might merely be prudence, because activism has its risks. When Swidler joined the FPC in 1961, he launched the vast National Power Survey, which eventually recommended an ambitious system of interconnection and coordination among the nation's electric utilities. At the same time, Swidler began a personal campaign to persuade the utilities to start tieing into power grids.

The risks were substantial. Not only did the FPC have no statutory power to force interconnection, but it was almost certain that at some transitional point between independent power generation and integrated regional pools something bad would happen. It did, in November, 1965, shortly before Swidler's term of office expired, when the Northeast blacked out.

Swidler came out of it all with his reputation intact, but the great blackout has remained a grim reminder of the risks of regulating. They will be even greater if and when the FPC receives statutory power to regulate electric power system reliability.

THE ATOM AND THE ENVIRONMENT

The same problem exists at the Atomic Energy Commission, which to some extent shares responsibility for energy regulation with the FPC. The AEC is in an uncomfortable position. It is charged not only with promoting the use of nuclear fuels for power generation, but with making sure that those fuels are used safely. In the early days, when the rush to build atomic energy plants was starting, it was assumed the AEC had safety well in hand, and the emphasis was on promotion.

But the commission has run smack up against the tremendous surge of interests in pollution, environment, and life quality. Many states have already indicated they want to set radiation stndards much tougher than the AEC's and accuse the Commission of being too much the atom's promoter and not enough its regulator. The states' right to preempt the AEC on standards will have to be decided in court. Minnesota now has such a case pending, which is expected to go all the way to the Supreme Court. Until it is finally resolved, the AEC will be in a quandary and the economics of nuclear power generation will be impossible to pinpoint.

TRANSPORTATION: MIND-BOGGLING TRIP

In the waning days of the Eisenhower Administration, a volume of 732 closely printed pages was delivered to the Senate Commerce Committee. It was entitled *The National Transportation Policy*, and it was the result of some two and a half years' labor by a large and expert staff.

The study was the last real effort to make some sense out of the nation's vast transportation network. A few dog-eared copies, bound in bilious green blotting paper, are still owned by the kind of people likely to read ICC rate cases for diversion. Otherwise, the report is virtually forgotten.

Meanwhile, rail passenger service has all but disappeared, urban mass transit deteriorates, highways proliferate, automobile traffic increases, and airports get bigger and harder to reach. Every mode of common carrier transportation from trucks and buses to trains and planes is plagued with chronic overcapacity. Transportation experts complain that prices are too high and service is inadequate. No mode of transportation is getting rich, and rates of return are not high.

The future is even gloomier. The standard forecast is that transportation companies will be forced to double their facilities over the next decade, and no one knows how they will be able to attract the private capital to do it.

The old-line independent regulators, specifically the Interstate Commerce Commission and the Civil Aeronautics Board, are squarely in the middle of one of the biggest messes in modern economic life. The mere size of their jurisdictions is mind-boggling. The ICC regulates railroads, long-distance buses, moving vans, the common carrier truckers, some barge lines, and oil shipment by pipeline. The CAB has all the commercial airlines.

To do the regulators justice, neither has had much control over the situation. They are up against something akin to a force of nature: money spent for transportation facilities without much regard for the consequences.

Other agencies come into the picture from all directions. There is the Bureau of Public Roads, which is in the Transportation Dept. but not really of it. The bureau, independently financed by some $5-billion annually from gasoline and other user taxes, has built a system of highways that has remade the face of America, nurtured the automobile, and fed the trucking industry. Unfortunately, the highway system has also wrecked urban mass transit, nearly destroyed intercity passenger rail service, and seriously impaired the railroads' share of high-value freight tonnage.

Then there is the Army Corps of Engineers, which administers with single-minded enthusiasm the annual rivers and harbors appropriation, considered in Washington a Congressional pork barrel second only to the allocation of Defense Dept. installations. The engineers build canals and dredge rivers for barge traffic, and the barges pay no tolls. Barges now carry eight times the amount of freight they hauled in 1940, and most of it came from the railroads.

In short, there is no rational policy governing the national transportation system. Says one veteran ICC staff man: "How can you expect us to have a policy until the country has one?" The result is that each agency continues to operate as if nothing else existed, approving routes, rates, and subsidies for its regulated industry without regard to the financial well-being of competing modes of transportation. Even so, the agencies frequently fail to balance things out in their own bailiwicks.

FLYING BLIND AT THE CAB

The CAB, for one, has been struggling with this problem for years. In 1955, the board apparently decided that competition between airlines on a large number of routes was desirable. But it settled it in a typically chaotic manner. It granted all the route applications before it, even though several of the lines had filed simply to demonstrate the consequences of too much competition.

The 1955 decisions reduced the industry's return on investment drastically and still failed to fulfill at least the objective of offering service to passengers at lower cost.

Normally, the CAB's major policy decisions run behind the technology. The 1955 route awards, based on the economics of propeller-driven planes, came less than a year before the first jets, with their need to fill more seats to operate profitably, were ordered. Similarly, the new round of competitive route awards in 1968 and 1969 was announced on the threshold of the age of jumbo jets. Says one industry observer: "It will take 10 years to undo the damage."

The problems are endless. Congressional pressure dictates that smaller communities as well as big cities get airline service. That is the function of the so-called "second tier" local feeder lines. But the jet age, coupled with interstate highway competition, makes it tough for the feeders to make a profit on such low-traffic short hops.

Faced with the choice of allowing them to go under or continuing to pay huge subsidies to keep them going, the CAB has chosen to grant them longer, more profitable routes. Secondary cities such as Peoria, Ill., and Albany, N.Y., are getting nonstops to Washington. One result: The major trunk lines are starting to feel the competition, while the feeder lines are now trying to abandon the small towns.

The next step in the process is the "third tier" service, the commuter and taxi aircraft, which are supposed to feed passengers from small cities and towns to major airports.

As long as the weight of the planes is kept below 12,500 lb., the taxi operators are exempt from much economic regulation. And low weight meant short, uncomfortable hops to the suburbs. But in the last couple of years, faster, higher-capacity aircraft have been developed within the weight limitations, and the operators are extending their operations. So the CAB is reviewing the weight limitations.

There is some evidence that the CAB may be about to throw up its hands at the insoluble task of keeping every airline in business while forcing them to complete with each other. It is beginning to encourage mergers among the lines, which may or may not solve the problem.

The merger solution is also a way out for the ICC, whose problems are even more severe.

The ICC is a 19th Century regulator, administering a tangle of statutes that reflect economic conditions which existed from the age of the robber barons to the time of the Great Depression. Anything more modern is unthinkable.

Take, for example, the controversial minimum-rate power. In 1920, the ICC was granted the right not only to regulate rate increases, but also decreases. The object was to prevent the railroads from hurting competitors by "predatory pricing" subsidized by profits on monopoly routes.

In most cases, the railroads were required to price on a basis not only of out-of-pocket costs, but on at least a portion of the immense cost of maintaining their rights-of-way. Other freight haulers—truckers and barge lines—have their roads and canals built by the government. Huge segments of water and road transport are not regulated at all.

As a result, wherever competing modes meet head-to-head, the regulatory umpire permits just enough of a cut to meet competition, but no more. The whole point is to maintain each competitor's precise share of the available freight.

In a sense, the ICC fears the real power of the transportation companies to change the economic landscape. In 1958, the Southern Ry. conceived the idea of building a giant hopper car that could move grain from elevators in the Midwest to flour mills and animal feedlots in the Southeast at drastically reduced cost. If rail rates declined, so would competitive barge and truck rates.

In 1961, the first Big John cars were delivered, and the Southern began a four-year battle in the ICC and the courts to make its rate cuts stick.

The Southern finally won, and the victory changed the face of the grain milling and packinghouse business. Direct shipment of grain to the South hastened the decline of the Midwest's mightly flour mills; the South became a major producer of meat animals and poultry. The consumer apparently benefited from lower prices for bread and meat.

But minimum rates are not considered the real problem of transportation now. If freight haulers were allowed to price their services freely, some experts think freight rates would go higher, not lower. In the long run, though bigger revenues would help the carriers afford the technical improvements which would drop competitive rates.

Sometime this spring, Transportation Sec-

retary John A. Volpe will submit to the President a report trying, once more to rationalize the chaotic system of policies and nonpolicies in transportation. The recommendations are not expected to produce much in the way of results.

As one experienced transportation lawyer puts it: "We don't have a total transportation policy, and the Transportation Dept. can't make one as long as the regulatory agencies exist and won't pay any attention."

CHALLENGE: IS THERE A BETTER WAY?

Chicago's Midway Plaisance is a long way from Pennsylvania Avenue. But this bleak and windy promenade that slices through the campus of the University of Chicago is, in a very real sense, an arena in which the major philosophical battles over regulatory policy are being fought.

To the north, in one of the undistinguished mock-Gothic quadrangles, is the office of Professor George J. Stigler, one of that group of stern, free-market economists whose best-known member is Milton Friedman. To the south, tucked away among the fifth-floor bookstacks of Chicago's cold and cavernous new law school, is Professor Kenneth Culp Davis, perhaps the most widely known student of the regulatory process and author of the *Administrative Law Treatise*—all four volumes of it.

Stigler and Davis represent the outer limits of reasonable thought on how—or whether—the federal regulatory machinery can work. Stigler thinks the regulators should have far less responsibility than they now do; Davis thinks they should have far more.

What these men think is important. Stigler, after all, was chairman of the task force on productivity and competition commissioned by President Nixon before his inauguration. Davis is a leading light in that freemasonry of law professors and eminent judges who exert enormous influence on the incredible tangle of statutes and rules in the regulatory field.

Stigler's position very broadly is that regulation is basically anticompetitive and thus does not serve the national interest. "I no longer look on regulation as a means by which the public protects itself," he says. "I think regulation is sought by business."

What outrages Stigler's tidy economist's mind is that much of the regulatory panoply of the last 80 years has been nourished on a thin gruel of faith and politics. "The most shocking thing is that no one knows the operative effect of the agencies. No one has ever studied, by and large, the successes and failures of the regulatory process."

Stigler's solution for the evils of regulation is, substantially, to deregulate, and throw the major responsibility for promoting competition and the public interest back into the Antitrust Div. of the Justice Dept. Ironically, John F. Kennedy also argued that competitive market forces should replace regulation in his unsuccessful attempt to strip the ICC of some powers.

Davis agrees that the regulators regulate too much, but has an entirely different basis for his belief. He would relieve them of some of the minutiae that occupy so much of their time, so they could concentrate on substance.

Davis' main preoccupation is not to move responsibility for national policy concerning business into the Justice Dept., but to push it further into the regulatory agencies.

"The central problem," says Davis, "is control of discretion; the biggest power of all is not to prosecute. At the FTC, the crucial moment is not the cease-and-desist order, but the choice of which cases are investigated."

In other words, Davis wants everything out in the open and on the record. A neat, unequivocal record requires decisions to be made on some rational basis: First the general rule, then the specific decision resting on it, and not the other way around. Davis looks to the federal courts to force the agencies to do it this way, by tossing back decisions brought to them on appeal that appear capricious.

So far, Davis admits, he has little on which to base his reliance on the courts, which customarily have upheld the regulators' decisions. But he sees some encouragement in several cases that appear to have little to do with, for example, the grant of television broadcasting licenses. In one, a California court questioned the right of the state liquor authority to lift the license of a go-go joint on the ground that the topless waitresses impaired the public morals, without first having stated formally that waitresses wearing nothing above the belt do, indeed, impair the public morals.

HOW TO SALVAGE THE SYSTEM

The ultimate projections of the Stigler and Davis schools of thought would be to ask nothing of the regulatory agencies or to ask everything of them. But in between lies a range of informed opinion that fills volumes—often slighted tomes that have put generations of law students to sleep.

A lot of lawyers—and their clients—are paying attention these days, however, if only because some reform is overdue for a system that seems to work to no one's advantage.

Some of those overdue notes are already in the process of being called, by Ralph Nader, for one. In a report published in book form not long ago, Nader's Raiders destroyed whatever was left of FTC's reputation. Nader's team of young crusaders has just completed a similar critique of the FAA and air safety; it is working on air and water pollution control enforcement, the Agriculture Dept., and several other agencies that have regulatory or enforcement powers. "Every agency is being challenged," Nader says.

Nader thinks these studies will provide the documentation on how regulated industries really operate and how they respond to—or fail to respond to—regulation. What is done with that knowledge is something else again.

Nader accepts, by implication, the judgment of one veteran Congressional committee staffer: "There is no public interest; there are public interests, and the agencies act as honest brokers among them." Nader simply would like to add the public interest—principally the consumer interest—to the others struggling to be accommodated in the regulatory process.

Nader holds that the regulatory framework is salvageable. "It's just like a city machine when it turns corrupt," he says. "People don't say get rid of city government." In light of this conviction, Nader must be classified among the optimists. So must Judge Henry J. Friendly, once general counsel for Pan American World Airways and now a federal appellate judge with a national reputation. In 1962, Friendly laid out the regulators, warts and all, and then proposed a persuasive program for reform. The problem, in his view, lay in the unwillingness of the commissions to construct, from the vague directions of Congress, "standards sufficiently definite to permit decisions to be fairly predictable and the reasons for them to be understood."

Today, says Friendly, "I would be somewhat less optimistic than I was in 1962 with respect to the various transportation agencies' engaging in useful planning activities. I should think that here the hope lay rather in the newly created Dept. of Transportation."

Friendly is not alone in redirecting his hopes. The proposal "to break up the agencies" or bypass them is an old one. In 1959, Florida lawyer Louis J. Hector resigned from the CAB after two not very happy years. In parting, he wrote a lengthy letter to President Eisenhower that acquired celebrity as The Hector Memorandum. In 1963, Newton N Minow, President Kennedy's FCC chairman, similarly resigned, and wrote a similar, though shorter letter.

The two men held that the agencies do not do any of their assigned jobs well, and that they are essentially bankrupt. Matters of broad policy affecting the national interest should be decided by the White House. The endless details of cases, renewals, licenses, certificates, and rule infractions should be handled by the civil service in the Executive branch. Major "adjudicative" matters contested by a regulated interest should be assigned to some sort of administrative court.

Both men's views, but especially Hector's, raised a storm of indignation. Friendly's book rejected the proposals, as did a book by William L. Cary, former SEC chairman and now a Columbia University law professor. Cary argued that leaving policy to the "White House" essentially meant leaving it to assistants of scant experience.

If the experts disagree on most recipes for improving regulation, on one thing they agree: The agencies need better men. Testifying last September before the Joint Economic Committee, Nicholas Johnson was asked what qualities should be expected in a regulator. Replied Johnson: "My standards are really very modest in terms of selecting commissioners for regulatory commissions. In the FCC, I wouldn't say a man needed to be an expert necessarily in communications policy or anything that esoteric.

"I would start by saying he probably ought to have an IQ of at least 110, somewhere along in there. I think he ought to be able to read and write. If you could find one who actually likes to read and write, so much the better."

GENERAL PRACTICE SECTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HUNGATE. Mr. Speaker, as one who formerly engaged in the general practice of law, I believe the following article from the February 1970 Illinois Bar Journal concerning the frequent trials and occasional triumphs of great practitioners will be of interest:

GENERAL PRACTICE SECTION

I am not sure that the idea of a General Practice Section [see The Scratch Pad, 58 Ill. B.J. 330 (Jan. 1970)] is one that can be supported by much logic, since there is doubtless an existing Association committee that gives attention in depth to each area of concern to the general practitioner. Nonetheless, I like the idea and I suspect that such a group might be worthwhile.

For one thing, participation in such a Section might do a lot for the mental health of the run-of-the-mine G.P. who for years has served uncomfortably on committees in the shadow of giants in the fields of taxation, negligence, drainage and levee laws, and the like.

For another, he might get to take part in the Section's activities and perhaps voice a thought now and then without fear of having to have his foot extracted by a superstar who sounds for all the world like Lee Bailey—or David Brinkley, depending on the type of committee he is on.

Come to think of it, I guess I have longed for a committee where I could chuckle knowingly at the wry good humor of the current events chairman, after 25 years of chuckling nervously and at the wrong time because I had not heard of the exciting developments that were about to emerge from some suit the chairman had tried last month.

General practitioners also have little problems in social adjustment. If you're not one, you haven't known the terror that grips a G.P. at cocktail parties when he feels that "And what type of law do you practice?" question coming on. You blurt out something like "Why, we have a rather general practice in our little shop" and then shrink back into the woodwork as your dinner partner catalogs you as a guy who handles collection work, traffic cases and small estates and moves quickly off to join some matrimonial lawyer there without his wife, or a brain surgeon who will probably spill his drink on her. Rather than become known as an unspecialist, a G.P. will sometimes conceal his profession from casual acquaintances for long periods just so he won't have to answer The Question and suffer the ensuing agony of a silent put-down. He may be known as "that quiet fellow with the mysterious interests"—and that is no way to pick up a little collection business from friends. (In desperation, I once gave some thought to billing myself as an expert on commodity exchanges after helping handle a case in Washington involving some soybean traders. I rejected the idea when I decided that it's possible to be *too* specialized.)

A General Practice Section could have subcommittees that really meet. I have been on one committee for six or seven years and I don't even know the subcommittee chairmen, some of whom haven't been around that long. I have been assigned to ten or twelve subcommittees over those years, but only once was a meeting ever held, and I was in traffic court that day and could not attend. Not only does this put me at a disadvantage when asked about pending legislation, but I am totally ignorant of the status of Association lectures. Actually, even if a subcommittee had a meeting I would not go and risk being unmasked as a spy who never tried a case in that committee's specialty in his life.

Like it or not, general practice is a sort of fact of life in our profession. I see no harm in recognizing that fact by establishing a section in its honor. I know the effect on the egos of G.P.'s would be significant, and it might even benefit the profession and the public, too, although that certainly isn't to be insisted on.

I like the idea and I would like to join up. I'll go even farther. I look forward to the day when there will be an American Academy of General Practitioners with Fellows and everything. That would *really* kick the old neurosis in the head. I will join even if they don't have their annual convention in the North Beach area or Waikiki or someplace.

And by the way, the material that has been distributed by the General Practice Section of the ABA is about the best I have ever received from any group of the ABA, ISBA or CBA, to say nothing of the American Judicature Society.

J. R. BLOMQUIST.

LESTER MADDOX'S "PICKRICK DRUMSTICK"

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, if my memory serves me correctly, there has been recently a controversy concerning pick handles which Members and restaurant employees were taking out of a box in the lobby of the House dining room.

Today, I received from the Governor of the State of Georgia the history of these "pickrick drumsticks" and thought that for the edification of the Congressmen it should be inserted in the RECORD for all to see and I include it at this point:

THE TRUE STORY OF LESTER MADDOX'S "PICKRICK DRUMSTICK"

The wooden sticks picked up by a few customers at the former Pickrick Restaurant in Atlanta, Georgia were not "axe handles."

The sticks were "Pick Handles."

What was the purpose of "Pick Handles" at the Pickrick Restaurant? Pick handles were a part of the decorative pattern of the Pickrick. Other items included a rock garden, waterfall, pond, old spinning wheels, a player piano, carvings of stage coaches, steam locomotives, horses and many other items, all within the dining rooms, and a large and beautiful fireplace surrounded by many items, including hickory wood for burning—and one small wooden keg on each side of the fireplace containing a total of twelve "Pickrick Drumsticks" (Pick Handles—that were identified to the world as "Axe Handles").

The "Pick Handles" (Pickrick Drumsticks) were selected because of the meaning of the word "pick" in the name of the Pickrick Restaurant. In most of our newspaper ads and on our printed menu we carried the definition of the word "Pickrick."

Pick—To pick out, to select, to choose, to make careful selection or fastidiously chosen.

Rick—To pile up, to heap or to amass.

And we always advised our customers, "You Pick it out, we'll Rick it up, and that makes "Everything Pickrick".

The "pick handle" was also selected because it has more of the appearance of a chicken leg than any other available item—hence—"Pickrick Drumstick". Any person offended by the "Pickrick Drumstick" has to be misinformed.

The "Pick Handle" is a symbol of hard work, of progress and of what helped to build America. Lester Maddox's "Pickrick Drumstick" is a symbol of good fried chicken, a reminder of a good restaurant.

LESTER MADDOX.

OIL SPILLED AGAIN

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. KEITH. Mr. Speaker, hardly a week passes that I do not find myself on my feet in this Chamber, decrying yet another oil tragedy. This week's disaster is taking place off the coast of Louisiana, where an off-shore oil drilling rig is spewing forth uncontrolled oil at the rate of 1,000 barrels a day. Some of the most productive shellfish areas in the Nation are threatened, and the experts say that it will be at least 5 days before they can even hope to cap the leaking wells.

This latest accident is further proof—if any is needed—of the desirability of protecting our offshore resources from such despoilation. In 1967 I filed a bill to do just that, through the creation of "Marine Sanctuaries" in areas where ecological and economic interests were too valuable to be left vulnerable to what is happening today in Louisiana. If it had been passed then, the Santa Barbara tragedy, and possibly this one, might well have been avoided.

As it happened, in this particular case the Chevron Oil Co. has assumed the financial responsibility of controlling and cleaning up the mess their drilling created. But this only goes to point up more clearly than ever the necessity for the public works conferees to come to an agreement on the pollution bills that they have been considering for so long. For in most cases, the offender is not so quick to claim responsibility as Chevron has been. And unless a strict and clear liability law is on the books, the current system of unclear responsibility and inadequate means of cleanup will continue—and so will the devastation of our coastliness.

Knowing the House conferees, and Mr. GROVER and Mr. CRAMER in particular, I am sure that the end result of this committee's efforts will be a bill that will effectively cope with the complex problems of liability and cleanup. I am encouraged by reports that the House conferees are insisting on very strict enforcement and heavy penalties against those responsible for oil spills.

Under H.R. 4148, a revolving fund would be established, so as to permit speedy and effective action by the Federal Government when an oil spill occurs. This is a vital necessity, for in most oil spills the perpetrator is not immediately identifiable, and the Government has to assume the lead role in cleaning up the spill.

Under an Executive order of President Johnson, the Coast Guard and the FWPCA have been designated the lead agencies in coping with such spills. Both agencies, however, are sadly underequipped to handle this responsibility.

When the Coast Guard authorization comes before the House next week, two amendments will be offered that would increase this agency's capability in this vital area.

The first increases the number of helicopters authorized from six to eight. These are desperately needed for the Coast Guard to patrol our coastlines watching for oil slicks. The second would provide for acquiring two of the new transportable oil storage systems the Coast Guard has developed, instead of one.

Total cost of restoring these items—which the Coast Guard had originally requested before the Budget Bureau cut them back—is approximately $5.7 million. In our view, this is a small price to pay for the protection such added equipment would produce. If even one major oil spill is detected and prevented from reaching our coasts, its expense will be more than justified.

I am hopeful that these amendments will succeed—and that they will be only a beginning of much more research and much more development of oil control technology.

At this point, I would like to draw my colleagues' attention to the recent trip of my friend and colleague (Mr. MCDONALD) who went to Louisiana and saw personally the dimensions of this disaster. Such a journey should be required of us all, to fully understand the dimensions and gravity of this problem.

NIXON VOLUNTARISM A GLARING FAILURE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HUNGATE. Mr. Speaker, the Washington Post of Sunday, March 8 carried an interesting article written by Joseph R. Slevin which follows:

NIXON VOLUNTARISM A GLARING FAILURE

(By Joseph R. Slevin)

When it comes to voluntary cooperation and government by example, the Nixon administration is about as mixed up a group as you are likely to find.

Voluntarism was a big thing during the 1968 presidential campaign but it didn't survive election night and is one of the glaring failures of Nixon's first 13 months in the White House.

The President still talks occasionally of voluntarism even as he talks of "new federalism" and of turning power back to the people. Yet his attention-grabbing pollution program calls for imposing a web of new controls on the states and local governments.

One of the country's crying needs is for voluntary wage-price restraint but Nixon blew his chance to unite the country in an effective anti-inflation campaign at his first press conference when he said labor and business leaders have to be guided by self-interest rather than by the national interest.

The President marched part way back in October. He belatedly started a jaw-boning campaign against inflationary wage and price boosts by warning businessmen that it would be self-defeating to give excessive wage increases because economic activity was slowing down.

Secretary of Labor George Shultz still doesn't think much of jawboning, though. He denounced such voluntary appeals in New York just the other day as a "policy of twisting arms or getting people to do something they would not otherwise do."

The way some administration officials talk about jawboning you would think it was a dastardly Democratic plan instead of a national policy that was initiated by President Eisenhower to slow cost-push inflation in the late 1950s.

But even as Shultz was protesting against voluntary wage-price restraint in New York, Nixon's Treasury was rounding out a week of urging pension funds and other big investors to support the administration's home-building drive by voluntarily making more mortgage loans to contractors and home-buyers.

The unhappy financial men heard suggestions that they may lose tax benefits or be subjected to "voluntary" credit controls if they do not play ball.

The pension funds put all of their money into loans that pay more than the return they can earn on mortgages. They do not consider it in their self-interest to make mortgage loans any more than Nixon's labor leaders and businessmen considered it in their self interest to settle for less than the biggest wage and price increases they could jam through.

It has not escaped notice here or around the country that Nixon, equally inconsistently, spent the taxpayers' money to buy 150 fancy comic opera uniforms for the White House police at the same time that he was exhorting his cabinet to hold down government spending. It is remembered, too, that Uncle Sam had to foot more than half a million dollars in bills for work around Nixon's plush Florida and California estates only shortly before he cut federal construction contracts and begged local communities to curb their own outlays.

All of which proves that what is sauce for the goose is not always sauce for the gander or, as Attorney General Mitchell injudiciously advised a civil rights group last summer: "Watch what we do instead of listening to what we say."

NEW YORK TIMES DISCUSSES POLITICS AND PETROLEUM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to bring to the attention of my colleagues in the House the following New York Times Magazine account of the U.S. petroleum industry's fight to maintain favorable tax benefits and a continuing import quota system:

[From the New York Times magazine, Mar. 8, 1970]

THE OIL LOBBY IS NOT DEPLETED

(By Erwin Knoll)

WASHINGTON.—On Thursday evening, Nov. 6, 1969, the Governors of three states met over a quiet dinner at the Tavern Club in Washington with Frank N. Ikard, a former Texas Congressman who is now president of the American Petroleum Institute, the trade association of the nation's largest oil companies. There is no public record of what the four men discussed, although—by coincidence or otherwise—the same three Governors and a fourth were at the White House early the next morning to urge the Nixon Administration to retain the 11-year-old system of oil-import quotas, which costs consumers more than $5-billion a year in higher prices for petroleum products.

The Tavern Club tête-à-tête and the subsequent White House session are examples of the close and continuing contacts between oil and politics—an intimate relationship that has prompted some critics to describe the oil industry as "the fourth branch of government." In recent months those contacts have intensified, for the industry's privileged status is being attacked with unprecedented ferocity. Under the benign patronage of such influential figures as the late Senator Robert Kerr of Oklahoma, who rejoiced in being known as "the uncrowned king of the Senate"; the late House Speaker Sam Rayburn of Texas; the late Senate Minority Leader, Everett McKinley Dirksen of Illinois, and former President Johnson—all of whom shared a profound and undisguised commitment to the industry's welfare—the petroleum producers enjoyed decades of virtually limitless power in Washington. Their strength probably still surpasses that of any other special-interest group. But with the departure of their most prominent and effective champions, their critics are for the first time emerging as a force to be reckoned with.

In one of the few genuine, although limited, reforms to survive the byzantine machinations that produced the final version of the Tax Reform Act of 1969, both houses of Congress voted decisively to reduce the sacrosanct oil-depletion allowance from 27.5 per cent to 22 per cent. The reduction—acquiesced in by a reluctant executive branch—constituted an acknowledgement that many Americans had come to regard depletion as the most flagrantly objectionable abuse in the loophole-riddled tax code.

In a statement that some of his colleagues thought was tinged with exaggeration, Senator Thomas J. McIntyre of New Hampshire declared that the vote to cut the depletion allowance signified that the Senate had "once and for all rejected its role as the bastion of the oil industry." The Senator was among those who had unsuccessfully sought a more drastic reduction to 20 per cent. "But the important thing," he said, "is that we have finally made a crack in oil's protective shield. If others develop in the days to come, American consumers and taxpayers may yet get a fair shake at the hands of this much-pampered industry."

The depletion allowance, which stood inviolate for more than four decades, has allowed an oil or gas company to deduct 27.5 per cent of its gross income from its taxable income, providing the deduction does not exceed 50 per cent of taxable income. With lesser depletion percentages provided for almost 100 other mineral products, depletion has cost the Treasury about $1.3-billion a year in lost revenues—a sum comparable to the "inflationary" spending increments that President Nixon cited as the reason for vetoing the Labor-H.E.W. appropriations bill for fiscal 1970. Special provisions in the tax laws also permit oil and gas producers to deduct many of their intangible costs for exploration, drilling and development, including offshore drilling and production in many foreign countries. And oil companies are allowed to deduct against their United States taxes most of the royalties they pay to foreign powers—an arrangement cloaked in the convenient fiction that such royalty payments are "taxes."

The result of these privileges, according to Treasury Department calculations, is that oil and gas companies save in taxes 19 times their original investment for the average well. In 1968, American oil companies paid less than 8 per cent of their income in taxes, compared with more than 40 per cent for all corporations.

Clearly, the tax laws have played an important part in making the oil industry the formidable economic and political force it is. The industry's annual sales total more than $60-billion. Among the 2,250 largest American companies surveyed last April by the Economic Newsletter of the First National City Bank of New York, the 99 oil companies alone accounted for more than 25 per cent of the total profits. The industry's average profit of 9 per cent (based on net sales) is about double the average for all manufacturing companies; only one other industry—drugs—maintains a higher profit level. The 20 largest oil companies amassed profits of $8.1-billion in 1968 and paid 7.7 per cent of the net in taxes, according to U.S. Oil Week, an independent oil-marketing publication. Thanks to the generosity of the tax laws, one oil company—Atlantic-Richfield—avoided all Federal tax payments from 1964 to 1967, and actually managed to accumulate a Federal tax credit of $629,000 while earning profits of $465-million. Atlantic-Richfield's case is not unique.

A tax structure that lends itself to such egregious inequity is obviously worth defending. In Washington (and at state capitals across the country) the industry's interests are served by a costly and complex but closely coordinated lobbying apparatus. Among its principal components are these groups:

The American Petroleum Institute, whose membership roster of 400 companies and 8,000 individuals represents about 85 per cent of the total production, refining and marketing volume in the oil and gas industry. Despite its broad membership, A.P.I. is regarded as primarily the spokesman for the "Big Seven"—Standard Oil of New Jersey, Mobil, Shell, Standard Oil of Indiana, Texaco, Gulf and Standard Oil of California. Among these, Standard of New Jersey is the dominant force.

The institute's annual budget is a closely

guarded secret, and its quarterly reports to the clerk of the House of Representatives on lobbying expenditures are incredibly modest—a total of $39,119 for 1968. Industry sources report that the institute spends between $5-million and $10-million a year, much of it for "research." It has a staff of more than 250 at offices in New York, Washington, Los Angeles and Dallas.

The chief A.P.I. lobbyist is former Congressman Ikard, who represented Wichita Falls, Tex., from 1952 to 1961 and was a protégé of the late Speaker Rayburn. When he resigned from the House to join the institute—a move that he said was "a question of economics"—Ikard was praised by Lyndon Johnson, then Vice President, as "a heavy thinker and a heavy doer." Under his direction, says a Congressional source, the institute has been "a pace and precedent setter . . . vigorously seeking to adapt its positions and attitudes to the wave of the future."

The Independent Petroleum Association of America, with some 5,000 members representing about 60 per cent of the independent oil producers. Its "experts"—a professional staff of six operating out of an impressive Washington office suite—were highly visible among the oil men who flitted in and out of the back door to the Senate Finance Committee's offices while the committee, in sessions closed to the public, considered the oil provisions of the Tax Reform Act. The immediate past president of the association, Harold M. McClure, the Republican National Committeeman from Michigan, has acknowledged making "personal" campaign contributions totaling $90,000 in 1968. He recently testified before a Federal grand jury investigating allegations of political bribery.

The same Congressional source who admires the A.P.I. for its flexibility describes the Independent Petroleum Association as "sticking to the traditional line that the existing state of oil privileges is essential to the national defense and must remain sacrosanct."

The National Petroleum Refiners Association, composed of domestic refining companies and representing about 90 per cent of the refinery production in the United States. Donald O'Hara, the association's executive vice president, was formerly a registered lobbyist for the Petroleum Institute, with which he maintains close liaison.

The Independent Natural Gas Association of America, representing major pipeline companies. Its executive director is a former Texas Representative, Walter E. Rogers. He served in Congress as Chairman of the House Subcommittee on Communications and Power, which handles gas-pipeline legislation. He gave up his Congerssional seat in 1966 and registered as a lobbyist in 1967 to represent 12 pipeline companies in a vigorous—and successful—effort to water down a pending bill that would have established strict Federal safety standards for the nation's 800,000 miles of gas pipelines.

A formidable array of regional and state groups—among them the Mid-Continent Oil and Gas Association, the Western Oil and Gas Association, the Texas Independent Producers and Royalty Owners Association and the Kansas Independent Oil and Gas Association—augments the national contingent. Executives of these organizations are frequent visitors to Washington, and they can draw on the talents of the capital's most prestigious law firms for missions of special delicacy. Individual companies also mount their own lobbying efforts; John Knodell, a genial and knowledgeable lawyer who worked the Congressional beat until recently for Humble Oil, was credited with establishing a new beachhead for the industry in the last year or two by opening lines of communication with liberal members of the House and Senate. He is now assigned to Humble's legal department in Houston.

By pooling their efforts, the companies are able to marshal formidable forces. In the carefully orchestrated campaign against reducing the depletion rate, for instance, one concern urged all its stockholders to write to members of Congress; another focused on mobilizing its retired employes; a third concentrated on service-station operations; a fourth sent brochures to its credit-card holders. The companies claimed all these efforts as deductible business expenses, but the Internal Revenue Service is, at the request of Senator William Proxmire of Wisconsin, examining those claims.

Instances of disarray in the ranks of oil are relatively rare—and when they occur, the dominant companies usually manage to muffle the dissenters. Last year, the small independent producers in the Kansas Independent Oil and Gas Association broke ranks to support a proposal by Senator Proxmire that would have instituted a system of scaled depletion allowances—a plan emphatically resisted by the majors. The Kansas oilmen were unable to persuade even their own state's Senators to support the Proxmire plan. When two executives of the Kansas group flew to Washington to enlist one Senator's assistance, he kept them waiting in an outer office while a representative of Standard Oil of Indiana delivered the pitch for retaining full depletion. "The local boys just don't understand the situation," the Senator later said.

Depletion and tax preferences are hardly the only—or even the most significant—prerequisites the industry is eager to protect. In fact, some Congressional critics suspect that the oilmen were not entirely displeased when Congress voted to reduce the depletion allowance, since they hope that this action will ease the pressures against other oil privileges now under attack.

Chief among such privileges is the import-quota system—the topic the four Governors took to the White House on Nov. 7. Their meeting took place in the office of Peter Flanigan, a Presidential assistant who has special responsibility for financial affairs and who serves as the President's staff expert on oil. The Governors present, representing the Interstate Oil Compact Commission,[1] were Preston Smith of Texas, Robert B. Docking of Kansas, Stanley K. Hathaway of Wyoming and Richard B. Ogilvie of Illinois; they brought with them telegrams of support from the chief executives of 13 other states. Among the Administration officials assembled to hear the Governors' views were Secretary of Labor George P. Shultz, who heads President Nixon's Task Force on Oil Import Control, and several key members of the task force—Secretary of the Treasury David M. Kennedy, Secretary of the Interior Walter J. Hickel and Secretary of Commerce, Maurice H. Stans.

"This meeting," Senator Proxmire told the Senate on Nov. 17, "was clearly the result of a planned campaign of pressure by the oil industry through the Interstate Oil Compact Commission. Even a cursory examination of the telegrams from the Governors who could not attend the meeting shows they are almost all in identical language. . . .

"The pressure on the Governors must have been fierce. The most interesting example of this is a telegram sent [by the State Commissioner of Conservation and Natural Resources] on behalf of Gov. Nelson Rockefeller of New York. The telegram assures the White House that Governor Rockefeller supports oil-import quotas, though Mayor Lindsay has shown that the quotas cost New York City consumers a minimum of $95-million a year in increased prices and that the cost might go as high, just for New York City, as a quarter of a billion dollars."

Whether Governor Rockefeller was, in fact, subjected to "fierce pressure" is problematic; as a member of a family that founded its fortune on Standard Oil, he is presumably not entirely unsympathetic to the industry's point of view. But Senator Proxmire's reference to a "planned campaign of pressure" in behalf of the import-quota system was no exaggeraiton.

About the time the oil-state Governors were meeting at the White House with members of the President's task force, Michael L. Haider, the retired chairman of Standard Oil Company (New Jersey) and retiring chairman of the American Petroleum Institute, had a private audience with President Nixon. He emerged, according to the industry's trade journal, The Oil Daily, "feeling more optimistic about the handling of petroleum-industry problems in Washington." After a "very good conversation" with the President, the report said, Haider "believes Nixon has a good grasp of the problems surrounding oil-import controls and is more confident that the outcome will be favorable."

In the same interview, Haider offered a glimpse of the relative equanimity with which the industry viewed the reduction in the depletion allowance. "Of course we can live with the new taxes," he said. "We obviously aren't going out of business." The Petroleum Institute has estimated that the Tax Reform Act will cost the industry $550-million to $600-million a year.

The import-quota system, on the other hand, has been estimated by reputable economists to be worth between $5.2-billion and $7.2-billion a year. Using the more conservative projection of the quota system's cost, experts have calculated that the average family of four in New York State pays an excess of $102.32 a year for gasoline and heating oil. In Vermont, a family of four pays an additional $195.92. The comparable figure for Wyoming is $258.

President Eisenhower established the oil-import-quota system on March 10, 1959, as a "national security" measure designed to reduce American reliance on foreign petroleum production. In taking this step, Sherman Adams recalls in his memoirs of the Eisenhower Administration, "the President had to go against the principles that he had fought for in his foreign-trade policy." According to Adams, the departure was made necessary by "the unpredictable human factor . . . the men who headed two large oil-importing companies that refused to join in voluntary restraints and to heed the warning of the Government of what would happen if they failed to do so. Oil was coming into the United States from foreign fields at such a rate that the American oil-producing centers were being forced into desperate straits." Adams, who served as "deputy President" in the early Eisenhower years, candidly dismisses the notion that the national security was at stake: "The imposing of import quotas on oil was primarily an economic decision brought about by an economic emergency, but the action . . . was based upon security considerations in accordance with the law."

The quota system restricts the entry of cheap foreign crude oil to 12.2 per cent of domestic production in states east of the Rockies. (The quota does not apply in the Western states because even a maximum rate of domestic production there cannot meet the demand.) The system operates in tandem with state laws that closely regulate month-to-month oil production on the basis of demand estimates furnished by the major producers. The effect is to assure domestic companies of a demand for all production, and to push up the cost to American consumers. A barrel of Middle Eastern oil can be

[1] The Interstate Oil Compact Commission is supposedly charged with one responsibility, conserving oil and gas within the continental United States. In theory it has nothing to do with the oil-import program, but it has engaged in heavy lobbying for retention of the quota system.

landed in New York harbor for about $1.50 less than a barrel of domestic oil of the same quality.

"Import quotas have been instituted in order to insulate the domestic oil market from the challenge of foreign competition," Prof. Walter J. Mead, an economist at the University of California at Santa Barbara, told the Senate Antitrust and Monopoly Subcommitee last spring. "Given this barrier of free entry into the United States market, the price of crude oil in the United States is approximately double the free-market world pride." During the first half of 1968, Professor Mead said, Japan paid an average of $1.42 a barrel for Middle Eastern crude oil. The American price for a similar grade of crude was $3 a barrel.

A Department of the Interior study made public on Jan. 16, 1969—and challenged by some economists as too conservative—found that the removal of import quotas would cause a 95-cent-a-barrel decline in the price of crude oil east of the Rockies. John M. Blair, the Senate subcommittee's chief economist, estimates that the quotas "have cost the American public $40-billion to $70-billion in the last 10 years."

Among the quota system's bizarre by-products is a complex of exceptions and evasions designed to suit the oil industry. In the interests of "national security," for example, Canadian oil imports, which can be shipped overland to the United States, are curtailed, while no limitation is placed on tanker shipments from Texas and Louisiana. Senator Russell Long of Louisiana, who has inherited Senator Kerr's mantle as the Capitol's chief spokesman for oil, once defended the Canadian restriction by invoking the likelihood of war between the United States and its neighbor to the north.

Another odd and costly arrangement exacts about $14-million a year from Hawaiian consumers because oil shipped to their state from Indonesia and Venezuela is refined in Hawaii, but priced as though it had been refined from more expensive domestic crude on the West Coast, then shipped to Hawaii in American vessels, which traditionally collect a top dollar for their services. "It seems hard to understand," said Prof. Morris A. Adelman, an M.I.T. economist, during the Senate hearings last spring. "If I looked into it, maybe I would find it even harder to understand."

Consumers and their Congressional spokesmen, however—no matter how loud their complaints against the quota system—can claim only modest credit for the current assault. The Presidential task force whose work has worried the industry and preoccupied its lobbyists in recent months came into being as a result of competitive pressures among the companies themselves, which prompted some major producers to seek special Federal benefits under the quota system. The first important breach in the system came when the Johnson Administration granted quotas to a Phillips Petroleum refinery in Puerto Rico and a Hess Oil refinery in the Virgin Islands. Then Occidental Petroleum, a relatively small but aggressive company, discovered vast oil pools in Libya and decided to seek increased access to the restricted American market by requesting a 100,000-barrel-a-day quota for a refinery to be built in a proposed foreign-trade zone at Machiasport, Me. To New Englanders, Occidental promised a reduction of at least 10 per cent in the swollen cost of home heating oil. To the major producers, however, Occidental's request raised the threat of a series of "Machiasports" around the country, dissolution of the import-quota system and substantial reductions in profits.

Confronted with strong and conflicting pressures, the Johnson Administration fumbled indecisively with the Machiasport application during its last year in office, then passed the problem on to its successor. On Feb. 5, 1969, Chairman Haider and President Ikard of the American Petroleum Institute proposed to Dr. Arthur F. Burns, the President's principal economic adviser, that a Presidential task force be appointed to review the quota system. Their intent, it seems clear, was to block the Machiasport project, but surprisingly the task force took on some aspects of a runaway grand jury. The industry has not recovered from the shock.

In a forceful submission to the task force, the Antitrust Division of the Department of Justice challenged the major rationale for the quota system, arguing that "the import quotas themselves do nothing to preserve this nation's domestic oil reserves. Reserve productive capacity is maintained, if at all, by state regulatory action aimed primarily at other objectives, such as conservation. The resulting hodgepodge of Federal and state regulation seems ill-adapted for achievement of a coherent program designed to provide this country with sufficient emergency oil reserves." The import program, the Antitrust Division also noted, "is a keystone in preserving a dual price system as between the United States and the rest of the free world. By insulating the domestic market from he competitive pressures of world oil prices, the program intensifies the effects of the existing lack of competitive vigor in various domestic oil markets."

Under the direction of Prof. Phillip Areeda, a Harvard economist, the task-force staff compiled what is generally regarded as a full-fair and thorough record (although some industry sources passed the word that the staff was dominated by a most dangerous element—"theoretical economists"). In assembling detailed position papers and rebuttals, the staff shunned *ex parte* contacts with the ubiquitous oil lobbyists and withstood formidable pressures, including a telegram from Representative Wilbur Mills of Arkansas, the Chairman of the powerful House Ways and Means Committee, who warned Professor Areeda against "tinkering with the matter of oil imports."

In its final report, the task-force staff found that the quota system has serious disadvantages, including "the hazards of fallible judgment, combined with the ever-present risks of corruption." These factors, the staff concluded, "counsel strongly in favor of getting the Government out of the allocation business as rapidly and as completely as possible." The staff recommended scrapping quotas in favor of a preferential tariff system for oil that would produce about $700-million a year in new Federal revenues and reduce prices by about 30 cents a barrel—a quarter to a third of the price reduction that might be realized by the total elimination of oil-import controls. Under a probable tariff schedule consumers might save a cent or two on a gallon of gasoline and about a cent on a gallon of heating oil.

Such a reduction would have a measurable counterinflationary effect. According to Paul W. McCracken, the chairman of President Nixon's Council of Economic Advisers, "with annual consumption on the order of 80 billion gallons, a 2-cent cut at retail would translate into a reduction of about $1.6-billion in the total national bill for gasoline. Such a cut would be equivalent to a reduction of approximately 6 per cent in the average retail price."

The task force held its last full meeting in December, and a majority—five of the seven members, led by Secretary of Labor Shultz—was prepared to accept the staff's conclusions. The two dissenters were Secretary of the Interior Hickel and Secretary of Commerce Stans, who insisted, in what several participants have described as an angry confrontation, on retention of the quota system.

Present for the first time at a meeting of the task force was Attorney General John N. Mitchell, who emphatically told Secretary Shultz, "Don't box the President in." Some of those present interpreted the remarks as a Presidential request for the retention of quotas. Following Mitchell's appeal, the task force tempered its recommendations, though it reached the basic conclusion that quotas should be scrapped in favor of a tariff schedule.

The broad conclusions of the task-force report leaked out long before it was officially made public, and the oil industry lost no time in stepping up its efforts to win friends and influence people. For many weeks it bombarded Congress and the White House with demands that the quota system be retained.

A retired oil executive who maintains close contact with the industry reported in a confidential memorandum early in February that representatives of the Independent Petroleum Association had made "quite an impression" in a meeting with Flanigan and Bryce Harlow, another Presidential aide. The memo continued: "Theme was—oil revenues are key to the prosperity and state budgets, such as schools (over 90 per cent in Louisiana), of the oil-producing states. Stall any decision until after the election and in this way the Republican party can capture the Senate. This policy will assure Republican Senators' election in questionable states of Alaska, California, Wyoming, New Mexico and Texas. Harlow assured the group that the President is well aware of all the facts and will act to the best interests of the country."

Even more reassuring to the industry was a report published Feb. 6 by Platt's Oilgram News Service, an "inside" newsletter for the industry, based on an interview with a "high Administration official known to be opposed" to the task-force majority's tariff recommendation. The official, whom industry sources identify as Interior Secretary Hickel, said he was convinced that the Administration would not permit "anything drastic" to happen to oil imports.

Secretary Hickel's prediction proved accurate. When the 400-page task-force report, with its recommendation that the quota system be abolished, was released by the White House on Feb. 20, it was accompanied by a Presidential announcement that no "major" change would be ordered now.

The President thanked the task-force members and staff for their "devoted and discerning effort," then announced the formation of a new Oil Policy Committee to conduct further studies. The only task-force member missing from the new group is Secretary Shultz, the original body's most vigorous critic of the quota system. He was replaced by Attorney General Marshall, who presumably will see to it that the President is not boxed in.

Understandably, the Petroleum Institute thought the President's action was "encouraging," while the Independent Petroleum Association declared that the move should "reassure consumers as to future supplies of both oil and natural gas at reasonable prices."

Meanwhile, the industry is reappraising its pressure tactics, assessing its past mistake and preparing for such future battles as the developing national crusade against automotive pollution. Former Congressman Ikard predicts "a pretty substantial change" in the industry's expensive image-building program. "We aren't dedicated to anything we are doing simply because we have been doing it," he says. An industry committee headed by Howard Hardesty, senior vice president of Continental Oil, has been conducting an intensive study of oil's public-relations efforts.

In a speech last fall that attracted sympathetic attention in the industry—it was reprinted in full in The Oil Daily—Michael T. Halbouty, a Houston oil producer, engi-

neer, banker and former president of the American Association of Petroleum Geologists, complained that the industry's trade associations had "simply failed to inform and educate the public properly."

"Frankly," Halbouty said, "all of us took it for granted that our little red house would never be blown down by those howling wolves. So we find ourselves behind the eight ball. We now see depletion being hammered down. We see serious attacks being made on other incentives. The mandatory import program is in trouble. . . . The shortcoming in our own case has been a lack of communication with the people who really count in this country—the people who vote.

"We have done little to tell the history of oil and gas or the industry or the men who have made it. We have said little about how this industry ignited and sustained the age of liquid fuel and thereby helped lift the shackles of toil from labor. . . . We simply haven't put this information out properly, without wrapping it in a package which had the sign 'support depletion' on the outside. The people would automatically support depletion if they knew what our industry means to them."

From a Washington perspective, Halbouty's apprehensions seem overblown, or at least premature. While the industry's critics are increasingly outspoken and have tasted a few small victories, they have also been subjected to large defeats. Though some of oil's most stalwart champions have been removed by the process of attrition, others remain, steadfast and loyal, in Congress and in the executive branch. Despite a few cracks in the solid front the industry was long able to maintain in its lobbying effort, it remains a potent force in the capital.

When the American Petroleum Institute convened in Houston in November, Administration officials on hand to deliver speeches included Treasury Secretary Kennedy, Interior Under Secretary Russell E. Train and John N. Nassikas, the new chairman of the Federal Power Commission. A few days later Interior Secretary Hickel, whose department has broad jurisdiction over matters of importance to the oil industry, was in Houston to inspect offshore drilling rigs and hold private conversations with industry leaders.

Hickel, the former Governor of Alaska whose intimate ties to oil were the subject of stormy confirmation hearings when he was named to the Cabinet, seemed for a time to fall short of the industry's glowing expectations. Mindful of his vulnerability to conflict-of-interest allegations, he appeared determined to stress his independence of the industry. When an offshore oil blowout in the Santa Barbara channel became a national pollution scandal, the Secretary issued relatively stringent controls on drilling procedures, and oilmen complained of official "overkill." Such industry complaints are no longer heard in Washington, however, and Mr. Hickel seems to have dropped his guard. It was reported recently that an Alaska investment firm owned by the Secretary and his wife and managed by his brother, Vernon, had received a $1-billion contract to build an addition to the building in which Atlantic-Richfield maintains its Anchorage headquarters.

President Nixon, too, was well acquainted with leading oil producers long before Michael Haider paid his cordial call at the White House in November. California oilmen were prominent contributors to the Nixon personal-expense fund that erupted into headlines during the 1952 Presidential campaign. In Congress, Mr. Nixon was a reliable supporter of such oil measures as the tidelands bill, which divested the Federal Government of the offshore petroleum reserves. As Vice President Nixon worked closely with Senate Majority Leader Lyndon Johnson in 1956 to block a sweeping inquiry into disclosures by the late Senator Francis Case of South Dakota that he had been offered a $2,500 bribe for his vote in behalf of a bill to exempt natural-gas producers from Federal regulation. The law firm with which Nixon was associated before his 1968 candidacy had its share of oil clients, and oilmen—including president Robert O. Anderson of rapidly growing Atlantic-Richfield—ranked high among contributors to Nixon's Presidential campaign.

No one knows precisely—or even approximately—how much money oil pours into politics through experts on campaign financing agree that the industry outspends all others. Official reporting requirements, which divulge only the tip of the iceberg, indicate that executives of oil companies and trade associations can be counted on for hundreds of thousands of dollars in contributions during Presidential campaigns—the bulk of it (except in 1964) to Republican candidates. The role of oil money in House and Senate campaigns is even more obscure, although occasional disclosures such as the 1956 charge of a bribe attempt and the more recent investigations of former Senate Majority Secretary Robert G. Baker indicate that money is easily—and bipartisanly—available to legislators who can be counted on to vote the industry's way. Baker, whose Senate mentors were Robert Kerr of Oklahoma and Lyndon Johnson of Texas, served as both collector and distributor of oil contributions funneled through the Democratic Senatorial Campaign Committee in the late nineteen-fifties and early sixties.

Periodic disclosures of political bribery, which have a remarkably transitory effect on public opinion and political morality, are probably less significant than the day-in, day-out "legitimate" relations between Congress and the powerful oil industry. As Robert Engler observed in "The politics of Oil," a classic study: "The spotlight here belongs more on lawmakers and respectable men with bulging brown briefcases entering the portals of government than on lawmakers and furtive men with little black bags using side entrances of hotels. Government policy on oil has increasingly become indistinguishable from the private policies of oil. . . ."

For some lawmakers, of course, the wheel of self-interest need not be oiled, even by political contributions. The late Senator Kerr who held a ranking position on the Finance Committee in the nineteen-fifties and early sixties and was always available to the oil industry, was simply advancing his own cause as a substantial shareholder in Kerr-McGee Oil Industries, Inc. "Why, hell," he said, "if everyone abstained from voting on grounds of personal interest, I doubt if you could get a quorum in the United States Senate on any subject."

Senator Long, who now presides over the Finance Committee and the loyal oil contingent on Capitol Hill, shares his illustrious predecessor's view. "Most of my income is from oil and gas," he says. "I don't regard it as any conflict of interest. My state produces more oil and gas per acre than any state in the Union. If I didn't represent the oil and gas industry, I wouldn't represent the state of Louisiana."

According to records of the Louisiana Mineral Board, Senator Long has received income of $1,196,915 since 1964 from his interests in four state oil and gas leases, and almost $330,000 of that income has been exempt from Federal income taxes because of the oil-depletion allowance. The Senator is also a trustee of family trusts that have collected $961,443 from holdings in state leases since 1964; and he has an interest in at least seven private leases whose royalty reports are not available for public scrutiny.

Few of his colleagues can match Senator Long's oil holdings, but many share his solicitous concern for the industry's welfare. Among those on whom the oil moguls can generally count for unstinting support are Senators John G. Tower of Texas, Gordon Allott of Colorado, Clifford P. Hansen of Wyoming, Henry L. Bellmon of Oklahoma, Roman L. Hruska of Nebraska, Robert J. Dole of Kansas, Peter H. Dominick of Colorado, Allen J. Ellender of Louisiana, Theodore F. Stevens of Alaska, George Murphy of California and Karl E. Mundt of South Dakota.

Most—but not all—of oil's fast friends in the Senate are stanch conservatives. Nonetheless, such liberal heroes as J. William Fulbright of Arkansas and Eugene J. McCarthy of Minnesota can usually be counted on to see oil's side. When a crucial vote on depletion came up in the Senate Finance Committee last fall and resulted in an eight-to-eight tie, Senator McCarthy, a member of the committee, was in a New York restaurant autographing copies of his book on the 1968 campaign, which includes a stern rebuttal of charges that he has favored the oil interests.

McCarthy, who voted consistently against oil privileges during most of his first Senate term, cast his first vote in favor of depletion in 1964 and has generally favored the industry's positions since. There were published reports in 1968 that he had raised about $40,000 for his Presidential campaign in one day at the Petroleum Club in Houston.

Senator Fulbright's unswerving loyalty to his state's oil and gas interests is perhaps more understandable, but he has occasionally carried it beyond mere routine support. When Senator Case of South Dakota disclosed the attempt to buy votes for the 1956 natural-gas bill, Fulbright accused him of being "irresponsible"; to jeopardize passage of the bill was "inexcusable," Fulbright explained.

In the House, the Ways and Means Committee, which writes the nation's tax laws, still has the essential make-up decreed for it by the late Speaker Rayburn, whose policy was to interview all candidates for assignment to the committee on issues relating to oil. (Former President Johnson exercised the same kind of control over the Senate Finance Committee in his days as Majority Leader.) Among those who passed Mr. Rayburn's test was former Congressman Ikard, who now serves as the industry's lobbyist in chief. With rare exception, the full House delegations from Texas, Oklahoma and Louisiana serve as the hard core of the oil bloc.

Those legislators who are not irrevocably committed to oil's interests can count on frequent, cordial contacts with the army of lobbyists the industry maintains in the capital. One aide to a Senator who is active in legislative matters affecting oil reports that he received about 20 calls and several visits a day from industry spokesmen. Written communication is rare.

And the oil lobbyists are doing more than socializing during those visits on Capitol Hill. As soon as the thrust of the task-force report on import quotas became clear, they moved decisively to protect the quota system. Already scheduled are two Congressional committee inquires designed to attack the task force's recommendations. In the House, the Interior Subcommittee on Mines and Mining plans an investigation of the "national security aspects" of the quota system under the direction of Representative Ed Edmondson of Oklahoma. "He is a Congressman representing an oil-producing and refining state," one of Edmondson's aides explains. "He feels the smaller independent operator gets squeezed first in this kind of issue." In the Senate, a planned investigation will, from the industry's point of view, be in equally reliable hands—those of Senator Long.

In his announcement that he would not immediately implement the task-force report, President Nixon said he expected that such Congressional hearings would produce "much additional valuable information."

As they make their cordial way through

the corridors of the Capitol, the oil lobbyists complain that things just haven't been going right lately. Some predict the most drastic consequences—not just for the industry but for the nation—if the quota system is scrapped.

But they don't really look very worried. The well is not about to run dry.

UNCOMMON COMMONSENSE

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, many have expressed agreement with the stated views of the Vice President of the United States, who has repeatedly pinpointed biased or unbalanced reporting in some of the Nation's major news outlets. Recently, the Vice President suggested that "kooks, misfits, and bizarre extremists" should no longer be allowed to dominate entirely the front pages and the television screens.

The highly indignant, defensive reaction of some major news outlets was to be expected. However, I was pleased to see a recently published editorial in the weekly Dousman Index, a newspaper in the Ninth Congressional District of Wisconsin. Editor Jeanne Hill's reaction to the Vice President's statements is:

Perhaps it is time for the ivory tower journalists to ask themselves why the citizens agree with his remarks.

Her complete editorial follows:

COMMONSENSE IS NOT A COMMON THING

Vice-President Spiro Agnew is much admired by the media-dubbed Silent Majority. He talks sense, and sense is something modern day journalists seem to take pride in "putting down."

The Vice-President of our country is a plain spoken man . . . something the common folk (which most of us Americans are) find admirable.

Some of the large and small daily newspapers—and even a rare weekly newspaper—find Vice-President Agnew's spoken words a bit hard to take. His latest message is: "Kooks, misfits and bizarre extremists should be excluded from the front pages of the press and from television screens as part one of a figurative march back to normalcy."

The dailies in much of the United States find such talk reprehensible.

Freedom of the press is a wonderful part of our United States; however, some of us are perturbed by the "kooks, misfits and bizarre extremist" threats to take over our free government.

Apparently Vice-President Agnew shares these misgivings. He does not ask the press and television to use good judgment in its news, because such a request from him would bring accusations of "trying to control the press."

But the press of the United States—and television managers—would do well to take notice that the majority of the U.S. citizens agree with the Vice-President of the United States. Maybe it is time for the ivory tower journalists to ask themselves why the citizens agree with his remarks. Common sense citizens realize that Vice-President Agnew is in a position to see a threat to every freedom in our country, not just the loss of freedom of the press. This is why he speaks so forthrightly.

His words may not be soft and pliable to a liberal journalist's ears—but neither is the commands of a communist government.

THE CONSTANCY OF MRS. MINK MAKES US FACE UP TO THE REALITIES OF THE WAR IN VIETNAM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. MIKVA. Mr. Speaker, we must overcome the temptation to despair about the pace of American disengagement from Vietnam. Desperation only promotes inaction. The time for American withdrawal has passed, and thus the time for political action to free us from the Vietnam quagmire is at hand.

At the present rate of withdrawal, we might well find ourselves fighting for 4 more years. Even then, the Secretary of Defense has indicated that a residual force of unspecified numbers would remain in Vietnam.

The madness of such a plan—Vietnamization—is plain to anyone willing to look at the realities of the situation. The cost of the war in terms of human suffering is almost incalculable. The drain on American resources similarly baffles the imagination—especially when our domestic needs cry out with such urgent pleas. The Vietnam war is a case of misplaced priorities at home, which has led to diminished respect abroad.

Continuing the madness in the cloak of Vietnamization can only exacerbate an already intolerable state of affairs. I am encouraged by those who have relentlessly sought to change this situation for the better. Among the longtime advocates of peace in Vietnam is our distinguished colleague, the gentlewoman from Hawaii (Mrs. MINK).

In spite of mounting frustration about prolonged American involvement, she continues to call for a cease-fire and rapid withdrawal of troops. For this I commend her and, in turn, commend to my colleagues the Congresswoman's remarks on Vietnam, as presented in a timely speech before the International Longshoremen's and Warehousemen's Union.

The text of the speech follows:

SPEECH BY REPRESENTATIVE PATSY T. MINK

I once saw a slogan posted on a car driven by someone who was obviously under 30. The slogan said, "If you aren't part of the solution, you're part of the problem."

People who don't actively take part in helping to solve our nation's problems are partly to blame for our inability to solve them. Usually it takes effort by a great many people to get anything done, and if everybody sat back nothing would ever be accomplished.

I was asked to talk today about Vietnam. This is a good illustration of the need to get people involved. As long as we ignore the Vietnam war, and as long as the vast majority of our people seem complacent about it, the war will continue.

I have long opposed this war. In 1966 I urged President Johnson to propose a cease-fire. I did so again in 1967, 1968, and with President Nixon, in 1969, and in 1970.

In talking about Vietnam I do not want to dwell on past history. Nearly all Americans are now agreed that we should not have become involved in the first place. The question is how do we end our involvement and restore Peace.

President Nixon said back in 1968 that he had a secret plan for ending the war. He has since announced three reductions of our troops totalling 110,000 men.

I think it is necessary for all of us as citizens to personally examine these policies to see whether they are directed toward Peace or only to a de-escalating stalemate. Peace is the goal and objective that must form our highest commitment. The question we must ask is, Will the President's policy achieve that goal? If not, we must seek something better.

Throughout my Congressional service, I have sought ways to end the war in Vietnam. I consistently urged President Johnson to take those steps which I believed could lead to peace in Vietnam, and now in examining the record of President Nixon I am pursing the same course.

Let us look at what has happened. When General Eisenhower left the White House in January, 1961, we had 685 military advisers in Vietnam and no combat troops. On the day President Kennedy was assassinated, we had 16,120 military advisers there and still no combat troops.

Subsequently, there was an immense build up of our forces in Vietnam. When President Nixon became President more than a year ago, there were well over 500,000 American troops in Vietnam.

By the end of the year, the President announced a reduction of that troop level by 60,000 men. Subsequently, he announced plans to withdraw 50,000 more.

If it takes a year to reduce the troop level from 535,000 to 425,000 men, then projecting that rate of withdrawal over the period ahead we can see that it would take the United States about four more years to get completely out of Vietnam.

But the President's plan does not involve complete withdrawal. Instead it is based upon the continued presence of a large force of American "support" personnel in Vietnam on a semi-permanent basis. It is reported that as many as 200,000 men would be kept in Vietnam in a supporting or non-combat role after the withdrawal of our combat troops. Their presence could be extended indefinitely, just as we have maintained a large "peacekeeping" force in South Korea for twenty years.

Our nation is tired of this war, and so are the South Vietnamese. Our large-scale involvement has lasted 4½ years, longer than any war in which we have engaged. Since the adoption of the Gulf of Tonkin resolution, more than 2,500,000 American combat soldiers, marines, airmen, and sailors have participated in this undeclared war. More than 47,000 young Americans have been killed in combat; 9,000 others of our armed services have been killed in accidents. Of course all of these men would be alive today except for the war.

More than 265,000 of our young men have been wounded, many horribly maimed or disfigured for life, and another 1,483 are missing—either killed or prisoners of war. This is the horrible toll of the war in human misery counting just our own forces. The toll would be even worse except for the fact that more than 20,000 of our wounded have been saved by almost immediate helicopter evacuation and superior medical attention that was not available in past wars.

In monetary and social terms, the cost has been equally high. We have spent $100 billion on the Vietnam war and the fiscal 1971 budget is still $22 billion despite the with-

drawal of 110,000 men. This is $22 billion a year that could otherwise go toward meeting the desperate needs of our people at home. We can count the list of social consequences—spiraling inflation, soaring interest rates and higher taxes, cutbacks in essential programs affecting human welfare and social justice.

Our urban development, education, air and water anti-pollution efforts, and other vital programs in health and social reform have been tragically neglected. All of these costs are the price we have paid and continue to pay for the Vietnam war.

This is not to mention the price in international good-will we have paid. Nor does it include the 300,000 Vietnamese civilians who have been killed over the course of the war. Nor does it include the 40 to 50,000 of our children who have left America, because of this war and are now living in exile. Nor does it count the future social consequence of our training 2,500,000 of our finest young men how to kill, brutalizing and compounding the tragedy of war with incidents like My Lai. It will be many years before we can measure the full impact of this war on our society. It could well be said that our teenagers have taken to dope to calm their anxieties over death on the battlefield in a war that is without glory and is everywhere regarded as a mistake!

By announcing troop reductions the President has reduced the public discussion of the Vietnam war. Senator Goodell says Mr. Nixon has "cosmetized" the war by putting a better face on it, without changing the realities of life and death for those involved. It should be obvious that the President's withdrawal actions do not offer any real solution to the war. In fact if enemy activity increases our withdrawal will stop. What are we doing to try to bring the war to an end? Have we taken new initiatives in Paris? President Nixon's policy simply envisions the South Vietnamese Army taking over and continuing the fighting until a military victory is achieved. The whole policy is designed to keep the war going. And we to continue as an accessory with a minimum of 200,000 men.

This is not a policy for peace. It means keeping a residual force of hundreds of thousands of our men there, and spending billions of dollars for the hardware and supplies that South Vietnam will need.

It represents an abandonment of our efforts for a negotiated settlement. We have pulled out our top negotiators from Paris, giving up all that the previous Administration gained by getting the talks underway through the unilateral cessation of bombing. And now the North Vietnamese are widening our war to Laos. Our B52's are bombing Laos daily.

If anything should be 'crystal clear' after our years of effort and suffering in Vietnam, it is that a military solution is not a satisfactory goal. If the South Vietnamese Army was unable to win with the direct help of 550,000 American troops, how can it possibly do so when this is cut in half? The simple arithmetic does not add up to a logical solution. Most of the South Vietnamese have little interest in fighting their own countrymen. It is clear that the villagers have not completely supported our efforts, for if they had, we could have 'pacified' the countryside long ago

The South Vietnamese Army has never been able to make much progress in this kind of situation. By giving them arms and support, we will only continue the killing. When a people are as divided as they are in South Vietnam, the only way to achieve peace is through political efforts. Unfortunately, President Nixon's "Vietnamization" of the war continues to rely on a military solution and thus stands in the way of peace.

The single thing blocking peaceful negotiations is our presence on Vietnamese soil. This was brought out last year in the ten points for negotiation listed by the North Vietnamese representatives at the Paris Peace Talks which we have all but abandoned. One point was the withdrawal of all our troops and bases from Vietnam. Until we agree to do this, serious negotiation cannot begin.

This is why I think it is desperately essential that we announce a fixed timetable for the complete withdrawal of our troops, a move which Mr. Nixon has rejected. The most recent statements by the North Vietnamese in Paris have made clear that their demand is not that we pull out *before* they will talk terms—but only that we *agree* to be out totally by a definite fixed date.

There is a precedent for taking their word on this matter. At one time they demanded a complete bombing halt before coming to peace talks at all. Yet, President Johnson's mere announcement of a timetable for cessation of the bombing was sufficient to get the Paris talks started. Thus, our biggest breakthrough for peace was achieved by such an announcement of a timetable for action. We can do so again by announcing a timetable for withdrawal, which would open the way for meaningful, realistic negotiations toward a freely elected representative government in Vietnam which both sides have already agreed to in principle.

In our negotiations, of course, one of the terms would be a cease-fire and strong provisions for its enforcement. Each side would be responsible for preventing any act of violence in its area of temporary jurisdiction.

There is no sound basis for believing the North Vietnamese would violate this agreement. Actually, we are in Vietnam ourselves only because we ignored the Geneva agreement of 1954, and refused to support free elections.

The danger that we face under the President's policy as carried out so far is that when the eventual negotiations are resumed, we may be in a much weaker position than we are now. The worst potential result would be the complete collapse of the South Vietnamese Army, requiring the emergency return of our forces in larger numbers.

The slow, token withdrawal of our forces begun by President Nixon has the same hazards as the slow, gradual build up of our forces which brought us to the present problem. Again, the enemy is being given the opportunity to renew and strengthen his forces as we slowly de-escalate. He has no incentive to bargain for peace. For he knows that by simply waiting, his relative strength will increase. He can simply re-equip and train his troops at leisure, waiting for an opportune moment to strike. When sufficient American troops have been withdrawn, he can move swiftly to gain control over cities and large sections of the countryside as was done in the Tet offensive of 1968. Then, with a greatly increased bargaining position, he can announce to the world his willingness to negotiate.

Even more dangerous, the President's actions have left the initiatives on the war entirely in the hands of the other side. In his speech last November, announcing hopes for withdrawals but no timetable, Mr. Nixon said the pace of American withdrawal depends on three factors: progress at the Paris peace talks, developments on the battlefield, and the ability of the South Vietnamese Army to shoulder a larger share of the burden of the war.

Note that each of these factors involves Vietnam—how hard North Vietnam fights, its attitude at the peace talks, and the ability of the South Vietnamese Army. According to Mr. Nixon's prescription, then, the fate of our hundreds of thousands of American servicemen in Vietnam is out of our hands and depends entirely on what somebody else does. I hope you will all join me in urging President Nixon to take the initiative and announce a timetable for the complete pullout of our forces. I honestly believe, as I did when I urged the halt in bombing, that these steps will yield the Peace which we all want so fervently.

President Thieu last October told his National Assembly that his country was prepared to accept the complete removal of American men by the end of December, 1970. I had hoped that President Nixon in his most recent speech on Vietnam, last November 3, would reaffirm President Thieu's statement as our own objective. Yet, as of now, we still lack a specific timetable for withdrawal and the way is open for our involvement to continue through this entire decade of the 1970's.

It is so easy to accept gradual withdrawal on faith and believe that it will eventually all go away. Such are not the realities however. If we could have faced the realities in 1965 we would not have become involved. Let us not be blind to them again in 1970.

OGDEN, UTAH, CHAMBER OF COMMERCE OUTLINES OBJECTIVES

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BURTON of Utah. Mr. Speaker, Richard K. Hemingway, a distinguished banker in Ogden, Utah, is presently serving as president of the Greater Ogden Chamber of Commerce. Recently he outlined to its members a broad and comprehensive program of action for 1970 in which he urged total membership participation. I believe this program may be of interest to other chambers in the country and I submit it, therefore, for their consideration:

PRESIDENT HEMINGWAY SETS OBJECTIVES FOR 1970

President Dick Hemingway, taking the helm in his hands, has set a course of action for the Greater Ogden Chamber of Commerce that will attempt to attain 12 objectives in 1970.

With an eye on industry, government, downtown development, education and community affairs, President Hemingway has spelled out the specifics of his program as follows:

1. Develop a strong cooperative program with the Weber County Industrial Bureau, in an effort to encourage industrial expansion, site locations, and creation of job opportunities in the Greater Ogden area.

2. Continue a close working liaison with our military and government bases, offering community and Chamber support when needed.

3. Actively support and promote our multimillion dollar livestock industry with emphasis on retaining a minimum of its present level.

4. Continue the efforts of our Downtown Development committee, and bring the N.D.P. program to a satisfactory conclusion.

5. To increase Chamber activity in the area of higher education, specifically Weber State College. To offer objective guidance in finance, curriculum, and future planning for all educational systems.

6. Promote Golden Spike Inc., and assist in the establishment of workable guidelines to finance tourist-convention business in the four county areas.

7. Encourage reasonable development and

modernization of the Ogden City Airport. Prepare studies and recommendations.

8. Expand the Small Business Coordination committee to provide assistance through the S.C.O.R.E. program and S.B.A. for small business men who require management and financial guidance

9. Take a positive position in traffic-highway and transportation problems. Create a closer relationship with the Utah State Road commission. Continue to oppose unreasonable tariffs on in-transit freight traffic.

10. Develop a more sophisticated "Plan Room" facility for use of the building and construction trades to insure their participation and opportunity to competitively bid with other communities.

11. To establish closer liaison with our Washington delegation (congressman and senators) in an effort to assure the business community of total representation and to continue our valuable association with State legislators to accomplish with State legislators to accomplish the objectives on a State level.

12. Motivate Chamber members to participate in community, offering counsel, assistance and involvement in county-city government, health, welfare, employment and general well-being of the community.

President Hemingway has repeatedly emphasized the importance of total members participation in attaining the above objectives, and is particularly anxious that all members serve on at least one of the 19 Chamber committees.

CALENDAR OF THE SMITHSONIAN INSTITUTION, MARCH 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of the Smithsonian Institution for the month of March 1970.

Once again the Smithsonian Institution has scheduled outstanding events which I urge my colleagues and the American people to visit.

The calendar follows:

MARCH AT THE SMITHSONIAN

SUNDAY, MARCH 1

Jazz Concert, featuring McCoy Tyner and the Tony Williams Lifetime Experience. National Museum of Natural History Auditorium, 5:00 p.m. Tickets $2.00 may be purchased at the door. Presented by the Smithsonian Division of Performing Arts and the Left Bank Jazz Society. For information call: JO 3-9862 or 581-3109.

WEDNESDAY, MARCH 4

Smithsonian film theatre: *Time of Man.* Man and his world is the subject of a far-ranging film that explains disruptions in the balance of nature brought about by man's technical achievements, adaptations of life to varying environments, and the interrelationships of living organisms. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Dr. Helmut K. Buechner, Senior Ecologist, Smithsonian Institution Office of Environmental Science.

Informal concert with Peter Gott, folk musician from North Carolina who will play the banjo and fiddle. He also will discuss mountain music. 4:30 p.m., Hall of Musical Instruments, Museum of History and Technology.

THURSDAY, MARCH 5

The creative screen: *Monument to a Dream.* Charles Guggenheim's award-winning poetry of engineering. Free film is shown on the half hour from noon until 2:30 p.m. At the National Collection of Fine Arts.

Smithsonian film theatre: *Time of Man.* Noon, auditorium, Museum of History and Technology.

FRIDAY, MARCH 6

Paintings from Chile. Artist Hector Herrera has created for this sales exhibition (his first in the United States) a series of paintings on linen depicting his private world of birds, mothers and other beloved objects. Accompanying the paintings is a selection of the traditional black pottery of Quinchamali, Chile, Arts and Industries Building. Through March 29.

SATURDAY, MARCH 7

The creative screen: *Monument to a Dream.* See March entry for details.

SUNDAY, MARCH 8

Lecture: West, Copley, and the Origins of Modern Painting, by Robert Rosenblum, New York University Institute of Fine Arts. At the National Collection of Fine Arts. Lecture Hall. 4:00 p.m.

TUESDAY, MARCH 10

Encounter: *The Role of Government in Changing the Environment.* Panel discussion with audience participation. Program Chairman: S. Dillon Ripley, Secretary of the Smithsonian. Panel members: Senator Clifford Case, New Jersey; Rep. Paul N. McCloskey, California; Rep. Henry S. Reuss, Wisconsin; Charles C. Johnson, Jr., Administrator, Department of Health, Education and Welfare. 8:30 p.m., auditorium, National Museum of Natural History. Sponsored by the Smithsonian Associates and directed by William Aron, Head, Smithsonian Oceanography and Limnology Program.

WEDNESDAY, MARCH 11

Smithsonian film theatre: *Population Problems of U.S.A.: Time for Decision.* An analysis of population from the colonial period to the present, with emphasis on the increasing number of younger persons and senior citizens in the United States and the resulting national problems. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Larry Mason, Sociology Department, American University.

THURSDAY, MARCH 12

Smithsonian film theatre: *Population Problems U.S.A.: Time for Decision.* Noon, auditorium, Museum of History and Technology.

SATURDAY, MARCH 14

Perceptions: *The Concept.* Back by popular demand. A powerful drama created and performed by ex-drug addicts from the Daytop Village in New York City. 8:30 p.m., auditorium. National Museum of Natural History. Tickets: $3.50 for Smithsonian Associates and $4.50 for the general public. Cosponsored by the Smithsonian Division of Performing Arts and the Smithsonian Associates. For ticket information call 381-6158.

Princeton chamber orchestra, Nicholas Harsanyi, music director and conductor, with Helen Kwalwasser, violin, and Janice Harsanyi, soprano, soloists. 3:00 p.m., auditorium, National Museum of Natural History. Tickets: $3.75, $2.75, and $1.75. Cosponsored by the Smithsonian Division of Performing Arts and the Washington Performing Arts Society. For further information call 393-4433.

SUNDAY, MARCH 15

Model T Ford. An exhibition of the famous automobile, accessories, and its background. National Museum of History and Technology. Permanent.

Perceptions 2: *The Concept.* Repeat. See March 14 entry for details.

WEDNESDAY, MARCH 18

Informal concert with The Russell Family, traditional Folk musicians from Galax, Virginia, who will play guitar, dulcimer, and baritone ukelele. 4:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

Smithsonian film theatre: *So Little Time; The River Must Live; The Redwoods.* Urgent challenges for conservationists are presented in a trio of films that examine the plight of North American waterfowl, illustrate with microphotographic proof the effect of pollution on streams, and report on the threatened grandeur of the Redwood forests in northern California. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Dr. I. E. Wallen, Director, Smithsonian Institution Office of Environmental Sciences.

THURSDAY, MARCH 19

The creative screen: *Generation,* kinetic rhythms of the kaleidoscope; *John Marin,* the dean of American watercolorists transforms nature into art. Free films shown on the half hour from noon until 2:30 p.m. At the National Collection of Fine Arts.

Smithsonian film theatre: *So Little Time; The River Must Live; The Redwoods.* Noon, auditorium, Museum of History and Technology.

Lecture by the Audubon Naturalist Society. Auditorium, National Museum of Natural History. 5:15 p.m. and 8:30 p.m. For information call DU 7-6062 or 562-0188.

FRIDAY, MARCH 20

The Armand Hammer Collection. Through April 30 in the Art Hall, National Museum of Natural History. A brilliant collection of some 90 paintings, drawings, and sketches put together in the last few years by Dr. Armand Hammer will be given its first exhibition in the country. The collection focuses on the French Impressionists in particular and the School of Paris in general, although it includes works by a number of other masters. Many of the paintings are small in size. Gaugin is represented by six drawings, and Renoir by six works. Also represented are Matisse, Roualt, Vlaminck, Dufy, Utrillo, Modigliani, Pascin, Chagall, Bonnard, Vuillard, Van Gogh, Toulouse-Lautrec, Monet, Degas, Sisley, Redon, and Pissarro. There are a number of Corots in the collection, and single works by Rubins, Rembrandt, Goya, Courbet, Boudin, and Sargent. A Winston Churchill is included. Many of the paintings in the collection have already been given to the Los Angeles County Museum of Art. Following its exhibition in Washington, the collection will be sent on a national tour by the Smithsonian Institution Traveling Exhibition Service.

Concert by the United States Air Force Band. 8:30 p.m., auditorium, National Museum of History and Technology.

SATURDAY, MARCH 21

Illustrated lecture: The Smithsonian Annual Kite Carnival—History and Design of Kites, by Paul E. Garber, Ramsey Research Associate, National Air and Space Museum, 3:00 p.m., auditorium, National Musuem of Natural History.

The creative screen: Generation and John Marin. See March 19 entry for details.

TUESDAY, MARCH 24

Master class for singers: Hugues Cuenod, tenor, 2:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

WEDNESDAY, MARCH 25

Concert: Hugues Cuenod, tenor: Flore Wend, soprano; Albert Fuller, harpsichord.

Music of Scarlatti, Purcell, Campra, Rameau, and Clerabault. 8:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

Smithsonian film theatre: The Voice of the Desert. Joseph Wood Crutch—author, naturalist, teacher, philosopher—presents a magnificently filmed essay on desert life in Arizona showing the beauty of the land and the fascinating variety of wildlife found there, and focusing as well on one man's love for the land. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Dr. Helmut K. Buechner, Senior Ecologist, Smithsonian Institution Office of Environmental Sciences.

THURSDAY, MARCH 26

Smithsonian film theatre: *The Voice of the Desert.* Noon, auditorium, Museum of History and Technology.

SATURDAY, MARCH 28

Concert: *Composition,* an experience with Lloyd McNeill, artist-musician. 3:00 p.m., at the National Collection of Fine Arts.

Prints and drawings by Lovis Corinth. An exhibition through April 26 in the Arts and Industries Building. The 64 etchings, drawings and lithographs in this collection are taken from all stages of the German artist's creative life, from some sketches Corinth made as a boy, to some of his last works. Ranging from members of the artist's family, to mythological scenes, to religious subjects to scenes at Walchensee, the lake in Bavaria where Corinth painted some of his most famous landscapes, all the works are a clear reflection of Corinth's powerful strength and vitality as an artist. Circulated by the Smithsonian Institution's Traveling Exhibition Service.

Last Saturday Jazz: Art Blakey and the Jazz Messengers. National Museum of Natural History auditorium, 8:00 p.m. Tickets at $2.00, may be purchased at the door. Presented by the Smithsonian Division of Performing Arts in cooperation with the Left Bank Jazz Society. For further information call: JO 3–9862 or 581–3109.

TUESDAY, MARCH 31

Arms—an historical account, illustrated lecture by Dr. Arne Hoff, Director of the Royal Arsenal Museum, Copenhagen. Sponsored by The Smithsonian Associates, 8:30 p.m., auditorium, National Museum of History and Technology.

RADIO SMITHSONIAN

You can listen to the Smithsonian every Sunday night from 7:30 to 8:00 p.m., on radio station WGMS (570 AM & 103.5 FM). The weekly Radio Smithsonian program presents music and conversation growing out of the Institution's exhibits, research, and other activities and interests. Program Schedule for March:

1. *Ensembles Musical de Buenos Aires.* The distinguished Argentine orchestra under Pedro Ignacio Calderon. Broadcast of the concert at the Natural History Building, presented by the Smithsonian Division of Performing Arts and the Washington Performing Arts Society. Included are *Tangazo—Variations about Buenos Aires* by Astor Piazzola, and *Symphony in Bb Maj.,* by J. S. Bach.

8. *China and the Porcelain Trade.* Dr. John Pope, Director of the Freer Gallery of Art, discusses China's ability to make porcelain for 1000 years, before any European country discovered the secret, and how she traded it for ivory and frankincense, etc., from the seventh century onward.

Reading is Fundamental. Young recipients of books, usually underprivileged, gain new pleasure in owning them. They are eager to learn, but lack reading skills. Mrs. Robert McNamara, Chairman of the national program, tells of growing success in matching good books with city youngsters.

15. *The National Zoological Park.* Zoo Director, Dr. Theodore H. Reed, is among the guests. The program tells what makes the National Zoo different, how animals are selected and protected, some special problems with younger animals, and surveys some of the current programs.

22. *Laser-10.* The first ten years of laser technology are reflected in talks with contributing scientists, artists and engineers. The program is based on the exhibit, Laser-10, in the History and Technology Building. Hear about lasers in medicine, industry, commerce, and on the moon. Guests include Dr. Arthur Schawlow, Dr. Henry Lewis, and others.

29. *"Smithsonian."* An interview in which Edward K. Thompson, editor of "Smithsonian," the new magazine, comments on the magazine, its appeal, and its future.

The Collection of Meteorites. Roy Clarke discusses meteorites, what they are, and where they came from. An actual account of the *Lost City Meteorite* which fell on January 3d, 1970, in the United States, and was tracked, photographed and recovered through the prairie network and of the Smithsonian's role in the picture.

FOREIGN STUDY TOURS

The Smithsonian has organized several special tours concerned with archaeology, architectural history, art museums, private collections, and natural history.

1. Nepal, East Pakistan, Thailand, Cambodia, Hong Kong, Taiwan, & Japan: departing March 11th.

2. Classical Greece: July 6–27; a tour designed for first-time visitors to Greece. (itinerary available, but waiting list only).

3. Mediaeval Greece: July 6–27. Dr. Richard Howland will accompany a group of 22; Byzantine churches, Salonica, Mt. Athos, and Patmos are included; 7-day cruise on private yacht "Blue Horizon." $1,575, of which $350 is tax-deductible (itinerary available).

4. Decorative arts & textile tour: England, centering in Oxford and Cotswolds; emphasis on needlework, weaving etc., with lectures and visits to public and private collections under the direction of Mrs. W. L. Markrich. Leaving September 10th, for two weeks, with a third week free for members' arrangements at will in Europe.

5. Northern Italy: Palladian Tour of Venice, Vicenza, Verona, and Padua. Leaving September 14th for two weeks, with a third week free for members' arrangements at will in Europe. $1,250, of which $350 is tax deductible.

THE NO-TOUR TOURS

a) *Air France Excursion*—(Boeing 707) Dulles-Paris-Dulles: May 1–22 $257. Make your own arrangements for three weeks of travel in Europe.

b) *BOAC Excursion*—(Boeing 707), Dulles-London-Dulles: October 2–23, $247. Make you own arrangements for three weeks of travel in the British Isles of Europe.

Please note: These special fares quoted may be subject to airline change or regulations beyond our control.

1971—Negotiations are under way for a unique cruise/tour aboard the new ship "Explorer," from Sydney, Australia, via the Thursday Islands, Penang, Ceylon and the Seychelles Isles, to Mombasa, East Africa. This will take place in March, with S. Dillon Ripley aboard as lecturer on ornithology.

A late Spring tour to Asiatic Turkey; an inexpensive Irish tour will concentrate on Georgian architecture in June; another Latin American tour will take place in the late Summer, and possibly one to Alaska later.

For reservations and details contact: Miss Kennedy, Smithsonian Institution, Washington, D.C. 20560, or call 202-381-5520.

CONTINUING EXHIBITIONS

Malay Archipelago. Through mid-April. National Museum of National History. Foyer Gallery.

Eikoh Hosoe: Man and Woman, and James B. Johnson: A New Perspective of Washington. Through April 14. National Museum of History and Technology, Hall of Photography.

Apollo Art. Arts and Industries Building, through March 29.

Laser 10: The First 10 Years of Laser Technology. National Museum of History and Technology, through May.

Charles Fenderich: The Washington Years. National Portrait Gallery, through August 31.

Thomas Alva Edison: Sound and Light and Elisha Kent Kane. National Portrait Gallery, through April 1.

Landscapes and Seascapes by James McNeill Whistler. Freer Gallery of Art, closing indefinite.

Energy Conversion. National Museum of History and Technology, through March 31.

SMITHSONIAN RESIDENT PUPPET THEATRE

Hansel and Gretel, marionettes created by Bob Brown for the production of the play with music by the Smithsonian Division of Performing Arts. Performances are at 10:30 and 12:30 Wednesday, Thursday and Friday and at 10:30, 12:30 and 2:30 Saturday, Sunday and holidays. Third floor, National Museum of History and Technology. Admission: $1.00 for adults, 75 cents for children; special 50 cent rate in groups of 25 or more (for advance reservations for school groups on weekdays call 381–5241).

MUSEUM TOURS—NATIONAL COLLECTION OF FINE ARTS

Daily tours at 11 a.m. and 1 p.m. Weekend tours 2 p.m., Saturday and Sunday. For advance reservations and full information, call 381–5188 or 381–6100; messages 381–5180

NATIONAL ZOO

Tours are available for groups on weekdays 10 a.m. to 12 noon. Arrangements may be made by calling—*two weeks in advance*—CO 5–1868 Extension 268.

Visitors may purchase animal artifacts and specially designed souvenirs and books at the Kiosk, which is operated by Friends of the Zoo volunteers as a public service and to raise funds for educational programs. Open daily 11 a.m. to 4 p.m.

MUSEUM OF HISTORY AND TECHNOLOGY

Free public tours of the National Museum of History and Technology during weekends are sponsored by the Smithsonian and operated by the Junior League of Washington. They will be conducted on Saturdays and Sundays through May 1970.

The tours begin at the Pendulum on the first floor, and each tour lasts for approximately one hour. Saturday tours begin at 10:30 and at noon, and at 1:30 and 3:00 p.m. Sunday tours begin at 1:30 and 3:00 p.m.

Tours are available to anyone who wants to join the docent stationed at the Pendulum at the above-specified times. However, if you would like to plan a special group tour, call 381–5542 to make arrangements.

NATIONAL PORTRAIT GALLERY

Tours are now available for adults and children at 10:00 a.m. and 1:00 p.m. Presidential Portrait tours on Friday by appointment. For information on adult tours call 381–5380; for children's tours, 381–5680.

Smithsonian Museums are open to the public 7 days a week. Hours: 10 a.m. to 5:30 p.m. daily.

Cafeteria: Open 10:00 a.m. to 5:00 p.m. (Located in the History and Technology

Building, 12th Street and Constitution Ave. N.W.)

HOURS AT NATIONAL ZOO

Gates open 6 a.m., close 5:30 p.m.
Buildings open 9 a.m., close 4:30 p.m.

MUSEUM SHOPS AND BOOK SHOPS

(*Open to public during all regular hours*)

Museum Shops #

1. National Museum of History and Technology—Rotunda.
2. Natural History Building—Constitution Avenue Entrance.
3. Arts and Industries Building—Mall Entrance.
4. Freer Gallery of Art—Mall Entrance.
5. National Museum of History and Technology—Mall Entrance.

Book Shops # #

1. National Museum of History and Technology—Constitution Avenue Entrance.
2. Natural History Building—Mall Entrance.
3. National Collection of Fine Arts—Main Floor, 8th and G.
4. National Portrait Gallery—F Street Entrance.

ADDRESS TO AMERICANISM EDUCATIONAL LEAGUE BY ADMIRAL SHARP

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BOB WILSON. Mr. Speaker, in recent months there has been much comment on our "entangling foreign alliances." In the heat of discussion, we tend to lose sight of some of the important overriding factors which have gone into the formulation of our post-World War II foreign policy. Adm. U. S. Grant Sharp, former commander in chief of the Pacific, is eminently qualified in the field of Asian affairs and his experienced analysis puts into sharper focus the present foreign commitments controversy. I am very pleased to share with my House colleagues Admiral Sharp's recent address to the Americanism Educational League:

ADDRESS BY ADMIRAL SHARP

One of the objectives of this fine organization is to help build and maintain a stronger America. Part of the strength of America is in our overseas alliances, for through these alliances we contribute to the freedom and well being of the Western World, without them many smaller countries might be overwhelmed by Communist aggression. Today we are in the midst of a reappraisal of our worldwide treaty commitments. I think it is time that our citizens and some members of the Congress consider the commitments of the United States, the reason for these commitments and the advantages that we gain from them. Too many important people are proposing what appears to be the easy way out—pull back, leave Asia to the Asians, let them defend their own countries, the United States should stop being the world's policeman—you have heard all of these trite comments. It is all part of a desire by some to promote "isolationism" as a cure for domestic problems without regard to the effect that policy would have on the international situation.

Both President Nixon and Vice President Agnew have visited our allies in the Western Pacific and have said that we will abide by our commitments, but we will expect them to do more to protect themselves. This is a very logical policy and one that our allies have seemingly accepted. As a result of these two visits there seems to have been a restoration of confidence in the minds of our allies. I suggest that those hardheaded Asian leaders will be better convinced by action than by words. I'm sure they will make their judgments based on what happens in the Vietnam war and the general trend of United States foreign policy in the years to come.

Meanwhile there is an undercurrent of displeasure being expressed in this country over the assistance we received from our allies in the Vietnam war. They say the members of the Southeast Asia Treaty Organization, called SEATO, did not assist as they should have, our Nato allies gave no help, and other countries with whom we have mutual defense treaties were unresponsive to our request for assistance. They want to cut back on our commitments because of this unenthusiastic response of our allies.

Tonight I would like to review our defense alliances in the Pacific, including how we came to make them, examine how much assistance we actually received, and analyze what help we could logically expect from our various allies. Then I'd like to discuss briefly the Vietnam situation as I see it today.

During my four years as Commander in Chief Pacific, from 1964 to 1968, I had a unique opportunity to observe the effect of our alliances and how they produced in war time. I was the United States Military Adviser to the Southeast Asia Treaty Organization and participated in eight meetings of the Military Advisers and four meetings of the Council. I was also the United States Military Representative to the Philippines—United States Mutual Defense Board and to the Australia-New Zealand-United States Council called ANZUS. In addition, I was Military Adviser and Member of the United States-Japan Security Consultative Committee.

What are our commitments in Asia, and how did they come about? Following World War II, we became a member of the United Nations in the hope that nations of good will would work together for peace, and if necessary, impose sanctions on aggressors. Then as the cold war became more intense, and it became apparent that the United Nations was not going to be very effective, American foreign policy placed increased emphasis on mutual defense alliances. Our new policy undertook to make our strength felt in the international arena when disputes were in the early stages, rather than becoming involved only after the war started. Thus we hoped to be able to avert war by letting our enemies, as well as our friends, know that they would have United States power to contend with. Under this policy we aligned ourselves with those who might become victims of Communist aggression. These collective self-defense pacts had their genesis in Europe. This trend of American foreign policy was one of containment, committing us to the defense of weak nations on the theory that regardless of distance or geographical location, if these nations fell under Communist control, it would be an indirect threat to our security. If the Sino-Soviet block should gain control of all of these countries, we would be completely isolated in a Communist dominated world—and the Soviets have made it quite clear that their aim was, and still is, world domination.

Later the principle of collective self-defense was extended to Asia through numerous alliances, so that today the United States has bilateral and multilateral agreements for collective defense with a total of forty-two countries. One of these, the Southeast Asia Collective Defense Treaty, was created by eight nations at Manila in 1954. It provides for collective action to resist Communist armed attack and to counter Communist subversion. The major purpose of the pact is to give the peoples of the SEATO countries the security they need to live in peace and freedom, and to push forward with economic and social development. A protocol to that treaty included Laos, Cambodia and South Vietnam under Articles III and IV of the treaty, which among other things provides for economic and military assistance—the latter in case of armed attack and only at the invitation or with the consent of the government concerned.

The SEATO treaty reinforced the position taken by the United States earlier the same year at the Geneva Conference that we would view any renewal of aggression in violation of the Geneva Accords as a serious threat to international peace and security.

In October of 1954 President Eisenhower told the President of South Vietnam that the policy behind U.S. aid was to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. In 1959 the Communist party in Hanoi announced that the time had come to liberate the South. Over the next few years the aggression developed steadily. I need not tell you that the evidence of North Vietnam's direct responsibility for the aggression in South Vietnam is well documented. The conflict was initiated by Hanoi and is supported by Communist China and the Soviet Union. Communist domination of all of Southeast Asia is their objective.

In our various treaty commitments our nation has made it clear many times that it will use its strength, when sought and properly matched by self-help, to prevent extension of Communist domination by force. This policy has been quite successful. Our power, our commitments and our determination to live up to those commitments have served as a shield behind which many free nations have been able to preserve their independence and move forward. There could have been much greater erosion of free world security, to the ultimate jeopardy of *our security* and *our welfare*. Instead, the years have seen a gradual development of free world political, economic and military strength and cohesiveness. Today in Southeast Asia the United States has one basic objective—to insure that the small nations of the area are permitted to survive and not be overwhelmed by militant Communist neighbors.

Now let's review the participation in the Vietnam war by the members of the Southeast Asia Treaty Organization—SEATO. Since the organization was set up in 1954 expressly to provide collective defense in Southeast Asia, we might expect full cooperation from these countries. Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom and the United States are members.

Australia sent troops to Vietnam in 1965 soon after we introduced combat forces. Their strength increased from 1,350 in 1965 to 8,500 in 1969.

France, under DeGaulle's myopic leadership, ceased participating in Seato in 1965, and as would be expected, contributed no combat troops.

New Zealand sent a small force to Vietnam in 1965 with the Australians, and had about 550 men there in 1969.

Pakistan ceased participating in Seato for all practicable purposes in 1965, gave no help to us in Vietnam.

The Philippines sent a civic action force with its own defensive unit to Vietnam and at peak strength had about 1,500 men there.

Thailand, faced with the threat of Communist aggression in their own country, still has about 11,500 troops in Vietnam.

The United Kingdom was not a supporter of our position in Vietnam and did not send help.

I can't agree with those who suggest that the members of Seato that did help did so

reluctantly, only after great pressure by the United States, and not to their full capability.

Australia, with a total population of only twelve million, has only 84,000 in her armed forces. In 1965 she had even less and had to adopt a very controversial first peacetime draft in 1966 in order to get troops in the numbers needed to man her force in Vietnam. Prime Minister Harold Holt pushed through the draft law over much opposition specifically to help the South Vietnamese in their fight for freedom. Australia has always been a strong member of Seato and a great friend of the United States.

While New Zealand's force in Vietnam is small we have to remember that the population of New Zealand is less than three million and her total defense establishment only totals some thirteen thousand. New Zealand is also a strong member of Seato and a good friend of the United States.

The Philippines military services only total 30,000 and they have trouble supporting that many, so that their contribution of 1,500 was not a small one for them. However, they did pull their unit out last year. Our bases in the Philippines are of great value in support of our forces in Vietnam.

Thailand, with total armed force strength of about 140,000, and having to deal with Communist infiltration in their own northern provinces, still contributed a full division, 11,500 troops to Vietnam. They also supplied air bases for us in their own country and gave us strong support in many ways.

So in summary I believe that the contribution made by Australia, New Zealand, and Thailand has been in line with their national capacities and as much as we could realistically expect. The support of the Philippines could be characterized as less than optimum. The United Kingdom has been a disappointment since that country had the capability to contribute but did not. France and Pakistan are to all intents and purposes no longer members of Seato.

Now let's look at three other allies in Asia, who, while not members of Seato, do nevertheless have mutual defense agreements with the United States. I refer to Korea, the Republic of China and Japan. Korea, with over 50,000 troops in Vietnam, certainly has contributed as much as we could expect in view of the threatening attitude of North Korea. The time and money that the United States has spent training and equipping the South Korean armed forces has paid off handsomely in Vietnam. The Republic of China would have contributed forces if we had asked for them. We didn't ask for them because of an apprehension about Communist China—a controversial subject upon which I won't comment. Japan could not contribute armed forces because of her constitution. Yes, her constitution could be changed, but it would take years to accomplish.

So it's my conclusion that our Asian allies did about as much as we could expect and that Seato can remain a viable and useful organization if we will support it.

Our European allies were certainly much less responsive. Membership in Nato does not obligate a country to come to our aid in Asia. Great Britain and France of course are special cases—they are members of Seato and they did not come to our assistance. While both of them had problems I wonder how they would react if we left *them* in the lurch when the chips were down.

I have discussed our Asian commitments and the response of our Asian allies in Vietnam because I think it is important for the American people to realize that our defense alliances in Asia have been fairly successful and have contributed to the general stability and prosperity of the area. It is essential that we continue our alliances in Asia. Without our pledge of assistance, the Communists would feel free to take over those countries at will. It is most unfortunate that we have senators and congressmen denouncing our overseas commitments and suggesting a program of general retreat. They would withdraw our forces from Europe and the Far East, renounce our commitments and set policies which would compel us to avoid becoming involved again at almost any cost. It is important that our people be made to understand the dangers of isolationism and I don't believe that our government is doing an adequate job of informing the citizens of this country.

Now let's look at the situation in Vietnam. It is here that we will prove to our allies that we will stand by our commitments—or we will convince them that we cannot be depended upon.

For over a year we tried to settle the war by negotiation. In an attempt to get Hanoi to the conference table we gave up all bombing of North Vietnam, a step that was considered a victory by the North Vietnamese. So we are permitting the Communists to continue their aggression, but now they are operating from a sanctuary and we are fighting a defensive campaign in South Vietnam. We are attempting to negotiate from a position of weakness and, of course, it hasn't worked. The only way to negotiate with Communists is from a position of strength and you should continue strong military action while they negotiate—we should have learned that lesson in Korea but unfortunately we didn't. After nearly two years of haggling in Paris the progress toward a negotiated peace has been zero—the North Vietnamese are completely intransigent. That effort has been an utter failure.

Now we are trying a different approach—Vietnamization. We are concentrating on increasing the capability of the South Vietnamese to assume the combat role. They are being supplied with modern weapons as rapidly as they can learn to use them. They have increased the size of their armed forces to about the maximum and are making a great effort to take over the ground battle as rapidly as possible. We have pulled out a large number of combat troops and more are being removed in the near future. We hear optimistic reports that the Vietnamization program is working well and that perhaps we can speed up the withdrawal of our forces. The American people should realize that there are risks in this procedure. Can the South Vietnamese really take over the fighting as rapidly as is now proposed? Are the Communists becoming weaker or are they pulling back to wait until more of our troops are withdrawn? What if the South Vietnamese were overwhelmed, would we order troops back to Vietnam? Are we going to give our support forces in Vietnam proper protection? Aircraft squadrons, helicopter companies and other support troops will have to remain for a long time if we are to give the Vietnamese the support they need. Can you imagine what would happen to the morale of our support forces if they found themselves left behind without adequate protection?

If the Vietnamese can take over the fighting successfully as our troops withdraw and can continue to hold off the aggression from the North, so that their country can remain free, then we will have gained our objective. If, on the other hand, we withdraw before the South Vietnamese are capable of defending their country, then that country and the rest of Southeast Asia may be lost to Communism and Vietnamization will be a failure.

On the third of November, President Nixon made a major pronouncement of Government policy on the Vietnam war. He said that we would fulfill our commitment to South Vietnam; that there would *not* be an abrupt withdrawal of U.S. troops. He noted that precipitate withdrawal would be a disaster of immense magnitude—that a nation cannot remain great if it betrays its allies and its friends. President Nixon said that only two choices were open to us—he could order an immediate withdrawal, or we can persist in our search for a just peace through negotiations if possible, or through Vietnamization if necessary.

I have said on other occasions that I believe there is a third alternative. If Hanoi continues to stall the negotiations and fights on in the South, we should give them an ultimatum. Tell them that if there is no progress at the negotiating table in two weeks, we will take strong measures against North Vietnam. If we started heavy air attacks against the North I believe there would be a sudden desire in Hanoi to get on with negotiating a peace. It is my belief that this course of action would get the war over in the shortest possible time and with the least number of casualties. However, this may not be a feasible course of action from a political point of view.

No matter how this war is concluded, by negotiation, by a military victory, or by Vietnamization, it is essential that it be *successfully* concluded. We are committed to protect South Vietnam from Communist aggression. The other nations of Asia, and indeed, friend and foe alike throughout the world, watch with great interest to see if the United States, the leader of the Free World, has the determination to abide by her commitments. If we withdraw from Vietnam in a way that permits an early Communist takeover of the country, the credibility of the United States will be open to serious question throughout the world. The validity of our many mutual defense treaties will be questionable.

Since World War II United States foreign policy has been based on a concept of resistance to efforts by militant Communist powers to expand their territory by force. It has been our belief that to tolerate aggression only invites more and greater aggression in the future. This strategy is designed to bring about peace and reconciliation in Asia as well as in Europe. It has been reasonably successful in Europe, but in Asia the Communists still seem determined to attempt to add to their empire by militant aggression. We cannot permit them to succeed if the small nations of Asia are to remain free. That is why our various mutual defense treaties that I have discussed with you tonight are so important. Are we going to sustain and carry forward polices which have served us well for over two decades, or will we permit ourselves to be deflected from those policies?

We have the military strength to gain our objectives in Vietnam. But we need more than military strength. We need moral strength and willpower. We need determination, conviction and dedication. This kind of strength and power has to come from the hearts and minds of the citizens of this country—from you and from me. It is the kind of strength that made our country great. It is the same kind of strength that we will need in the days to come.

SOVIET HUMANISM—JURIST IMPRISONED 20 YEARS WITHOUT TRIAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. RARICK. Mr. Speaker, there is an old saying to the effect that one never misses the water until the well runs dry. I am continually awed by the sharp

insight of those Americans whom we loosely classify as the ethnic groups into the machinations of tryanny. Liberty is most appreciated by those who have lost it.

Having seen it abroad, and bearing its scars, they—our foreign born Americans—are quick to recognize its symptoms in this land of the free. It would serve us well if we Americans of native birth were just a bit less trusting of some of the glittering promises of the demagogs—and of the international propaganda displays which emanate out of New York and the United Nations Organization.

This year is dedicated to Lenin—the "great humanitarian" according to the international propagandists. We are also urged to sign all kinds of beautiful sounding agreements with anyone and everyone to guarantee to our citizens rights and privileges which they already enjoy, but which those subject to Red slavery will never know.

A dedicated American of Ukrainian lineage has been kind enough to supply me with an accurate translation of the very enlightening appeal of Dr. Volodymyr Horbovyy, imprisoned in a Soviet concentration camp since 1949 without trial. All of us should understand that this is the system contributed to mankind by the humanist—which simply means atheist—and humanitarian V. I. Lenin, whom the international phonies of the United Nations Organization are honoring at our people's expense in 1970.

I include the appeal for justice in my remarks along with an appeal from Americans for Freedom of Captive Nations to expose Soviet Humanism:

DR. VOLODYMYR HORBOVYY'S APPEAL

My name is Volodymyr Horbovyy. I was born on January 30, 1889 in the town of Dolyna, Galicia, formerly Austro-Hungary. My nationality is Ukrainian. My citizenship was first Austrian, then Ukrainian, afterwards Polish, and in 1947 I became temporarily a Czecho-Slovak citizen. I was never a Soviet citizen and I never lived in the USSR. Before World War II, I was a member of the Lviv (Lvov) Bar Association. During the war I was a judge at the Polish Court of Appeals in Cracow. After the war I was a legal consultant at the Ministry of Agriculture of the Czecho-Slovak Republic.

My imprisonment is not legally justified. I was deprived of my freedom following an accusation by the Government of Poland in July 1947. I was declared a "war criminal" for alleged collaboration with the Germans during the war. Consequently, following an extradition request by Polish authorities, I was arrested in Prague on August 1, 1947 and extradited to Poland on August 7, 1947. The official statement issued by the Polish Government said that I would have to stand trial. Unfortunately, the trial was never held and could not have been held, since a whole year of persistent investigation failed to produce any incriminating evidence. On the contrary, I was able to prove that I had been critical of Hitler's political course and, in general, I was not guilty of any crime. In addition, I also was able to prove that the "document" which contained the argument in support of the demand for my extradition was ineptly fabricated. The Polish authorities were embarrassed. Yet, instead of being sent back to the Czecho-Slovak Republic, I was turned over to Soviet authorities in Warsaw. Another fabricated "document" was produced in which I was accused of being a Ukrainian nationalist.

In the USSR, the investigation process described above was repeated. Another year of dramatic investigation failed to produce the desired results for the MGB (Ministry of State Security—Tran.) The atmosphere prevailing at that time within the MGB is a well known fact. Instead of giving me an opportunity to return to the CSSR and continue my peaceful occupation there, I was sent to the forced labor camps for a term of 25 years. It was done by an administrative order which was based on a closed-door decision of the Special Conference of the Ministry of State Security of the USSR (No. 2906–49) dated July 6, 1949 under Articles 54–2, 54–11 of the Criminal Code of the Ukrainian SSR. The Ministry of State Security does not exist any more and its "special conferences" also have been formally abolished. However, the strange decisions adopted at those conferences continue to carry legal force.

In order to provide a characterization of the legality and justice here, I want to quote the following facts

a. The Soviet Criminal Code and the UN Declaration of Human Rights (which was signed by the Soviet Union) permit the punishment of an individual only on the basis of a verdict by a court of law and, at the same time, guarantee the accused a right to legal counsel. Unfortunately, in the USSR the above stated legal principles are propagandistic in nature and not applied in reality. In my case, there was no trial, no sentence and no opportunity to defend myself. Yet I have been suffering imprisonment for the last fifteen years (22 years by 1969—Translator).

b. According to a decree of March 24, 1956 the commission responsible for the investigation of cases involving individuals who are serving terms for political, violation-of-duty, or economic crimes, should have reviewed the reasons and justifications on the basis of which each prisoner was sentenced. I was summoned and interrogated by that Commission on October 1, 1956. However, a negative verdict had been already reached beforehand on September 29, 1956. On October 1, 1956 the Chairman of the Commission formally informed me that my case was being scheduled for additional investigation.

c. My petition regarding my case (dated May 22, 1960) was reviewed by the Prosecutor General's Office of the Ukrainian SSR. Their decision, (No. 01–20776/60) was that "the Prosecutor General's Office of the Ukrainian SSR can find no basis for protesting the decision of the Special Conference of the Ministry of State Security of the USSR (No. 2906–49), because the Committee of State Security declares that the accusations have been confirmed." Officially, the Prosecutor General's Office should watch over the activities of the security organs and not vice versa.

d. Between July 2, 1960 and November 22, 1960 I spent time in the solitary confinement of the KGB in Kiev, Ukrainian SSR. It meant that my case was being investigated. According to the provisions of the Criminal Procedure Code, an investigation can end either in an indictment and subsequent trial, or in the suspension of the investigation and the release of the arrested. Neither provision was applied in my case.

e. In 1955 the Soviet authorities formally agreed to repatriate all foreigners from the USSR, but in practice they did not make it possible for the concerned to take advantage of that opportunity. I demanded to be returned.

f. The decree of September 3, 1955 and the order of the Ministry of Internal Affairs (No. 0323), dated August 10, 1956 regarding the release of disabled prisoners have not been applied in my case, even though I have been an invalid since January 11, 1952.

g. The ChK, GPU, NKVD, and KGB are various names of one and the same institution which is represented by one and the same element. Therefore, it would be unusual if the same people and the same institutions now worked for the restoration of the so-called socialist legality which they themselves have discredited. It is not difficult to imagine what this "restoration of legality" means in reality.

I declare, that never in my life did I commit any crime or was engaged in any illegal activity. My only blunder was that I, injudiciously, trusted Soviet propaganda about Soviet humanitarianism and legality and remained within the reach of Communist authorities.

As early as 1921 I became interested in jurisprudence. I have many years of experience in the field of law in which I hold a degree of Doctor of Jurisprudence. Reading the statements made by representatives of Soviet justice about the genuine renewal of socialist legality in the USSR, or listening to statements made by political leaders of that state to the effect that there are no longer any political prisoners there, and comparing it all with the situation of persons like myself, I cannot help but wonder about the deceptive and malicious Soviet morality which I am unable to comprehend. I wish to remark that true information about the condition of political prisoners in the USSR could be obtained only by an impartial committee which would inspect places of confinement and question the prisoners (like myself) directly.

I would be grateful if someone became interested in the condition of political prisoners in the USSR. As far as my case is concerned, I would be immensely grateful if someone would help me to avail myself of the rights to which I am entitled as human being and a citizen and, most of all, to help me to be released from illegal imprisonment, to enjoy freedom of movement and obtain a redress.

AMERICANS FOR FREEDOM OF CAPTIVE NATIONS,

Los Angeles, Calif.

HON. JOHN R. RARICK,
House of Representatives.

DEAR SIR: Point One of the Gromyko resolution for a world security system, presented to the United Nations on September 19, 1969, calls for withdrawal of all troops from occupied territories and discontinuation of all measures to suppress liberational movements. If, the U.S.S.R. is the freedom loving nation she professes to be, then she should set the stage and practice what she preaches.

It is time for the United States of America to go on the offensive and unmask the true imperialists and colonialists by exposing the Soviets for what they are.

The rights of the Captive peoples to self determination and free election should be steadfastly supported by the United States government, of which you are a legislative member. These rights are in line with the Atlantic Charter and other international agreements. The United States government should continue to make clear to the rest of the world that the violations of these agreements by the Russian Communists are a major cause of world tensions today. The United States government must be more than anti-communist minded; the United States government must be positive and affirmative in opposition to the basic philosophy, politics, and practices of communism.

We ask you to put forward every possible solution which would lead to the liberation of the Captive Nations.

Both major political parties have committed themselves to the liberation of the subjugated nations. But, unfortunately, the word "liberation" is used more as an electioneering slogan than as a carefully thought-out foreign policy that is vital to the United States' own national security. In reality, what the United States says and does encourages or discourages the spirit of liberation.

We ask you now to act on behalf of the rights of the enslaved nations now illegally dominated, exploited, and controlled by the Russian Communists—those enslaved nations listed in the Congressional Record. Worldwide attention has been diverted from the plight of the Captive Nations. As a consequence, the enslavement of the Captive Nations is being accepted as the status quo on a de facto basis.

Due to the failure of the United States and the Free World governments to insist that the status of the enslaved peoples be included in the United Nations agenda, the Russians are winning a victory to maintain the status quo by default.

The Russian Communists are trying to break the will to resist of the people of the subjugated countries. We must not, by default, or in any other manner assist the Russian Communists in their determined efforts to break the will to resist of the enslaved peoples.

Ponder the words of Andrei Gromyko, Soviet Foreign Minister, in a speech to the Supreme Soviet, July 10, 1969:

"To take a more sober view is to recognize that it is impossible to keep foreign areas seized as the result of aggression and that they should be returned to those to whom they belong."

We urge you to speak up for the enslaved people and hope that you will speak for the sake of freedom in Eastern Europe, Cuba, and elsewhere in the world so that the true freedom respecting citizens of the world will no longer have to hear the empty words of all the Gromykos all across the world.

Millions of Americans await your action.

Very truly yours,

AVO PIHRISILD,
Executive Secretary.
BERNARD W. NURMSEN,
President.

ICC ISSUES NEW RULES ON HOUSEHOLD GOODS MOVING

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. McDONALD of Michigan. Mr. Speaker, in view of the public's interest in gaining fuller protection in its dealings with the household goods motor carrier industry, I submit for the RECORD the recent announcement by the ICC of the adoption of a comprehensive series of rules in reference to household goods movers, scheduled to go in effect on May 1, next.

The Commission's announcement of March 5 reads as follows:

WASHINGTON, D.C., *March 5, 1970.*

ICC ISSUES NEW HOUSEHOLD GOODS RULES TO EASE HOUSEHOLDER-MOVER FRICTION

The Interstate Commerce Commission today announced the adoption of a comprehensive series of rules—scheduled to become effective May 1, 1970, in time for the peak moving season—designed to afford fuller protection of the consuming public in its dealings with the household goods motor carrier industry. The proceeding, instituted on the Commission's own motion in June of last year reflects the ICC's continuing concern over the practices of some household goods carriers. Today's ruling is designed to minimize the increasing consumer-carrier frictions which have come to the Commission's attention in recent months.

For many people, moving has been an experience of frustration and disappointment since some carriers often have failed to match their promises with performance. The Commission, although emphasizing it was not pointing to any one carrier, stated that "the average householder, shipping his most valued possessions, is not experienced with transportation practices; is not knowledgeable in protecting his rights; is at a disadvantage in his dealings with the carrier, particularly if he is in transit during the move; and is, therefore, in need of all the protection this Commission can afford."

The rules announced today are intended to create an atmosphere of full disclosure between the mover and the householder throughout the entire course of the move. The Commission expressed the hope that such regulations will enable shippers to understand more fully the problems involved in the movement of their possessions and help the carriers in accomplishing moves in a more efficient manner.

A survey, designed in cooperation with the Commission's Bureaus of Economics and Operations, was conducted to yield statistical measures of interstate shipments of household goods, the proportion of shipments occurring in the peak and off-peak seasons, the extent to which delays in pickup and delivery occur, and the extent to which carriers underestimate or overestimate the cost of shipment. On the basis of the survey, it was estimated that during 1968 the total number of shipments transported were 1,433,100, of which 1,216,350 (85 percent) were interstate shipments. Of those, about 743,000 (61 percent) were picked up during the peak season between May 1 and October 31. Many problems, it was determined, are generated by this seasonal traffic concentration, not all of which are the fault of the customer or the carrier alone.

In general, the new rules and the modifications to existing rules include:

Reasonable dispatch.—The new rules require that shipments be handled with reasonable dispatch as defined in the revised regulations. Shippers generally are one-time shippers, and they therefore are not familiar with the problems associated with the transportation of their possessions. The purpose of defining and requiring reasonable dispatch is to urge the carrier and the shipper to disclose fully their respective problems in order to reach a mutual understanding and to agree on dates or periods of time within which the transportation service is required to be performed. A prudent and ethical carrier, prior to agreeing to perform the service on specified dates or during specified periods of time, will consider all the relevant factors involved in the shipment and will fully disclose these considerations during the negotiations preceding the booking of a shipment. At the same time, the shipper has a similar obligation to make a full disclosure to the carrier of all of the pertinent facts relating to his particular transportation requirements. If after such disclosures the parties are unable to agree, the customer will be able to continue his search for a carrier which can fulfill his requirements.

Notification of delay in pickup or delivery.—New rules require the shipper to be notified that his goods will not be picked up or delivered on the date or within the period of time promised by the carrier, the reason for the delay, and when the pickup or delivery was made. The carrier also is prohibited from giving false or misleading information as to the reasons for the delay in picking up or delivering shipments.

Estimating.—The carrier is required to give an estimate, if requested by the shipper, and the estimate is required to be made on a standard form so that the shipper can make an intelligent comparison in choosing the carrier to perform his move. The new rule and estimating form require that the shipper be informed not only of the amount of the estimated cost of his move, but also of the maximum amount of money on a C.O.D. shipment that the customer must have in order to require the carrier to unload his shipment. Thus the shipper will know before the move begins that if a carrier gives him an estimate of $400, the maximum amount he must have on delivery will be $440 (the estimated cost plus 10 percent). The shipper must still pay for the total tariff charges, but he now can request at least 15 days credit for any amount by which the total tariff charges exceed the estimate by more than 10 percent.

Orders for service.—The new regulations require that an order for service be prepared. Orders for service or similar documents have been in use in the industry for a number of years, but the only reference to them in the former rules was in a provision forbidding carriers to mention estimated charges on an order for service. Now the new rules not only require an order for service to be prepared, but the carrier must show the estimated charges and the amount needed by a shipper to require delivery of a C.O.D. shipment if an estimate was made. The order for service contains information which will be incorporated into the contract of transportation—that is, the bill of lading.

Bill of lading.—The bill of lading must show the agreed dates of periods of time required by the reasonable dispatch rule, the estimate of charges and specification of the maximum amount required for delivery as embodied in the rule on estimating, and the entry of the tare weight on the bill of lading before that document is executed.

Determination of weights.—All rules pertaining to weights, obtaining weight tickets, minimum weights, and constructive weights are now under one heading. The former requirement of a driver's weight certificate has been eliminated, but the intent of that rule—the recording of weights—has been incorported into a new rule which requires the maintenance of a vehicle-load manifest for every vehicle utilized in a carrier's operations. The weights of all shipments loaded on a vehicle will be recorded by a one-time entry on the manifest which will serve as a record of the shipments transported by that vehicle as well as a form of performance report on compliance with the requirements of the rule on reasonable dispatch. From the manifest it will be apparent to carrier management whether shipments are being transported in compliance with the requirements of the new regulations. In addition, the use of constructive weights (weights based upon volume as opposed to actual weighing of the shipment) is strictly limited and must be reported to the Commission.

Claims.—No language releasing the carrier from liability may be contained in the delivery receipt. In addition, carriers now must notify the Commission periodically of the status of *all* pending loss and damage claims—not just those which are pending "for reasons beyond the control of the carrier" as required by the existing rule—and the reasons for the delays in the processing of those claims.

Early delivery.—To protect the shippers' interests and at the same time to enable the carriers to keep their equipment in service to the fullest extent possible, the Commission adopted a regulation prohibiting the tender of a shipment for early delivery except as requested or agreed to by the shipper, and enabling the carrier, at its option and subject to certain conditions, to place the shipment in storage for its own account and at its own expense in a warehouse located in close proximity to the destination point of the shipment until the agreed delivery time.

Finally, the Commission issued a revised booklet of general information—combining two bulletins formerly required to be given prospective shippers—which the carrier is required to furnish the shipper prior to the time arrangements made for the move. The new booklet informs the shipper in under-

standable language what he may expect from the mover, and what the mover expects of him. The adopted regulations and the booklet are printed in full in Appendix III.

The proceeding is docketed at the Commission as Ex Parte No. MC–19 (Sub-No. 8), *Practices of Motor Common Carriers of Household Goods,* and also embraces Ex Parte No. MC–1 (Sub-No. 1), *Payment of Rates and Charges of Motor Carriers,* reopened on the Commission's own motion in the report.

A NEW REGIONALISM—II

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. ROSENTHAL. Mr. Speaker, I include below the second part of a paper on a reorganization of our States into new governmental units more consistent with the problems and resources of the 20th century. The first part of this paper, which was prepared by Piers von Simson of the Center for the Study of Democratic Institutions, Santa Barbara, Calif., appeared in yesterday's RECORD.

The second part follows:

PART II.—THE METHODOLOGY OF REGIONALIZATION: THE STRUCTURE OF THE REPUBLICS

I. INTRODUCTION

Having hopefully convinced erstwhile supporters of Chief Justice Chase's "indissoluble union of indestructible states," that to preserve the union, the states should be recast into Republics, it is now necessary to consider exactly what form these Republics should take. The aim is to steer a judicious course between the dangers and inefficiencies of a wholly centralized power in so large a country as the United States, on the one hand, and the chaos and inefficiencies of fifty different jurisdictions on the other.

The aim must be to deal with the problem through genuine regionalism and not mere sectionalism, to see the regional areas from the point of view of the nation, rather than the nation from the point of view of the areas. The aim must be not to attempt to define areas capable of economic self-sufficiency and autonomy, a kind of "provincial economy," a process difficult, if not impossible in a civilization dependent on such localized resources as rubber, iron, copper and petroleum. Instead the aim must be to achieve a balanced economy but also a specialized one, an area within which physical resources naturally group themselves in such a way that human adjustments and maladjustments to them can be readily isolated and dealt with; in which agriculture, the extractive industries, manufacture and trade can be coordinated. In such a region, with good planning, its homogeneity and its differentiation from neighboring regions, and yet its dependence on the other parts of the national whole, could be fostered, taken advantage of, and ultimately serve to increase national cohesion.

II. MINIMUM STANDARDS

To this end, it is possible to establish some minimum standard the Republicans must meet if they are to serve their intended purpose.

Firstly, and fairly obviously, the territory of a Republic should be as contiguous and compact in outline as possible, rather than being fragmented.

Secondly, one may postulate that it should display the maximum possible degree of homogeniety, this homogeniety ideally being centered at the core of the region becoming progressively diluted towards the periphery so that the boundaries themselves are transition zones rather than sharp lines.

Thirdly, the Republic should contain all territory containing a major combination of resources, it should be an economic-natural unit in general terms.

Fourthly, it is clear that the region should include whole problem areas and not partial areas, for that is its very *raison d'être.*

A fifth requirement is that it should be so delineated as to conform to existing regional consciousness and sentiments, that it should possess a real degree of regional identity.

Finally, it should be of the fairly large size made feasible by technological mechanisms.

A moment's reflection will reveal the inescapable fact that in some instances some of the minimum standards will have to a certain extent be sacrificed to others. It may be impossible, for example, to include whole problem areas in every region unless the whole country is considered to be a region. Similarly, the requirement that the Republics should contain a major combination of resources may have to be placed above the need for a strong sense of regional identity. At least part of its population will not have this sense. In short, a perfect region is impossible, and some compromises will have to be made.

III. A CONCEPTIONAL PROBLEM

The major guidelines, however, should help in answering some of the questions, the unsatisfactory answers to which, as Odum and Moore (12)[1] have rightly pointed out, have tended to retard regional realism in America. How can we define adequate regions, acceptable as frames of reference for research and portraiture, as basic divisions for administration and planning, and as fundamental, yet flexible units in the totality of the nation? What is the nature and size of those regions best suited to the largest number of purposes, and how may they be determined? What are the limitations of regions too small and too numerous or too large and too few? What are the limitations of the incidental regions chosen for convenience or for political ends?

What, finally, are the limitations of regions which rest primarily upon physiographic character and ignore the units of states as legally constituted administrative and fiscal entities? The spectrum to be covered involves the whole range of physical, biotic, economic, human, and institutional resources, including, at the very least, the following list:

a. Land resources and use.
b. Water resources and use.
c. Mineral resources and use.
d. Commerce and commercial assets.
e. Manufactural resources and development.
f. Transportation facilities and patterns.
g. Urban formations and their problems.
h. Recreational needs and resources.
i. Population and human resources.
j. Social conditions and institutions.
k. Local government and public services.
l. Public works needs and programs.

Faced with this awe-inspiring list, the natural tendency of any would-be reorganizer is to turn to those who have preceded him. He will find if he does this, that proposals to abolish the existing states and replace them with larger regions have often been made in the past. Professor James M. Young of the University of Pennsylvania (13), Professor Roy Peel of Indiana University (14), Professor Patten (15), Professor Leland of the University of Chicago (16), Messrs. James Beck (17), William Kay Wallace (18), William Elliott (19), E. M. Barrows (20), Burdette Lewis (21), Representative E. J. Jones of Bradford (22), and Representative Benjamin Rosenthal of New York (23), have all made such proposals. Of these distinguished advocates, most have even ventured to suggest an ideal number of such regions. Peel favored nine, Beck preferred four, Jones suggested twelve, Wallace nine, Elliott twelve, Barrows eight, and Lewis six. But none really came to grips with the problem of designating the area that a region should have in a manner acceptable for present purposes. Some failed altogether to explain why they made their elections, others wrote vaguely of "natural" regions, the unsatisfactory nature of which will be discussed below. The most explicit was Elliott, who simply adopted the regions of the Federal Reserve System. A cursory inspection of the System's divisions, shows that one single monolithic region is created out of the states of Washington, Oregon, Idaho, Nevada, Utah, Arizona and California. This may be defensible for the single-function purposes of banking, but within it there cannot possibly be the degree of homogeneity and sense of identity required for a single Republic.

IV. FEDERAL PRACTICE

Nor are the administrative areas established by the Federal Government's agencies more useful, because they are all single-function regions like the Federal Reserve System. An article by James Fesler in the *Political Science Review* (24) contained an excellent, if by now outdated, survey of Federal Administrative Regions. It is cited despite its vintage in the certainty that the problem has increased, rather than diminished, since it was made and that a similar survey made today would simply result in a still greater proliferation of regions. Fesler found that 72 federal agencies had territorially defined the jurisdictions of their field agents. Since some agencies performed several functions, for each of which they divided the country differently, there were 106 schemes in use for federal administration. From this he was able to concoct a rather interesting table, which revealed that apart from the natural proclivity towards using existing states as regions, there was little consensus on the ideal number. Thus nine agencies used twelve regions each, two used thirteen, one used fourteen, two used fifty-four, and one even used eighty-three. It should be remembered that this analysis merely concerned the *number* rather than the area of regions used, so that, for example, although nine agencies used twelve regions, these would probably have different territorial limits.

The deficiencies of such single-function regions for present purposes can be illustrated by examining what is probably the best known regional arrangement—that of the Census Bureau. There are nine divisions of states: New England, Middle Atlantic, East North Central, West North Central, South Atlantic, East South Central, West South Central, Mountain and Pacific. There is little to be said for the arrangement, other than for the purposes of gathering census data, because it lumps together the grazing and cattle country of Wyoming and Montana with the deserts of New Mexico and Arizona, the Mormons of Utah with the fleshpots of Nevada, all under the appellation "Mountain." Similarly, Delaware and the District of Columbia are lumped with South Carolina and Georgia, a division which gives them a southern character they do not possess. The same argument applies to even the most basic planning functions. The territories involved in planning for water, minerals, forest use, recreation, agricultural production and other aspects of economic life rarely coincide. They could perhaps be made to coincide under the Republics if some concessions and compromises were made, but the divisions used by the Federal Government with no incentive to make regions coterminous, are of no practical use for the purposes of dividing the country into Re-

[1] References (1) through (11) appear in part I, CONGRESSIONAL RECORD, Mar. 10, 1970.

publics, which must by definition be multi-function regions.

V. WHAT IS NATURAL?

The so-called "natural" regions used by most writers on regionalism, simply dividing the country into such classifications as "spring wheat region," "interior mixed farming region," and "Appalachian upland region," suffer from similar defects. They simply center on one aspect of the problem, allowing geophysics to exclude other considerations. To take but one illustration: all schemes which divide the country into geographic regions consider the Appalachian Mountain region to be a region unto itself. Yet, this is wholly unsatisfactory from a socio-economic point of view: it comprehends in New England, in New York and in Pennsylvania many of the highest indices of civilization and wealth at the same time that the lower reaches include some of the most isolated and backward areas of the whole country. To this must be added great contrasts in climate, great distances in travel, great contrasts in culture and in history, so that by any test of homogeneity it cannot be considered an administrative and planning unit from human, cultural, political and economic ends.

There is in short a region for every purpose: a geographer's region, an ecologist's region, a social scientist's region, an anthropologist's region, an economist's region, a political scientist's region, and so on. There is even a division of the country for social psychologists. Thus Professor Giddings claimed to have found that the nation could be divided according to the preponderance of four personality types: *forceful*, along the seaboards, Atlantic and Pacific, in the Ohio Valley and in the Great Plains area; *convivial*, the southeastern portion of the nation; *austere*, along the New England Coast and Westward just south of the Great Lakes into Iowa and Kansas; and the *rationally conscientious* type, confined to the large cities (25).

Somewhat more reasonable is metropolitan regionalism, or the creation of city states. Under this proposal, of which Professor Charles Merriam is the most notable proponent, states would be made out of the metropolitan areas surrounding large cities. It is based on the very reasonable claim that, for example, the Philadelphia area really includes not only the city and county of Philadelphia, but also the adjacent suburban counties in Pennsylvania, much of Southern New Jersey from Trenton down, and Northern Delaware as far south as Wilmington. Similarly, in the New York area, it is argued that socially and economically, northern New Jersey and southwestern Connecticut are integral parts of the greater city of New York.

VI. METROPOLITAN REGIONS

Taking the major metropolitan areas and examining the pattern of newspaper circulation (and hence metropolitan influence) around them, the National Resources Committee constructed a map showing seventeen regions. But such a scheme, like the others discussed above, proceeds from one interest: the admittedly vast problem of urban crisis. It totally ignores the broader aspects of resources, economic patterns and regional interests. The region under such a scheme would merely be an extension of the city. The Committee's report concludes: "It is by no means certain that planning has not arisen at least in part out of the necessity of preserving local rural culture and resources against chaotic economic and social forces emanating from the city. Even were cities themselves carefully planned, this would still be true, for the city is an organism whose very nature places its nutritive processes above larger regional considerations" (26).

A very similar proposal is that of regions based on administrative convenience. In such a scheme, ten to twenty cities would be selected as subnational centers, and a unit of territory arbitrarily assigned to each. The criterion would be administrative convenience, which when closely examined reveals itself to consist of accessibility by rail, road and air, and of proximity to federal field offices. Such regions would, however, not be regions in any chorographic sense, but would simply resemble those now used by federal departments and bureaus, wherein the regionalization has been for departmental convenience. In them composite factors which create regionality are ignored.

This scheme, like the city-states proposal, weights metropolitan influence heavily. This is because the transportation and communication facilities of a place are usually commensurate with the size of its population. Consequently the larger cities would invariably be the centers of regions based on administrative convenience. The areas naturally tributary to such cities are not, however, regions in any real sense of the word. Moreover, in some areas there are no large cities. The absence of city-creating factors in a given area does not diminish its regionality. For example, the Great Lakes Forest and cut-over region contains only one city, Duluth, neither very large, nor very conveniently accessible from other parts of the country. It is a clear-cut region nevertheless. Similarly, the hill region of Ozarkia and the southern Appalachians, and the forest and recreational region of northern New England do not possess any large cities at all. A division of the country on the basis of administrative convenience would not reflect the regionality of these areas, but would simply attach each of them as a whole or in several unrelated parts to the closest city or cities.

VII. GROUPING THE STATES

Regions based on river drainage basins suffer from the same defect. They are regions in one sense only. In other senses, there may be greater homogeneity between areas near the source of the great rivers creating the drainage basins, than between areas at the source and in the valley of the same river. In other words, the areas at the source of the Mississippi and Red Rivers, may well have more in common than they do with the Mississippi Delta Region and the city of Chicago respectively.

The final scheme of regionalization commonly discussed is that of a grouping of states. This, on all counts seems most useful, or at any rate, the least unsatisfactory. Its great advantage for the purposes of creating Republics out of the existing framework of states is that it is politically more realistic than any scheme which involves the wholesale violation of state lines. A Republic consisting of a combination of states is far more acceptable an idea than the total abandonment of present state boundaries. To be sure, such a scheme requires a massive compromise, and in many instances will perpetuate the very faults of which the existing scheme of states has been criticized. There will still be problems which cross the boundaries of the Republics, since the grouping of four or five states together for one purpose, may ignore a multitude of other purposes which would require a different grouping.

Thus Missouri, Illinois and Indiana might be grouped together with their northern neighbors to form a north central region. This would result from considering the characteristics of the northern portions of these three states. But if attention were focused on the characteristics of the southern parts of Missouri, Illinois and Indiana, an equally valid claim could be made for grouping the states with their neighbors in the South. Texas, to take another example, lies partly on the Great Plains and partly in the Cotton Belt, and is both western and southern in its characteristics. It is clear therefore that this very substantial compromise has to be made if the group-of-states scheme is used.

On the other hand, it has hopefully been demonstrated that no other regional scheme, even if it wholly disregards state lines, is any more able to satisfy every requirement. There simply is no such thing as the perfect region for all purposes. That being the case, the clear advantages of grouping states together and not violating state lines, in purely practical terms, would suggest that such a scheme should be employed. A clear gain is still made over the existing fifty states, in that the number of jurisdictions is drastically reduced, as are the number of boundaries, thus obviously reducing the number of social, economic and planning problems which transcend those boundaries. Moreover, while not solving every problem, it is possible to make a highly rational grouping which would result not only in internal benefits to each Republic, but also in greater balance between them as parts of the national whole.

VIII. MAKING A CHOICE

Since such a scheme does not involve a wholly chorographical selection of natural regions, but is essentially artificial, it leaves the reorganizer with a choice of numbers. None of the schemes already mentioned have suggested more than twelve. This latter figure, it is suggested, was dictated merely by the convenience of using the already established Federal Reserve System; and lower figures correspond to the number of "natural" regions which the authors of various schemes thought they could discern. The scheme to be outlined below proposes twenty Republics as a satisfactory number. This figure is dictated partly by a conviction that some such number is required to prevent the emergence of huge and self-sufficient regions able in certain instances to defy the central government and place their own interests above those of the nation, and partly by the fact that some states are sufficiently *sui generis* or sufficiently rich and populous to be regions to themselves. Alaska, Hawaii, and New York State are examples respectively.

It will clearly not be possible to achieve a complete balance of population and economic strength between the various Republics, both because this would ignore other factors, and also because it would inevitably be short-lived. Some balance is aimed at, however, and even if Alaska and Texas are hardly equal in size and population, on the whole the balance can be a great deal better than it is at present with fifty states. Basically, a population of between five and fifteen million is aimed at, so that large and densely populated states will not be grouped together, nor will tiny and sparsely populated states retain their autonomy.

Despite the selection of twenty as the number reached by an intuitive, perhaps, but not arbitrary approach, the selection must still be based on comprehensive regionalism. As Harry Moore put it:

"Such a view of regionalism takes it out of the province of any one field of thought and demands the co-ordination of all lines of approach. And it is just this correlating and co-ordinating of various factors which gives the regional approach its greatest value. It demands that the planner or investigator see the region as a whole. It is the interrelationships of various factors in regional analysis which give to the region its distinctive character, its way of life. Environmental and cultural factors hunt in packs; as has been remarked, the phenomena which mark a region are not simply assorted, but are also associated; they exist in interrelationships" (27).

IX. SIX REGION PLAN

The Republics must therefore approximate the largest possible degree of homogeneity, measured by the largest number and variety of indices or units of homogeneity for the largest number of purposes.

Perhaps the most comprehensive study of regionalism in America was made by Odum and Moore (28). In a volume some six hundred pages long a variety of indices and index groups are used in an attempt to define major societal group-of-states regions. The authors concluded that such a definition was indeed possible. They divided the country into six regions.

These regions consisted of:

1. The Far West, Washington, Oregon, Nevada and California.
2. The Northwest, Idaho, Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado, Nebraska and Kansas.
3. The Southwest, Arizona, New Mexico, Oklahoma and Texas.
4. The Middle States, Minnesota, Iowa, Missouri, Wisconsin, Indiana, Ohio, Illinois and Michigan.
5. The South, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Georgi.. and Florida.
6. The Northeast, Maryland, Delaware, Pennsylvania, New Jersey, New York and the six New England States.

The border lines of these regions were determined by contiguity, population movements, physiographic features, natural resources and indeterminateness of culture domination. As sub-headings of the five index groups, a variety of random miscellaneous indices were used for delimitation. Two criteria for the selection of these indices were applied: dependability and differentiation. Dependability includes not only accuracy and sheer correctness of figures, but also validity and reliability of data, proper sampling and proper labeling. The value of differentiation is obvious, since if no differences are shown, there is no reason to use more than one index in the group. On this basis, the following random indices were selected:

1. Population.
2. Rural population.
3. Urban population.
4. Area.
5. Racial balance of population.
6. Wealth.
7. Cotton.
8. Petroleum.
9. Iron.
10. Tenancy.
11. Swine.
12. Butter.
13. Wheat.
14. Horses and mules.
15. Tobacco.
16. Homes with radios.
17. All cattle.
18. Corn.
19. Number of farms.
20. Farm income.
21. Forest area.
22. Value of vegetables.
23. Railroads.
24. Cows milked.
25. Chickens.
26. Eggs.
27. Gallons of milk.
28. Illiteracy.
29. Value of mineral production.
30. Automobile sales.
31. Developed water power.
32. Gainfully occupied population.
33. Value added by manufacture.
34. Total value of manufactured goods.
35. Coal.
36. Savings.

X. SEVEN NEW REPUBLICS

From these indices, and for reasons which it took a six hundred page volume to explain, six major societal regions were established. The proposal for the selection of Republics is to respect these major groupings in their relations to each other, but to sub-divide them in order to obtain the number and the size of regions desired. The principal boundaries between the six regions, the lines separating the Far West from the Northwest and the Southwest, the Northwest and Southwest from the Middle States and the Southeast, the Southeast from the Middle States, and both from the Northeast, are respected with one very minor exception. The present scheme attempts to sub-divide the six major regions into seventeen Republics without violating the relations of the six regions to each other. The remaining three regions are Alaska, Hawaii and Micronesia, and Puerto Rico, together with the Virgin Islands, each of which must be a Republic unto itself, both because of distance and also because of racial, cultural and socio-economic factors.

The result of this sub-division is twenty Republics.

The first Republic consists of two Pacific Northwest states, Washington and Oregon.

The second of Northern California and Nevada. This division of California is the only instance in which a state line has been violated. It is felt that this is justified by the inherent differences in character between Northern and Southern California, a difference of which different climate, vegetation and divergent political orientation are but a few examples. The dividing line is drawn from the point where the California, Nevada and Arizona borders meet just north of Needles, diagonally across to a point on the Pacific coast near Morro Bay, just north of San Luis Obispo.

The third Republic consists of Southern California, Arizona and New Mexico, and is the only instance in which a dividing line of the six major societal regions previously discussed is violated. It is felt that this is justified, both by the similarity in outlook of the population of these states, and also by the desire to counterbalance the arid and unproductive areas of Arizona and New Mexico with some of the agricultural and industrial wealth of Southern California.

The fourth Republic consists of three mountain states, Utah, Colorado and Wyoming.

The fifth Republic of the cattle states of Montana and the two Dakotas.

The sixth Republic embraces two Great Plains states, Nebraska and Kansas.

Texas and Oklahoma as placed together to constitute the seventh Republic.

The dairy and farming states of Minnesota and Iowa join to form the eighth.

Illinois, Indiana and Missouri form a North Central Republic, the ninth.

The tenth Republic consists of the cotton growing states of Arkansas, Mississippi and Louisiana.

The eleventh of the industrial and farming states of Michigan, Wisconsin and Ohio.

The twelfth Republic comprises the tobacco and cotton states of Kentucky, Tennessee and Alabama.

The thirteenth the tobacco and fruit growing states of Florida and the Carolinas as well as the cotton state of Georgia.

The fourteenth Republic consists of the Virginias and Maryland.

The fifteenth consists of the states of Delaware, New Jersey and Pennsylvania.

The sixteenth solely of the state of New York.

The seventeenth Republic embraces the six New England states.

Alaska forms the eighteenth.

Hawaii, Micronesia, American Samoa and Guam the nineteenth.

Puerto Rico and the Virgin Islands the twentieth.

No claim is made that such a division is perfect. Indeed it has been suggested that perfection is hardly possible. It is suggested, however, that such an arrangement represents a substantial improvement over the existing fifty states. This is not only for the obvious reason that the absolute number of different jurisdictions is reduced, but also because the resulting Republics are more uniform in size and economic power. Furthermore an attempt has been made to group the states in such a way as to include within each Republic as much political, social and economic homogeneity as possible. Clearly some problems will still have to be solved by compromise between individual Republics, but it is hoped that they will be better able than the existing states to cooperate and function together as integral parts of a national whole.

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NAVY LEAGUE SYMPOSIUM

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HOSMER. Mr. Speaker, it was my pleasure to participate in the Navy

League Oceanic-Maritime Symposium held at the Sheraton-Park Hotel in Washington on February 17. The symposium probed a theme of "Wealth and the World Ocean," and endeavored to examine the prosperity portent of the President's national maritime policy, providing incentives for the revitalization of the American merchant marine.

I should like to commend the Navy League for its conduct of this significant symposium relating directly to the national interest and the maritime objectives of the Nixon administration.

Two of the most stimulating papers prepared for presentation at the symposium were those by George Lowe, Maryland University lecturer and recognized writer on ocean strategy, and the Honorable James D. Hittle, Assistant Secretary of the Navy for Manpower and Reserve Affairs.

I am including these papers in the RECORD because of their national importance to all my colleagues within the Congress:

THE OCEANIC OPTION

Nearly 200 years ago William Henry Drayton, one of South Carolina's leading planters and also Chief Justice of the state's Supreme Court, made a prediction concerning the United States of America. This new national state, he wrote, "attracts the attention of the rest of the universe and bids fair by the blessing of God, to be the most glorious of any upon record."

Today, after nearly two centuries of independence, there is doubt and uncertainty concerning America's role in the world and concern for society and civility at home. Tomorrow, in fact, President Nixon is going to give the first annual State of the World address. Parenthetically, I am pleased that this overview comes from the President rather than, as in the past, from Secretary McNamara's posture statement. Obviously, the President will speak for himself, but it is my feeling that what we are witnessing is not, as many commentators fear, a return to isolationism. No, I think that the political-military policy that has been expressed in the Nixon Doctrine first ennunciated at Guam last summer is only the beginning of a great re-examination of America's role in the world. And out of this re-examination will come a new foreign policy, a new military policy, weapons systems, force levels, and the modified institutions to carry them out.

Everyone by now is familiar with the policy of Vietnamization, the gradual turnover of the burden of fighting the Vietnamese War to the South Vietnamese. In the months ahead I am sure we will hear more about the Europeanization of America's commitment to Western Europe. Thus on both edges of the great Eurasian land mass, American political-military policy is being re-examined, and it appears inevitable that the troops introduced into Eurasia as the result of World War II will be coming home. We are witnessing the beginnings of the Americanization of our foreign policy. The years 1970–1976 will most likely be the transition years between two very old policies that have competed with each other since the founding of our Republic—isolationism and interventionism.

It is entirely possible that history's verdict on the Cold War will be that we won it a decade ago. Unfortunately, we didn't realize it, and we went beyond our Cold War victories. In the sixties we fashioned a globalist policy, which in turn over-extended us abroad and threatened domestic tranquility at home.

The Marshall Plan was very successful. Western Europe was saved and is today stronger and more prosperous than ever in history. The Red Army has not moved one inch to the West since VE Day in 1945. And in Asia, Japan has become the third industrial power in the world and promises, in Herman Kahn's opinion, to become Number One by the year 2001 A.D. The unnatural situation of 1945, that is, only two great powers, is no longer true. Today we live in a world of multi-powers with the ever-present possibility of new powers or super-powers arising, i.e., United Europe, Brazil, Japan, and China. The central fact of international life in 1970 is that the world has changed tremendously since 1945.

The following factors must be considered as having permanently changed the immediate postwar climate: Chinese H-bomb and delivery system; Russian-Chinese border conflict; Vietnamese War and wars of national liberation; American-Russian strategic parity; the new strategic technology (ABM, MIRV); the new Europe (after de Gaulle); possibility of European deterrent; United States retrenchment after Vietnam; the continuing Mid-East crisis; the economic and political rise of Japan and Germany; the accelerating population explosion; the unequal consumption of the world's natural resources; growth of Soviet naval power; new balance of power in United States government (Executive versus Legislative); the growing argument over national priorities; rising anti-militarism in the United States; increasing urbanization of the United States and the world; decline of Britain east of Suez; and opening up of space.

During these years, 1970–1976, our policy-makers must digest this changed international reality. It also seems likely that these years will witness a slow disengagement from the continental aberrations made necessary by our victory in World War II over Germany and Japan and by the postwar aggressiveness of the Soviet Union. This disengagement does not have to and indeed isn't the same as the nationalism and isolationism of 1815–1917, 1920–1941, or the interventionism and internationalism of 1776–1814, 1917–1919, and 1941–1970.

As a part of this new re-examination I would suggest that the policy-maker consider the implementation of the oceanic option, for it is a concept whose hour has come. In a recent *Newsweek* article on the SALT talks, Stewart Alsop wrote about an idea circulating in high places: "to propose to the Russians the phased elimination of *all* land-based intercontinental ballistic missiles from the territory of both the Soviet Union and the United States."

1. This would mean the invulnerable thermonuclear deterrents to total war of both the super-powers would be hidden beneath the Great Ocean. Their great deterrents would have no fixed addresses. America's mobile deterrent would be on patrol far from continental America and her great cities. The incentive for an *open-ended quantitative* arms race would be over. A *selective or qualitative* strategic arms modification could begin.

2. On the political front there is also an advantage: baseless naval task forces keeping the peace on the rimlands, backing up a policy of limited liabilities, a policy that is tied into vital American interests as seen in the needs of a great insular nation moving into our third century of independence.

3. There is economic advantage as well: The fleet would guard the essential ocean lifelines of our post-industrial society and those of our allies. The fleet would guarantee that these lifelines are open to all in peace and to us in war.

4. A revived merchant marine will help the chronic balance of payments by hauling a greater per cent of the carrying trade (the historic keys to maritime wealth and greatness).

5. Our technology could produce a nuclear clipper ship era in the seventies and eighties, eventually leading to 100-knot, completely automated, ocean-spanning ships. These new vessels would do for our merchant marine and society what the clipper ship did for the 1850's or the Polaris subs did for America of the 1960's. Admiral Morison has written of clipper ship builder Donald McKay's great clipper ships:

"Never, in these United States, has the brain of man conceived, or the hand of man fashioned, so perfect a thing as the clipper ship. In her, the long-suppressed artistic impulse of a practical, hard-worked race burst into flower. . . . For a brief moment of time they splashed their splendor around the world, then disappeared with the sudden completeness of the wild pigeon."

Where are our new Donald McKays, men possessed of the unusual combination of "artists and scientists, of idealists and practical men of business?" Where are our new *Flying Clouds, Great Republics,* or *Glories of the Seas?*

6. The oceans can be, indeed, must be a source of food and raw materials for a resource-deficient nation and world.

7. Finally, there is also moral and spiritual vitality to be gained from a seaward turn. This last frontier has challenges aplenty for our youth, and by the efficiency of this oceanic option it will see America stronger at home as a greater proportion of our limited resources are redirected to health, education, control of pollution and improvement of the quality of American life.

The challenge then is can we fashion a new grand strategy to match the promise of our greatness? Judge Drayton, whom I quoted at the beginning of this paper as having a grand vision of this new great state of the West, also had some ideas on how to carry out the promise of American life. This early great enthusiast for naval power wrote in 1776:

"If America is to be secure at home and respected abroad, it must be by a naval force. Nature and experience instruct us that a maritime strength is the best defence to an insular situation. Is not the situation of the United States insular with respect to the power of the old world: the quarter from which alone we are to apprehend danger? Have not the maritime states the greatest influence upon the affairs of the universe?"

Indeed, one can argue historically that the South Carolina jurist was correct when he wrote that naval actions have decided the superiority of nations—of Greece over Xerxes, of Rome over Carthage, of England over France, and to update the judge's observations, England over Germany, and of the United States over Germany and Japan.

We are a part of a three milennia-long struggle of continental powers versus oceanic powers. The United States can be either. Alone of the great powers, America faces both Great Oceans, the Atlantic and Pacific. This elementary geographic fact gives the United States the oceanic option. It seems to me that the moment is at hand when we should carry out the implications of our splendid geographic position, our unexcelled oceanic heritage, and our superior naval expertise and technology. If the seventies are going to see America exercise her oceanic option, we will need the maritime forces to do it, and this means *ships* of all descriptions. These ships will enable us to carry out a new policy of national independence that is free, free at last, from French, British, German, Japanese interests and is dedicated to real, not imagined, *American interests* as they confront the international realities of the seventies and eighties—the power constellations in Western Europe, Central Europe, and Eastern Asia. We must scrap the illusion that America has inherited the mantle of the British Empire with all its global responsibilities.

This global pretentiousness began with President Truman's Doctrine in 1947 and reached its high water mark in 1968 with 548,000 American troops in Vietnam. This globalist policy has been slowly dissolved by the existence of invulnerable thermonuclear weapons and by the nationalist and Communist guerrilla. These two weapons have helped dismantle all empires in the last twenty years. What is needed is to admit to ourselves that this is so and devise a new policy. We must protect and perfect this great American nation, and the only way to do it without succumbing to a new isolationism is by adopting a new oceanic policy for America's third century.

As we voluntarily return, at least part way, to our insular status, and as we re-think our grand strategy, our aim should be to create a new and wholly American foreign policy for America's third century. It is my contention that American oceanic doctrine and strategy properly understood and implemented could carry out implications of this new foreign policy. They are, I believe, implicit in the Nixon Doctrine, which is meant to be applied not only in Asia but world wide. It will be interesting to apply the oceanic test to President Nixon's State of the World message tomorrow to see if there is any evidence of an oceanic shift. This may be one of the shortest lived prophecies of all time, but for our nation's sake, I hope not because I believe logic, weapons systems, geography, technology, and international realities all suggest that President Nixon will in the years ahead begin to implement the various pieces of the oceanic option. It is my optimistic belief that all the pieces of an oceanic renaissance are lying around in various stages of perfection just waiting to be picked up and synthesized by a new Mahan or Teddy Roosevelt. If this is to come about, certain institutional changes will probably be necessary:

1. The President should have a new oceanic advisor.

2. Because oceanic policy cuts across many of the great departments, it is perhaps advisable that all Cabinet officials be included in the deliberations of the National Security Council.

3. Congress should once again carry out the implications of Article 1, Section 8 of the Constitution, where the historic distinction is made between supporting armies and maintaining a navy.

In other words, for the oceanic option to have a viable chance, it will require a new partnership between the Legislative and Executive branches and an in-depth understanding by all elements of our people. Then and only then will America be set on the course implementing the promise of becoming a great maritime nation.

A billion years ago life came out of the oceans and settled on the land. Now man is returning to the seas for his security and sustenance. Perhaps we can realize a new sense of world community through oceanic cooperation now that Apollo has revealed earth life to be a blue-green island in a lifeless universe.

REMARKS BY HON. JAMES D. HITTLE

Traditionally, the United States Navy has provided the intellectual stimulation and the scientific spark for national progress on the oceans. The Navy's transition from sail to steam and from muzzle loading cannons to the nuclear tipped Polaris missile has been the result of naval progressiveness and innovation.

The scientific achievements of naval people are noteworthy in oceanography, meteorology, geophysics, geology and physiology. Rickover, in harnessing the atom for maritime propulsion initiated a revolution in waterborne transportation.

Without an expandable elite corps of professional seafarers, this nation can never tap—much less capitalize—on the vast wealth of the world ocean. Men are needed to man our fleets, to fish the waters; men are needed to explore the deep and for maritime research—basic and applied—to keep our seagoing base—both commercial and military—modern, efficient and competitive. These men must be educated. To be strong on the sea, a nation must know the seas.

Those that follow the seas seeking satisfying occupations are different from their counterparts who cling to the land. Their experience is different, their motivation is different, their education is different, their interests and attitudes are different. For the environment is different, and it requires different perspectives and differing skills—even a different kind of education.

Yes, if America is to regain its prowess on the oceans, first and foremost, there will be a greater need for the knowledge of these men who sail the seas to infuse the maritime thought derived from seagoing habits into the national bloodstream.

For progress, productivity, in an oceanic sense, we are utterly dependent upon people who generally cannot be considered the cross-sectional norm of the American people in our fast-moving world of the 20th Century. The Navy recognizes this fact, the maritime community also, but as yet, the nation does not.

Despite the naval and maritime background of some high ranking officials and educators, relatively few public and private leaders are truly maritime trained and educated to the full grasp of the maritime view. Consequently, there is a requirement for expanded education to give our people the perspective and the conviction as to our role on the world ocean.

Though often overlooked, the U.S. Navy is, in fact, one of the largest and most complex educational institutions in the United States. Naval leaders—civilians and uniformed alike—are becoming more aware of this reality daily. And, the fact is, we are constantly moving to expand this educative role. The Navy for years has been producing men who contribute to the repository of national seafaring knowledge and thus enable the nation to undertake its endeavor on the oceans.

Both in recognition of the technological needs of the new, modern Navy, and as a means for meeting the educational goals of the individuals in the service, a rapid expansion of the educative process is underway. There has been major emphasis placed upon broadening the educational curriculum of the Navy for several years.

Let me briefly touch on a few examples:

Certainly the length of Polaris patrols gave Navy men free time and attendant psychological problems of boredom, . . . motivation, . . . and on the positive side, . . . motivation to accelerate the Navy's emphasis on educational opportunities. In cooperation with Harvard University the Navy implemented the Program for Afloat College Education, (better known as PACE). The Pace program consists of four critical elements: (1) Introductory lectures are given by the college professors before the ship leaves on an extended deployment, (2) At sea, the students study applicable text material, which is supplemented by (3) A series of fifteen thirty-minute filmed lectures, (4) At the end of the deployment the professors again come aboard ship, give summation lectures, then final examinations.

There are now four schools that cooperate with the Navy in the PACE program.

1. Harvard University.
2. University of Hawaii.
3. San Diego State College.
4. University of South Carolina.

In fiscal year 1969, 3,100 men, aboard 98 ships participated in 202 courses. The cost to the Navy was $377,000. In addition, eight courses were given in Antarctica by two Harvard professors who wintered over with the party.

The aircraft carrier *John F. Kennedy* is also working with Old Dominion College in Norfolk, Virginia, on a similar education program. Certain officers on the *John F. Kennedy* have been qualified by the school to teach extension courses on board the carrier. The students are helped with their tuition and fees through the Navy's Tuition Aid assistance program.

The end is not education for education's sake, but rather to give depth to our program resulting in the provision of people well-versed in operations at sea to round out their disciplines and provide a maritime base for national endeavor and national thought pertaining to the seas.

The Navy man with long separations from home and a rigorous life at sea, has always been confronted with many moves and changes of station or duty. Since the naval life is exciting, arduous and self-satisfying, the men—for the most part—enjoy their service. They invariably are attracted to the seas as a masculine career that is intensely challenging. The wives, on the other hand, understandably, lack enthusiasm for their husbandless existence. They frequently win with their subtle strategies designed to gain a more stable home life. I would be less than candid if I didn't state that recent trends have resulted in fewer officers and men being attracted to naval careers. But whether our people remain in service for short terms or for a full professional career; as a general trend, the Navy provides people with a foundation of oceanic knowledge and experience from which the nation can build.

The Navy as a facet of leadership and concern for its people, in recent years, has placed ever-expanding emphasis on education. This has helped in motivation of the men who man the Navy and Marine Corps.

At the Naval Academy this trend has been particularly dramatic in recognition of technological change and the need within the Navy for officers with Masters and Ph. D. degrees. Though the mission and emphasis at the Academy must remain the production of naval officers, the transition to a broadened curricula has reinforced the prime result of producing a well educated, well motivated potential leader, capable of commanding our fleets or elements of the Navy.

The Navy Enlisted Scientific Education Program—accentuates this educational trend for enlisted personnel which enables them to receive a college education and go on to become an officer. 20th Century technology has broadened the base of the educational requirement and there are new fields for professional development in ship design and jet aircraft in the Navy. A whole new vista of occupations has unfolded with nuclear power and missile space development, broadening the professional horizons of all our citizens. Through these modern career opportunities the military services hope to induce greater stability of our people. The dilemma is, of course, that industry requires the men who have received special education and experienced training in the new fields. Though the Navy does not enthusiastically regard the termination of service for a career in industry, the nation gains either way—for the individuals concerned contribute to the national pool of seafarers, providing a hard-core of educated enlightened individuals who understand what the uses of the seas portends in terms of security and prosperity.

Perhaps a little degression along these same lines is in order. Though Navy tends to be technologically oriented—there are innumerable facets of oceanic endeavor. Sea power entails all elements of the nation's resources—the totality of the nation's endeavor is encompassed by national strategy and there must be academic and practical attention given to global geography, interna-

tional affairs, diplomacy, trade, commerce and the law of the sea.

The Navy encouraged education in these many fields to gain expertise in the disciplines that pertain to the sea. Additionally, our NROTC programs and Junior NROTC, which are oriented toward the sea and gaining people for the sea service, contribute essentially to the numbers of Americans who are aware of the oceans and their meaning.

These people the nation must produce in far greater numbers if we are to attain our objectives of using the oceans to the fullest and a primer of our prosperity and a means for insuring the security of the nation and the safety of our citizens. Both are a function of people, their education, their motivation and their goals in seeking a productive and satisfying way of life through contribution to society as seafarers.

FREEDOM'S CHALLENGE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HOGAN. Mr. Speaker, I am very pleased to report that a young constituent of mine, Miss Susan Busse, of Bowie, Md., has won the Voice of Democracy contest for the State of Maryland. This contest is sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. The contest theme was "Freedom's Challenge."

Miss Busse's winning speech follows:

FREEDOM'S CHALLENGE

(By Susan H. Busse)

Today, more than ever, the words "Freedom's Challenge" have a significant meaning. Perhaps at no time in history has the challenge been so great!

In America, as well as in other parts of the world, people are crying out for their own freedoms: freedom to live without discrimination, freedom to speak out, freedom to resist the draft, freedom to protest—either for or against the government—and so on.

American citizens, in particular, are extremely concerned with their rights of freedom. We are proud that we have our freedoms, guaranteed by the Bill of Rights and enforced by the law. Both the "dissentor" and the "patriot" have a common ground: they each want their own freedom—the right to do as they please.

The "patriot" fears communism or fascism. These very words make him tense and filled with hate or fear—fear that through these forces he may lose his rights of freedom.

The "dissentor" feels that he will lose his rights of freedom too, but perhaps his fears are not so much for communism or facism but rather than he is losing his freedom to do as he pleases, perhaps not to fight if he desires.

I believe that we should fear division of our own people more than the outside forces such as communism or facism. For, if we are united, we will not fall to these forces, but we will overcome them—together.

Part of the great division in our country today is caused by large numbers of people acting in protest, while the silent *majority* are apathetic. We want our rights; we value our freedoms; but, some of us are not willing to sacrifice or speak out for them.

It is easy to condemn others—easy to say that others are doing nothing—but how about you?

Have you ever caught yourself merely reciting the pledge of allegiance without thinking of what you are saying? Or have you ever checked a box in front of a candidate's name—without being well versed concerning this man's views on controversial issues—and then even dismiss the action by saying, "One vote's not that important anayway." This is apathy. You see, it's not only *other* people.

We must overcome our apathetic feelings and replace them with enthusiasm. It is true that we have these rights of freedom now, but if we don't take the necessary precautions, we won't have them for long.

It is our generation's responsibility to retain our national heritage—to protect it. We must meet this challenge with determination and courage—the kind that is only developed when each individual searches his own soul for answers, then shares his answers with others.

This, in my opinion, *is* freedom's challenge. The challenge of uniting to cherish and protect the very freedoms we now enjoy.

WELFARE COUNCIL OF METROPOLITAN CHICAGO BACKS CIVIL LIBERTIES PROVISIONS FOR NEW ILLINOIS CONSTITUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. MIKVA. Mr. Speaker, Illinois is now in the midst of a historic constitutional convention which will draft a new charter of government for our State. One of the most important areas of concern of the convention is the protection of individual citizens' liberties—liberties which placed in ever greater danger by fearmongering advocates of repressive anticrime legislation.

An important contribution to the convention's consideration of civil liberties issues has been made by the Welfare Council of Metropolitan Chicago. The council has adopted two important recommendations on the subjects of bail reform and invasion of privacy. I believe that delegates to the constitutional convention would be wise to consider carefully the recommendations which the welfare council has made.

Since the council's recommendations have some relevance to issues which will soon be coming before this House, I insert them at this point in the RECORD for the benefit of my colleagues.

The document referred to follows:

WELFARE COUNCIL OF METROPOLITAN CHICAGO

The Welfare Council of Metropolitan Chicago Takes the Position That: Every person should be eligible for admission to bail and should be released from custody upon his own recognizance while awaiting trial unless, after an examination of fact, the court deems financial surety necessary to assure his appearance at trial, in which case the person should be released upon deposit of ten per cent of financial surety set.

Therefore, The Welfare Council of Metropolitan Chicago Takes the Position that the Illinois Constitution Should Contain:

BILL OF RIGHTS

All persons shall be bailable. Financial surety shall be used only to assure the appearance of the accused at trial and shall not be excessive.

This Position Is Taken For The Following Reasons:

1. It is man's inalienable right to be judged innocent until proven guilty. This was regularized by William the Conqueror through the institution of "frank-pledge," whereby groups of ten men in every shire hundred became hostages for each other's good conduct. Further protection for the rights of the accused came with the Magna Carta when King John guaranteed every freeman from being taken or imprisoned but by lawful judgment of his peers of the law of the land.

2. Pre-trial imprisonment, through denial or release on bail, implies guilt. The presumption of innocence until proven guilty beyond a reasonable doubt, however, is the very foundation of the American concept of criminal justice. That presumption is allpervasive; it is not qualified and does not hold that all men are presumed innocent until proven guilty beyond a reasonable doubt "except those accused of certain offenses." If any accused person has the right to bail, all accused persons must have such right.

3. Bail requiring financial surety should be used only to assure the appearance of the accused at trial. But the posting of such surety is not, in fact, a guaranteed deterrent from flight to those who have money. Individuals have forfeited the largest financial bonds to avoid income tax convictions. Factors other than financial surety are instrumental in bringing a man to his court date, *e.g.*, family ties, employment, and efficiency of modern police.

Under the ten percent of bail deposit rule, the court retains ten per cent of the amount deposited (or one per cent of the total) to cover costs. Release on bail eliminates the cost of maintaining the accused in jail while awaiting trial. These income-producing or money-saving aspects should not be taken into consideration in deciding whether financial surety is necessary, or in what amount, as they do not bear on securing the appearance of the accused at trial. By giving proper weight to the non-financial reasons a defendant has to reappear in court, this possible mis-use of bail is avoided.

Illinois Criminal Law (Ill. Rev. Stat. 1967, Ch. 38 § 110–2) declares in part: "when from all the circumstances the court is of the opinion that the accused will appear as required either before or after conviction, the accused may be released on his own recognizance," The right of indigent defendants to be eligible for release without posting financial surety was upheld in *Bandy* v. *United States*, 82 S.Ct. 11 (1961).

4. The imposition of "excessive bail" is prohibited statutorily, constitutionally, and by the rules of court procedure. Traditionally, however, the determination of what is "excessive" has been based primarily on the nature of the charges. This has brought about inequity, though unintended by the drafters of the principle. If two jurisdictions regard the same offense with differing degrees of severity, how might "excessive" be determined?

Presently, for many offenses, the amount of financial surety required is preset by rule of court according to the crime charged. Thus the arresting officer has a major role in determining the amount of surety required, then that amount is "excessive" for rest a man on a city charge of disorderly conduct, and the amount of surety required would be $25. If the officer chooses to make the arrest on a state charge of disorderly conduct, however, the surety would be $100.

If a person has not the financial means to pay ten percent of the financial surety required, then that amount is "excessive" for him. The present bail bond procedures discriminate against the poor since they are the ones who cannot pay the ten per cent deposit of financial surety now required in the State of Illinois. This is evidenced by the large number of men held in the Cook

County Jail awaiting trial. For them, bail is both "excessive" and punitive.

In a decision by the United States Supreme Court involving excessive bail, it was stated: ". . . Thus, the amount is said to have been fixed not as a reasonable assurance of their presence at the trial, but also as an assurance they would remain in jail. There seems reason to believe that this may have been the spirit to which the courts below have yielded, and it is contrary to the whole policy and philosophy of bail. This is not to say that every defendant is entitled to such bail as he can provide, but he is entitled to an opportunity to make it in a reasonable amount. I think the whole matter should be reconsidered by the appropriate judges in the traditional spirit of bail procedure." *Stack* v. *Boyle*, 342 U.S. 1, 10, 72 S. Ct. 1, 5 (1951).

5. In summary, the denial of eligibility for admission to bail to persons accused of certain offenses also denies a basic principle of our Democracy, that a person is presumed innocent until his guilt is proved. The misuse of bail requiring financial surety for any purpose other than to assure the appearance of the accused at trial, such as for preventative detention, retribution, or to sop the public ire, does not serve the ends of justice but subverts these ends. The ambiguity of the word "excessive," and the prevailing interpretation, have resulted in that the surety required is based largely on the charges filed rather than at the discretion of the court having determined what would be reasonable and not "excessive" according to the individual's means.

CONSTITUTIONAL CONSIDERATIONS

The Federal Constitution

The Eighth Amendment to the United States Constitution provides:

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

The "excessive bail" clause alone implies that there is a right to bail. But even before the Eighth Amendment was adopted, the Judiciary Act of 1789, enacted by the First Congress, guaranteed a right to bail in all non-capital cases, and made bail discretionary in capital cases dependent upon "the nature and circumstances of the offense and of the evidence and usages of law." * In the case of *Stack* v. *Boyle*, the Chief Justice stated: "From the passage of the Judiciary Act of 1789, * * * to the present Federal Rules of Criminal Procedure, Rule 46(a)(1), 18 U.S.C.A., federal law has unequivocally provided that a person arrested for a non-capital offense shall be admitted to bail. This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of puishment prior to conviction.

* * * Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning." *Stack* v. *Boyle*, id., 4.

A recent comprehensive study of the constitutional history of bail concludes that the excessive bail clause of the Eighth Amendment "was meant to provide a constitutional right to bail . . ." ** In 1962, the "cruel and unusual punishment" clause of the Eighth Amendment was held to be binding upon the states under the due process clause of the Fourteenth Amendment. *Robinson* v. *California*, 370 U.S. 660, 82 S. Ct. 1417 (1962). The year after that decision, the Court of Appeals for the Eighth Circuit took it "for granted" that the excessive bail provision also applies to the states. *Pilkington* v. *Circuit Court*, 324 F. 2d 45, 46 (1963).

The present Illinois Constitution

The State of Illinois has, in its present Constitution and by its Supreme Court decisions, imbedded into Illinois law the precept that there is a right to bail. The 1870 Illinois Constitution states:

Article II, § 7. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great; . . .

"Bailable" means only eligibility for admission to bail. It means that the court must give consideration to releasing a "bailable" person on bail; the court, in fact, may deny release of such person on bail if it is of the opinion that no surety will be sufficient to secure his reappearance for trial.

The present Illinois constitutional language provides that all persons shall be eligible for admission to bail except those accused of capital offenses "where the proof is evident or the presumption great." In other words, persons so charged are detained not because they may flee before coming to trial, but because they have been denied the presumption of innocence until proven guilty beyond a reasonable doubt. Thus the accusation itself in Illinois may be sufficient to imprison an individual before trial and before conviction, such being sanctioned by our present constitutional provision on bail.

Other State constitutions

A number of other state constitutions include provision relating to bail which are similar or identical to the language of the Eighth Amendment in the United States Constitution. An example is:

Michigan: *Article 1, Sec. 16.* Excessive bail shall not be required . . .

Many other state constitutional provisions on bail are substantively the same as Illinois', which limits the eligibility for admission to bail based on the charges brought. An example is:

Washington: *Article 1, Sec. 20.* All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great.

There are a number of states which combine the two provisions, such as:

Alabama, Article 1, Section 16. That all persons shall before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

The proposed Illinois constitution

The present Illinois Constitution, despite the basic concept that a person is innocent until proven guilty, limits eligibility for admission to bail on the basis of the crime charged. This qualification should be eliminated.

The Eighth Amendment to the United States Constitution is concerned primarily with the term "excessive," which concept is not included in the Illinois Constitution but should be.

However, the term "bail," in its legal sense, refers to pre-trial release. In the past, it has also been used to denote the financial surety imposed as a condition to admission to bail. The advent of pre-trial release without requiring financial surety (Release on Own Recognizance) requires a distinction in language for these two concepts. Thus, the use of the term "financial surety" in the language proposed.

To assure that the imposition of bail requiring financial surety will not be used for preventative detention or as pre-trial punishment, a specific statement as to the purpose of requiring financial surety should be included.

A declaration that the sole purpose of requiring financial surety is to assure appearance at trial will eliminate the tendency to like the phrase "excessive" solely to the nature of the charge without considering the financial means available to the accused.

Therefore, The Welfare Council Of Metropolitan Chicago Takes The Position That The Illinois Constitution Should Contain The Following Provision:

ARTICLE —

Bill of Rights

Sec. —. All persons shall be bailable. Financial surety shall be used only to assure the appearance of the accused at trial and shall not be excessive.

Approved by the Board of Directors on December 12, 1969.

INVASION OF PRIVACY

The Welfare Council of Metropolitan Chicago takes the position that: Unreasonable searches and seizures of persons and property, and all interceptions of private communications should be prohibited.

Therefore, the Welfare Council of Metropolitan Chicago takes the position that the Illinois Constitution should contain:

BILL OF RIGHTS

Searches and seizures

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated by any person. No search warrant shall be issued except upon probable cause supported by oath or affirmation, and the place to be searched and the persons or things to be seized shall be particularly described in the warrant.

The right of the people to be secure against any interception of their oral or other communications shall not be violated by any person.

The right of the people to be secure against unreasonable arrest or detention shall not be violated; and no person shall be arrested or detained unless a warrant has issued or unless there is probable cause to believe that the person is committing or has committed an offense.

Evidence obtained in violation of the foregoing requirements shall not be admissible in any civil or criminal proceeding.

And, furthermore, that Section 6 in Article II of the present Illinois Constitution be amended to include the above provision.

This position is taken for the following reasons:

1. While the apprehension, prosecution and conviction of criminals require a governmental power to seize, search and acquire evidence of the commission of crimes, such unfettered power in law enforcement officers historically has resulted in unwarranted and, from the point of view of effective law enforcement, unnecessary official invasions of the person, of property, and of communications intended to be private.

The practice of issuing so-called "writs of assistance" to revenue officers, empowering them in their discretion to search suspected places for smuggled goods, prevailed in the American colonies and in England. There was a similar practice of issuance of "general warrants" for searching private houses for the discovery and seizure of books and papers that might be used to convict their owner for libel. The issuance of general warrants for indiscriminate search and seizure originated in the Star Chamber, where trial proceedings were held in secrecy.

2. Only unreasonable searches and seizures should be prohibited. A reasonable search or seizure, based upon a proper warrant or incidental to a lawful arrest, should be permissible.

Warrants must be issued by a judicial officer. The interposition between the government and the individual of an impartial magistrate and that the warrant may not issue except upon probable cause being established are central to the "reasonableness" of a search or seizure. "Probable cause" has been defined by the United States Supreme Court as follows:

"The substance of all the definitions" of

Footnotes at end of speech.

probable cause "is a reasonable ground for belief of guilt." . . . [T]his "means less than evidence which would justify condemnation" or conviction . . . [but] more than bare suspicion: Probable cause exists where "the facts and circumstances within [an officer's] knowledge and of which [he has] . . . reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that" an offense has been or is being committed.[1]

Likewise, "probable cause" has been required in order to make a lawful arrest.

The "reasonableness" of a search without a warrant but incidental to a lawful arrest lies in the necessity to (1) protect the arresting officer from potential injury by a concealed weapon, (2) deprive the prisoner of a potential means of escape, or (3) prevent the destruction of evidence within the immediate control of the arrested person. In the majority of today's criminal cases in which physical evidence was seized, the search was made without a warrant and incidental to a lawful arrest.

3. A recent development in the area of search and seizure has been the enactment of statutes in some states authorizing seizure of physical evidence without making a formal arrest. The so-called "stop and frisk" laws permit a police officer to temporarily detain a person for questioning upon "reasonable suspicion" or "reasonable grounds to believe" that a crime has been or is being committed. With some variation in terminology, these laws generally authorize a police officer to "frisk" or pat down the outer clothing of the detained person in order to detect, by touch, the presence of a weapon. If a weapon is discovered during such a "frisk," a formal arrest may then be made and a more thorough "search" is permissible incidental to such arrest.

Illinois has recently adopted a "stop and frisk" law which differs significantly from those of other states in that it also permits such action when the police officer believes that the person is "about to commit" an offense.[2] The constitutionality of this law has not yet been tested.

4. Both a "frisk" and a search incidental to a lawful arrest are conducted without issuance of a warrant, but the "frisk" is authorized without "probable cause" under circumstances which would not justify a formal arrest. Proponents of "stop and frisk" legislation maintain that because a "frisk" is less of an invasion upon an individual's person than is a "search" incidental to arrest, a less stringent criteria is permissible, *i.e.*, "reasonable suspicion," which seems to be more than mere surmise but less than "probable cause." (See *People* v. *Peters*, 18 N.Y. 2d 238, 244–45 (1966).)

The core of the matter, however, lies not in whether a less stringent standard should apply to justify a "frisk" than that justifying a "search," but rather in the fact that there is not any actual difference between a temporary detention and a formal arrest in terms of restricting the suspect's freedom of movement. (See *Coleman* v. *United States*, 295 F. 2d 555 (D.C. Cir. 1961)). A person temporarily stopped for questioning is as "arrested" in his ability to resist detention as if he had been formally placed under arrest and should therefore be subject to the same protection against violation of his civil rights. If a person has not acted in such a way as to constitute "probable cause" for a lawful arrest, then a "frisk" authorized upon only the police officer's suspicion is as abhorrent to the principles of personal liberty and security as were the 17th Century general warrants.

5. A mere prohibition of unreasonable searches and seizures has, in many instances, been found to be a hollow statement of a well-intentioned but unenforceable principle. Criminal sanctions against police officers who violate the legal safeguards have proved ineffective. Law enforcement officers are reluctant to take action against overzealous law enforcement. Experience has demonstrated that a prohibition against unlawful activity by law enforcement officers can best be enforced by prohibiting the use of evidence turned up by such unlawful search. If failure to observe legal rules will render fruits of police activity inadmissible as evidence in criminal proceedings, it is likely that the rules will be observed with care.

6. Modern technology, through the development of electronic surveillance devices, has permitted searches to take place which do not involve physical contact with a person or property. While there are technical and legal differences between wiretapping and other means of eavesdropping (such as through a variety of microphones and recording devices, detectaphones, subminiature radio transmitters, etc.), they may be treated together for purposes of comparison with the traditional concept of search and seizure involving physical intrusion.

Most proponents of electronic eavesdropping agree that controls should be imposed similar to those governing ordinary searches and seizures. The real controversy is whether there should be a total ban on electronic eavesdropping or whether it should be permitted under judicial supervision. Apart from their contention that eavesdropping is an essential weapon against crime, particularly in cases of kidnaping, organized crime and official corruption, advocates base their position on the premise that eavesdropping is but an extension of the physical search and seizure and should therefore be permitted under similar rules. They do, in fact, successfully counter many of the prevalent arguments against eavesdropping with analogous situations under lawful searches for physical evidence. For example, it is argued that wiretapping is offensive because it constitutes a "necessarily indiscriminate" electronic search, listening in on all elements of one or more conversations, however innocent. Advocates reply that in a search for physical evidence, a police officer may rummage through private papers and peer into closets, but that the incidental exposure of innocuous privacies does not vitiate an otherwise valid search. Likewise, the surreptitious nature of a wiretap is similar to a lawful conventional search warrant for premises in the absence of its occupants and in such a manner as to avoid subsequent detection.

7. Nevertheless, searches and seizures by means of electronic devices, as opposed to searches and seizures of physical evidence, have one major differentiating characteristic which does serve to legitimate the call for their prohibition, *i.e.*, that the evidence obtained is "testimonial" in nature, taken directly from the accused.

The Fifth and Sixth Amendments of the United States Constitution, as well as Sections 10 and 9, Article II of the Illinois Constitution, protect any person from being compelled in any criminal case to give evidence against himself and guarantee him the assistance of counsel. Evidence obtained by means of an electronic listening device, such as a recorded private conversation, and used or introduced to substantiate guilt of one or more parties to such conversation, may clearly be seen to constitute compulsory self-incrimination, taken without waiver of right to counsel.

8. Laws protecting individuals against unreasonable invasions of privacy originated in colonial opposition to unwarranted searches by revenue officers and customs inspectors, who were administrative rather than police officers. In today's society where there is substantially greater governmental regulation of the lives of individuals, it is ironic that these prohibitions generally do not apply to administrative as well as to law officers. For example, "midnight raids" by case workers seeking entry to determine eligibility of public welfare recipients have been well documented [3] and are undeniably as intrusive upon individual privacy as would be an unwarranted entry by a police officer.

9. Recent literature on invasion of privacy indicates that despite more public attention being focused on law enforcement activity, the most frequent, flagrant, and systematic invasions of privacy are committed by private citizens.[4] The use of private detectives for marital, industrial and labor espionage has been well substantiated.[5] All of the principles supporting a prohibition on unreasonable searches by governmental agents would require the same protection of an individual's privacy and personal freedom from actions by other private individuals.

10. To assist in the enforcement of a legal ban on unreasonable invasion of privacy by governmental administrative officials or by private parties, it is necessary to impose the "exclusionary rule" principle in a similar fashion as that designed to deter illegal activities by law enforcement officers. The proper adaptation of this principle would be to exclude evidence so obtained from admission into both civil and criminal proceedings, which would then include administrative hearings or investigations as well as civil suits.

CONSTITUTIONAL CONSIDERATIONS

The Federal Constitution

The United States Constitution provides in the Fourth Amendment as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

A large body of Federal law has been developed interpreting the foregoing language and setting out rules which must be followed for a search and seizure to qualify as reasonable.

The decision of the United States Supreme Court in *Wolf* v. *Colorado* held that the Fourteenth Amendment's due process of law clause had made the above Fourth Amendment applicable to state action and, therefore, requires the states, in matters of searches and seizures, to adhere to standards which previously had been imposed on Federal law enforcement agencies alone. *Wolf v. Colorado*, 338 U.S. 25 (1949). Accordingly, a single standard has evolved to which all law enforcement agencies must adhere in making searches and seizures.

The exclusionary rule, by which evidence illegally seized is inadmissible as evidence in criminal proceedings, has long been used in the Federal Courts as a method of enforcing adherence to constitutional safeguards. Following *Wolf* v. *Colorado*, the Supreme Court also applied to the states the exclusionary rule through Fourteenth Amendment incorporation. *Mapp* v. *Ohio*, 367 U.S. 643 (1961).

The Fourth Amendment search and seizure provision has recently been expanded in a holding by the United States Supreme Court which bans unauthorized or warrantless electronic eavesdropping or "bugging," or "bugging" authorized by insufficient warrants, as well as unauthorized wiretaps on telephone conversations. *Katz* v. *United States*, 389 U.S. 347, 88 S.Ct. 507 (1967).

In discussing constitutional protections governing search and seizure, a major area

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of issue is what constitutes an "arrest." The definition promulgated by a United States Circuit Court seems to set down the clearest statement:

. . . the term arrest may be applied to any case where a person is taken into custody or restrained of his full liberty, or where detention of a person in custody is continued even for a short period of time. *United States* v. *Scott*, D.C. D.C. 1957, 149 F. Supp. 837.

In the same discussion, the Court said that the essence of an arrest is ". . . a restriction of the right of locomotion or a restraint of the person." This definition would include "on the street detention," "stopping and frisking" and other police methods (road blocks, drag nets, etc.) of dealing with or seeking suspected persons. An officer may, of course, ask any individual a question or engage in conversation with anyone, so long as he does not confine or restrain the person without his consent. The hard question is whether the officer can "restrict the locomotion or restrain the person" for a brief period of time for the purpose of questioning him where grounds for arrest are lacking, and "frisk" him for a weapon where probable cause for an arrest does not exist.

In a key case on "stop and frisk," the Court upheld the conviction and said that in showing "probable cause" to justify the particular intrusion, the officer who does not have a warrant ". . . must be able to point to specific and articulable facts, which taken together with rationale inferences from those facts, reasonably warrant that intrusion." *Terry* v. *Ohio*, 88 S.Ct. 1868 (1968). But the Court, in another important ruling, reversed a conviction for possesssion of narcotics since the police officer had no "probable cause" to make an arrest or conduct a search. *Sibron* v. *New York*, 88 S.Ct. 1889 (1968).

Protections of the Federal Fourth Amendment were applied to actions of governmental officials not law enforcement officers by the California Supreme Court in holding that searches by social workers violated the constitutional rights of welfare recipients. The Court held that such raids, even though they were conducted to determine welfare eligibility rather than to obtain evidence for criminal prosecution, transgressed the constitutional limitations of the Fourth Amendment. *Parrish* v. *Civil Service Commission of the County of Alameda*, 425 P. 2d 223 (1967).

The fifth and sixth amendments

Another source of constitutional control of governmental invasion of individual privacy is the Fifth Amendment privilege against self-incrimination. Although the privilege traditionally has been confined to prohibit only the compulsion of testimonial communications from an accused, several justices of the United States Supreme Court have expressed the opinion that the Fifth Amendment, together with the Fourth, covers all private communications with a cloak of privacy that immunizes them from interception by all electronic eavesdropping devices. *Osborn* v. *United States*, 385 U.S. 323, 340–54 (1966) (Douglas, J., dissenting); *Lopez* v. *United States*, 373 U.S. 427, 463–71 (1963) (Brennan, J., dissenting). In another case in which a Connecticut statute prohibiting contraceptive devices for married couples was held to be unconstitutional, the Court identified a Federal constitutional "right of privacy" independent of, but which "emanate[s]" from the "penumbras" of the various provisions of the Bill of Rights. *Griswold* v. *Connecticut*, 381 U.S. 479 (1965). Although the Court did not clearly articulate a constitutional theory of privacy outside the realm of marital intimacies, one commentator has suggested that the rationale of *Griswold* "could be advanced to establish that 'emanations from the Bill of Rights forbid wiretapping and electronic eavesdropping." [6]

The import of the Sixth Amendment right to legal counsel was affected substantially by the United States Supreme Court rulings handed down in the landmark *Miranda* v. *Arizona* decision. The Court declared that before the police may interrogate a person "taken into custody or otherwise deprived of his freedom of action in any significant way," certain warnings must be given which include informing such person of his rights to remain silent and to have benefit of legal counsel during interrogation. The Court pointed out that:

. . . a heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel. *Miranda* v. *Arizona*, 384 U.S. 436, 475–76 (1966).

A fundamental principle of the American adversary system is that the prosecution must bear the entire burden of proving guilt. To prevent a suspect from becoming the instrument of his own conviction, *Miranda* contemplates "roughly equivalent adversaries" in the interrogation process by making available to the defendant the tactical advice of counsel.

Though *Miranda* was not directed toward pre-arrest investigatory practices, the principles established, particularly that governing the protection of a defendant from unknowingly becoming the instrument of his own conviction, have great implication on the use of electronic eavesdropping devices to obtain oral evidence for criminal prosecution.

The present Illinois Constitution

The 1870 Illinois Constitution contains the following provision:

Article 11, § 6. Searches and Seizures. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.

The 1818 Illinois constitutional provision on searches and seizures was readopted in 1848 without change. It provided that: (1) people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and (2) general warrants authorizing search of suspected places without evidence of the fact committed, or seizure of any person not named whose offenses are not particularly described and supported by evidence, are dangerous to liberty and "ought not to be granted."

The 1870 provision, above, substituted "effects" for "possessions," introduced specifically the "probable cause" and affidavit requirements for issuance of warrants, and mandated that warrants particularly describe the place to be searched, and the persons or things to be seized, eliminating the somewhat innocuous and ambiguous phrase that general warrants "ought not to be granted."

While the Illinois Constitution is silent on the subject of electronic eavesdropping, the same had been in the past prohibited by statute, but is now permitted with the consent of one party and at a state's attorney's request, but without requiring a warrant. (Ill. Rev. Stat. 1969, Ch. 38, § 14–2).

The absence of specific constitutional provisions specifying circumstances when arrest is authorized has placed the subject within the scope of legislative action. As mentioned earlier, Illinois' "stop and frisk" law has not yet been constitutionally tested.

The so-called "exclusionary rule" by which evidence illegally seized is inadmissible in evidence has long been used in Illinois Courts as a method of enforcing adherence to constitutional safeguards, although there is no Illinois constitutional provision on this.

Other State constitutions

State constitutions, generally, as is the case in Illinois, contain provisions similar or identical to the Fourth Amendment to the United States Constitution. The only constitutions which contain provisions on wiretapping or electronic eavesdropping are those of New York and the Model State Constitution, promulgated by the National Municipal League. These provisions are:

New York: Article 1, Sec. 12. . . . The right of the people to be secure against unreasonable interception of telephone and telegraph communications shall not be violated, and ex parte orders or warrants shall issue only upon oath or affirmation that there is reasonable ground to believe that evidence of crime may be thus obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted and the propose thereof.

Model State Constitution: Article I, Sec. 1.03(b). The right of the people to be secure against unreasonable interception of telephone, telegraph and other electronic means of communication, and against unreasonable interception of oral and other communications by electric or electronic methods, shall not be violated, and no orders and warrants for such interceptions shall issue but upon probable cause supported by oath or affirmation that evidence of crime may be thus obtained, and particularly identifying the means of communication and the person or persons whose communications are to be intercepted.

Sec. 1.03 (c). Evidence obtained in violation of this section shall not be admissible in any court against any person.

In 1968, Maryland proposed a revised constitutional provision which integrated requirements for electronic eavesdropping with existing protections against unreasonable searches and seizures of physical evidence:

Maryland: (Proposed) Article I, Sec. 1.08. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures and in their oral or other communications against unreasonable interceptions shall not be violated. No search warrant shall be issued except upon probable cause supported by oath or affirmation, and the place to be searched, the persons or things to be seized, or the communications sought to be intercepted shall be particularly described in the warrant.

Hawaii, in adopting a new constitution in 1968, did not include a provision on wiretapping or eavesdropping. It should be noted, however, that Hawaii has a statute which is an absolute prohibition of wiretapping and eavesdropping in the state, applying to private persons as well as law enforcement officials and with no exceptions for search warrants.[7]

The proposed Illinois Constitution

The continued use of the same basic language as employed in the Fourth Amendment to the United States Constitution, and in the present Article II, Section 6 of Illinois Constitution, would eliminate the need for new and possibly different legal interpretations of what conduct is permitted and what conduct is prohibited relating to search and seizure.

However, the inclusion of language specifically applying such legal requirements to

Footnotes at end of speech.

actions by other than law enforcement officials is necessary. Likewise, a specific prohibition of the interception (electronic or otherwise) of communications would make clear that such techniques are not included within the scope of conventional search and seizure.

The pre-"stop and frisk" arrest statutes have proved over the years to permit effective law enforcement while affording protection to persons from unreasonable searches, seizures and detention. The requirement of "probable cause" relating to searches and seizures is constitutionally guaranteed at both the Federal and state levels and has been applied to arrests by the Supreme Court. Since state legislatures have circumvented this protection to some extent by authorizing "temporary detention" or "stop and frisk" on less than "probable cause," basic ground rules specifically relating to arrest and detention, therefore, need to be included in the constitution.

Express inclusion of the "exclusionary rule" prohibiting use in evidence of fruits of illegal searches would strengthen and make more meaningful and enforceable the constitutional safeguards themselves. The language has been drafted so as to prohibit use by any person in any civil or criminal proceeding of the fruits of violation of such constitutional safeguards.

Therefore, The Welfare Council of Metropolitan Chicago Takes The Position That The Illinois Constitution Should Contain The Following Provision:

ARTICLE —.

Bill of Rights

Searches and Seizures.

Sec. —. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated by any person. No search warrant shall be issued except upon probable cause supported by oath or affirmation, and the place to be searched and the persons or things to be seized shall be particularly described in the warrant.

The right of the people to be secure against any interception of their oral or other communications shall not be violated by any person.

The right of the people to be secure against unreasonable arrest or detention shall not be violated; and no person shall be arrested or detained unless a warrant has issued or unless there is probable cause to believe that the person is committing or has committed an offense.

Evidence obtained in violation of the foregoing requirements shall not be admissible in any civil or criminal proceeding.

And, furthermore, that Section 6 in Article II of the present Illinois Constitution be amended to include the above provision.

Approved by the Board of Directors on January 21, 1970.

FOOTNOTES

*1 Stat. 91, Sec. 33 (1789).

**3 Foote, *The Coming Constitutional Crisis in Bail*, 113 U. Pa. L. Rev. 959, 987 (1965).

[1] *Brinegar* v. *United States*, 338 U.S. 160, 175–176 (1949).

[2] *Ill. Rev. Stat. 1967, Ch. 38, § 107–14 and § 108–1.01.*

[3] See generally Reich, *Midnight Welfare Searches and the Social Security Act*, 72 Yale L.J. 1347 (1963). A recent survey of a Negro ghetto of an industrial city showed, for example, that while nearly 90 percent of the welfare recipients interviewed believed that there are laws which give a person the right to refuse entry to anyone who does not have a search warrant, only half of them had any conception of themselves as "rights-bearing" citizens with the power to challenge entries of a social worker on a night visit. Briar, *Welfare from Below: Recipients' Views of the Public Welfare System*, 54 Calif. L. Rev. 370, 382 (1966).

[4] *N.Y. Post*, January 3, 1967, p. 35, col. 1.

[5] See generally Dash, Schwartz & Knowlton, *The Eavesdroppers* (Rutgers University Press, New Brunswick, New Jersey: 1959).

[6] McKay, *The Right of Privacy: Emanations and Intimations*, 64 Mich. L. Rev. 259, 278 (1965). "If there is a right to marital privacy in the home, why should there not be as well a right of privacy in the home or place of business against the unwelcome intrusion of uninvited participants in conversations intended to be private?" *Ibid.*

[7] *Hawaii Constitutional Convention Studies, Article I: Bill of Rights* (University of Hawaii, Honolulu: July, 1968) pp. 75–6.

MY PERSONAL BUILDING

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. STEIGER of Arizona. Mr. Speaker, in this day when many Americans are inclined to generalize and decry U.S. youth, Miss Karyn Lawrence submitted an impressive statement to the Veterans of Foreign Wars Voice of Democracy contest. The maturity and sense of personal responsibility displayed in "My Personal Building" are indeed telling rebuttals to those who would shortchange our youth's qualities.

Miss Lawrence's entry follows:

MY PERSONAL BUILDING

(By Karyn Lawrence, Flagtaff High School, Flagstaff, Ariz.)

I am part of a vast organization, engaged in the construction of a single building. I am building myself. The type of government under which I operate has given me this building permit. The strong foundation of education was made possible by the society in which I live. I am protected by government guarantees.

Thus far my growth has been guided in keeping with social standards. My development has been encouraged to expand along certain ideals. My building materials have been provided and sometimes even placed for me as I watched on discovering how and why. As my knowledge enlarged, so did my responsibility to secure my own materials and direct my own growth. I have the ability now to build my future, and I have the freedom.

Each day's existence is a manifestation of this. Where I am living, whom I associate with, what I am saying, what I am reading, what I am writing, what I am thinking are all by my own choice.

The freedom of growth and change are also mine. I am exposed to or I may search myself to find old, new, and conflicting ideas and beliefs. I then decide whether or not to incorporate such ideas and beliefs into my structure.

The contract that I have with my organization protects my individual right. But with this contract are also my unwritten obligations and the responsibility of forming my own codes. It is up to me to be well informed and to understand the public issues. I can prepare myself for the future role of a full pledged citizen by involving myself now in youth organizations. As a member of these groups, I am able to help raise funds for worthwhile projects, and become part of a stronger voice in community affairs. As a person, I know that it is possible for me to bring attention to needed improvements in my school and community, and suggest ideas for their betterment. By being fair and courteous and by trying to prevent injustices within my own circles, I will set sturdy examples for others around me.

My life has been bought with credit. I owe a great deal to those who purchased my future by paying with their lives. I am and always will be in debt. Now that our country has been paid for, it is my job, and the job of my generation, to insure its future so that later generations will continue to prosper.

Each of us has his own responsibility to defend his way of life, to build his own building. His own building can survive only with the protection of all. We must acknowledge our obligations as citizens, and live up to them.

As a citizen, and as a person, I have not yet reached my potential. My building is still incomplete. But whether or not I attain what I am striving for, I hope that my building will serve as a model for others, and that others will benefit from my having lived.

I must recognize and appreciate what I have, and be willing to defend this inheritance. I must fulfill my obligations as a citizen and as a person.

Then perhaps one day in my life I shall reach the completion of my personal building begun for me in my youth. Perhaps with the help of the freedoms my country has given me, and the protection it has provided, and the challenge that freedom constantly hurls at all young Americans, perhaps then, I can finally say, "At last, I am!"

RECOGNITION OF INTERNATIONAL EXPERT

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, March 12, 1970

Mr. FANNIN. Mr. President, recently, in consideration of the international trade question I have encountered, by reputation, a very outstanding man of impeccable credentials who has studied our international situation, with regard to commerce, exhaustively.

Dr. Walter Adams has often consulted with committees of Congress and appeared as an expert witness before those committees. He is an outstanding author and internationally recognized authority in his field of economics and has most recently served as president of Michigan State University.

As an interesting sidelight, Dr. Adams was petitioned by the student body at his school to stay on as president, even though he had indicated he was taking the job only on an interim basis. In a day when college presidents are resigning because of student body action, this is indeed a welcome note.

I find also, Mr. President, that Dr. Adams was accorded a singular tribute by the Michigan Legislature last December. I ask unanimous consent that the resolution be printed in the RECORD.

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

STATE OF MICHIGAN, JOURNAL OF THE SENATE, 75TH LEGISLATURE, REGULAR SESSION OF 1969

Senate Chamber, Lansing, Thursday, December 18, 1969. 10:00 a.m.

A message was received from the House

of Representatives transmitting House Concurrent Resolution No. 304.

A concurrent resolution for President Walter Adams, Michigan State University.

Whereas, Dr. Walter Adams, Distinguished Professor of Economics and who served as Acting President of Michigan State University from April 1 to December 12, 1969, was named the thirteenth President of the University by the Board of Trustees in recognition of his superior leadership. President Adams will serve until the president-designate, Clifton R. Wharton, Jr., takes office January 1, 1970; and

Whereas, A further tribute was tendered Dr. Adams December 12, with his appointment as Distinguished Professor to become effective January 1, 1970, when he resumes his post as economics educator; in 1960 he was awarded a Distinguished Faculty Award, the highest honor the University bestows on a faculty member, and received outstanding teaching awards from Excalibur, a student honor society, and from the MSU Veteran's Club; and

Whereas, Dr. Adams, an educator in the field of economics for a quarter-century, was a member of the faculty at Yale University in 1945 and joined the Michigan State University faculty in 1947. A nationally known economist and regular consultant to the Federal Government in both chambers of the Congress of the United States, Dr. Adams was the appointee of two Presidents to the U.S. Advisory Commission on International Educational and Cultural Affairs; and

Whereas, The author of several books, three of which have been translated into foreign languages, his most recent study is "The Brain Drain"; and Dr. Adams has contributed numerous articles to professional journals, including the American Economic Review, the Quarterly Journal of Economics, the Yale Law Journal and others; and

Whereas, Born August 27, 1922, Dr. Adams was educated in New York City's New Utrecht High School, in Brooklyn College to receive the B.A. degree magna cum laude in 1942 and at Yale University received the M.A. degree in 1946 and a year later, the Ph.D. degree when he was twenty-four years of age. His graduate studies had been interrupted by World War II service in the U.S. Army in 1943–1945, and he was commissioned on the battlefield, to complete combat service as aide-de-camp to the Commanding General of the 11th Armored Division, participated in the Battle of the Bulge and among other awards, received the Bronze Star Medal for heroic conduct; now therefore be it

Resolved by the House of Representatives (the Senate concurring), That by these presents Dr. Walter Adams, Thirteenth President of Michigan State University, be unanimously accorded tribute to express a portion of the immense affection and esteem so widely held for him by colleagues, students and The Michigan Legislature.

The message informed the Senate that the House of Representatives had adopted the concurrent resolution; in which action the concurrence of the Senate was requested.

Pursuant to rule 32 the concurrent resolution was referred to the Committee on Senate Business.

FIFTY-SECOND ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. FLOOD. Mr. Speaker, it gives me great pleasure to insert in today's CONGRESSIONAL RECORD translated excerpts from the speech delivered by the Honorable Joseph Kajeckas, Charge d'Affaires of Lithuania, on the occasion of the 52d anniversary of the declaration of Lithuania's independence at a commemoration held at the Hotel Washington, Washington, D.C., on February 15, 1970.

Excerpts follow:

EXCERPTS

Today is the fifty-second anniversary of the twentieth-century proclamation of the Lithuanian will to be independent and free.

Though the flowering of Lithuanian freedom was thwarted at the beginning of the Second World War and thereafter by the armed might of the Soviet Union and its lust for territorial gain and human vassals, we see on this occasion that there have been many things which have altered the world situation since Lithuania was enslaved in 1940.

History teaches many lessons, and one of the principal ones with regard to government is summed up in the phrase "sic semper tyrannis." It can, in other words, be reasonably assumed that the urge to tyranny is doomed to failure because of mankind's urge to be free and unfettered by artificially contrived systems and ideolcgies.

It is almost amusing to note, after so many years of Communist history, that the Soviets and the Red Chinese cannot live together amicably. This fact has to stand, I think, as one of the century's major comic surprises—but I suppose we could have been prepared for such a sweeping conflict by the internal struggles within the Soviet Union itself. Where is Stalin's body today? Exhumed from the Lenin tomb and dumped at the base of the Kremlin wall. Where is Stalin's daughter? Living in a land which her father's successor, Khrushchev, promised to bury. For that matter, where's Khrushchev? Where's Bulganin? Where's Beria? And where will Kosygin be tomorrow? I think we can safely say that, when Russian and Chinese soldiers end up shooting at each other across the glacial mists, the rigid and brave optimism which many of us have maintained through the chilling and difficult years of the cold war has been fully justified. There are surprises in history, and they tend to work in favor of people who love freedom and labor steadfastly to insure its survival.

Although all the men who signed the Lithuanian Declaration of Independence on February 16, 1918, have died, their descendants, people of the bravery and devotion to duty of the late Alexander Stulginskis, have continued to safeguard the tradition of freedom to which those original signatories pledged their whole being. An outstanding example of Lithuanian patriotism is present in our midst in the person of Kazys Skirpa. As we honor him on his seventy-fifth birthday, we pay tribute to all those who have inspired him and who have drawn inspiration from him in the service of his native country.

The friends and fellow-patriots of Alexander Stulginskis provided a fitting example to the loyalties of men who were to follow in their footsteps. They insured the success of the democratic enterprise in Lithuania between 1918 and 1940.

When the brutal and genocidal forces of the Soviet state viciously put an end to one of the most ennobling chapters in eastern European history, there were men in my homeland who remembered Alexander Stulginskis, who remembered Kazys Skirpa, who remembered Vytautas, and Myronas, and Msgr. M. Krupavicius. It can indeed be said that such noble Lithuanians who have been exemplars in their steadfastness in the cause of liberty have provided an abiding reminder to all of those blessed with the Lithuanian heritage that, in the words inscribed on the Lithuanian Liberty Bell, "Those who are not willing to fight for freedom are not worthy of its blessings."

On this occasion, Lithuanians everywhere are deeply indebted to their American friends for continuing to espouse the rightful aspirations of Lithuanians to regain freedom and independence. We are especially grateful today to Secretary of State William P. Rogers for his expression of support of America for these just aspirations of my people.

As the Secretary put it to me in a letter I received several days ago:

Americans sympathize deeply with the Lithuanians' desire to determine their own destiny. By its policy of non-recognition of the Soviet Union's forcible incorporation of Lithuania, the United States Government affirms its continuing belief in the right of the Lithuanian people to self-determination.

The Lithuanian people, grateful to their friends and dedicated to their ancestral inheritance of freedom, readily take an example from the people of ancient Judea, who wished only to return to Jerusalem. We wish only to return to free Vilnius.

REGIONAL WATER MANAGEMENT

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, March 12, 1970

Mr. MOSS. Mr. President, in the accelerating dialog on how to improve the quality of our environment, we are hearing a great deal about how to turn back the tide of pollution in our air and our water, how to relieve population pressures through the location of new cities, and how to stop the decay of our countryside generally.

All of these are of great importance. But we have heard very little about the importance of overall water management in the environmental crusade. This, as Senators know, has been of particular concern to me, and I have long been an advocate of continentwide water management, the so-called NAWAPA concept, and of interbasin water transfers in this country; that is, of the transfer of domestic water from water-surplus to water-short areas.

I have also held that efficient management of our water resources, and of all of our other natural resources, could not be achieved on a Federal level until all programs relating to all of our natural resources were brought into a single Department of Natural Resources and the Environment.

It was my privilege recently to discuss continentwide planning on water resource development in Ottawa, Canada, on the TV program, "Encounter," where I tried to make these points.

I was very much interested, therefore, when I received a paper written by Mr. Lewis G. Smith, a water resources consultant in Denver, Colo., which discusses population dispersal in terms of regional water supplies and land use, and refers to some of the plans now under consideration to use some of the Arctic-flowing waters in Canada and Alaska as a practical way to help solve environmental problems in this country.

I ask unanimous consent that the article by Mr. Smith be carried in the Extensions of Remarks.

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

REGIONAL WATER MANAGEMENT KEY TO IMPROVING THE NATION'S QUALITY OF ENVIRONMENT

(By Lewis Gordy Smith)

"Improving the quality of the environment" has become a maxim of the 70's. It must remain our prime obsession from now on.

The roots of environmental stress lie deep in our own human nature. Abuse of the natural environment springs from the same callous mentality which engenders abuse of our fellow man. An element of modern refined barbarism prevails in both cases. Environmental reform calls for no less than a reform in the individual's whole attitude and concern for his exterior world which sustains him and makes life meaningful for himself and for his fellow men everywhere.

Long term improvement in the quality of environment in our nation, where over 90% of the inhabitants are addicted to urban living, means, for most of us, improving the qualities of our cities. It means a new direction in the way existing cites are allowed to grow and new cties are built. Proper environmental care is just good housekeeping on a larger scale. Today's good housekeepers need to look out the window more to see what is happening to their larger home: first, the city; then, the region; the continent; and, finally, the spaceship "Goodearth."

Urbanism is here to stay but, hopefully, not entirely in its present form. Perhaps the greatest indictment of most large cities is that of sheer size which, after a point, becomes self-defeating. At some point the diseconomy of scale enters in, imposing impossible financial burdens on city budgets and a compounding of social ills. Statistics show that excessive urbanism has its dementing effect on persons: more crime, mental illness, dropouts, and suicides, are spawned in the older city centers than in the suburbs or countryside. Population dispersion into smaller optimum-size cities, many of them preplanned and built new, seems to be a substantial part of the solution.

A strong case for new cities is made by Gus Tyler. In his excellent analysis he says:

"We cannot juggle the 70 percent of the American people around on 1 percent of the land area to solve the urban mess. We are compelled to think in terms of new towns and new cities planned for placement and structure by public action with public funds. 'All of the urbanologists agree,' reported Time amidst the 1967 riot months, 'that one of the most important ways of saving cities is simply to have more cities.' The National Committee on Urban Growth Policy proposed this summer that the federal government embark on a program to create 110 new cities (100 having a population of 100,000 and ten even larger) over the next three decades. At an earlier time, the Advisory Commission on Intergovernmental Relations proposed a national policy on urban growth, to use our vast untouched stock of land to 'increase, rather than diminish, Americans' choices of places and environments,' to counteract our present 'diseconomics of scale involved in continuing urban concentration, the locational mismatch of jobs and people, the connection between urban and rural poverty problems, and urban sprawl.'"

Along with such proposals for large numbers of future new cities consideration must be given to their systematic location with respect to water supplies and the whole present interwoven complex of land, air, and water defilement.

Looking to a more viable urban environment, our goal for all America should be some practical combination of city and countryside, to enable the administrative, cultural, business, and social functions of municipalities to be retained, along-side the more nature-oriented rural open spaces. This could mean more of the "Garden Cities" of Ebenezer Howard. But if we were to build new cities at the average rate of one per month, each to accommodate 250,000 persons, just to keep abreast with our present population growth, most of these cities must have a generous number of multiple-story buildings in order to minimize the cannibalization of farm land as we steer down the century ahead.

The foremost imperative, now widely recognized, in an approach to quality environment for all, is population growth suppression. Our new quality environment in the cities has to be built from basic mineral, water, and plant-life resources of the countryside. An ever-expanding population through the years will bring on an increasing disparity between numbers of persons and available resources, tending ultimately to lessen the average per capita share. This could lead to reduced standards of environment. Thus, long term enhancement of the environment requires an interrelated program aimed at population stabilization and population dispersion. Even if the population were stabilized today, population dispersion would be a worthy national goal just to alter conditions in the existing larger cities. But stabilization could be a long way off even under present drives to limit family size. Dr. Daniel P. Moynihan stated on a CBS television program, January 25, 1970, "There is no government in history that has ever had any effect whatever on population." Might competition between ethnic groups for progeny and control tend to offset stabilization programs?

A fact which must be reckoned with is that many additional numbers of persons will be added before our U.S. population can, hopefully, be stabilized. We can expect an additional 100 million persons 30 years from now. Even at greatly reduced population growth rates there might be some 300 million additional persons 100 years hence. If quality of environment is to have meaning for these, our immediate progeny, we must become concerned for them *now* from the standpoints of water, air, food, fiber, and desirable living space. A question here is, are we as a species going to arrive, through political and technological accommodation, at some sort of permissive balance between numbers of people and availability of resources, renewable and otherwise, with some recycling of resources; or are we going to continue blindly down the dinosaur trail of expansion to the point where the species is reduced or obliterated naturally by repressive environmental situations which the ecologists tell us operate ultimately to halt the expansion of any continuously growing organism within the ecosystem? This question has, of course, its continental and world wide implications.

Population pressures are already generating a growing interest in and need for *regional land use zoning*. The aim is to avoid perpetuation of past and present land use practices, particularly with regard to the manner of locating cities in ways which contribute to the present water quality and environmental dilemma. In times past it was expedient and acceptable, from a standpoint of water supply, industry, and transportation, to locate successive cities near the banks of rivers, and in the flood plains, and to use the river as a common sewer. The proliferation of this practice has come to haunt us today. Gene Bylinsky, writing in Fortune Magazine, makes a penetrating analysis of the water pollution problem. He estimates that two-thirds of all water degradation comes from manufacturing, transportation, and agriculture.

These riverine cities, particularly those near the lower end of a large river system, are having to cope with increasing loads of water pollutants in gaining their water supply. Today, where water is removed directly from a stream for city use, much of the sludge, from both the initial water treatment and from the later treatment of the city's sewage, eventually finds its way back into the water course.

The sludge from water treatment has to be placed on the land, where part of its nitrates, phosphates, and other minerals can be recirculated in the food-waste cycle; but some will be redissolved by rainfall and flushed back into the stream. Even if the sludge were dried and incinerated to produce heat energy, the combustion products in the air eventually return by rain to the soils and finally into the streams. Because of the general eastward movements of air masses the air pollutants tend to build up in the east so that eastern streams would stand, in general, to reap more fallout from air pollution than the western streams.

The above statement also relates to proposed desalting or demineralization of inland waters under water reuse programs. Where are the removed salts and minerals going to be placed? Will they be transported by rail and dumped into the sea, stacked in bins to defile the landscape, recycled as much as possible, or allowed to leach back into the water course further downstream? Such demineralization and desalting of existing inland waters for reuse will probably become necessary soon as the more immediate means of extending fresh water availability in many areas, even if the products removed have to be hauled to the sea. There is, however, a limit to water reuse under recleaning as a means of augmenting the supply: in addition to the sludge disposal problem mentioned above, approximately one-third of the water, on the average, is lost to the atmosphere on each use.

Thus, in the long pull, despite all the push to "clean up the water," the cities on the lower reaches of streams will have continual water quality problems, particularly as the population of human beings and farm animals increases upstream. This is the inexorable consequence of rainfall on uncontrolled sources of pollution such as city streets and animal feed lots. It has been estimated that in the U.S. waste from farm animals is ten times that of human waste. Some of the wastes can be recirculated in the food-waste cycle, but not all, particularly those wastes from concentrated sources (such as feed lots) lying adjacent to streams. The present water quality impasse in the lower reaches of river basins points up the fact that we are beginning to come face to face with the reality of the exponential equations or laws of compounding effect.

Ultimately, in some of the river systems of the nation we may have to establish points which mark a transition from the upper, less polluted section providing the water supply function, with water supplied to cities by means of man-made aqueducts taking from the stream, and the lower section performing the natural sewer function of last-time disposal of excess and unwanted effluents deriving inevitably from mass human habitation.

The ideal, but certainly not the most practicable, arrangement regarding the future locations of cities with respect to water supplies on a regional basis would be to have a minimum of habitation in the head-waters of a river system and to have the purer head-waters conveyed in a closed aqueduct system to lines of new cities located as much as possible on the higher land of the terrain rather than close to the streams. This arrangement would allow the nutritive wastes from the cities to be placed for recycling in part on the agricultural land lying between the cities and the low points in the regional drainage.

Present patterns of habitation in head-water areas of river basins in the U.S. preclude, for the most part, the preservation of head-waters in pristine purity. Only in the steeper mountain ranges themselves do we find, generally, streams pure enough to be used without treatment. We need to preserve even more of our areas in head-water wilderness and wild streams, not so much so that a few vigorous outdoorsmen can occasionally enjoy an inviolate natural sanctuary, but so that many persons can enjoy a less violated water supply further downstream. About the only real opportunity to separate the water supply function from the drainage and effluent disposal function, *on a regional basis,* is to look to a part of Arctic-flowing waters in Canada for regional augmentation—from source areas which are not now populated and which possess climatic and land conditions which are not conducive to future mass habitation. Regional water augmentation concepts for the west and midwest regions, based on bringing Arctic-flowing water southward for use in Canada and the U.S., were advanced by the author in 1968.

In the western half of the U.S. we find large tracts of land suitable for new cities, lands which lie in a sort of middle ground, not in the headwater collecting areas, not at the lower end of rivers, and not valuable farm land which should be preserved against the encroachment of cities. But at the same time these western lands do not have access to the water needed to make them usable for other than range land. There are vast areas of magnificent open plains and valleys, in the states of New Mexico, Utah, Nevada, Arizona, Wyoming, southeastern California and eastern Colorado, which were more or less passed over during the western migration because of a simple lack of water. The greater mass of contiguous under-used land lies on the High Plains east of the Rockies in the heart of the nation. Also, in some areas, such as the High Plains of west Texas and the Phoenix area of Arizona, lands were occupied in the westward movement because of once abundant ground water, but are in real trouble today as the ground water approaches exhaustion. Where the groundwater extraction exceeds the replenishment by nature or by artificial means, it cannot be considered as a long-term supply.

Given dependable water supplies, these western dry areas would make ideal locations for new farming and light industrial communities under the new emerging concept of rural-urban symbiosis.

A regional water augmentation system could be arranged where water would be fed from closed aqueducts to new cities on higher ground and on valley rims, with the nutrients from city wastes, along with municipally used water, applied to agricultural lands downslope where some of the waste nutrients could be recirculated. Much of the imported water would be used for "environmental irrigation" in the cities. The skeleton of a regional aqueduct system must come first, to provide the framework for the location of the new cities on a regional basis. This amounts to an attempt to separate as much as possible the fresher water from the waste-laden water on a regional basis, similar to our separation of fresh water from sewage in a city. The aqueduct water will not necessarily be potable, however, and may require some treatment before it can be safely used municipally.

These new western communities could assist greatly in a national movement toward population dispersion, absorbing a new wave of migration from eastern areas. Such communities would also have the special advantage of being near (but not in) the great scenic and recreational grounds of the Rockies and the Colorado Plateau. At the same time they could assist in relieving the rapidly compounding eastern environmental problems by a reduction in the concentration of people. In other words, western water augmentation for the specific objective of new cities would be for the benefit of the east and west alike, as long as we have freedom of movement across state lines.

Already serious considerations are being made of ways to collect and convey southward some of the Arctic-flowing water for the future needs of the Canadian Prairies and western United States. An initiative for this undertaking is being generated in Canada where there is a growing awareness of the great economic self-interest involved in Canada's selling a portion of this great *renewable* resource: it might make even more long-term economic sense than the exportation of her exhaustible resources of coal, oil, and gas.

Contrary to popular belief, new water supplies might come less expensively, and in the magnitude required, from the Arctic-flowing fresh waters of northwest Canada, than from desalting seawater and conveying it inland. The apparent advantage of fresh water transfer over desalting, as the next major augmentation measure, is better than ten to one. Furthermore, the waste heat from the 238-odd nuclear desalting and power plants, with fresh water capacities of 150 million gallons per day, required to desalt the same amount of water as imagined for importation, would create severe coastal ecological problems. Finding suitable locations for such plants in a way to enable systematic distribution to the inland west would be an even greater problem.

The Liard River System, in northeast British Columbia and in the Yukon and Northwest Territories, is looked upon as the source area most likely to be shared by Canada. This is because the river's size and strategic location would enable it to supply water, in the simplest way, to both the Canadian Prairie Provinces and western United States. It has an annual flow of some 60 million acre-feet at its mouth where it joins Mackenzie River which, in turn, discharges over 300 million acre-feet, annually, into the Arctic Sea.

Canada, and principally British Columbia, could benefit in many ways under this joint undertaking. The main economic attraction would be the simple sale of surplus, renewable water and power resources from the remote areas of northern British Columbia and the Territories—a region which does not lend itself as do other areas of Canada for permanent *mass* human habitation. The sale of these resources, under Canadian control at all times, would provide Canada the necessary long term capital to develop better and faster these same resources for her own use. While these raw resources might leave the country, the wealth from them would flow back into Canada, and to the extent required, into the specific region of origin.

The construction in Canada of the necessary dams, power plants, pump plants, transmission lines, construction communities, airfields, and access highways, under a systematic preplanned network of total long range but flexible planning, would open these remote areas of resource origin for other development, encouraging the growth of a development corridor extending from present inhabited areas of Canada to Alaska. The present Alaska highway would become only a part of a network of highways within the development corridor.

This new development corridor to Alaska would tend to encourage much more overland tourist and commercial travel through Canada between the lower 48 states and Alaska. This would mean more U.S. tourist and commercial traffic dollars for western Canada.

Arctic-flowing waters from the same areas of origin as considered for export to the U.S. could also be diverted southward for expanded use on the Prairie Provinces. New water will be needed there in the future for the same objective of population dispersion as in the U.S. They will need additional water for environmental irrigation in connection with municipal growth, cooling water ponds for fossil fuel power plants, ordinary municipal and industrial use, some agricultural irrigation, perhaps in covered, climatically-controlled areas using waste heat from thermal power plants to extend the growing season, and for future use in connection with the hydrogenation of coal to produce petroleum products synthetically. A joint financing of the development of the source areas would enable Canada to achieve these objectives with less financial strain. Revenue from the sale of water and power could help finance the new infrastructures on the Prairies.

It appears that the most expedient route for conveyance of Arctic-flowing water southward for the Prairies, under an exchange system, and for export to western United States, is the Rocky Mountain Trench. By deep dredging and the construction of low-head lift plants, a smooth water surface, to be no higher than existing flood levels, could be created in a scenic setting unmatched on this continent. This could become a magnet for tourist dollars, both Canadian and U.S. This entire valley should be dedicated to scenic and recreational values, with no commercial navigation permitted, such as would attract industry tending to pollute the water, the atmosphere, and the scenery.

Water from the Liard diverted southward through the Trench would enable a higher consistent operating power head on the existing Bennett power plant on Peace River and on the Mica power plant under construction on the Columbia.

Some water from higher elevations from the Laird might be lifted in the name of pumped-storage power, and passed down through all the existing plants on Columbia River to provide additional Canadian entitlement to downstream benefits on the Columbia within the United States.

More water passed down the Columbia would sooner justify the construction of Downey and Revelstoke dams and power plants on the Columbia, the power from which, when in surplus, could be sold to the United States for pumping needs in the United States in connection with the water export plan. British Columbia would find a ready market for any hydroelectric power she could generate for export.

Some Canadians have questioned whether their best interest lies in exporting some of these basic resources or holding them against the day when they might want to use them within the country to produce finished industrial products, thus upgrading the raw materials through the addition of human skill. Basic to such a long-term consideration would be the question, do the climate and terrain, say of British Columbia (which is mostly mountainous and the prime source area) lend themselves ecologically to an influx of people and industry, recognizing that both bring environmental problems? Would not their land, from an overall continental land-use zoning consideration, be better off in many respects if its economy were based principally on tourist attraction, in which it is without parallel, and on the export of some of its raw natural resources including water and hydroelectric power?

The water distribution system imagined for the western states under Canadian export contemplates providing new water supplies to each of the seventeen "reclamation" states, even to the Columbia River basin states whose supplies are generally adequate today but may not be in the future. A large pump-storage element in the concept could be attractive to the Pacific Northwest power systems.

A main storage reservoir, at the head of

the entire distribution system in the western states, might be located in Centennial Valley in southwestern Montana. From this reservoir, water could be distributed systematically to those areas of greatest need and potential, making maximum use of existing river channels where possible in headwater areas, even to the extent of enlarging them in places to provide greater carrying capacity. This main reservoir, with an active capacity of about 50 million acre-feet, would be at elevation 7,000 feet, and could be utilized as a means of storing periodic excesses of power in the region by pumping water to this higher elevation. About two thirds of this pumping energy could be recouped as the water passed through power plants at water-drops within the distribution system. In any event, a certain amount of pumping would be required simply to get the water to flow.

In conjunction with the water system, a major electrical transmission system could be tied in with new large dual-purpose thermal power generating plants looking, hopefully, for a breakthrough on nuclear "fusion" energy. Greater operating efficiency of the aqueduct system would be obtained by performing much of the pump lifting during off-peak hours of the connected power system, and passing the water through the power falls during the peak hours. Many large and small reservoirs located enroute sections of the aqueduct could provide operating flexibility, enabling operating "breaks" in the aqueduct system. Operation could thus be segmented but all could be under central control. About two year's water supply could be contained in all the many holding reservoirs within the system.

Rainfall in much of the west takes wide cyclic swings, both seasonally and annually. During the wetter periods we are lulled into a sense of false security, forgetting that the dry years will surely come again. We need to build a regional system which not only insures against the seasonal dry periods but against the dry years, which could come several in a row. The present wet period was predicted back in 1954, based on sun spots. At the same time a devastating drought was predicted for 1975. The water collection and distribution system imagined in the concept presented here would serve mankind well over a thousand years, through many wet and dry periods.

Thus, the time has arrived for conflicting sectional water interests in the west to combine forces under wide regional planning and land use zoning. The old custom of Congressional horse-trading on western-water developments is grossly inadequate for present and future needs. The aim would be to supply additional water to those areas of most pressing need and to those more attractive valleys and plains which have potential for population absorption in the national interest under a variety of economic endeavors, based on increased water use. The water needs must be approached with the same drive and dedication which characterized the space program in the 1960's.

We have reached the point in our civilization on this continent where some serious decisions must be made regarding our future tenancy, and hopefully for improvement of that tenancy. We are on a downhill course that must be changed. It is becoming increasingly obvious that we cannot continue in the older parochial patterns of development from a standpoint of water and waste management: but must face our land, water use, and waste problems on a wide regional and even continental basis, if we are to build toward order in the future. This will require some tough redirections and an expansion in scale in our thinking and approach, but on a scale not out of proportion to the problems this society will face if we do not change. The question is not, can we afford the change? Rather, can we afford not to change?

We can afford to change better than we can afford voyaging to other planets. For less than the estimated cost of putting a man on Mars we could have the main lines of the western water import scheme.

All evidence points to the validity of the belief that population dispersion into smaller communities where individuals can have closer daily contact with nature should be one of the new national goals as the panacea for our growing urban crisis and its present compounding of human ills. Many of these new places of living, in the west, will be where nature has been improved upon by the large transfer of water such as is suggested in the present concept, and, to the extent possible, by the systematic separation of the fresh water from the degraded water on a wide regional basis.

A VIEW OF CONTINUING TASKS

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. FARBSTEIN. Mr. Speaker, a world convention of former concentration camp inmates and Jewish fighters against the Nazis was held in Israel this week. This reunion of survivors of the holocaust convened to celebrate the 25th anniversary of their liberation from Nazi oppression and to demonstrate their support and commitment to the national existence of Israel.

A delegation of these survivors who now reside in and are citizens of these United States, who are members of the American Federation of Jewish Underground Fighters Against Nazism, also attended this convention. The group's president, Mr. Seymour Robbins, and Mr. Tovia Bielsky, its vice president and partisan hero who was responsible for saving over 1,200 Jewish men, women, and children, headed up the federation's delegation.

Dr. Simon R. Perlmutter, a consultant to the Office of Education, Information and Public Affairs of this American organization, has furnished me with the text of a speech he prepared for delivery at that convention by Mr. Seymour Robbins.

Mr. Speaker, the speech, entitled "A View of Continuing Tasks," is more than just a personal pledge and commitment by these people in support of Israel's existence. It is a sobering and encouraging attestation of faith and allegiance to our Nation and a genuine tribute to my colleagues and to the American people. It is a passionate, humane appeal for peace and freedom in the Middle East, void of rancor and substantivally full of cogencies which I would like to call to the attention of my colleagues who are also partisans of peace and understanding. Extracts from the speech follow:

A VIEW OF CONTINUING TASKS

(By Seymour Robbins)

A quarter of a century has passed since our liberation from Nazism. For each of the millions involved, there was a different story. A different ending or a new beginning.

In 1945, when hardly a German could be found who would admit to being a pronazi, the historians and statisticians found one and one half million Jewish survivors in Western Europe. I was one amongst that number. We had options. We could either migrate to those countries that would accept us, return to our homelands, those nations from which we have been driven, or stay in the refugee camps which had been set up as temporary havens.

Many of you tried by legal or illegal means to migrate to the land of our fore-fathers. The British and Arab policy of exclusion must have made you question the meaning and significance of Mankind's victory over Hitler's Germany. Your forced detention and confinement in Cyprus was a bitter and bestial topping to the years you spent in the Nazi concentration camps or in the forests of Europe where you fought so valiantly to preserve Jewish life. You twinged with pain and frustration and had good cause to become distrustful of the Christian and Islamic societies that held the mandate over Palestine and blocked your return to Zion. Your indomitable courage and fortitude enabled you to withstand those torments and humiliations and in time you reached your destination.

Many of us found refuge in the United States, Canada, Mexico or in one or another of the friendly nations throughout the world. From our safe vantage points, we began to pick up the pieces and carved out a new beginning for ourselves. We kept abreast of your whereabouts and our heavy hearts grew ebullient whenever we learned that some of you had landed safely on these shores. We watched with sadness as the inventory of survivors was taken and each of us hoped and prayed that the one amongst them might be one of our relatives. When we learned that it wasn't one of our closest of kin we allowed ourselves the luxury of temporary dejection. Then, we became a vibrant part of the world opinion which was finally galvanized into action. We were overcome with joy and enthusiasm as a half million of you streamed out of the European refugee camps and migrated to Israel.

By then, a good number of us have recovered sufficiently enough so that we could join our brothers and sisters in our respective Jewish communities, and make our contributions to your practical needs. But it was your consideration, your dedication, your labor that began to turn the sands of this land into flowering oases. And still, as you labored, you were faced with the continuing task of eternal vigilance and sacrifice—the need for which, all of us had hoped would be over after our triumph over Hitler.

It was on your shoulders that the continuing and gigantic task of securing the Jewish homeland had been placed. We controlled our fears and repressed our tears lest you sense our weakness and in turn weaken. We thought of the struggle you still faced and of your continuing courage and sacrifice. In turn, we regained our courage and determination and from our safe havens, we became ashamed of our doubts for your survival. You inspired us and instinctively the world Jewish community knew that your aspirations were theirs as well. We all knew that until such time as your life and safety were no longer threatened, we ourselves could not live in true peace—no matter how insulated we were from the dangers you faced every day and night. It was you therefore, that came here via Cyprus and from the refugee camps of Europe, who gave all of us former concentration camp inmates and fighters against nazism, our second wind.

Yes—it was your sweat, your blood, your tears, your spirit and your dedication which has helped make the age long Jewish dream of a return to Zion, a reality. I can only say that I am humbly grateful to you for all

that you have achieved for yourselves and for the Jewish people. But your achievements are not to be measured by your contributions to our people alone. Many emerging African nations have already benefited from your vast warehouse of "know-how". It staggers my imagination when I think of what could be done if the major difficulties were removed.

There is much encouragement to be taken from these difficulties. As safe and peaceful relations are established between the Jewish and Arab peoples you will be able to answer the call and provide even greater service to the peoples of these emerging and undeveloped nations. Once a secure peace is established, yours will be the opportunity of developing the still untapped and virgin riches of this land. Yes, the obstacles and difficulties are awesome. The toughest obstacle of all is the demagogery and political expediencies of Messrs. Nasser and Kosygin. However, these obstacles must and will be overcome. I can envision that in time, both the Arab and Black people of Africa will be calling on you to provide them with the scientific and technological know-how and tools so that their sands can be turned into flourishing, peaceful and humane oases as well. There is always a big potential for man in peaceful co-existence. You will reap the harvest which a secure and safe peace will bring, so will your Arab neighbors.

For those of us who come to this convention from other lands,—there is a singular satisfaction that by our actions in the past, we saved more than one Jewish life, who is today active in the building and safeguarding of this land. For those of us who are no longer faced with the task of standing a 24 hour a day vigil, or faced with the 24 hours a day dangers which you have been facing for over a quarter of a century, there is the satisfaction that those who took our place in the front lines of Jewish survival are more brave and more dedicated than we were.

For the Jewish people, the past twenty five years is but the latest chapter in the story of our people's escape from cultural death and annihilation. The dream of returning to the land of our fore-fathers or as you would say, "Shivat Zion," (Return to Zion) infused us with a life-giving force during the thousands of years of our dispersion. It was this dream, this force, which enabled us to keep up the struggle and live through the horrors of concentration camps. It was this force that impelled us in our fight for survival as partisans. It is the same spirit and force which enabled our people to survive the decline and death of many civilizations. It was this force which in essence was transmitted through Talmud and Torah which gave us the spirit to survive and which will guide you into a just and lasting peace with your Arab neighbors. We must never forget that it was this spirit of Talmud and Torah which enabled us to contribute to Mankind's intellectual and spiritual heritage for over 4000 years. It is time that we were allowed to live in peace in this land of our people and we salute all of you Israeli citizens who are seeing to it that the time is now.

A few months from now, the State of Israel will celebrate its 22nd birthday. And a few months ago, as a prelude to both this convention and the forthcoming birthday of the State of Israel, our Federation members convened and celebrated our own deliverance and final victory over Nazism. We paid special tribute to the 300 Jewish partisans who under the leadership of Yichel Greenspan, engaged the might of Hitler's panzer units long enough to divert them from the allied armor which finally broke the back of the nazi foe in that sector of western Poland called Ostrowce. We also paid public tribute to our own Tovia Bielsky, a vice-president of our Federation, who emerged from the forests of the eastern sector of Poland with over 1,200 Jewish survivors.

We paid tribute to all the valiant allied soldiers and particularly to those from the United States of America, the country which served as the world arsenal of democracy and gave the weaponry, and the essentials of life, including the Russians, and made the job of securing a victory and peace possible. We stood in silent prayer to the memory of all Jewish, Christian and Islamic people who had fallen victim to Hitlerism. We vowed then, and we again re-affirm here today, that we will re-double our efforts to bringing the true facts before the people of the world so that the myths spun by today's best known mythologists,—Messrs. Nasser and Kosygin, will be shown to be the hollow rantings which are without fact and without foundation.

Deflating myths is a time-consuming job. It took over 1900 years before the Vatican disavowed the charge that Jews killed Christ. Yet, despite the official change in Christian theology, the Oberammergau Passion Players of Western Germany still depicts the Jews as guilty of deicide. We pray that it will not take that long to expose the web of myths that are being spun this very minute before the peoples of the world, by those story-tellers, Nasser and Kosygin. We pray that they will come to their senses and follow the golden rule of live and let live. The time of Christian Crusades has long passed and in this modern day the Communistic Crusade is duplicating the same chaos and destruction of the antiquarian proponents who searched for the holy grail. Yes, we take on this time-consuming job and at the same time we pledge you the moral and practical support required in your continuing task of building and securing this land of freedom and democracy.

As former partisans, we know that Nazism began with a myth and that the mass murders followed because no one wanted to adhere to the literal meaning inherent in the mythologists words. The world did not believe Hitler when he promised to annihilate the Jewish people. Learned men with great deliberation explained that his bellicosity stemmed from political aspirations and that all he wanted was to achieve greater economic concessions and opportunities for his people. Humorists interpreted his spoutings as a Do-It-Yourself Manual which would take him from paper-hanger and corporal to General or Diplomat. Diplomats became his apologists and advocates of statesmanship became the appeasers and the liaison links between him and the banking and industrial community of Europe. Communist countries who espoused a dislike for the philosophical concepts of nazism and fascism became his allies. Political expediency became the altar on which much of mankind was sacrificed. No one believed him and all wanted to do business with him.

There is a parallelism in Nasser's stated intent and promise to annihilate the State of Israel and its Jewish populace. The hatred that he has inculcated into the minds and hearts of the Arab people is no less intense than that which Hitler exerted on the German people. Mr. Chamberlain is no longer alive but Mr. Kosygin is acting out his script. The same pressures which Hitler brought to bear on the international banking and business community is being flaunted by Mr. Nasser. Apologists and appeasers of Nasserism are being entrenched in the councils of the United Nations. The fury that Hitler whipped up with Reichstag fire are stirred up by the fire in the Al Aksah Mosque. The orthodoxy of hatred for the free enterprise system by the advocates of a differing philosophy in the Kremlin is so great that for the second time in their fifty years of existence, the Kreminologists have made pacts with the mythmaker.

Mr. Hitler, when he wanted political concessions, addressed his grievances to the diplomatic community and through them to the industrial and banking community of Europe. He pleaded, threatened, cajoled. Mr. Nasser follows suit. He advises them and particularly the business and banking community in the United States, that if they do not want their holdings and investments expropriated, they had better bring some pressure to bear on the United States Government to change the American policy of friendship and support towards Israel. He pleads, cajoles and threatens that unless the political climate in America is changed, the Arab people of all Arab lands will be forced to conclude that Americans are their enemies. Lately, he advanced a timetable in which he tightened the political screws by telling the United States Investors that they will lose all their economic interests in Arab lands within the next two years.

Yes, the pages of history are replete with similar Hitlerian annotations. The political paralysis that followed Munich enabled Hitler to embark on his own policy of imperialistic expansion and brought on the world holocaust. Perhaps, Mr. Nasser is not aware of the antipodal differences between Stalin's pro-Hitler support and American friendship of Arab people. He must well understand what American investments in Arab land has and can do in helping the Arab people build a better society. However, he is too busy spending the royalty money to bolster his own regime and too occupied with spending millions on armaments and propaganda to really be concerned with the welfare of his own people. The United States policy of guaranteeing Israel's sovereignty is not predicated on hostility towards the Arab people. Mr. Nasser and Mr. Kosygin know that even though they would like to have the world believe otherwise.

Of course, the threat of economic expropriation is a powerful weapon. Blackmail always is if the victim acquiesces. However, Mr. Nasser must reckon with 200,000,000 Americans whose democratic form of government makes their power greater than that of any vested interest. And through their elected Senators and Congressmen, the American people, those with investments as well as those without investments in Arab lands agree that the deterrent strength of Israel must not be impaired. In a recent advertisement in the New York Times, 64 Senators and 243 Representatives in the House of Congress declared that it would not be in the interests of the United States or in the service of world peace if Israel were left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations. This then, is the American answer to the blackmail of expropriation. But it is more than that, it is a call to Mr. Nasser to meet the opportunity for peace:— An opportunity for the people of Arab lands to take on the task of wiping out the scourge of disease, poverty and illiteracy.

The mythologists in the Kremlin and in the Arab lands know the falsity of their tales. Their puppets and allies in Poland are antisemitic hooligans whose excesses of inhumane decorum makes us shudder when we think back to the time when our Jewish partisans helped them re-establish their society. The Soviet despots prevent our Jewish bretheren from free and open worship and from migrating to Israel or to other democratic lands. The equally frantic and despotic Arab leaders subjugate their own people and then turn the job of turning them into photostatic copies of Hitler's Storm troopers. Their state supported terrorists carry on an unceasing guerrilla campaign designed to whip the normally peaceful Arab people into a conquering horde, bent not only on annihilating the Israeli people but inadvertently becoming the catalysts that keep their people in a straight jacket and detour them from the tasks of fighting their owr poverty, disease and illiteracy.

We are told by many of our Arab and Russian friends that there are multitudes in those lands who silently cry out, "Enough! Enough! Let's start on the road of developing a peaceful and humane life. Let's start living like human beings instead of like animals." Apparently, their big brother guardians hear them, for we read about them being hung from public squares, of being banished from political life and of their imprisonment. Yes, our continuing task is a gigantic one but we must and will awaken world public opinion to these truths and injustices.

It is only when world public opinion is paralyzed that tyrants can run rough shod over people. We witnessed the silence that preceded Hitler's rise to power and similarly we witnessed the silence of Russians whenever Arab terrorists bombed an Israeli village, shelled an Israeli Kibbutz or village, fired on Israeli airplanes. Most recently, we see how that silence is broken by the Russians the moment the Israeli forces begin knocking out the major Arab terrorist and military installations. It is then that they begin to scream and denounce the Israeli defensive measures as "barbarous aggressive actions."

When in 1947, the United Nations partition resolution established an independent Arab and Jewish State, Jerusalem was set up as an international city. The Jordanians invaded and annexed the West Bank and East Jerusalem and by force of arms denied the Jewish people access to our holy sites. The Soviet Union that is now using the most vituperative language in describing before its people and the people of the world, the defensive measures employed by the Israeli Government and labelling them as "criminal and aggressive", kept silent then. We wonder if that silence was a rehearsal for their subsequent quietness which prevailed when they marched into Hungary and in most recent time into Czechoslovakia.

For over 19 years, the Kingdom of Jordan conditioned world opinion that those boundaries were a legal and historic part of Arab lands. In all that time the Jewish people only petitioned for permission to visit the holy sites. When in 1967, the Jordanians again attacked Israel and were quickly ousted from both the West Bank and from East Jerusalem, the Arabs set up a new cry. The Russians joined them in the chorus. "This was Israeli imperialism which had been fathered and bolstered by American imperialism."

The tune was picked up by the pro-Arab nations and gave rise to a resolution in the Security Council of the United Nations on Nov. 22, 1967, which called on the Israeli to withdraw from Arab territory captured in 1967.

When the Israelis entered East Jerusalem and found that the Jordanians had desecrated the Jewish cemeteries and had used the headstones to build bunkers and latrines, Mr. Kosygin and the Soviet Press said nothing. When the cease fire agreement is broken by the Arabs, the Soviets remain silent.

But as soon as the Israeli air force began to knock out Arab military installations, Mr. Kosygin told his people and the people of the world that Israel's continuation of its present course "expands and deepens the conflict in one of the most important areas of the world." Not one public statement is on record to indicate that he told the Arabs to observe the cease fire agreement. Instead, his statement goes on, "It is impossible to force the Arab states into reconciling themselves to aggression and to seizure of their territories. The situation calls for Israel's immediate discontinuation of dangerous armed attacks and raids against the United Arab Republic and other Arab States." Again, not one word to the Arabs to observe the cease fire agreement of 1967.

Yes, our continuing tasks are gigantic ones but no greater than our struggle for survival through the era of Nazism. Our quest for life and peace finally prevailed then and with the awakened and united support of the Jewish people of the world and the enlightened peoples who profess other faiths. We will yet witness in our lifetime, the realization of the Peace which the Israeli people are striving for.

I am emotionally overcome by the joy of seeing so many former Jewish Fighters against Nazism gathered here from all parts of the world. Our convention here is in essence a re-dedication to our continuing tasks which are still before us in our various countries. It is also an avowel to the Jewish people of the State of Israel who carry the major portion and brunt of this task, that we are with them and part of that struggle. It is a dramatic presentation to the whole world that our forces are geared not for conquest and kill, but to Peace and Life. Shalom.

THE GATES COMMISSION REPORT ON ALL-VOLUNTEER FORCES—PART II, CHAPTERS 9 AND 10

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, chapter 9 of the Gates Commission report deals with force requirements for the Reserve Forces and the recruitment of manpower for such forces. Chapter 10 is concerned with the standby draft. The texts of the two chapters follow:

CHAPTER 9—RESERVES

INTRODUCTION

The Commission recognized from its first meeting the need for special attention to the problem of the reserve forces. Surveys indicate that perhaps 75 percent of the enlisted personnel fulfilling their initial six-year military service obligation in the reserves are there only because of the draft. If conscription is eliminated, how are these forces to be manned? Research directed to that question indicates that planned reserves can be maintained on an all-volunteer basis at reasonable levels of compensation. Analysis of the reserve problem, however, suffers seriously from a lack of data. Even though special care was taken to provide against errors of estimation, the assessments of what is required to maintain an all-volunteer reserve force are much more tenuous than those for the active duty force.

U.S. reserve forces have two primary functions: first, to supplement the active duty forces as needed; second, to help maintain domestic peace and assist in time of civil disaster. The latter is largely the responsibility of the National Guard.

Currently, about one million officers and men in the Ready Reserve receive pay for participating in reserve training—two-thirds of them are in the Army Reserve (USAR) and Army National Guard. More than 80 percent of the men in the paid reserve are organized and trained as units which are designed to fit into the structure of the active forces. Should these men be called to active duty, it is intended that they perform in their respective units. The remaining 20 percent, about 165,000 men, can be called as individuals to augment active forces. In addition to paid reservists, there are 1.3 million unpaid reservists in the Ready Reserve pool who may be called up as individuals.

DISCUSSION

In an emergency the President is authorized to call to active duty as many as one million Ready Reservists (10 USC 673). Reserves in the Standby and Retired categories can be called only with the approval of Congress. Table 9–I shows how reserve manpower (less mobilized strength still on active duty) was allocated into recall categories on June 30, 1969. Table 9–II summarizes the major units which that strength provided in FY 1969.

RESERVE FORCE REQUIREMENTS

The impact of planned reductions in active duty forces on reserve force manning requirements is still very uncertain. Four projected active duty forces have been analyzed, spanning the range that is generally considered reasonable, from 2.0 million to 3.0 million men. A similar procedure has been followed in analyzing the reserves. We have associated a reserve force, by service, with each of the four active alternatives. The projected strengths shown in columns 3 and 4 of table 9–III are based on the relationship between active and reserve forces prior to Vietnam.[1]

TABLE 9-I.—DEFENSE DEPARTMENT RESERVE FORCES[1] JUNE 30, 1969

[Thousands]

Paid drill Ready Reserve	Officers	Enlisted	Total
Army National Guard	30.4	358.5	389.0
Army Reserve	32.2	229.1	261.3
Naval Reserve	19.0	113.7	132.7
Marine Corps Reserve	2.7	46.4	49.1
Air National Guard	10.3	73.1	83.4
Air Force Reserve	10.1	34.9	44.9
Total DOD	104.7	855.7	960.4
Other paid Ready Reserve	19.3	37.7	57.0
Total paid status	124.0	893.4	1,017.4
Unpaid Ready Reserve	98.3	1,189.0	1,287.3
Standby Reserve	103.7	322.2	425.9
Retired Reserve	323.8	205.0	528.8
Total not on active duty	649.8	2,609.6	3,259.4

[1] The U.S. Coast Guard Reserve is administered in peacetime by the Secretary of Transportation with the concurrence of the Secretary of the Navy. On June 30, 1969, it included 17,800 Selected Reserve (paid drill) and 9,800 reinforcements. Because of time limitations, we have not specifically considered Coast Guard problems.

TABLE 9-II.—MAJOR RESERVE UNITS, JUNE 30, 1969

Army Reserve	Naval Reserve	Air Force Reserve
13 training divisions. 3 brigades. 2 maneuver area commands.	35 destroyers and destroyer escorts. 28 boats and craft. 36 air squadrons.	14 wings (45 squadrons). 8 military airlift. 6 tactical airlift.
Army Guard	**Marine Reserve**	**Air Guard**
8 divisions. 18 brigades.	1 division. 1 air wing.	21 wings (92 squadrons). 12 fighter. 3 reconnaissance. 2 air refueling. 7 military airlift.

[1] The reserve analysis omits the Navy's "2x6" program from strength and enlistment calculations. It is included in the analysis of the active forces. Its strength ranges from 18,000, at the 2 million level, to 24,000 at the 3 million level.

TABLE 9–III.—ALTERNATIVE ACTIVE AND RESERVE STRENGTH LEVELS

[Thousands]

Active duty		Reserves			
		Unmodified enlisted strength [1]		Modified enlisted strength [1]	
Total force level	Enlisted strength	Mixed force	Volunteer force [2]	Mixed force	Volunteer force [2]
(1)	(2)	(3)	(4)	(5)	(6)
2,000	1,697.1	628.3	639.5	554.9	558.5
2,250	1,902.7	707.5	712.4	624.8	632.3
2,500	2,107.8	786.0	785.5	694.1	696.3
3,000	2,581.1	838.8	829.8	740.9	734.9

[1] Excludes the "2 x 6" program in the Naval Reserve.

[2] The alternative reserve requirements estimates shown use the concept of equal effectiveness discussed in chapter 4. Like the active forces, the reserves will experience savings accruing from reduced personnel turnover. However, not much reduction in turnover will result from lengthened first enlistments which are now predominantly for 6 years. The principal source of reduced turnover will be higher reenlistment rates in the first 6 to 10 years of service. The effect on reserve manning requirements is attenuated, however, because most reserve trainees receive their initial training from the active establishment.

In addition, the reduction in turnover from higher retention is offset by a decline in the number of prior-service reserve enlistments owing to lower turnover in a voluntary active force. Recruits from civilian life must make up the shortfall, and they enlarge the share of noneffectives in the force. The net result is that the higher proportion of civilian enlistments outweighs the gain from higher retention at levels up to about 2,500,000.

There is reason to doubt, however, that there was a real requirement for the pre-Vietnam levels of paid-drill strength. The public record is clear that the Army was reluctant to accept the minimum strength levels mandated by Congress. The Air Force was similarly pressured into higher levels than it had requested, although the Air Force found useful work for much of the excess strength, largely in part-time support of the active force's mission. The tenuous nature of the pre-Vietnam reserve requirements is also evident from independent research undertaken by the Commission staff, which confirms that reorganization of the reserve forces could eliminate approximately 113,000 men in paid drill status ("spaces") without significantly affecting reserve effectiveness.

Because of these apparent overstrengths, we have prepared a second set of alternative reserve force levels to be associated with the four alternative active levels. This second set modifies the first by removing from the current level 110,000 Army and 2,800 Air Force paid-drill spaces; (16,300 officer and 96,500 enlisted spaces). Proportional modifications are made in each representative force level and are presented as "modified" levels in table 9–III.

These force levels are set forth here to emphasize that shortfalls from present levels in the reserves are not a serious threat to national security. We believe that the recommended pay increase for the active duty component (which is automatically effective for the reserves) will provide enough reserve enlistments to meet the larger requirements in table 9–III. If that turns out not to be true, or if transitional problems develop, reserve strength could decline moderately from the unmodified levels in table 9–III without posing a serious national security problem.

RESERVE NON-PRIOR SERVICE ACCESSIONS

The critical variable in determining the feasibility of a voluntary reserve force is the number of enlistments from civilian life that will be required annually. That number depends on: (1) annual reserve losses (which depend on the reserve re-enlistment rate), and (2) annual prior service enlistments (those who join the reserves after active duty). Columns 3 and 5 of table 9–IV show estimates of the number of civilian enlistments required annually to maintain each of the forces shown in columns 2 and 4 on a stable basis.

TABLE 9–IV.—ANNUAL CIVILIAN ENLISTMENTS REQUIRED FOR VOLUNTEER RESERVE ALTERNATIVES [1]

[Thousands]

Active force level	Unmodified enlisted strength [1]	Civilian enlistments required	Modified enlisted strength [1]	Civilian enlistments required
2,000	639.5	90.0	568.5	76.2
2,250	712.4	97.2	632.3	81.6
2,500	785.5	106.2	696.3	88.6
3,000	829.8	102.6	734.9	84.0

[1] Reenlistments are estimated to be 13 percent of force strength; prior service enlistments vary with active losses. The derivation of these estimates is described below.

For comparison, the annual number of civilian enlistments in the reserves (excluding the "2 x 6" program) averaged 122,000 during the last eight years.

THE SUPPLY OF RESERVE MANPOWER

Like the active forces, the paid drill reserve contains a mixture of true volunteers and men who serve chiefly or solely to discharge the military service obligation imposed by law. The proportion of men who willingly undertake regular drill training is strikingly different for officers than for enlisted men. According to a 1969 Defense Department survey of reserve personnel, 80 percent of officers drill voluntarily, but only 27 percent of enlisted men do. For this reason, our analysis has focused on the enlisted segment of an all-volunteer reserve force.

The prospect of securing volunteers for reserve service is surely related to pay levels. All too often it is said that drill pay is nearly irrelevant to a young man deciding whether to devote free time to unit activity. Yet almost one-third of men with less than six years of service describe drill pay as one of the most significant factors in their decision.

A typical reservist attends 48 training assemblies per year. Each assembly lasts four hours (a small percentage only three) and assemblies are usually "multiple": two on Saturday, or four on a weekend. On average, the typical reservist devotes one full weekend each month to unit training and trains for two weeks on active duty each year. His total investment of time is 312 hours. Counting basic pay alone, he earnes $462 a year if he is an E4 (corporal) with four years of service (about $580 if he has three years of service).

This is not a large amount compared to total family earnings: median income for an E4 falls in the $7,000–$8,000 range. But the more meaningful economic comparison is with part-time employment alternatives. Two-thirds of the E4's are married and more than half of them have working wives. Two-thirds of the E4's are 21–25 years old; and more than one-third have children. The typical E4, in other words, closely resembles the Department of Labor's portrait of the typical multiple job holder—"a comparatively young man with children who feels a financial squeeze." According to the Bureau of Labor Statistics, in May 1966, 5½ percent of 20–24 year-old working men held multiple jobs. They worked a median 14 hours on their second job. In a full 52-week year, they would work 728 extra hours.

For men who are interested in extra income, reserve activity does not offer the earnings potential of part-time civilian work because it is too infrequent. For some men it could become an attractive alternative as a second job. Certainly a necessary if not sufficient condition for voluntary reserve participation is a level of drill pay attractive enough to make military instruction preferable to other part-time activities. While the pay level in the early years of service has been too low to attract voluntarily the high quality of recruits which the reserves have enjoyed over the past ten years, our studies show that a more reasonable qualitative mix can be obtained voluntarily.

Drill pay is now directly linked to active duty basic pay. The present pay schedule is given in table 9–VI. In one drill period (usually four hours), a reservist earns an amount equal to a full day's pay for his regular service counterpart. His starting level, if he enlists directly from civilian life, is about $1.00 per hour. (The federal minimum wage is $1.60 per hour.) A man, who has served four years with the regular forces and has reached the E5 (sergeant) pay grade, can earn $2.75 per hour at drill training. At the career end of the scale, the rates are quite attractive. A First Sergeant with over 16 years of service earns $5.00 per hour.[2]

Our pay recommendations will increase these hourly rates significantly in the lower grades. In this first year of service, a recruit will earn $2.00–$2.50 per hour, approaching the pay that a sergeant now receives. Drill pay will be increased above the amount needed to maintain its present relation to civilian wages as shown in table 9–V.

TABLE 9–V.—*Drill-pay increase by length of service*

Years of service:	Percent
0–1	89.8
1–2	64.4
2–3	23.7
3–4	19.5
4–5	8.3
5–6	7.9
6–7	4.9
7–8	7.2
8–10	5.0

In addition to basic pay, certain special and incentive compensation, such as flying pay and parachute pay, is paid to those on inactive duty at the daily active rate. While on active duty, the reservist receives the same pay as the regular. Occupational differentials, such as proficiency pay and the variable re-enlistment bonus, are not paid to reservists on either active or inactive duty.

[2] Costs of travel to and from drill assemblies are borne by the individual.

TABLE 9–VI.—PAY RATES PER TRAINING ASSEMBLY (DOLLARS)

[Effective July 1, 1969]

Pay grade	Years in pay grade													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O10														
O9														
O8	48.44	49.89	51.07	51.07	51.07	54.88	54.88	57.47	57.47	59.85	62.47	64.85	67.46	67.46
O7	40.24	42.99	42.99	42.99	44.90	44.90	47.50	47.50	49.89	54.88	58.66	58.66	58.66	58.66
O6	29.81	32.77	34.91	34.91	34.91	34.91	34.91	34.91	36.11	41.80	43.94	44.90	47.50	51.53
O5	23.84	28.02	29.94	29.94	29.94	29.94	30.87	32.51	34.69	35.04	39.43	40.61	42.04	
O4	20.12	24.47	26.13	26.13	26.59	27.78	29.68	31.34	31.42	34.20	35.16			
O3	18.70	20.89	22.31	24.71	25.88	26.83	28.27	29.68	30.40					
O2	14.98	17.80	21.38	22.09	22.55									
O1	12.88	14.25	17.80											
O3 [1]				24.71	25.88	26.83	28.27	29.68	30.87					
O2 [1]				22.09	22.55	23.27	24.47	25.42	26.13					
O1 [1]				17.80	19.00	19.71	20.42	21.13	22.09					
W4	19.04	20.42	20.42	20.89	21.84	22.80	23.74	25.42	26.55	27.55	28.27	29.20	30.17	32.51
W3	17.30	18.78	18.78	19.00	19.24	20.65	21.84	22.55	23.27	23.97	24.71	25.66	26.59	27.55
W2	15.15	16.39	16.39	16.86	17.80	18.78	19.49	20.18	20.20	21.61	22.31	23.02	23.97	
W1	12.63	14.49	14.49	15.68	16.39	17.10	17.80	18.53	19.24	19.95	20.65	21.38		
E9							21.63	22.12	22.64	23.13	23.64	24.11	25.39	27.85
E8						18.15	18.65	19.15	19.65	20.15	20.63	21.14	22.39	24.88
E7	11.40	13.66	14.17	14.68	15.17	15.66	16.15	16.67	17.41	17.91	18.41	18.65	19.90	22.39
E6	9.82	11.93	12.43	12.93	13.44	13.92	14.43	15.17	15.66	16.15	16.41			
E5	8.49	10.46	10.95	11.44	12.19	12.69	13.18	13.66	13.92					
E4	7.13	8.95	8.44	10.19	10.69									
E3	5.16	7.20	7.71	8.20										
E2	4.25	5.96												
E1	4.10	5.46												
E1 <4 mos.	3.83													

[1] Commissioned officers in the grade of O1 through O3 credited with over 4 year's active enlisted service.

Reservists are also entitled to pensions. Full retirement credit is given for years served on active duty; partial credit is given for years on inactive service. Retired pay is contingent upon completion of twenty creditable years of service and begins at age 60, at the pay scale then in effect.

Proposals are advanced from time to time to permit payment of retired pay at age 50. If this were done and benefits were not reduced, the cost of the retirement benefit would double. Since retirement pay has little attraction for young men whose primary job is in the civilian sector, this added expenditure would do little to solve the recruitment problems of the reserves.

Currently, about 850,000 enlisted men are in paid-drill reserve status. If men temporarily called to active duty are included, the paid-drill total averaged 836,000 over the eight years prior to June, 1969. To maintain this level the reserves have required an average annual inflow of 262,000 men. Of these, 153,000—nearly 60 percent—were men who entered directly from civil life.[3] The remaining 109,000 were personnel with prior service.

Three sources of manpower are available to an all-volunteer paid drill reserve:

1. Re-enlistments—new commitments by those already in the reserves. Re-enlistments affect losses and thereby the level of accessions required to maintain a given force;

2. Prior service enlistments—enlistments by those who have been on active duty; and

3. Civilian enlistments—first enlistments by civilians.

RE-ENLISTMENTS

Reserve re-enlistments are a primary factor in determining the number of new accessions required each year. Re-enlistment rates may be expressed as a proportion of average strength. Measured in this way, re-enlistment rates during the FY 1962–69 period are shown in table 9-VII.

These data imply that if the re-enlistment propensities of the FY 1962–65 period could be re-established, a 20 percent improvement (from 7.2 percent to 8.6 percent) in re-enlistments would result. Since FY 1962 and 1963 were very poor years owing to the crises in Berlin and Cuba and subsequent reorganizations of the Army reserve components, the improvement might well be greater.

TABLE 9–VII.—PAID-DRILL STRENGTH, RE-ENLISTMENTS, AND RE-ENLISTMENT RATES FISCAL YEAR 1962–69

[In thousands]

Fiscal year	Strength	Reenlistments	Rate (percent)
1962	851.6	54.3	6.4
1963	820.3	59.5	7.3
1964	799.7	88.3	11.0
1965	818.7	81.1	9.9
1966	833.5	[1] 80.9	9.7
1967	863.2	[1] 68.4	7.9
1968	856.4	[1] 51.5	6.0
1969	856.7	[1] 43.3	5.1
1962–65	3,290.3	283.2	8.6
1966–69	3,409.8	244.1	7.2

[1] Includes estimated 1.9 for Marine Corps.

The conventional and more useful way of analyzing re-enlistment rates is to examine the proportions of separating men who continue in service at a series of "decision points" along the career path. Because actual rates are not available, we used statements of continuation intentions provided by the 1969 attitude survey to approximate them. Table 9–VIII displays re-enlistment intentions classified by length of service and by obligated and voluntary drill categories. As one would expect, interest in drill participation is higher in the voluntary category; and it is markedly higher after the sixth year of service.

TABLE 9–VIII.—MEN IN 48 DRILL PROGRAMS STATING FIRM INTENTION TO CONTINUE PAID-DRILL PARTICIPATION, 1969

Years of service	Required to drill (percent)	Voluntary drill (percent)
Less than 6	3.4	12.4
3 to 4	3.0	8.2
5 to 6	4.3	13.5
6 to 10	19.2	50.7
6 to 8	15.5	46.9
8 to 10	52.2	57.6

What would have been the effect on re-enlistments if the 1969 reserves had been composed entirely of volunteers? Using re-enlistment intentions as proxies for re-enlistment rates, we have estimated that "conversion" to a volunteer force would have added nearly 33,000 re-enlistments, an increase of three-fourths over the number who actually did re-enlist in FY 1969. The re-enlistment rate, expressed as a percentage of average strength, would have improved from 5.1 to 8.8 percent. (About half of this estimated gain occurred in the under-6 year portion of the force, where the convention re-enlistment rate—percent of men separating—rose from 6 percent, in the mixed force, to 16 percent in the all-volunteer force.)

This comparison suggests that a shift to voluntarism would raise the 7.2 percent re-enlistment rate of recent years to 12.7 percent of average strength. The best-re-enlistment experience in the eight years examined was FY 1964, when 88,000 re-enlistments equalled 11 percent of a mixed volunteer/obligated force. Given the striking differences in re-enlistment attitudes between volunteers and non-volunteers, the estimate that a voluntary force will attain re-enlistments at that level seems quite conservative.

One might assume an additional increase resulting from re-establishment of the pre-1965 environment. If this were the case, the re-enlistment rate would become 15.2 percent of average strength. We did not make that assumption; because the earlier force included a larger proportion of volunteers and the shift to voluntarism was, thus, already partly taken into account.

We then estimated the effect which our proposed pay increases would have on re-enlistment behavior. Survey responses indicate that modest increases in re-enlistment will occur. Higher pay will induce proportionately more re-enlistments among men who now have the lowest inclination to continue in reserve service. For instance, our studies show that among those persons required to drill with from four to six-years of service, a pay increase of 10 percent would be likely to increase the re-enlistment rate from 3.6 to 4.3 percent, an increase of 20 percent. Re-enlistment rates for those who drill voluntarily would rise from 15.2 to 16.4 percent, only an 8 percent improvement. Volunteers with six-to-ten years of service now tend to re-enlist at very high rates—

[3] Includes over 35,000 in the Navy's "2x6" program.

50.7 percent according to survey statements. A 10 percent increase in their pay would raise their re-enlistment rate to 52.3 percent, a 3 percent improvement.

We propose to increase enlisted drill pay 6 percent after the sixth year of service, when most decisions to continue in the reserves are made. This increase will have both immediate and longer-term effects on re-enlistments. The immediate result will be to provide a moderate rise in re-enlistments of those in the first six years of service. Such men now usually leave the reserves, but they are more responsive to pay changes than their older colleagues. As volunteer enlistees gradually replace draft-motivated men over the six years following conversion to an all-volunteer force, re-enlistment rates will improve at accelerating rates until a higher stable rate is reached. Our calculations indicate that, in an "all-volunteer" 1969 reserve, re-enlistments as a percent of strength would have risen from 8.8 percent (after conversion) to 9.1 percent (after the pay rise); and half of this gain would be realized in the under-six year component of the force.

The recommended pay increase should improve the position of reserve drill duty vis-a-vis other part-time employment opportunities. If relative pay is maintained at the recommended level in an all-volunteer situation, we estimate that the combined effect of moving to a volunteer system and increasing pay will increase the re-enlistment rate from the current 7.2 percent to 13 percent, an improvement of 80 percent.

PRIOR SERVICE ENLISTMENTS

The man who separates from active service is a highly prized candidate for service in a reserve unit. He has had two or more years of training and experience which qualify him not only for immediate assignment to fill a unit vacancy, but often for a leadership role as well. Under present rules, geography prevents full exploitation of this enlistment potential. Unless a unit with a vacancy matching his grade and skill qualification is convenient to his home and regular occupation, a veteran is unable to participate. Because unit assignment specifies location, many prior-service enlistments have been lost.

In the eight years spanning FY 1962–69, 4.8 million men left active service. The reserve components recruited fewer than 900,000 of them into paid drill status. That total includes substantial numbers who were obligated to join, some through training "pay-back" agreements entered into during their active service, but more through involuntary assignment (in the Army Reserve) to achieve programmed strength levels. The number of enlistments would have been still smaller had not the Navy assigned a large fraction of reservists to paid-drill, individual mobilization billets rather than to actual crews. Nearly 80 percent of paid-drill Naval reservists attend regular training sessions during the year and report to a crew assignment for two-week summer training. The Navy's experience demonstrates that it is not necessary to forfeit reserve enlistments because of the self-imposed limitations of unit structure.

Prior-service recruitment experience between FY 1962 and 1969 deteriorated sharply except in the Navy, where the "2x6" program provided a degree of stability. The drop was sharpest in the Army components, especially the USAR, whose recruitment rate fell from nearly 23 percent in the first four years to 6 percent in the last four. This decline is attributable chiefly to wartime and the accompanying sharp rise in the number of inductees separated: 70 percent of 1960–67 inductions were released in the 1966–69 period. Another factor depressing USAR recruitment was a ruling by the Defense Department in June 1967 that involuntary assignments into paid-drill units were to be used only if programmed strength could not otherwise be attained.

Since the 1962–65 period approximates a non-war recruiting situation, we have chosen that period as the basis for estimates of enlistments in a post-Vietnam environment. As a matter of policy, the reserves accepted prior-service men only on a voluntary basis during that period, except the USAR. Even so, survey responses in 1964 show that fractions of the men in the other components also regarded their service as involuntary. These responses may be only the results of retrospection, but they suggest that estimates of potential recruits ought to be discounted for involuntary assignment in all components. The adjusted rate is the number of enlistments multiplied by the fraction who volunteered, the product then divided by the number of separations from the parent service. Table 9–IX presents the unadjusted and voluntary (or adjusted) rates which we applied to projected active separations in order to estimate reserve gains from that source. The high level of voluntarism in the National Guard, and to somewhat lesser degree in the Navy, is striking.

TABLE 9–IX.—PERCENT OF ACTIVE SEPARATIONS ENLISTING IN RESERVE COMPONENTS, FISCAL YEAR 1962–65

Reserve component	Percent of active loss into paid drill	Voluntary proportion	Voluntary enlistment rate
Army National Guard	8.5	0.944	8.0
Army Reserve	22.8	.257	5.9
Naval Reserve	31.5	.811	25.5
Marine Corps Reserve	10.1	.404	4.1
Air National Guard	4.7	.943	4.4
Air Force Reserve	6.0	.601	3.6

Projected losses from the 2.5 million all-volunteer force are 342,300 in the 1977–79 period which would provide 47,800 prior service enlistments for the reserves. Projected losses from the 2.25 million all-volunteer force of the 1977–79 period are 302,500. We estimate that the reserves will be able to recruit about 42,400 of them.

Substantially higher gains can be expected during the early years of transition to an all-volunteer force owing to high separations from the active force. For instance, active separations from a 1971 all-volunteer force are predicted to be 665,000. We estimate that the reserves could voluntarily enlist 92,000, or nearly double the number expected after the active force is stabilized at 2.5 million. Table 9–X consolidates active separations and projected gains into the reserves.

TABLE 9-X.—PROJECTED ACTIVE SEPARATIONS AND PAID DRILL GAINS, ALL-VOLUNTEER ACTIVE AND RESERVE FORCES, SELECTED YEARS

[In thousands]

Component	Rate (percent)	1971		1972		1973		Average 1977–79	
		Separation	Gains	Separation	Gains	Separation	Gains	Separation	Gains
2,500,000,000 ACTIVE FORCE									
Army National Guard	8.0	406	32.5	322	25.8	296	23.7	148	11.9
Army Reserve	5.9		23.9		19.0		17.5		8.7
Naval Reserve	25.5	99	25.3	103	26.4	111	28.4	75	19.0
Marine Corps Reserve	4.1	71	2.9	69	2.8	42	1.7	34	1.4
Air National Guard	4.4	89	3.9	99	4.3	102	4.5	85	3.8
Air Force Reserve	3.6		3.2		3.6		3.7		3.1
Total		665	91.7	593	81.8	551	79.5	342	47.8
2,250,000,000 ACTIVE FORCE									
Army National Guard	8.0	406	32.5	322	25.8	296	23.7	121	9.7
Army Reserve	5.9		23.9		19.0		17.5		7.2
Naval Reserve	25.5	99	25.3	103	26.4	110	28.0	70	17.9
Marine Corps Reserve	4.1	71	2.9	69	2.8	42	1.7	33	1.3
Air National Guard	4.4	89	3.9	99	4.3	102	4.5	78	3.4
Air Force Reserve	3.6		3.2		3.6		3.7		2.8
Total		665	91.7	593	81.8	550	79.1	303	42.4

CIVILIAN ENLISTMENTS

In the presence of the draft, reserve service has provided an attractive opportunity for young men to minimize the personal cost of fulfilling their military obligation. Indeed, it has come to be preferred by so many that queues of prospective enlistees have formed which at times are longer than the entire annual flow of enlistments. The reserves, unable to accept all applicants, have exercised a high degree of selectivity. Table 9–XI compares the educational attainment of reserve and active duty personnel. In 1969, 94 percent of the paid drill reservists had completed high school, over one-half had attended college, and 16 percent had been granted college degrees. This is a much higher level of educational attainment than for the active duty force. Only 1.6 percent of paid-drill reservists were Negro, as compared to 10.5 percent in the active forces. At the same time fewer than 5 percent of paid drill reservists, but 15 percent of active duty enlisted men, were under the age of twenty. Table 9–XII compares reserve and active distribution by age.

TABLE 9–XI.—EDUCATIONAL ATTAINMENT OF ENLISTED MEN—FISCAL YEAR 1969

[Cumulative percent]

	Paid drill reserves	Active duty
College graduates	16.1	2.2
Some college	54.4	21.5
High school graduates	93.9	82.7

TABLE 9-XII.—AGE OF ENLISTED MEN—FISCAL YEAR 1969

[Cumulative percent]

	Paid drill reserves	Active duty
Under 19	1.2	5.6
Under 20	4.8	15.2
Under 22	19.1	47.8
Under 24	40.9	66.9
Under 26	62.2	75.0

Men of this age and educational level are almost certain to have little real interest in reserve service. The 1969 survey found that three-fourths of the paid-drill reservists serving their initial six-year obligation entered military service because of the draft. Five years earlier the proportion was two-thirds. (Among 17–21 year olds in the 1969 survey, the proportion was 55 percent.)

Evidence of strong draft motivation among reservists has been interpreted to mean that a voluntary system will not work. These draft motivation data, however, significantly overstate the magnitude of the problem. As table 9–XIII shows, draft motivation is strongly related to education and age: the younger and less educated the reservist, the lower the draft motivation. If recruitment is focused on a younger, less well-educated group; the flow of volunteers will be substantially larger than is implied by the draft motivation of the present force.

TABLE 9-XIII.—PERCENT DRAFT MOTIVATED BY EDUCATION ATTAINED AND BY AGE, FISCAL YEARS 1964 AND 1969

Educational attainment	1964	1969
College graduate	90	91
2–4 years' college	77	83
Under 2 years' college	60	73
High school graduate	43	70
Less than high school graduate	24	64
Age:		
21	83	85
20	70	76
19	55	78
18	41	65
Under 18	26	54

In estimating the number of civilian men who can be recruited for reserve service, we have noted the large waiting lists for reserve vacancies. These lists were built up because the ability of the services to accept reserve enlistments has been limited by their budgets and by the capability of the active forces to provide initial training. At the same time, the services' needs for new enlistments are governed by losses which follow a complex cyclical pattern, with crises such as Berlin influencing losses in later years. The size of the queues has fluctuated as capacity and needs varied, and it has not been possible to estimate satisfactorily the additional number of volunteers who might have been recruited if enlistments had been unlimited. Table 9–XIV shows the size of waiting lists annually since 1965 (the first year for which data are available) and the number of enlistments which occurred in the corresponding fiscal year.

While our estimates do not use data on the queue explicity, we have used the existence of the queues to justify basing our estimates on recruitment in a high pre-war year—1964.

TABLE 9-XIV.—NUMBERS OF MEN AWAITING RESERVE ENLISTMENT ON JAN. 1 AND NUMBERS ENLISTED FISCAL YEAR 1965–69

[In thousands]

	1965	1966	1967	1968	1969	1970
Waiting	236.9	153.2	272.2	125.2	81.9	148.2
Enlisted (REP)	117.9	204.7	96.3	61.9	112.7	.....

As shown above, educational attainments and mental qualifications have been inflated in the reserves under the pressures of the draft. The reserves do not require such an educationally rich force. Peacetime recruits should come predominantly from among high school graduates and not from those with some college experience. According to the 1964 survey: 43 percent of the high school graduates in their first term of reserve service were draft-motivated enlistees; 55 percent of those 17–21 in the first term were draft motivated; 67 percent of those 17–24 were draft motivated; and 70 percent of the last-named group, excluding the "2 x 6" program, were draft-motivated. Even though that group contained far more college men than is desirable for good retention, we have used a draft motivation factor of 70 percent in projecting enlistments. In 1964, 175,000 men enlisted from civil life. If 30 percent were true volunteers, the true volunteers represented 0.7 percent of the 17–21 year old pool. For our projections we have assumed that at current levels of relative military/civilian pay, civilian reserve enlistments each year would be 0.7 percent of the 17–21 year pool. Our estimates take no account of the fact that entry-level drill pay rose substantially more than earnings of civilian production workers in the five years following 1964, and therefore err on the conservative side.

We have no data from which to estimate the results of pay increases on reserve enlistments. Our analyses of the problem of recruiting into the active forces indicate that a pay increase of one percent will produce a 1.25 percent increase in enlistment rates; our estimates of reserve re-enlistments suggest that a one percent pay increase will generate only 0.8 percent improvement in re-enlistments. Table 9–XV portrays projected enlistments under each of these assumptions and at an intermediate value.

TABLE 9-XV.—PROJECTIONS OF NON-PRIOR-SERVICE RESERVE ENLISTMENTS, FISCAL YEAR 1970–80

[In thousands]

Fiscal year	Manpower pool, age 17 to 21	Number of enlistments (1)	(2)	(3)
1970	9,253	86.1	92.5	101.8
1971	9,451	87.9	94.5	104.0
1972	9,715	90.3	97.2	106.9
1973	9,941	92.5	99.4	109.4
1974	10,171	94.6	101.7	111.9
1975	10,343	96.2	103.4	113.8
1976	10,485	97.5	104.9	115.3
1977	10,673	99.3	106.7	117.4
1978	10,726	99.8	107.3	118.0
1979	10,781	100.3	107.8	118.6
1980	10,791	100.4	107.9	118.7

[1] Manpower pool multiplied by (0.00696) × (1.436). The increase in drill pay is 43.6 percent in the first 4 years.
[2] Manpower pool multiplied by (0.00696) × $(1.436)^1$.
[3] Manpower pool multiplied by (0.00696) × $(1.436)^1$.

TABLE 9-XVI.—RESERVE STRENGTHS AND REQUIRED AND PROJECTED CIVILIAN ENLISTMENTS,* FISCAL YEAR 1977

Active force	Volunteer reserve	Required enlistments	Modified reserve	Required enlistments
2,250	712	97	632	82
2,500	786	106	696	89

*Reserve strength scaled to active strength; "modified" strength is after possible reductions discussed in requirements section. Strengths and enlistments omit the "2×6" program. Projected enlistments:

(1) 99
(2) 107
(3) 117

[1] If enlistment rate is $(0.00696)\times(1.436)^{0.8}=0.0093$.
[2] If enlistment rate is $(0.00696)\times(1.436)=0.0100$.
[3] If enlistment rate is $(0.00696)\times(1.436)^{1.25}=0.0110$.

SUMMARY

Table 9–XVI shows required reserve force strengths and enlistments for stable forces corresponding to the 2.5 and 2.25 million men active forces. Table 9–XVI also shows three projections of voluntary enlistments for the reserve forces. The projected enlistments appear to be adequate for the reserve forces associated with the 2.25 million force and 2.5 million man active forces. Given the uncertainty which surrounds projections of reserve enlistments and losses, however, further steps beyond the recommended pay increase may be necessary. Any further steps should await the results of experience with higher pay during the next few years.

In that transition period, recruiting potential for the reserves will be substantially enhanced by the large flow of servicemen being separated now. Prior service enlistments, as we saw in table 9–X, are expected to be significantly higher in the 1971–73 period than they will later be for the stabilized force. As a result, the requirement for civilian enlistments will be well within recruiting capabilities in the early years.

This can be seen in FY 1972, for example, when extremely high losses are expected. The currently planned reserve enlisted strength for FY 1971 is 865,000 in the paid-drill category. That strength is higher than the largest force level considered in our analysis, but our study indicates that even that level could be maintained in FY 1972 with volunteers. The re-enlistment rate is expected to reach 9.2 percent by that year, so that an estimated 79,600 men would re-enlist. Prior-service gains would number 81,800. Losses are estimated at 243,000. To maintain level strength would therefore require 81,600 civilian enlistments (losses less re-enlistments and prior service gains). Using the most conservative evaluation of the effects of the proposed pay increase, we have estimated that 90,300 civilians can be persuaded to enlist.

CHAPTER 10—THE STANDBY DRAFT

Heeding its directive, the Commission has considered "what standby machinery for the draft will be required in the event of a national emergency." The Commission recommends that legislation be enacted to provide, once an all-volunteer force is in effect:

1. A register of all males who might be conscripted when essential for national security.

2. A system for selection of inductees.

3. Specific procedures for the notification, examination and induction of those to be conscripted.

4. An organization to maintain the register and administer the procedures for induction.

5. That a standby draft system can be invoked only by resolution of Congress at the request of the President.

Because there have been several recent studies of the operation of the Selective Service System, we have not undertaken a re-examination of that subject. Instead, we have formulated our recommendations for standby draft machinery in fairly general terms, which would be consistent with a wide range of specific systems.

Clearly the task of creating and maintaining a state of military preparedness capable of dealing with threats to the nation's security is a vital one. The nation's military readiness is both actual and potential: active duty personnel are prepared to act instantaneously; able-bodied but untrained and unorganized civilian males are potential servicemen. This spectrum of manpower can be divided into three groups in descending order of their state of readiness: (1) active duty personnel, (2) reserves, and (3) civilians. In planning standby draft machinery, it is important to recognize

that conscription is relevant only to the civilian population.

The rationale for providing a standby draft is the possible urgent need for the nation to act quickly. It is clear, however, that a standby draft will not supply effective military forces in being. All it can provide is a basis for acquiring eligible manpower who must be trained, organized and equipped. Effective forces can be available only to the extent that men are organized, trained and equipped prior to an emergency. Under current military policy, should a crisis arise, it is the function of the Reserves to provide the first stage in the expansion of effective forces. They are organized and at least partly trained and equipped; hence they can be operationally ready in a shorter time than new forces. The function of a standby draft is to provide manpower resources for the second stage of expansion in effective forces.

Much thought lies behind the recommendation that Congressional approval be required to invoke conscription. An important issue of national policy is obviously involved. The alternative is to endow the Office of the President with the independent power to call for activation of the standby machinery. This has been rejected for several reasons.

Conscription should be used only when the sizes of forces required for the security of the nation cannot be supplied by the existing system. If Congressional approval is made a prerequisite to the use of conscription, the necessity for legislative action will guarantee public discussion of the propriety of whatever action is under consideration. If discussion yields a reasonable consensus, the nation's resolve will be clearly demonstrated and made less vulnerable to subsequent erosion. If a consensus sufficient to induce Congress to activate the draft cannot be mustered, the President would see the depth of national division *before*, rather than after, committing U.S. military power.

A standby system which authorizes the President to invoke the draft at his descretion would capture the worst of two worlds. On the one hand, it would make it possible for the President to become involved in military actions with a minimum of public debate and popular support. On the other hand, once the nation was involved, especially in a prolonged limited conflict, the inequities of the draft would provide a convenient rallying point for opposition to the policy being pursued.

It is important to emphasize that Congress has not been reluctant to enact a draft when the President has requested it. In the first World War, the United States declared war on April 1, 1917, the draft law was requested by President Wilson on April 7, and it was signed into law on May 18. Prior to World War II a draft bill was introduced into Congress on June 20, 1940, endorsed by the President on August 2, passed on September 14, and signed into law September 16. When the Korean War broke out on June 24, 1950, debate on extension of the selective service law had been underway for some months. Congress promptly discontinued debate and extended the law for one year on July 9.

Because of the loss of personal freedom and the inequities inherent in conscription, the draft should be resorted to only in extreme situations. If the Office of the President has the power to use the draft, there will be pressures to do so when circumstances do not warrant it. The viability of an all-volunteer force ultimately depends upon the willingness of Congress, the President, the Department of Defense and the military services to maintain (1) competitive levels of military compensation, (2) reasonable qualification standards, and (3) attractive conditions of military service. Under foreseeable circumstances, such as serious budget constraints, there is a danger that inaction by one or another of these parties might force the President to resort to conscription when it is not really necessary. If Congressional approval is made a prerequisite to use of the draft, the danger of using it unnecessarily or by default will be much reduced.

One of the fundamental principles embodied in the Constitution is that taxes are to be levied only by Congress. Since conscription is a form of taxation, the power to conscript is the power to tax. Therefore, it is in keeping with the intent of the Constitution to require Congressional approval for the activation of the standby draft.

Finally, requiring Congressional approval for activation of a standby draft will have little or no effect on the time required for the nation to bring effective military power to bear when needed. To repeat: conscription does not provide the nation with military forces in being. Effective flexibility in response to crisis can be achieved only to the extent that forces are already partly or wholly organized, trained and equipped. The draft is a vehicle for supplying men for gradual expansion, not for meeting sudden challenges. This has been true, for example, in Vietnam. Under our standby proposal, the delay introduced in expanding the forces with conscripts cannot exceed the time it takes for Congress to act. In practice the time lost will be even less: preparations for organizing, training and equipping recruits can proceed simultaneously with Congressional action.

MAXIMUM SIZE OF AN ALL-VOLUNTEER FORCE

No estimate has been attempted of the maximum size of a force that could be provided on a voluntary basis. When it is posed in this general form, the question of maximum size is not a meaningful one. The number of individuals who will serve voluntarily depends on a variety of factors, more or less subject to control, which change over time. One factor is the specific set of circumstances which dictate the expansion of forces. When the threat to national security is clearly serious, as it was after Pearl Harbor, volunteers will be plentiful. For a limited conflict in a distant and alien land, there will be less enthusiasm. Willingness to volunteer also depends on the character and terms of military service, on casualty rates, and on the public esteem such service enjoys. Most importantly, the flow of volunteer depends upon the level of military compensation.

Pay is important because it leads to more relevant questions regarding the size of the voluntary force which can be sustained. Other things being equal, if it is indeed true that higher military compensation will result in more enlistments, the question of the maximum size of a volunteer force becomes one of how high the level of military compensation should be. Ultimately, each of us faces the question: how heavily are we willing to tax ourselves to pay for a volunteer force? The question of the maximum size of a volunteer military force is at bottom political and not economic. Conscription cannot produce more manpower than already exists. The constraint is political, and it is imposed by the reluctance of voters generally to incur higher taxes even though they want forces large enough to guarantee their security.

Whatever the ultimate limitations on the size of a voluntary force, some relatively large forces have been assembled on such a basis—for example, the Union forces in the Civil War. By the middle of 1862, the North, without conscription, had raised a force of approximately 670,000 men, the vast majority of whom had made three year commitments. This was 15 percent of the estimated male population, age 18 to 39, of the Union States. During World War I, Great Britain relied on volunteers until 1916. By that time, England had raised an active duty force of nearly 2.7 million men, or 35 percent of her age 18 to 40 male population cohort.

Such examples are by no means conclusive, but they do suggest that conscription is not necessarily required for conflicts comparable in scale to those the United States has fought since World War II. The maximum active duty force levels reached during the Korean and Vietnamese Wars were 3.7 million and 3.6 million respectively. The Korean War force represented 15 percent of the male population age 18 to 39 in 1952, and the Vietnam War force represented 12.4 percent of the male population age 18 to 39 in 1968. In prosecuting those wars with conscripts, the nation imposed a heavy tax on a small segment of the population. In all, 5.8 million men saw service during the Korean War and 6.0 million during the Vietnam War. In neither case was a serious attempt made to expand the forces with volunteers, and in the Vietnam War little use was made of the Reserves.

Historically, whenever conscription has been used, military pay has fallen further behind comparable civilian earnings and, as a result, enlistments have inevitably been discouraged. The more conscription is used, the less incentive there is to maintain military pay (especially for those in the lower ranks) at levels sufficient to attract volunteers. This inverse correlation between conscription and military pay (and therefore volunteerism) is illustrated by the data in table 10–I which compares military pay and allowances to manufacturing earnings at different dates in our history.

In the future, serious consideration should be given to steps which would facilitate the expansion of forces through voluntary means before invoking conscription. In particular whenever expansion of forces is required to meet a limited emergency. Congress and the President should give serious consideration to enacting significant permanent or temporary increases in military compensation.

TABLE-10-I.—COMPARISON OF ANNUAL MILITARY EN LISTED EARNINGS WITH AVERAGE ANNUAL EARNINGS IN MANUFACTURING

Period	Annual military pay and allowances [1]	Manufacturing earnings [2]	Ratio	Percent of forces drafted
Civil War (1865)	[3] $427	$410	1.041	2
Spanish-American War (1898)	444	394	1.127	0
World War I (1918)	870	980	.888	59
World War II (1945)	1,587	2,469	.643	61
Korean war (1952)	2,584	3,721	.694	27
1960	3,034	5,020	.604	15
1965	3,567	6,130	.581	16

[1] Figures include basic pay and value of quarters, food, and clothing but not medical care, insurance benefits, special pays or income tax exemptions.

[2] Sources:

Civil War—Long estimates average annual earnings in manufacturing in 1860 at $297 (table 14, p. 42) and a 38-percent increase in average daily wage rates by 1865 (table 7, p. 25) See Long, Wages and Earnings in the United States, 1860–1890 (New York: National Bureau of Economic Research, 1960).

Spanish-American War—See table 10 (p. 33) in Rees, Real Wages in Manufacturing, 1890–1914 (New York: National Bureau of Economic Research, 1968).

World War I—Average Annual Earnings of Manufacturing Wage Earners (Historical Statistics, series D 605).

1945–65—Average annual earnings per full-time employee in manufacturing, adjusted for unemployment.

[3] This figure does not include the large bounty payments or payments rendered for substitutes.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 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?"

Communst North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

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IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. HALL. Mr. Speaker, ask anyone in the Nation to list the giants of football and the chances are very good that included among the Grange's, Nagurski's, the Thorpe's, and the Baugh's, will be "Pitchin' Paul."

"Pitchin'" Paul Christman was instrumental in putting the University of Missouri on the football map, and in recent years distinguished himself as an honest and highly informative commentator of professional football on national television.

Dave Gregg, of the Joplin News Herald in Joplin, Mo., recently composed a moving and eloquent tribute to Paul Christman, whose untimely death at the age of 51, has left an unfillable void in the ranks of those who love the game of football.

The article follows:

[From the Joplin (Mo.) News Herald, Mar. 3, 1970]

SO LONG, PAUL . . .

(By Dave Gregg)

If you danced to the smooth swing music of Charley Fisk in Gaebler's Black and Gold; jelly-dated in the uncomfortable booths of the Campus Drug; drank beer in The Shack and The Dixie and "purple passion" when somebody was crazy enough to make it; froze those bleak, bone-chilling winters walking under the tower on the way to class at Jesse hall; gamboled on the banks of Hinkson creek in spring, and sweltered in summer school—if you were around at the tag end of the 30s and at the birth of the new decade at Missouri U., you lost something yesterday.

Paul Christman wasn't just another athlete at M.U., he was the fellow who pushed the sleepy little town of Columbia into the 20th century. When Pitchin' Paul passed the Tigers to victory over New York U., the Missouri football team was discovered by The East. The blond crewcut with the merry eyes, the dimples and the slow grin became Missouri's first All-American. But he was even more than that to us. He was the guy we'd all have liked to have been in our little Walter Mitty lives.

Paul Christman was larger than life on the football field; standing back there in a sea of opposition; disdainfully sidestepping would-be tacklers; holding the ball until the last possible second, and then uncorking one of those incredible aerials of his.

Sure, he had to throw it away on occasion; and there were times when he had to eat the ball. But even in these ignominious situations, Paul was never ignominious. He had that rarest of rare qualities: Class, had it in everything he did. Paul Christman put Missouri on the football map, he was profiled in national magazines. He was, in short, a star; but he never thought so. Nobody, his teammates, his fraternity pals, even his casual acquaintances didn't put the knock on Paul. He never had a bit of trouble with his hat.

After graduation and World War II service, he became a star all over again, this time with the Chicago Cardinals. Not just a great passer, the kid from a St. Louis suburb had a marvelous football mind. He was a great pro. In recent years, his TV football commentary was a pure delight. No Polyana, if somebody missed a key block. Paul pointed it out. He never talked down; condescension was no part of his makeup. And if a game was a bore, you didn't hear Paul doing the gee whiz bit.

When death came to him Monday at 51, he was at the top of sportcasting. Paul never did anything poorly. He made up for a whole lot of short-comings in a lot of us. And he never forgot M.U. either. If the school needed a plug or a personal appearance, Paul Christman was there. Once, years ago, the writer did an eminently forgettable piece on Paul Christman. Some overly enthusiastic alum sent it to the Christmans, and a warm thank-you letter came from Mrs. Christman. Inez couldn't have remembered me. I was a face in the crowd when she was the campus queen being courted by everybody's hero, Paul Christman. I did a sophomoric thing: Wrote and asked Mrs. Christman if she'd have her husband autograph a picture for me. I still have that picture, and I'll always keep it, a memento of one of the nice things to come out of sports hacking, the biggest Walter Mitty dodge of all.

Those of us who were fortunate enough to bask in the Christman charisma lost a great deal yesterday. But you have to figure we were lucky to have had a Paul Christman, not every generation does.

DOES THE PEACE CORPS REPRESENT THE UNITED STATES?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. HUNT. Mr. Speaker, appearing in the Evening Star of March 6, 1970, was what I believe a particularly perceptive column by Richard Wilson on the political activism of the Peace Corps. Hidden behind this activism is perhaps what can best be described as the burning desire of our young revolutionaries not only to destroy the institutions of our own society, but to remake the governments of the world in their own "image" and conception of what they think is the "right" way to operate a society.

According to Richard Wilson:

Activities of Peace Corpsmen in a dozen countries have held up to public calumny the policies of a country they are supposed to represent. . . . In some cases, such as Ethiopia, the corpsmen have fanned youthful discontent with existing governments, protested the existing social order and, in general, have placed a heavy strain on American relations with host governments.

Not only do I agree with his observation that "no harm would be done to U.S. policy abroad if a move for a sharp cutback in funds for operation of the Peace Corps were to arise in Congress," but I would suggest emphatically that as a matter of policy, our Government should not stand idly by until our Peace Corpsmen are asked to leave a country in no uncertain terms. For the information of all the Members, the full text of the column follows:

ADMINISTRATION WORRIED BY PEACE CORPS ACTIVISM

(By Richard Wilson)

The President, the vice president and the secretary of state have now had enough experience with the high spirits of the politically turbulent Peace Corps to wonder if this experiment in spreading America's youthful idealism over the world has not gotten badly off the tracks.

To be quite blunt about it, Secretary of State William P. Rogers and Vice President Spiro T. Agnew have been acutely embarrassed abroad by demonstrations of Peace Corpsmen against U.S. policy.

The result is that there would be no great sense of disappointment or deprivation in the executive branch if Congress were to lop off $20 million, $30 million or $40 million from requested funds of $98 million for the Peace Corps in 1970–71, and reduce its political activism accordingly.

Activities of Peace Corpsmen in a dozen countries have held up to public calumny the policies of a country they are supposed to represent. They have done so in Ethiopia, Liberia, Tunisia, Afghanistan, Chile, Peru, Kenya, Niger, Turkey, Brazil, Thailand, Togo.

In some cases, such as Ethiopia, the corpsmen have fanned youthful discontent with existing governments, protested the existing social order and, in general, have placed a heavy strain on American relations with host governments.

Rogers returned from his recent African trip badly out of sorts over the behavior of Peace Corpsmen who had exposed black armbands, snorted their disapproval, and turned their backs on him as he expounded American policy at the U.S. Embassy.

Agnew was cross-examined by Far Eastern statesmen on whether or not the Peace Corpsmen, as representatives of the U.S. government, were expressing hostile attitudes hidden beneath the surface of American friendship and cooperation.

A strange theory, supported by a federal district court decision in Rhode Island, underlies political activism in the Peace Corps. The corpsmen, by this doctrine, are not government officials or representatives, but volunteers financed by the U.S. government and entitled to all the rights and privileges of private citizens.

If they wish to protest the Vietnam war, the pace of integration, the military-industrial complex, the ABM or Spiro Agnew, they cannot be disciplined because their constitutional rights would be denied. If they wish to condemn the government of the country in which they are serving, agitate among its youth, denounce its leaders, that is no concern of the Peace Corps.

Either of these forms of political activity is flagrantly in violation of the rules of the Peace Corps and has been from the beginning. The era of permissiveness began with the original director, Sargent Shriver, and has steadily grown worse. Shriver also suppressed critical investigative reports of the Peace Corps administrative operations.

The present administrator, Joseph H. Blatchford, is trying to weed out the young activists and slowly convert the corps to a more stable and responsible condition with people who are older and have skills useful to the economic and social structure of developing countries.

But it is a hopeless task. The corps has a huge overlay—90 percent—of liberal arts idealists, mostly teachers of English, and cadres of protest-minded youth whose ideas are incompatible both with U.S. policy and the policies of the countries where they serve.

The Nixon administration is not of a mind to liquidate the Peace Corps. Some of the

original idealism is regarded as valid. The general idea is appealing and has been politically popular in the past, although today's young are disenchanted with this kind of public service, evidently preferring active duty on the streets and campuses to the relative safety of a tropical jungle.

No harm would be done to U.S. policy abroad if a move for a sharp cutback in funds for operation of the Peace Corps were to arise in Congress. This would afford an opportunity for a new beginning or a worldwide shakedown of the corps to make it a more useful instrument of U.S. foreign policy, or at least not a disruptive influence.

There is something to be said, too, for going back to the purposes and methods of the old Point IV program, which originated in the Truman administration, to give technical aid and support in the development of emerging nations.

The idea that the Peace Corps would be an outlet for the idealistic drive of American youth, their high spirits, dedication and sacrifice spreading light into places of darkness, seems pathetically innocent in today's world—not so much because the world has changed as because youth's concept of its mission has changed.

ANOTHER PROMINENT VISITOR ROBBED ON THE STREETS OF THE DISTRICT OF COLUMBIA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. NELSEN. Mr. Speaker, I will insert following my remarks an article that appeared in the Washington Post for March 11, 1970, stating that Mayor James N. Corbett of Tucson, Ariz., was robbed of $450 early Saturday morning.

Once again we are reminded by this incident of the danger to all tourists, not only prominent citizens such as the mayor of Tucson, in coming to the District of Columbia where crime, or fear of crime, is ever present.

The District crime bill, H.R. 16196, will, I am informed, soon be considered by the House. In my opinion, this bill is a good and comprehensive measure attacking crime in the District of Columbia and deserves the wholehearted support of those in this body, who are interested in making the streets of the District of Columbia safe not only for the tourist and important visitors that come to the city, but for the residents of the city and those in the surrounding metropolitan area who are employed in or shop in this city.

I strongly urge all the Members to become acquainted with the bill and the committee report when it is filed. I also strongly urge all my fellow Members of the House to give to the law enforcement officials, prosecutors, and judges of this city the tools that are needed and are contained in this bill to permit them to conduct a meaningful and successful fight against crime.

The article follows:

LOSES $450, CREDIT CARDS: TUCSON MAYOR ROBBED HERE

(By Paul W. Valentine)

Mayor James N. Corbett of Tucson, Ariz., here last weekend for a municipal convention, was robbed of $450 early Saturday morning by two thugs who pulled him from a taxi in which he was riding.

Corbett, according to police accounts, reported that he hailed a cab at the Gramercy Inn on Rhode Island Avenue near Scott Circle NW at 1:15 a.m. and asked to go to the Washington Hilton Hotel, 1919 Connecticut Ave. NW, where he was a registered guest.

The taxi drove to 19th and S Streets NW near the hotel and stopped. Two men jerked him from the cab, took $450 in cash, plus a number of credit cards and struck him on the head, Corbett said.

Corbett, 45, could not be reached yesterday for comment. He was here for a National League of Cities congressional conference but had left for San Juan, Puerto Rico yesterday, his office in Tucson said.

Tucson Assistant City Manager Ken Burton said Corbett planned to stay at the San Juan Hotel, but hotel spokesmen said no one by that name was registered or had a reservation.

Donna Reilly, an accounting assistant at the National League of Cities office here, said she saw Corbett the evening after the robbery, and he gave an account somewhat at variance with the official police account.

She said Corbett and Las Vegas, Nev., Mayor Oran K. Gragson hailed a cab from the Washington Hilton, not the Gramercy.

The two mayors were sitting in the back of the cab, and the driver and an apparent companion were in the front seat, she said Corbett told her.

The cab went to an unspecified address, she said, where Gragson got out. Corbett then asked to be taken back to the Hilton, she said.

The taxi drove within three blocks of the hotel, then stopped, she said she was told. Corbet was ordered out of the cab by the two men in the front seat and then robbed and struck above his left eye, she said.

The mayor fell unconscious, and when he recovered, he was standing in front of the hotel, she said Corbett told her.

"I know that's the way he told it to me," she said. "I bet Jim told me the story a hundred times . . . It sure was a terrible thing."

AMERICAN FARMERS

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. LANGEN. Mr. Speaker, as one who has had firsthand experience with the problems facing American farmers, I find particularly interesting and worthwhile the remarks offered at a congressional breakfast yesterday by Mr. John Thomsen, president of Western Wheat Associates, U.S.A., Inc.

In particular, Mr. Thomsen offers a number of suggestions near the end of his statement which are relative to further expansion of U.S. wheat exports:

STATEMENT OF JOHN THOMSEN

I have been asked to say a few words this morning on behalf of Western Wheat Associates and Great Plains Wheat.

The two organizations were founded by wheat producers in a self-help effort to develop and expand export markets for U.S. wheat. We are regionally oriented because of our natural export market outlets. Western Wheat Associates in the Asian market and Great Plains Wheat in Latin America, Europe and Africa. During the past 13 years of operations, we have learned that we must promote every class of wheat in each market to do our job. While both organizations maintain their regional identity and market promotion areas, we cooperate very closely in meeting our overall objectives.

Foreign wheat market development is a joint effort between all of us here today. We producers contribute our own dollars through local and regional organizations. The U.S. government contributes foreign currencies generated by PL 480, which are administered by the Foreign Agricultural Service of U.S.D.A. Secretary Hardin, Assistant Secretary Palmby and other Department decision makers have supported our market development efforts as a matter of policy. The necessary actions that have been taken by the Export Marketing Service, Commodity Credit Corporation and the Foreign Agricultural Service have been extremely beneficial in maintaining our markets abroad.

Last year we reported the serious imbalance of the world wheat supply and demand. I am sorry to report that this situation has improved very little. The combined supply of wheat available for export and carry-over as of January 1, in Canada, Australia, Argentina, the European Economic Community and the United States (the major exporting countries) stood at 3.6 billion bushels. This is well above the 3.1 billion of last year. Current world-wide import requirements are only between 1.7 and 2.0 billion bushels.

Recent production estimates put this year's world wheat crop at 10.8 billion bushels, down 5 per cent from last year's record crop. World wheat acreage is off slightly but further reductions to more closely approximate requirements is needed. Significant progress is now being made in this direction. A program to limit wheat exports was initiated several months ago by Australia. Canada has recently announced a plan to reduce their wheat production. It is encouraging to note that the U.S. is no longer expected to shoulder this responsibility alone.

The continued liberalization of U.S. trade policies will be extremely helpful in expanding markets for U.S. wheat. The President of the Chicago Board of Trade recently stated that "the agriculture sector of our own country has always been in the forefront of the movement to liberalize our trade policies. This is readily understood when one looks at the impact of exports on agriculture products throughout the United States." Every one of our states, except Alaska, exports agricultural products. Crops from one out of every four acres in production are exported. In states where wheat is the major crop this ratio runs much higher.

U.S. agriculture exports are a big exchange earner. During the 1960's, agriculture—through its export earnings—contributed significantly to the favorable balance of trade. Wheat plays a significant role in the trade balance. Even last year, when exports were down, total export sales on all wheat and wheat products was 830 million dollars.

Agriculture exports last year totaled 5.7 billion dollars compared to the 1961–1965 annual average of 5.5 billion dollars. Recent projections indicate that they will reach 6.1 billion dollars in fiscal year 1970. The U.S. balance of payments, often in the red in recent years, would be in much greater trouble were it not for the helpful black ink offsets made by American agriculture. We as wheat producers would like to contribute further to the balance of trade. Further expansion of export markets is one way this can be accomplished. Another would be improved for wheat in world markets.

Now I would like to talk about a program that is very important to us, PL 480. PL 480 has been a useful tool in developing cash markets. As a concessional sales country progresses toward cash purchases, it tends to maintain established trade relationships. Recipient countries have developed a liking for our quality wheat and they have grown

to appreciate our marketing system. In addition, PL 480 sales generate income just as do cash sales.

Senator Dole recently reflected our view when he asked for greater use of the Food for Peace program. He called it "a great basic tool of foreign aid" and said that it generates better farm income and tax receipts, ups employment, reduces government farm program costs, improves nutrition in developing countries and improves peace prospects. A recent study using Kansas data for 1950 to 1969 concludes that, on the average, $1 of farm income generates $3.33 of total income, whereas $1 of non-farm income generates only $1.46.

In the area of PL 480, we have two concerns. One is the extension of the law beyond 1970 and the other is the adequate appropriation of funds for fiscal year 1971. Although we primarily direct our efforts toward expanding cash markets, about 50 per cent of our wheat exports move under concessional sale programs. Reduction of PL 480 funds in time of both national and world surpluses would further undermine our marketing structure. The resultant reduction in sales would compound an already serious economic problem by further increasing total supplies and would subsequently lower export prices while they are already more than 50 percent below parity.

The U.S.D.A. budget for PL 480 for 1970–71 is 118.4 million dollars less than for the current year. The cut-back on major commodities are projected at 69.3 million dollars and over half of this reduction (35.6 million dollars) is wheat and wheat products. The proposed expenditures for five commodities—cotton, feed grains, vegetable oil, dairy products and tobacco—are higher. Our projections for wheat indicate little reduction in the *needs* of recipient countries. We actually foresee a slight increase in requirements because of current crop and economic conditions since adjustments have already been made to offset increased production in recipient countries.

In summary, *the real future for the U.S. wheat producer lies in further expansion of export markets.* To accomplish this objective, all of us here must work together to multiply and perfect the tools we have to work with. These implements are part of a total package, each segment dependent or related to the other. They are:

(1) An aggressive, expanded, well-conceived market development effort between wheat producer organizations and the U.S. Department of Agriculture;

(2) Adequate quantities and qualities of wheat readily available to the world market at competitive prices;

(3) Stronger efforts by major exporting countries to improve world prices and to bring supplies into closer relationship with demand;

(4) Further liberalization of trade policies by both the U.S. and importing countries; and

(5) The continuation and adequate funding of PL 480.

If all of us here today cooperate to accomplish these objectives, America's wheat industry will survive and its contribution to the balance of payments and to the total welfare of our country will be significant.

YOUNG AMERICANS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. TUNNEY. Mr. Speaker, I would like to commend to the attention of the Members of the House, the zest, purpose, and ideals of the 36-member troop of talented young entertainers who are giving people abroad a true picture of what it means to be young and alive in these United States. This group of young people, many of whom I am privileged to represent from the 38th Congressional District of California, is known as the "Young Americans."

They travel in many nations of the free world demonstrating that this country produces and trains skilled performers in music and the dance. More important, they protray our teenagers as modern, bright, and lively, individuals who in the face of fast-moving change maintain a strong hold on our traditional and abiding beliefs in love of country and of fellow man and in the American adherence to morally high standards of human behavior. It is refreshing when we are confronted by reports depicting some elements of our young people as violent, discordant, dissolute, to salute these Young Americans and know that they represent the ideals and achievements of the vast majority of Young America.

I call attention to the accomplishment of these Californians today because tonight over the nationwide network of the American Broadcasting Co., the "Young Americans" will present their first full hour television special program. I hope it will be the first of many by these talented entertainers. I further commend the good taste and thinking of Corning Glass Co. in electing to sponsor a program which will bring laughter, liveliness, and enlightenment to millions of people.

TRANSFER OF NERVE GAS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, my attention has been drawn to the possibility that a quantity of nerve gas, now stored in Okinawa, is to be transferred for storage in Oregon. Understandably, there is a good deal of concern among the people of that State with respect to this proposal. In the hope that the following material will provoke public debate on the subject, I take the liberty of placing before the House the accompanying fact sheet and press articles:

PROPOSED NERVE GAS TRANSFER, OKINAWA TO OREGON

WHAT IS NERVE GAS?

Nerve gas is a odorless colorless substance which can kill a human in quantities of 1/50 of a drop. Two forms, VX and GB are involved in the proposed shipments.

HOW MUCH IS IN THE PROPOSED SHIPMENT?

Four to five ships would be required to move the gases to Bangor, Washington which is across the Puget Sound from Seattle, Washington. From that point approximately 600 to 750 railroad cars would be needed to complete the journey to Umatilla Army Depot at Hermiston. Hermiston is approximately 175 miles east of Portland on the Columbia River. No exact figures have been released, but it is estimated that approximately 3,000,000 pounds of nerve gases (excluding explosives and containers) are in the planned shipment.

WHY IS IT BEING MOVED?

In July of 1969, the press reported an accident occurred in Okinawa which required the hospitalization of 24 Americans. This was the first time that Okinawans knew that the nerve gases were stored there. Reaction was immediate and vigorous. Within four days after the announcement, the Army had promised to remove it.

WHAT ARE THE HAZARDS OF TRANSPORTATION?

The gases are enclosed in containers which are attached to explosives. These explosives are designed to spread the toxic agents around over a wide area upon detonation. Certain forms of these munitions which contain the nerve gases are suceptible to shock, fire or the impact of the bullet of a high powered rifle. Tests have shown that sympathetic detonations may then occur and this would make it impossible to stop the spread of the gases throughout the surrounding vicinity. Depending on weather conditions, this could bring death to all forms of human and animal life over a wide area.

ARE THE GASSES NEEDED FOR MILITARY SECURITY?

Recent releases have stated or implied that these chemical weapons are necessary to our national security. However, when the announcement of the planned shipments was first made a different picture was presented. On December 1, 1969, Undersecretary of the Army, Thaddeus Beall met with Oregon's Governor, Tom McCall and told him that the army considered the gas to be surplus. Again on December 3, 1969, Secretary of the Army, Stanley Resor restated this same position to Gov. McCall.

WHAT ARE THE ALTERNATIVES?

Following the removal of the explosives (demilitarization) the nerve gases can be readily detoxified through the use of relatively simple and low cost procedures. They could be burned or neutralized by mixing with a strong base or acid. Neutralization with a base would require chemicals costing approximately $130,000.

WHERE DO THE PEOPLE OF THE NORTHWEST STAND?

Over 115,000 people have signed petitions supporting detoxification in Okinawa. Scientists, physicians, clergymen and many elected officials have voiced strenuous objections. It is felt that the attached newspaper clippings, which are only a small fraction of the large quantity of coverage, accurately reflect the concern of the citizens on this issue.

[From the Oregonian, Jan. 17, 1970]

NATIONAL PANEL URGED TO PROBE GAS MOVE

EUGENE.—A group of University of Oregon scientists Friday urged the reactivation of a national committee to investigate the Army's plan to store nerve gas in Oregon.

The urging came from nine chemistry and biology professors, who called a press conference to make their proposal known.

The professors asked that the Kistiakowsky subcommittee of the National Academy of Sciences be reactivated and charged "with the investigation of the situation created by the proposed large scale transport of GB and VX nerve gases into Oregon."

The subcommittee, headed by Professor George B. Kistiakowsky, professor of chemistry at Harvard University, was the one which recommended against transporting bombs and rockets containing nerve gas last June from Colorado to the East Coast, to dump the gases in the Atlantic Ocean.

The Army subsequently withdrew its proposal for ocean burial of the weapons, a reported 27,000 tons of obsolete nerve gas munitions stored at arsenals in Colorado, Alabama and Kentucky.

REPORTS SOUGHT

In their statement the professors said, "We urge the governor and other state officials to determine whether in fact the findings of the Kistiakowsky committee . . . do not apply equally (or with greater relevance because of the greater toxicity) to the proposed Oregon shipments.

"We recommend that the National Academy panel be reconvened to examine the feasibility of the present transport law and determine whether the objections to the previous proposal (which were accepted as valid by the Pentagon) do not also apply in this case."

The professors also said findings of the subcommittee, if it is reconvened, should be made public.

The professors also said the Department of Health, Education and Welfare and the surgeon general's office should "determine, as required by law, whether the transport of these poisonous gases to Umatilla creates a serious hazard to the population and environment of the areas along the route." These findings should also be made public.

The nine who signed the statement were John Baldwin, professor of chemistry; Sidney Bernhard, professor of chemistry; Virgil Boekelheide, chairman of the university's department of chemistry and member of the National Academy of Sciences, Stanton Cook, associate professor of biology; Edward Herbert, professor of chemistry; Marvin Lickey, assistant professor of physiological psychology; John Menninger, assistant professor of biology; George Streisinger, professor of biology and cochairman of the UO Department of Biology; and Pete Von Hippel, professor of chemistry and director of the UO Institute of Molecular Biology.

VIEWS SHARED

The professors made it plain they were speaking as individuals and not as representatives of the university. They said their sentiments are shared by numerous other personnel at the university.

"We advocate the destruction of the gases where they are now stored rather than transporting it anywhere," Baldwin said.

Cook and others stressed the number of times the munitions would have to be handled in loading, unloading and transporting them from Okinawa to Umatilla.

Such handling, Cook said, could result in accidental detenation of the weapons if the fusing mechanisms and explosive charges attached to the munitions are in a state of advanced decay.

He said the sensitive fuses of the munitions stored in Colorado, Alabama and Kentucky apparently played a part in abandoning plans to transport them to an ocean disposal site.

"It would appear," said Bernhard, "that these bombs have been put together in such a way that no one ever considered taking them apart."

[From the Oregon Journal, Jan. 22, 1970]

PORTLAND STATE UNIVERSITY PROFESSORS ASK STUDY OF NERVE GAS DANGER

A petition asking that the National Academy of Sciences study the shipment and storage of nerve gas at Hermiston is on its way to the President; the U.S. secretary of health, education and welfare, and Gov. Tom McCall.

The petition, signed by 43 doctorate-rank scientists and professors at Portland State University, was announced Thursday at a news conference in Koinonia House. It requests that the academy is reactivated and given full access to all of the data pertinent to the handling of the controversial gas.

Gordon L. Kilgour, chairman of the PSU chemistry department, read a statement citing the report of the academy regarding an earlier proposal of shipment of nerve gases from Denver to the East Coast. The report indicated, he said, that "Transportation through populated areas is an indefensible risk when the incredibly toxic and volatile GB and VX gases are involved."

He declared that "the combination of overaged explosive charges and massive quantities of gas involved in the Hermiston shipment pose a hazard to the people of the Northwest unparalleled in history."

Kilgour's statement noted that "A single bomb containing 100 pounds of GB or XV has been estimated to provide at least 5 million lethal doses—more than enough to wipe out life in Seattle and Portland and most of the territory between.

"But there are tons being shipped, not pounds. The net effect is not unlike the risk of allowing someone to truck a live hydrogen bomb with a defective fuse through the downtown area of every city within 50 miles of the train route."

Kilgour said none of the PSU petitioners is an expert on nerve gas as such, but all are members of the physics, chemistry and biology departments and qualified to speak on the subject.

He said he sees no insurmountable problems in detoxifying the gas. "None of these gases are such that they can't be detoxified unless the army has come up with a whole new range of gases we don't know about.

Malcolm S. Lea, assistant professor of biology, commented that "It doesn't take a biologist, chemist or physicist to understand the dangers of nerve gas. If you get a drop of this stuff on you, you're dead."

[From the Oregonian, Feb. 1, 1970]

FOES SAY DETOXIFICATION CHEAPER THAN HAULING NERVE GAS TO STATE

(By Harold Hughes)

Tons of deadly nerve gas can likely be detoxified in Okinawa for less than the shipping costs to Oregon, the Portland City Club was told Friday.

Peter von Hippel, chemistry professor and director of the Institute of Molecular Biology at the University of Oregon, and Don Waggoner, an industrial engineer who heads up the Citizens Committee to Stop the Nerve Gas, reported on their research into the nerve gas issue.

They said the government had "boxed itself in" on the controversy and was rapidly establishing a "credibility gap" in statements made to Oregon political leaders, such as Gov. Tom McCall.

(In a statement concerning rumors of plans to move the gas to Colorado, Sen. Mark Hatfield's office said Army Undersecretary Thaddeus Beal reported there were no facilities on Okinawa or the West Coast that could be modified readily to neutralize the gas. Hatfield's spokesman said the "last word" is that objections to shipments to Umatilla have been considered and overruled.)

The chemical process of detoxification is relatively simple and cheap, Von Hippel told the club, drawing on his own knowledge and reports from the National Academy of Science which successfully opposed a similar shipment from Colorado to the East Coast on the grounds the risks were far too high.

Von Hippel said chemicals need to split the nerve gas molecules in a hydrolysis reaction would cost only $130,000, based on estimates of the known quantities of the gas. This would take, using a "shelf item" chemical mixer, only about 24 days, not counting defuzing operations.

The liquids can also be burned in high temperature furnaces, likely a six-month process, he said, mentioning an Oregon firm that builds such furnaces.

If twice the estimated tonnage is actually on Okinawa he said, the costs would still be under the $500,000 estimated shipping costs.

Four or five ships will be used to haul the gas to the Naval Ammunition Depot at Bangor, Wash., from which it will go by rail through Washington to the Army Ordnance Depot at Umatilla, Ore., the Pentagon has reported.

TRAIN ROUTE TOLD

A Northern Pacific Railway official gave the route following a trial run conducted by the Army. It would pass near 20 Washington communities, including Bremerton, Shelton, Centralia, Vancouver, Camas, Washougal and Pasco before crossing the river into Oregon.

Von Hippel noted that a slide recently derailed several cars along the Columbia River on this route.

He said if the clusters of gas bombs, or "bomblets as the Army calls them," fell into the Columbia River and broke open, all animal and fish life downstream and out into the ocean near the mouth would be destroyed, including any exposed person.

He said the gases, which are liquids in aerosal bombs such as paint spray cans, have a 600 hour half-life in water. After this period, half of the material would still remain and so on, in a downward progression.

The biochemist said death is not instant, but it is "definitely unpleasant" as the doomed victim is fully conscious, drowning in his body fluids as the gas attacks the enzymes that transmit nerve signals to the muscles.

"You can watch yourself asphixiate," he said.

There are antidotes, he said, but these must be given immediately in huge doses that would be lethal if the victim has not been contaminated with the gas.

Both Von Hippel and Waggoner said "time is running out" on any campaign to stop the shipment, which is their goal at this time rather than immediate destruction of other nerve gas bombs at Umatilla, where they are relatively safe.

The ships can't leave Okinawa until the U.S. surgeon general gives approval. Von Hippel said he hopes the surgeon general's findings will be passed on to scientists for evaluation as was done in the East Coast shipment proposal.

The gas, he said, has been in Okinawa since the early 1960s. The containers, even those stored in this country, deteriorate at a rate faster than the gas, so eventually all stores will become dangerous to handle or ship. "It won't get any safer with age," Von Hippel said.

"Twice the Army has officially said the gas on Okinawa is surplus," but other officials have said it is in the national interest to move it to Oregon.

Waggoner said 45,000 Oregonians have signed petitions for the governor and to be sent to the President opposing the shipment, while only 1,800 have favored the plan. "That's 25 to 1 against," he said.

Forty-three scientists in Oregon have signed a statement saying the shipment poses a hazard "unparalleled in history."

The government has the technology developed to take the bombs apart, Von Hippel said, noting that 2,200 were defuzed and neutralized in Colorado last year when they began to leak.

The speakers, who fielded questions from the club and then got a good hand from members, said it won't be easy to stop the shipment as the government has wasted considerable time since it promised the Okinawans to have the gas out by April.

They said the gas is not being rushed out of Okinawa because the United States is giving the island back to the Japanese in 1972, but because of mounting public pressure there to get rid of the dangerous gases.

Now the government is "boxed in," having little time left to neutralize the gas in Okinawa and is taking the admittedly "easy

course" of sending it to Oregon, they contended.

The club had planned to ask Umatilla Depot officials to appear on the program but learned they recently refused to make public appearances on the controversial matter.

[From the Oregonian, Feb. 21, 1970]

NERVE GAS NOT WANTED; 63,000 PERSONS SIGN PETITION

TACOMA, WASH.—A half-mile-long petition bearing the names of some 63,000 persons opposed to shipment of military nerve gas through the Northwest was sent to the White House Friday by a Tacoma late-nite television personality.

The petition is the two-week-project of Bob Corcoran, host of a nightly talk show on Tacoma television station KTVW.

"The station owners and management let me have an open hand," Corcoran said. "I solicited on the air for people opposed to the shipment to send in their names and addresses and phone numbers."

"They came in from every hamlet in the Northwest—Bremerton, Olympia, Centralia, Chehalis, Shelton, the Longview-Kelso area, plus Tacoma and Seattle and even Victoria, B.C.," he said.

Corcoran said he became opposed to the shipment of nerve gas—in a fluid form—from Bangor, Wash., to Hermiston, Ore., after talking to Oregon Gov. Tom McCall and researching the gas with help of Dr. Gordon Kilgare, head of the chemistry department at Portland State University.

The Defense Department has not set a date for the gas shipment, which will originate in Okinawa.

The bulky petition was sent by air freight late Friday to the Washington office of Sen. Warren Magnuson, D-Wash. Corcoran said Magnuson will deliver the petition to the White House.

[From the Oregonian, Dec. 30, 1969]

FOES OF GAS PLAN ACTION; DRIVE SCHEDULED FOR SIGNATURES

Opponents of the Army's plan to transfer nerve gas stocks from Okinawa to Hermiston, Oreg., remained active on two fronts Monday.

The Oregon Committee to Stop the Nerve Gas, a citizens group active since the Army plans were first made public, announced a new major effort to seek petition signatures.

Committee Co-chairman Robert Kindley told The Oregonian the group will meet at Centenary-Wilbur Methodist Church at 10 a.m. Saturday, Jan. 10, pick up petitions and then fan out across the city to gain signers in shopping centers and downtown.

Volunteers who would like to join in the new drive are welcome, Kindley said.

Meanwhile Umatilla County Dist. Atty. R. P. (Joe) Smith huddled with a group of lawyers in Portland with whom he has been exploring possible legal channels to block the nerve gas transfer in court.

Smith was slated to meet with Gov. Tom McCall's legal counsel, Robert Oliver, at the state capital Tuesday afternoon.

Oliver said he was uncertain as to the meeting's agenda, except that it concerned the gas question.

The governor's office reported Monday that support for McCall's position against the gas transfer to Umatilla Ordnance Depot in Hermiston continued to grow.

The number of petition signers and letter writers now exceeds 10,500, a spokesman said, and that doesn't include newspaper poll results in Salem and Eugene.

A poll in the capital city showed 68 per cent of those responding oppose bringing the gas stocks into Oregon. The anti-gas forces in Eugene provided a 7-1 margin in the poll there.

Brig. Gen. Robert Concklin, deputy chief of information in the Defense Department, told The Oregonian Monday there had been no change in the Army's plans to start transferring the gas in January.

The stocks are being removed in accordance with a Japan-U.S. agreement under which Okinawa will revert to Japanese sovereignty.

[From the Oregon Journal, Feb. 21, 1970]

GAS, GERM WARFARE HIT BY CHURCHMEN

(By Watford Reed)

Opposition to the storage of nerve gas in Oregon or anywhere else is voiced by the board of directors of the Greater Portland Council of Churches.

The deadly gas, which is to be shipped from Okinawa, should be made harmless, the board said.

"In the name of God and humanity," it said in a letter to President Nixon, "we further ask that you look again at the subject of our nation's use of all chemical and biological weapons with a view to renouncing their use once and for all time.

"We were relieved when last November on our behalf you renounced the use of bacteriological weapons and called upon the Senate to ratify the Geneva protocal of 1925 (outlawing chemical and biological warfare).

"We shall not be satisfied until our nation has done what more than 80 other nations have done and ratified the protocol without reservations, thus renouncing the use of all chemical and biological weapons, the use of which weapons we believe to be immoral, whether used by others or by us."

The board then quoted from Deuteromomy 30:19, "Let us lead the world by our example, 'choosing life rather than death, blessing rather than cursing, good rather than evil,' that we and all the world's people may continue to live."

[From the Oregonian, Jan. 17, 1970]

LOCAL FIRM SURE IT CAN DESTROY NERVE GAS

(By Wally Marchbank)

SHERWOOD.—Executives of a suburban firm that makes industrial incinerators see no reason why they could not build a furnace to destroy nerve gases.

While government officials from Oregon and Washington have protested the planned shipment of nerve gas from Okinawa to a storage depot in Eastern Oregon, the Sherwood firm has been contacted by the Army to bid on a furnace to decontaminate containers that once held the same type of gas.

Vernon L. Burda, vice president of Wasteco, said his firm bid on a furnace for the Rocky Mountain Arsenal. The furnace will be used to "demilitarize" the gas containers.

In Burda's opinion, his firm could easily build a furnace that could destroy large quantities of gases awaiting shipment from Okinawa to Oregon.

There are a few questions that should be answered, however, Burda said. They are: How much gas are we talking about? How long do we have to destroy it?, and, Does the government really want to get rid of the gas?

Burda said the answers to these questions have evaded him in his contacts with the Army concerning the furnace project.

"If the government really wants to get rid of the gas, why don't we do it in Okinawa, or on a ship anchored at sea?" Burda asked. He said his firm already has built one incinerator that is used on Okinawa to destroy confidential papers.

Burda emphasized that his firm has no political ax to grind, but "we could get the job done." Burda's position is supported by a letter to the firm from Big. Gen. James Hebbeler, director of Chemical, Biological, Radiological and Nuclear Operations, Washington, D.C.

In the letter Gen. Hebbeler discussed a method of destroying nerve gases in a high-temperature furnace and said it appeared to him that the process was feasible.

Burda said he has never been told if the Army is removing gas from containers, but the call for bids to demilitarize the containers would indicate the gas had been removed. Apparently the means to empty the containers is available in the Colorado arsenal and could be made available in Okinawa, he said.

Burda said the Army should get an outside consulting firm to which all facts would be furnished, and make a feasibility study of destroying the gases.

[From the Oregon Journal, Feb. 21, 1970]

NERVE GAS PETITIONS SIGNED BY 115,000

More than 115,000 residents of Oregon and Washington have signed petitions against U.S. Army plans to ship nerve gas from Okinawa to Eastern Oregon.

The Citizens' Committee to Stop the Nerve Gas said petitions bearing 38,000 signatures have been sent to Gov. Tom McCall of Oregon, who has forwarded them to President Nixon. Petitions bearing another 17,000 signatures have been sent to Nixon by other Oregon groups, the committee said.

Spokesmen for the committee announced the figures after reports that more than 60,000 signatures have been gathered in the Seattle-Tacoma area. These have been forwarded to Sen. Warren Magnuson, D-Wash., who will give them to President Nixon.

At the same time the committee said it has learned that nerve gas stored on Okinawa leaked five times before the mishap last July which sent 24 American servicemen to the hospital and aroused a storm of protest which led the Army to announce plans five days later to remove the gas. These nerve gas bombs, it said, are the containers which the Army plans to ship to Umatilla.

[From the Oregon Journal, Feb. 27, 1970]

GAS MOVE RISK SEEN AS "HIGH"; "NO WAY SAFE", EX-OKINAWA EXPERT SAYS

MEDFORD.—The Army's former safety director in charge of nerve gas on Okinawa said Friday there is "absolutely no way" to move the munitions safely to Oregon in active form.

"The hundreds of human and mechanical factors involved in a proposed shipment of this magnitude makes the potential for an accident very high," said Jack E. Doughty, 62.

Doughty, who was safety officer on Okinawa from 1948 to 1963, helped write many of the Army's present procedures for handling nerve gas. He said it began arriving on the island in 1956.

"I don't see how this gas can be moved at all without violating literally hundreds of the Army's own safety rules," said Doughty. He also said he believed trainloads of nerve gas would violate rules of the Interstate Commerce Commission prohibiting hazardous concentrations of explosives.

"The risk isn't confined just to the people of Oregon," said Doughty. "I am concerned that a mishap may occur before they even get the gas out of Okinawa. I'm not sure the Okinawa authorities understand the nature of the risk, but I'm writing to Chobyo Yara, the chief executive of the Okinawa government to explain it to him."

Doughty, who was also in charge of safety for nuclear weapons on Okinawa and most of Southeast Asia, said the dangers of transporting hydrogen bombs don't compare with transporting nerve gas.

"The gas is in missiles which are easy to detonate and in containers which are easy to rupture. Any mishap wouldn't kill just a few people. It would kill thousands and would possibly be one of the worst disasters in the history of the country."

RESOR DUE PROTESTS

WASHINGTON.—Gov. Tom McCall planned Friday to present 3,000 letters from students at the University of Oregon to Army Secretary Stanley Resor in his protest about nerve gas shipments to Umatilla Army Depot.

McCall said 98 percent of the letters were in opposition to the proposed shipment of the gas from Okinawa to Umatilla.

[From the Oregon Journal, Dec. 17, 1970]

GAS PERIL WORRIES MULTNOMAH DOCTORS

The executive committee of Multnomah County Medical Society expressed concern Tuesday "over possible dangers of transporting and storage of toxic nerve gas in Oregon."

Dr. John Bussman, society president, expressed support for Gov. Tom McCall in bringing the situation to the attention of President Nixon.

"We share Gov. McCall's concern over the potential dangers of toxic substances, including nerve gas, to Oregonians," said Dr. Bussman.

"If we are to receive and store this gas in Oregon, we urge that every possible precaution be taken," he added.

Meanwhile, an apparent communications snarl between federal and state authorities continued unabated late Tuesday.

Gov. McCall's Washington, D.C., office said Secretary Robert Finch of the Department of Health, Education, and Welfare had given assurances that any gas shipment plans would be submitted to Oregon's chief health officer, Dr. Edward Press.

However, Press's office here expressed surprise at the alleged HEW statement and said no gas plans had arrived.

Sen. Robert Packwood's office offered information that HEW and the Pentagon were meeting to check safety factors in the plan.

An aide to Sen. Mark Hatfield, R-Ore., tried to cut through red tape in HEW to learn whether Finch was considering a public hearing on the gas question.

Mary Thomas, information officer at the Umatilla Army Ordnance Depot near Hermiston, said she still was trying to find out which HEW department was checking the plans.

Phone queries to the regional HEW office in Seattle ended up in the U.S. Food and Drug Administration, which pleaded ignorance of the whole affair.

[From the Oregon Journal, Dec. 23, 1970]

OREGON SOLONS ASK NIXON TO DESTROY GAS

(By Tom Stimmel)

WASHINGTON.—The Oregon congressional delegation prepared separate Christmas Eve letters to President Nixon Tuesday. Each urged him to destroy deadly nerve gases on Okinawa rather than ship them to Oregon.

Republicans in the delegation signed one letter, with a space for the signature of Gov. Tom McCall. The two Democrats in the delegation, Reps. Edith Green and Al Ullman, wrote the other.

Originally one letter was to have served the purpose, first introduced by Mr. McCall in a conference telephone call last Thursday.

Sen. Bob Packwood drafted the letter, which urged flatly that the nerve gas be destroyed.

"In view of the hopes raised by your new policies," Nixon was told, "you could create deep confidence in your initiative and build a position of true world leadership and respect," by destroying the gas.

Such language was too strong for Democratic tastes, even at Christmas time, so Mrs. Green and Ullman wrote their own note.

They "commended" Nixon for deciding to eliminate stockpiles of biological weapons and suggested that if the same standards of analysis were applied to nerve gases, "the conclusion would support their elimination as well."

Mrs. Green and Ullman asked Nixon to order such an analysis and to halt shipment from Okinawa to the Umatilla Army Depot until the analysis was completed.

If the gas has to be removed from Okinawa immediately, they wrote, then it should be destroyed or neutralized on the site.

The Republicans' letter proposed out-and-out destruction. "To allow these gases to be shipped from Okinawa to Oregon would serve no useful purpose," they wrote.

"A more useful purpose would be served if plans were made to destroy all lethal gases."

Both letters deplored the existence of nerve gases. Neither letter made even a secondary case for storing them in Oregon.

LACK OF UNDERSTANDING BY LIBERALS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. MONTGOMERY. Mr. Speaker, once before I have shared with my colleagues a column written by Dr. W. A. Leavell of Belfast, Maine, entitled "Keep Off the Grass." I would again like to commend to the Members of the House a column by Dr. Leavell. This one concerns the lack of understanding often exhibited by those of liberal persuasion. I think everyone will find the article most interesting and enlightening. It reads as follows:

KEEP OFF THE GRASS

(By W. A. Leavell, Ph. D.)

It might seem that I pick on liberals a lot, because I do. It doesn't bother them because I have found that most dedicated liberals have a common fault, they don't listen. You can hammer at them all day long and it doesn't bother them. I must say that they disregard the false just as easy as they do the truth.

You could prove, beyond a shadow of a doubt, that every super liberal program and dream won't work and it wouldn't cause a good liberal to blink an eye. No sir, when they swallow the liberal bait, they go all the way.

As an example, take the little story a reader sent me recently. It is about a little red hen. It has a very good point but a super liberal would never see it. See if you can appreciate the story.

Once upon a time, I am told, there was a little red hen. She was an industrious little cluck and decided to plant some wheat to make bread.

She has some friends who said they'd be glad to eat the bread. But when the time came to plant the wheat and to water it and reap it, her barnyard friends had a lot of excuses.

Let us look in on the barnyard scene in the early 1970's, soon after the wheat ripened and was ground into flour.

When it came time to bake the bread, "That's overtime for me," said the sow. "I'm a dropout and never learned how," said the duck. "I'd lose my welfare benefits," said the pig. "If I'm the only one working that's discrimination," said the goose.

"Then I will," said the little red hen—and she did.

She baked five loaves of bread and held them up for her neighbors to see.

"I want some," said the cow. "I wan't some," said the duck. "I want some," said the pig. "I want my share," said the goose.

"No," said the little red hen. "I can rest for a while and eat the five loaves myself."

"Excess profits," cried the cow. "Capitalistic leech," screemed the duck. "Company Fink," screamed the goose. "Equal rights," said the pig.

They hurriedly painted picket signs and marched around the little red hen, singing, "We shall overcome." And they did.

For when the owner came to investigate he said, "You must not be greedy, little red hen. Look at the oppressed cow, look at the disadvantaged duck, look at the underprivileged pig, look at the less fortunate goose. You are guilty of making second-class citizens of them."

"But-but-but . . . I earned the bread," said the little red hen.

"Exactly," said the owner. "That's the wonderful free enterprise system: anybody can earn as much as he wants. You should be happy to have this freedom. In other barnyards you would have to give all five loaves to the owner. Here you give four loaves to your neighbors."

And they all lived happily ever after, including the little red hen, who smiled and clucked, "I am grateful, I am grateful."

But her neighbors wondered and wondered why she never baked any more bread!

If you got the message of the story, you might ask, "What can I do to protect the little red hens of our society." Goodness knows they need protecting and you can do a lot.

You are important as an individual. You are more important as a group. Your most important strength is in your vote. The right of secret ballot is worth all the lives it has cost to win and it is worth fighting for again, if necessary. By your vote, you can make the mighty humble and the humble mighty. Vote, Vote, Vote!

AN ERA OF RETREAT ON CIVIL RIGHTS?

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. HELSTOSKI. Mr. Speaker, in the past decade we, as a nation, made great strides toward reaching the constitutional and certainly moral goal of providing equal justice and opportunity for all people in our 50 States.

At times we have faltered, but overall the record of accomplishment has been firm and good as we strive to reach the plateau set for us by our Founding Fathers in freeing our Nation from virtual bondage and oppression.

Yet, there is much more to do that is good and right if all of our people are to have equal justice and opportunity, but we apparently have entered an era where there has been serious retreat from the goal by some in important places in the Federal Government.

The backsliding posture is best explained in the following editorial delivered over WCBS–TV on February 24, 1970:

WCBS–TV EDITORIAL

At any point in time, it is tempting to look back to another age, to see parallels, to draw the easy conclusion that history repeats itself.

This tendency to see definite cycles and repetition in history is very strong in America today. Little more than a century ago, the Civil War was fought; the slaves were freed. Emancipation was followed by Reconstruction, by the attempt of the Radical Republicans in Congress to assure citizenship to the Negro freedmen. By 1877, radical reconstruction had failed. President Rutherford Hayes, a Republican, had surrendered control of the South to white Southern Democrats, an accommodation that fostered the establishment of patterns of racial segregation that would survive for 100 years.

Now, it seems to some, history is repeating itself. The great civil rights revolution of the 1960s, a movement that recaptured the spirit of radical reconstruction a century ago, is in danger of failing. Another Republican, Richard Nixon, is in the White House, and he, too, according to this analysis, seems to be moving toward an accommodation with white racism in the South, just as Rutherford Hayes did. It all seems to be a neat, if not tragic, case of history repeating itself, of racism triumphant once again.

This is what it seems to be, but let us point out some key differences. The first is that the Negro freedman of 1877 is not the black man of 1970. Black America today is more self-assured, self confident, and proud. There is a growing and sophisticated black middle class well able to watch out for itself.

Racial attitudes have changed, too. Many of the leaders of the Radical Republicans a century ago were white supremacists. Today, there are few national leaders, North or South, who profess such racist views.

Now this is not to minimize the threat posed by racist reactionaries in America. They do exist, and they do support the backsliding posture of the Nixon Administration. But it seems to us that the decision last week of the U.S. Senate to call for uniform standards of school desegregation, North and South, does not of itself herald the revival of white supremacy in the United States, even if some of its sponsors intend it to do that.

It could begin a new period of national frankness in attempting to solve the Nation's racial division; it could mean the end of Northern hypocrisy in regarding racial bias as a Southern peculiarity.

A major factor in determining which way the country goes—whether toward a revival of white supremacy or toward a new national commitment to solve the racial problem on grounds of equality—is the office of the President. To date, the President has given the impression of retreat and evasion of racial equality, and this in our opinion is unacceptable.

The die is in the process of being cast, and it is time now for the Nixon Administration to help form it by enunciating a firm commitment to the goal of equal justice and opportunity for all.

IMPROVING POLICE-COMMUNITY RELATIONS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. ANDERSON of California. Mr. Speaker, what may be achieved when law enforcement agencies and the community join hands in common effort? Many of the positive answers were provided by former Torrance, Calif., chief of police, Walter Koenig, who was recently honored for his years of achievements in police and community relations with the American Civil Liberties Union's annual "Courage of Convictions" Award.

Chief Koenig earned the respect of the people of Torrance by applying his convictions in developing positive police-community relationships and, with the assistance of an editorial by Los Angeles television station KHJ-TV, shared some of his wisdom with the Southern California community.

I take great pleasure in inserting a copy of the editorial, broadcast February 1 through February 6, 1970, into the RECORD so that the chief's observations may be shared with my colleagues and serve as an inspiration for improved police-community relations.

The editorial follows:

POLICE COMMUNITY RELATIONS

We recently attended a meeting of the ACLU at which the former chief of police of Torrance, Walter Koenig, was presented the annual "Courage of Convictions" award. In explaining his outstanding success in the field of police-community relations Koenig used two words: First, "sympathy", which he defined as a feeling we have *toward* others. Second, "empathy", which he described as a feeling of being *with* someone.

We hope that our Los Angeles 9 viewers will take time out to consider the significance of that thought, and to support the efforts of our police and other officials who are sincerely seeking solutions to community problems.

Koenig in closing, told of the 3-year-old boy, lost in the woods. A search for him failed. Then, late in the afternoon everyone in town joined hands in a sort of human chain and swept through the woods. Half way through they found him, face down at the bottom of an abandoned well. One grief stricken man dropped to his knees and seemed to say a prayer. Another asked "What did he say", and the one next to him replied—he said "Oh God, why did we not join hands sooner?"

WHEN THE ACLU GOES INTO COURT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. ASHBROOK. Mr. Speaker, a recent column of Jenkin Lloyd Jones, publisher, syndicated columnist, and present head of the chamber of commerce, updated some of the more recent causes which the American Civil Liberties Union is pushing in the courts. His column entitled "When the ACLU Goes Into Court" appears in the February 28 issue of Human Events, and I include it in the RECORD at this point:

WHEN THE ACLU GOES INTO COURT

(By Jenkin Lloyd Jones)

There used to be an old vaudeville gag involving a pair of shoes nailed to the stage. The parting curtain would reveal the comedian unloading his line of patter and gradually he would lean farther and farther to the side until he passed far beyond any point of equilibrium. The humor lay in his bland pretense that he was standing upright.

I have been down to the national headquarters of the American Civil Liberties Union on lower Fifth Avenue, New York, looking over the literature. Those shoes are really nailed.

Once in a sapphire moon the ACLU, to the squeal of fifes and the ruffle of drums, comes to the aid of some ultra-right-wing superpatriot, usually the nuttier the better. These instances are carefully recorded and are periodically trotted across the stage to prove that the ACLU is evenhanded. The case book tells a different story.

For example, here's a sampling of recent ACLU legal interventions:

In behalf of a civilian Air Force instructor who had been fired for spending part of classroom time discussing America's wrongs in the Vietnamese war.

Supporting the showing of the movie *I Am Curious (Yellow)* which had been declared obscene by a Maryland court.

Challenging the conviction of a defendant who had burnt his draft card on the grounds that this was merely a "symbolic protest" against war.

Arguing the unconstitutionality of the Customs Act which prohibits importation of obscene materials from abroad.

Supporting the right to make political speeches, conduct demonstrations and distribute leaflets on military bases on the grounds that these include "public areas."

Supporting the Yippie defendants on trial in Chicago for riots during the Democratic convention on the grounds that "the anti-riot act violates the constitutional rights of freedom of speech and travel."

Supporting as a constitutional exercise of free speech eight Grinnell College students who took all their clothes off during an open meeting.

Supporting Prof. Angela Davis, avowed Communist philosophy professor at UCLA, against efforts to remove her.

Applauding the victory of the ACLU unit in Oregon in getting local courts to order the removal of a 51-foot illuminated cross in a public park overlooking the city of Eugene. Apparently, a publicly paid professor preaching communism on public property is preferable to a donated silent cross.

Battling federal legislation that would remove tax exemptions from private foundations, like the ACLU, engaged in political activities.

Asking the Colorado Supreme Court to declare possession of marijuana legal.

Supporting a former Peace Corps volunteer who was dismissed for sending a letter to a Chilean newspaper protesting that he had not been allowed to make statements on Viet Nam. Also supporting him for his subsequent refusal to answer a draft call.

Demanding that the University of Wisconsin readmit 90 black students who were expelled after they had seized the president's office and destroyed property.

Challenging the arrest of Yippie leader Abbie Hoffman when he appeared at a hearing of the House Committee on Un-American Activities in a shirt made of stars and stripes. The ACLU has challenged all statutes that would prohibit burning or desecration of the American flag on the grounds that "the state has not right to protect official symbols in a manner that restricts freedom of expression."

Recommending that all church property be fully taxed even when used exclusive for religious purposes.

The ACLU and its subsidiary, the Roger Baldwin Foundation, are, of course, tax-free.

In the most recent audit of the Roger Baldwin Foundation, the New York firm of auditors, Soll and Aronin, adds Footnote A:

"It is impracticable to ascertain that all liabilities of special projects incurred by project personnel have been recorded on the books. However, management does not believe that such unrecorded liabilities, if any, could be substantial."

"Management does not believe"? What "special projects"? What kind of an audit of a tax-free institution is this?

Kind little old ladies, still giving money to the ACLU under the impression that it is

protecting the liberties of us all, might step down to 156 Fifth Avenue and riffle through this outfit's highly selective outrages. They'd have a fascinating afternoon.

MASSIVE PUBLIC SENTIMENT FOR RELEASE OF INFORMATION ON AMERICAN PRISONERS OF WAR

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. GRIFFIN. Mr. Speaker, I commend American newspaper editors who are keeping before the public the plight of our American prisoners of war. Such an editorial was published Monday, March 9, by Louis Cashman, Jr., editor of the Vicksburg, Miss., Evening Post.

I urge all Members of the House and those in the news media to continue to show North Vietnam that it should live up to its responsibility under the Geneva Convention by providing humane treatment and the release of information on American prisoners.

Under leave to extend, I include Mr. Cashman's editorial. It follows:

"BIG DEAL"

In the vernacular of the present, the announcement from Hanoi of the list of 27 American fliers shot down in the Vietnam war, is indeed a "big deal". What of the other 1300 prisoners of war held by the North Vietnamese? What of the refusal of the Hanoi government to abide by the articles of the Geneva Convention? What disposition has been made of those held prisoner of war in humane terms?

That 27 names have been made public is certainly welcome news to the families of those men, who have yearned for some word about their loved ones, and we rejoice with them that, at long last, they now know these men are alive.

But the manner in which these names were released was, in itself, a further insult to our country and to all of the men held prisoner by the North Vietnamese. The names were relayed through two agencies—the Swedish government and an American pacifist committee, headed by David Dellinger, one of the "Chicago 7" and by Mrs. Cora Weiss of Women's Strike for Peace. Neither of the latter groups is representative of our country, and the selection of them as the avenue through which the names were released is offensive in the utmost, and is but a continuation of the contempt showed by Hanoi for anything which is truly American.

The continued defiance of North Vietnam of its responsibility under the Geneva Convention, only emphasizes the necessity for a unified drive to bring about compliance, through the influence of world opinion. The propaganda machine of the North Vietnamese Reds has kept up an incessant barrage against our nation, and some of the organizations in our own country, of which the two mentioned above are shining examples, have swallowed the bait and have actually been of tremendous aid and comfort to an enemy which callously disregards every norm of decency in withholding information about American missing servicemen.

To that end, we earnestly urge that a short letter be sent to United We Stand, Box 100,000, Jackson, Miss. 39205, urging Hanoi to give out information on those held prisoner. Such letters, by the tens of thousands, from all sections of the country, will do much to counteract the feeling on the part of Hanoi that American dissent and protest against the Vietnam war, as practiced by some organized groups, represents not the majority opinion in the United States, but only a small, and very small minority. Write today!

FAILING NEWSPAPER ACT

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. BROWN of Ohio. Mr. Speaker, the following editorials from the New Yorker and the New York Times for January 31, 1970, speak eloquently with reference to a matter under current consideration by the House Judiciary Committee after its passage in the Senate—the so-called Failing Newspaper bill S. 1520:

NOTES AND COMMENT

Every few seasons, a pickup truck marked in bold letters "Tree Preservation Service" pulls into a suburban street we know about and deposits three or four outdoorsy men with ladders and saws who spend an invigorating hour or so lopping off tree branches that grow out over the road. A couple of times, we watched this operation with indulgence, only dimly wondering how it preserved the trees to thwart their reach for light and air. Then, recently, we learned we had been anaesthetized by a title. The Tree Preservation Service is in the service of Con Edison, and its concern is less for preserving the trees than for preserving the overhead wires into whose air space the branches sometimes protrude. All this is by way of explaining a suspicion we formed, even before we knew its contents, of a bill that Congress has been mulling over for two years and that now has the support of the Commerce Department. The bill is called the Newspaper Preservation Act. The proposed act would allow supposedly competing newspapers to violate the anti-trust laws by pooling their profits and fixing prices. Its ostensible purpose is to shore up shaky papers, but it is most probably not a newspaper-preservation bill so much as a publisher-preservation bill. Any newspaper that has to be preserved this way might as well be preserved in formaldehide. We are pained by the death of every newspaper, but an ad-hoc group that we are proud to be a permanent member of and that we like to think of is the Liberty Preservation Society believes the public is better served by a dead paper than by one mortally sick and given a semblance of health through the connivance of the competition that its voice should continually challenge and of the government about which it is duty-bound to speak the truth.

PRESERVING PRESS DIVERSITY

The Senate has overwhelmingly passed the Newspaper Preservation Act. But, even before the bill goes to the House, the need for any such measure has been rendered extremely dubious by Federal Court approval in Tucson of a joint publishing arrangement for the separately owned morning and afternoon papers in that Arizona city.

The bill, sponsored by 33 Senators and endorsed by a majority of the Judiciary Committee, would grant immunity from the antitrust laws for joint operating agreements between competing newspapers if one of the papers was in danger of failing.

The measure's aim is to help keep alive diversity of editorial expression and news presentation in a period when astronomic increases in all the costs of publication, plus the inroads on circulation and advertising of television, news magazines and other media, have brought monopoly journalism to many large cities.

In 22 other cities rival publishers have pooled their commercial and printing operations to cut costs while retaining independent editorial and news departments. The legality of these arrangements was brought into question when the Supreme Court, in a 7-to-1 decision last March, invalidated an agreement worked out by the two Tucson dailies.

The Court held that the new corporation these papers had formed to handle publishing, advertising and circulation violated antitrust rules against price-fixing, profit-pooling and illegal market control. The bill now up for debate would, in effect, repeal the Supreme Court's ruling by easing the definition of what constitutes a "failing" newspaper and then granting a broad exemption from restraints against monopoly to joint arrangements entered into by such a paper.

However, the joint publishing order agreed to by the Tucson publishers and signed last week by Federal Judge James A. Walsh makes it plain that the Supreme Court decision leaves open considerable latitude for unified operation without any necessity for a new law. The order sanctions a single printing plant for the two papers, unified billing and distribution services and issuance of a joint Sunday paper. The limitations the order imposes in other directions appear far from suffocating. The entire arrangement confirms our previously expressed conviction that the Supreme Court ruling did not doom joint publishing ventures. On the contrary, it laid down healthy guidelines for insuring that a device intended to guard against a monopoly in news and opinion was not perverted into one that fostered monopoly.

While respecting the considerations that have made many publishers endorse the Newspaper Preservation Act, we consider it foreign to the spirit of the freedom of the press, as guaranteed by the First Amendment, for Congress to pass a law granting the press immunity from the rules all other enterprises must obey to insure healthy competition.

Far from encouraging a free and independent press, such immunity could become a shield to established publishers against the entrance of new journalistic competitors. Even without that effect, the sheltered environment of a carefully divided market is a poor spur to editorial ingenuity or creativity. Worst of all, provisions in the bill for prior written consent of the Attorney General introduce an element of political review that would be chilling in any Administration.

The compact just authorized in Tucson indicates that the Supreme Court decision affords newspapers in genuine economic trouble all the scope they need for negotiating joint operating arrangements on a basis that will permit them to survive and at the time preserve for their readers the diversity of editorial and news presentation a democracy has the right to demand.

DR. STANHOPE BAYNE-JONES

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. TAFT. Mr. Speaker, on February 20, 1970, a very quiet but very great American passed away. Known to his friends as "BJ"—his full name was Dr. Stanhope Bayne-Jones and he was a brigadier general, retired, in the U.S. Army Medical Corps. His long and distinguished career and his many honors were so numerous that I am attaching them as a part of my remarks.

But beyond the statistics and the official achievements stood a truly great character who contributed as much personally to those who knew him as he did in a professional or official capacity. My personal acquaintanceship came from the fact that he was a classmate and lifelong friend of my father's, one of the closest and most trusted of all. Their acquaintanceship grew from Yale College days when they both were undergraduates in the class of 1910, and it continued through many years and many times of challenge and achievement on the national scene in connection with Yale University and otherwise. Self-effacing and quiet, but at the same time, warm and direct, he combined rare virtues and a grand sense of humor. A towering figure in the public health field, he was never too busy to give his personal attention and advice to any and all who sought it.

We shall miss him, but his life must be an inspiration to all who knew him. To his widow and his family, we extend our deep sympathy.

Mr. Speaker, under unanimous consent to revise and extend my remarks and include extraneous matter, I include the following biographical sketch of this outstanding man:

BIOGRAPHICAL SKETCH, STANHOPE BAYNE-JONES

Born in New Orleans, Louisiana, November 6, 1888.

DEGREES RECEIVED

B.A., Yale University, 1910.
M.D., Johns Hopkins University, 1914.
M.A., Johns Hopkins University, 1917.
M.A. (Hon.), Yale University, 1932.
Sc. D. (Hon.), University of Rochester, 1943.
Sc. D. (Hon.), Emory University, 1954.
LL.D. (Hon.), Tulane University, 1955.
L.H.D. (Hon.), Hahnemann Medical College, 1959
LL.B. (Hon.), Johns Hopkins University, 1960.
Sc. D. (Hon.), Ohio State University, 1960.

DECORATIONS AND MEDALS RECEIVED

Military

U.S.A.: Distinguished Service Medal, Silver Star (with 2 oak leaf clusters), Army Commendation Ribbon, United States of America Typhus Commission Medal, Decoration for Exceptional Civilian Service, Department of the Army.

British: Military Cross, Order of the British Empire (Honorary Commander).

French: Croix de Guerre.

Civilian: Chapin Medal (Public Health) from the Rhode Island State Medical Society. Bruce Medal (Preventive Medicine) from the American College of Physicians. Passano Foundation Award—presented on June 10, 1959.

ACADEMIC AND ADMINISTRATIVE POSITIONS HELD AT VARIOUS TIMES

1914–1924: Various positions on faculty of the Johns Hopkins University School of Medicine from Instructor to Associate Professor of Bacteriology and Pathology.

1924–1932: Professor of Bacteriology, University of Rochester School of Medicine and Denistry.

1932–1947: Professor of Bacteriology, Yale University School of Medicine.

1924–1932: Director, Rochester Health Bureau Laboratories, Rochester, New York.

1932–1933: Chairman, Division of Medical Sciences, National Research Council.

1935–1940: Dean, Yale University School of Medicine.

1932–1938: Master of Trumbull College, Yale University.

1937–1947: Director, Board of Scientific Advisers, The Jane Coffin Childs Memorial Fund for Medical Research.

1939–1941: Member, Board of Scientific Advisers, International Health Division, Rockefeller Foundation.

1939–1954: Member, Board of Directors, Joseph Macy, Jr. Foundation.

1939–1957: Member, Advisory Medical Board, Leonard Wood Memorial American Leprosy Foundation).

1952 to date: Member, Board of Governors, Gorgas Memorial Institute of Tropical and Preventive Medicine.

1948–1952: Member, Committee on Public Relations, New York Academy of Medicine.

1949–1951: Chairman, Committee on Public Health, Medical Society of the County of New York.

1947–1952: Member, Scientific Advisory Board, Public Health Research Institute of the City of New York.

1930–1947: Member of editorial boards of several scientific journals.

1950–1952: Member, Board of Hospitals, New York City.

1942–1952: Member, Board of Managers, Memorial Hospital for Cancer and Allied Diseases, New York City.

1947–1953: President of the Joint Administrative Board of the New York Hospital-Cornell Medical Center.

1929–1930: President of the Society of American Bacteriologists.

1930–1931: President of the American Association of Immunologists.

1940–1941: President of the American Association of Pathologists and Bacteriologists.

1914 to date: Member of numerous medical and scientific societies, including the American Philosophical Society.

1950–1952: Member, National Manpower Commission, Columbia University.

1951–1954: Member, Commission on Financing of Hospital Care.

1955–1956: Member of the Corporation of Yale University.

1957–1958: Chairman of the Secretary's Consultants on Medical Research and Education, Office of the Secretary, U.S. Department of Health, Education, and Welfare.

1961–1962: Chairman, Board on Cancer and Viruses, National Cancer Institute, National Institutes of Health.

1962–1964: Member, Surgeon Generals (PHS) Advisory Committee on Smoking and Health.

1914 to date: Author of about 75 scientific and medical papers, and addresses on various subjects. Coauthor with Doctor Hans Zinsser of a revision and new edition of "A Textbook of Bacteriology."

Medical and Scientific Member of: American Medical Association; Medical Society of the District of Columbia; Academy of Medicine of Washington, D.C., American Cancer Society, American Association of Immunologists; American Association of Pathologists and Bacteriologists; Society of American Bacteriologists; American Philosophical Society; American Public Health Association; etc.

MILITARY RECORD

1917–1919: Served as Captain, later as Major, MC, in World War I, in France, Belgium, Italy, and Germany. From January to June 1919, was Sanitary Inspector of the 3rd U.S. Army (Army of Occupation) in Germany.

1942–1946: During World War II served on active duty in the Office of The Surgeon General, U.S. Army, in Washington D.C., in grades of Lt. Colonel to Brigadier General, as—

Deputy Chief, Preventive Medicine Service;

Administrator of the Army Epidemiological Board; (1942–1945)

Director of the United States of America Typhus Commission;

Special Missions to England (1943) and Egypt (1944);

Promoted to Brigadier General on 25 February 1944; Retired in grade 31 December 1949; Recommissioned Brigadier General, Reserves, Army of the United States, 7 May 1953.

1946 to date: Member, Armed Forces Epidemiological Board (President, 1946–1947)

1953–1956: Technical Director of Research, Office of The Surgeon General, Department of the Army.

1954 to 1963: Member of the Army Advisory Scientific Panel. Member of the Advisory Scientific Board, Walter Reed Army Institute of Research.

1955 to date: Chairman of the Advisory Editorial Board, History of Preventive Medicine in World War II, Medical Department, U.S. Army.

PRESIDENT NIXON PREACHES WHILE THE CORPS POLLUTES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. MIKVA. Mr. Speaker, being against pollution is about as safe these days as being for apple pie and the American flag. The test, therefore, should be not what any public official says about pollution, but what he does about it. Letters from young constituents of mine, third-grader students at O'Keefe School, underline the difference between talking about pollution control and doing something about it. These students' letters ask why the Army Corps of Engineers continues to dump polluted dredgings into Lake Michigan after the President visited Chicago and "promised to save Lake Michigan."

That is a very good question. It is a question to which many of us would like to know the answer.

In an effort to obtain an answer for these young students and other constituents of mine who are equally concerned about the Government's continued pollution of Lake Michigan, I have written letters to Secretary of the Army Resor and Secretary of the Interior Hickel. Perhaps they can explain to me and other citizens of Chicago why it is necessary to keep polluting our lake after the President has announced his dedication to environmental protection. What I really hope is that the President will write a letter to Messrs. Hickel and Resor—or maybe even a phone call will do.

I would like at this time to read into the CONGRESSIONAL RECORD one of the letters from the third-grade students at O'Keefe School:

CHICAGO, ILL.
February 11, 1970.

DEAR CONGRESSMAN MIKVA: I am a little girl in third grade at O'Keefe School. I read the newspapers and listen to television. We know President Nixon came to Chicago and promised to save Lake Michigan. Why is he allowing the U.S. Army Corps of Engineers to dump millions of cubic inches of polluted dredging into our Lake Michigan? Does he really mean to save our lake? Please talk about this problem on the floor of the House and to Secretary of the Interior Hickel. Why don't you write a letter to President Nixon? We are.

THE SMALL INVESTOR GETS A ROUGH DEAL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. FASCELL. Mr. Speaker, one of the principal issues during last year's hearings and debate on tax reform was the treatment of the middle-income taxpayer—the American who is a small saver and investor. It was shown that existing laws put an inordinately large share of the tax burden on this group. In effect, the various groups and wealthy individuals who paid little or no taxes were being subsidized by the little man. Congress responded to these obvious inequities with enactment of tax reform legislation which will take effect next year.

In my efforts in the Congress I have taken a special interest in attempting to see that our monetary and fiscal policies are fair to all. Last year's tax reform bill was clearly a step in the right direction, although more needs to be done by the Congress.

There are, of course, decisions which the executive branch could make which would better the positions of the investor and saver of moderate means. As it turns out, unfortunately, at the same time that the Congress has been trying to give him fiscal relief, the administration has been taking steps which make it harder for the small investor and taxpayer to try to cope with inflation through prudent investment.

Most of these steps are taken under the guise of meeting the critical housing problem by preventing the flow of money out of savings and loan institutions into Treasury and Federal agency securities. As I have been pointing out, the housing problem must be solved and solved right now. There are numerous other means of helping savings and loans, however, which do not discriminate against the moderate-income earner. Let us not put the whole burden of that load on those who through inflation and high taxes are already carrying more than their share.

Last week the distinguished business and financial editor of the Washington Post, Hobart Rowen, discussed the effects some of the administration's recent decisions will have in a column entitled "The Small Investor Gets a Rough Deal." I believe that it deserves the attention of every Member of the Congress:

THE SMALL INVESTOR GETS A ROUGH DEAL

(By Hobart Rowen)

The small saver and investor is taking it on the chin these days. Like the big boys, he suffers as the dollar depreciates through inflation: the consumer price increase of nearly 6 per cent in 1969 was no less for him than anyone else.

But when he places his dollar bill out for lending or investing, it doesn't seem to go as far. Even the New York Stock Exchange, which once prattled about "investing in a share of America," now wants to jack up commissions as much as 116 per cent for small trades and lower them as much as 60 per cent on the biggest transactions.

The latest step in this discriminatory process was taken by the United States Government itself by reserving the attractive interest rates paid on Treasury bills for larger investors.

Last week, after a battle inside the administration, the Treasury announced it would no longer sell Treasury bills in $1,000 lots—which had become popular with smaller savers—and that the minimum denomination would be $10,000.

The Treasury's plea was that the cost of processing a $1,000 bill was excessive, and that the small saver paying a fee to a banker or broker was losing part of his "real" return anyway.

"Treasury bills are a money market instrument," Secretary David Kennedy told the Joint Economic Committee. Better, the implication was, buy U.S. Savings Bonds which pay 5 per cent, than bother the Treasury for bills which recently have been paying 7 per cent, and paid as high as 8 per cent earlier this year.

Many experts think that the Treasury's plaintive note just doesn't wash. If it uses horse-and-buggy methods of issuing bills, each piece of paper may be costing too much money; but presumably, if computers can be used to trace a path for a rocket to the moon, they could be used to lower the administrative costs of borrowing money from the public.

The real reason for the change, as Secretary Kennedy has admitted privately, is that the savings and loan lobby brought terrific pressure for it. Much of the flood of orders for Treasury bills in $1,000 and $2,000 lots came from people who took their money out of the S & Ls.

That was tough on the S & Ls, which have been the backbone of mortgage support for the housing industry. But it made sense for depositors, who were limited for most of last year to 4¾ per cent on regular accounts and 5¼ per cent on savings certificates.

Recently, the rate structure was adjusted so that the S & Ls can pay 5 per cent on regular savings. And to get as much as 6 per cent, you have to have a minimum of $10,000, and leave it for 2 years. But if you can part with $100,000 for one year, 7½ per cent is now available at S & Ls.

It is little wonder, therefore, that Treasury bills proved so attractive: they paid more, for modest amounts, than available elsewhere. Large banks in this city used to buy them for regular customers as part of their service; more recently, they have put a $5, then a $10 charge on each transaction.

Investors who have direct access to Federal Reserve banks have been able to buy bills without any charges. It is also possible to buy bills directly on a mail-order basis; there is some red tape involved which the Treasury could simplify but doesn't choose to do.

Outside of the Treasury, the discrimination is readily recognized. "This issue is a live one," Economic Council Chairman Paul W. McCracken agrees. The problem as he sees it traces back to the artificiality of interest-rate ceilings at banks, originally intended to prevent the payment of interest higher than "sound" practices would warrant.

But then the ceilings became a device to help protect S & Ls from a massive loss of funds. That worked until it dawned on the small investor that he could "beat" the ceiling limitation by investing directly in Mr. Kennedy's market instruments."

Apparently, only the fatter cats are supposed to deal in these. In fact, just three weeks ago, the Farmers Home Administration (a government agency) sold $200 million worth of 8⅞ per cent 5-year notes and $150 million of 8.90 per cent 10-year notes. And guess the minimum unit? It was a cool $1 million each.

In New York the other day at a meeting of the National Industrial Conference Board, Federal Reserve Board adviser J. Charles Partee, asked whether the small investor was being treated unfairly in view of the new Treasury bill minimum, said:

"I think clearly we're discriminating against the small saver, and I think it's terrible. I think there's some logic for a difference (in rates) based on costs (of the transaction) and liquidity."

But the differentials between what is available to the large investor, and the smaller man have become excessive, Partee said, adding: "I would hope that we're moving toward (a situation) where the market would determine the differentials."

This ideal system, however, is a long way off: we are so locked into the system of ceiling rates that if they were removed entirely, the S & L industry would collapse while savers sought better returns.

For the moment, McCracken says, the government should be working "on something that will give the little saver a better break," perhaps through an instrument "more appropriate" than Treasury bills.

Clearly, something like this ought to be done. If the Farm Credit people can pay around 9 per cent for 5- and 10-year money, why should the average citizen accept 5 per cent for a 10-year U.S. Savings Bond? He shouldn't. Given the pattern of interest rates today, he's entitled to more. The return on savings bonds doesn't even match the rate of inflation.

If bills aren't the right "instrument" for the smaller investor, Secretary Kennedy ought to put his boys to work to find one.

ANOTHER AMERICAN LEARNS ABOUT RACE MIXING—THE HARD WAY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. RARICK. Mr. Speaker, it has been some 4 months ago that I called to the attention of the House the most recent of the classical Putnam letters—this one addressed to the current occupant of the White House, President Nixon.

Neither a doctrine of fairness nor any standard of honesty in reporting applies to the news trust—which controls and pollutes our news.

When a distinguished American, renowned as a scientist, an attorney, a scholar, and an author, is compelled to buy full page advertisements in the leading daily newspapers to break through the curtain of silence and tell the American people the truth, it should concern all of us. When some of the leading liberal papers refuse to sell advertising space to tell their readers the truth, only because the truth does not agree with their own propaganda campaigns, it should begin to alarm all of us. This is the situation faced by Mr. Putnam in his one man quest for national sanity.

The American people are awakening. They have disliked for some time the activities of the "limousine liberals," but they were successfully deceived into believing that they were alone in their failure to appreciate all of the integration benefits forced on them from the left. Now they know that they are not alone—that they are the large and powerful majority in this land, and they are speaking out in tones which are unmistakable despite being smeared by the Communist-coined trigger word, "racist."

As Americans have personal contacts with the racial subculture of the Negro, they can no longer be deceived by the propagandists. Nor can they any longer

be convinced that it is somehow the fault of white America that the members of the Negro subculture behave as badly as they do.

In increasing numbers people are learning from their own sad experience the truth of the old adage that you can't make a silk purse out of a sow's ear—even by education, environment, or manipulated statistics. Americans who have known the facts for a long time, are now discovering that there are others, thoroughly respectable, who know the same facts.

I include in my remarks the letter received by Mr. Putnam from an obviously unbrainwashed American, and commend it to the careful perusal of our colleagues and of all other Americans who have not yet been exposed to the first hand experiences of its very experienced author. The letter follows:

FEBRUARY 21, 1970.

Mr. CARLETON PUTNAM,
The Putnam Committee,
Washington, D.C.

DEAR MR. PUTNAM: Referring to your full page advertisement in the Chicago Tribune for 12 February 1970, I feel it worth while to tell you, for whatever use you might want to make of it, the experiences I had while living in Chicago which have made me what the "liberals" like to call a "bigoted racist."

Ten years ago I was a firm believer in racial equality. I was an "integrationist" to the extent that I believed every man of whatever color should rise or fall according to his own ability. I lived in Chicago then, in a very nice area of white people, good homes and handsome apartment buildings within half a mile of an area "liberals" like to call a ghetto, both misunderstanding and misusing that term. When blacks began moving into the neighborhood, I had no desire to leave for that reason.

Six months later, the nice buildings were wrecks, the white people were gone and the area a social and physical shambles. Noise (24 hours a day), filth and garbage, immorality and crime were rampant, and white skins became the target of a malicious, blatant, organized black racism. When it became totally unsafe for whites to be in the neighborhood because of roving gangs of vicious killers, I moved my family to another area two miles distant.

Again, it was an excellent neighborhood, with handsome single-family homes in the $60,000 to $75,000 class (near the South Shore Country Club) and dotted with luxury apartment buildings, some of which were high rise skyscrapers. There I lived through precisely the same experiences I had had a short time previously, like seeing a movie a second time. Once again, the black tide came, spawning evil, filth, immorality and crime; once again, the roving gangs of black killers and vandals made the nights hideous with screams, yells, catcalls and smashing glass, and the days nearly as bad. I saw more than once blacks copulating in public, scarcely hidden behind hedges, standing in doorways, in cars parked along the curb, like animals in their indifference to public decency. I saw with my own eyes muggings and the stripping of autos; I saw vandalism that deserved shooting on the spot. I saw theft in grocery stores. I found piles of human feces in the foyer of our building, without toilet paper, and our janitor told me that this was a common occurrence wherever negroes lived in apartment buildings. In our three-story building, containing 120 apartments, it was a nightly occurrence to hear men (presumably, although it could well have been women) urinating from upper windows and daylight would reveal dripping, reeking stains down the walls in many places. Screaming sex orgies were a common occurrence in the apartment across the hall, with bloody fights and crashing glass and splintered furniture. Again, it became impossible to live amongst these filthophiles—they like it that way! Not once did I ever see black people attempting to clean up their environment; all I ever saw was black people dumping their garbage out of windows, breaking every glass bottle they saw, throwing old furniture into the street gutters, stuffing rags into broken windows and casting plastic containers and old papers to the four winds. They will have it no other way. Give these animals paradise, and in a month it will be a jungle fit only for animals.

Knowing by then that in due time we would be leaving Chicago permanently for New Mexico, but at some time then still undetermined, I moved a third time three miles further south, again to a decent neighborhood. Once again, for the third time, I endured the same scenario, line for line, cue for cue. I left Chicago finally, after ten years among the blacks, with a profound racial prejudice arising out of personal experience. The blacks had caused me to dislike them beyond all measure. For whatever it might be worth in this context, I would have exactly and precisely the same reaction to white people who acted and behaved as the black people did.

I came from a background of white poverty every bit as pervasive and humiliating as that of a black slum, but instead of turning to crime—like uncounted thousands of other white youth during the depression—I worked, and I worked hard, for the social respect I wanted and expected. I didn't go around whining, with my dirty hands outstretched for alms and charity, and neither I nor my neighbors in poverty ever turned to violence as an answer to our poverty. If we wanted something, we either worked for it, or did without it, and our standard of living then was in every respect Less than the standard of living now enjoyed by 95% of the black people in America today. Even in the midst of grinding poverty of Appalachia in the 1930's, my home and the homes of our white neighbors were clean. We lived decently amongst our neighbors, as our neighbors did. We tried mightily, and successfully, to be good citizens and good people. There was in our community no filth, no public immorality, no bastard children from the whores, no great neighborhood noise and racket, no gangs of sadistic killers and certainly no physical danger to our persons or our property. We slept with open doors in perfect safety.

Now your critics come along, mouthing the myth that the heavy black population of our cities is the victim of conditions there, not necessarily the cause of those conditions. They are wrong, as are all of those who spout this fallacious legend. They are 100%, utterly, completely, wholly, entirely, absolutely, massively wrong. They do not know what they are talking about, and if they were to undergo the experiences nearly all whites have had trying to accept a way of life that is not acceptable, they would not write what they have written, or anything like it. They would be writing what I am writing, whether they believe they would or not.

Black people may have lived among white people for generations, but the white ethos does not rub off on the blacks, any more than the black color rubs off on the whites. Black people whine, rant and rebel because white people don't like them, and will not accept them, yet blacks are unwilling or unable to behave themselves in such a way that white prejudice will be overcome by respect. These people want handed to them on a silver platter, without the condition of personal responsibility, what white people have worked hard for, for generations themselves. The black people riot, loot burn and kill because for 300 years, they whine, they have been "repressed" and "oppressed" by the white "establishment." The black males weep "tears" the size of golf balls because, they slobber, they have been "deprived" of their masculinity—they would eagerly and cheerfully destroy the "establishment" that has cared for them, their prostitutes and bastards since the black man has been on this continent. They would destroy this nation, cheerfully, in a racist holocaust the like of which white people would never even dream of. Among them rise organizations like the vicious black panthers, dedicated to overthrowing this nation by force, and when these liver-lipped —— are called to account by law and order, they whine "genocide," as if, for them, it wouldn't be a good thing. All the white racism in the United States put together cannot surpass or even equal the insane racism of the blacks. The jungle and its first law of nature is just under the black skin, even on the likes of senators, supreme court justices and "leaders" of the blacks.

When your critics write that blacks are not the cause of their social conditions, they obviously write without experience or knowledge on the subject. They are but repeating the myth so assiduously cultivated by the "liberals," who wrongly consider that because black people are in some ways physically like white people, there is no other difference than skin color. This is not only specious, but stupid. There is a difference, a profound, fundamental difference. Intimate contact with black people, in a black environment, would show these liberals those differences starkly and quickly. To perpetuate this lunacy of "equality" is to drive further into the heart of this nation the stake of racial conflict. Only when it is understood and accepted as fact that there are basic and fundamental differences between the two races will there ever be any kind of social tranquility again. The folly of "equality" is the tocsin of doom for America; how anyone can review what has happened since 1960 and not see that conclusion is incredible. How responsible journalists can encourage and perpetuate the monstrous notion that the black community is not responsible for its own condition is unbelievable. Instead of telling these people that white racism is the reason for black conditions, why not tell them that personal responsibility and public decency will go a lot farther towards social "equality" that rioting, crime and lawlessness. Why not tell black people that white people everywhere are (or ought to be) fed up to the eyeballs with loudmouth revolutionaries screaming obscenities and gangs of ruthless killers roaming the streets of cities at night. Why not, for just once, just plainly tell the black people that the best—if not the only—way to get the respect of white people is to earn it, by behaving like decent people instead of jungle animals.

It is not always the white who criticizes the black who is the bigot; to hold black people blameless for their own social filth and personal misbehavior is also bigotry, and every bit as bad if not worse.

Yours truly,

ROBERT B. MCCOY.

SCS WORK IN ENVIRONMENT CONTROL THREATENED BY BUDGET CUTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. HAMILTON. Mr. Speaker, at a time when there is increasing attention to the quality of our environment, I am concerned that the President's 1971 budget request will limit the effectiveness

of the Soil Conservation Service's work to develop our natural resources.

I would like to bring to the attention of my colleagues an excellent letter I received from Mr. Harold Wilson, president, Indiana Association of Soil and Water Conservation Districts, concerning this situation. Following is Mr. Wilson's letter:

INDIANA ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS, INC.,
Peru, Ind., March 3, 1970.

HON. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: In December of 1969 I was elected President of the State Association of Soil and Water Conservation Districts in Indiana.

The Association of Soil and Water Conservation Districts represents over 55,000 individual cooperators throughout the state.

I am writing not only in their behalf, but also in behalf of the 63,000 remaining farm landowners and operators who, too, need technical assistance. In addition, Soil and Water Conservation Districts have only scratched the surface in providing technical assistance to all of the land users in the state. There are in addition to the above, an estimated 200,000 units of miscellaneous land, other than farms, which have a potential need for technical assistance. Units of government in the state that have a potential need for assistance with regards to soil, water, and related resource planning and development, total 2616. The 455 elected and appointed supervisors of the 91 Soil and Water Conservation Districts in the state of Indiana are united in their urgent concern about the decline of the quality of our environment.

We simply cannot understand why in the face of mounting environmental problems affecting both rural and urban populations, our national government is not in tune with the needs for technical assistance to help solve these complex problems. And the SCS, working through Soil and Water Conservation Districts can help tremendously in improving the quality of the environment.

Technical assistance furnished by the Soil Conservation Service is simply not numerically adequate to meet the current and backlog requests for technical assistance.

The USDA Conservation Needs Inventory on agricultural land reveals that 30.4% (or 6,447,000 acres) of the agricultural land in Indiana is adequately treated. 69.6% (or 14,762,000 acres) remain in need of land use changes or application of conservation practices. Progress is being made at the rate of about 1½% each year under the existing programs. This is entirely too slow for such a vital need.

Current evaluation of staffing needs for SCS on a nation-wide basis show a shortage of 2,325 man years for a cost of $22,000,000. Demands for staffing new Conservation Districts have continued with no funds being provided for new Districts in 1969, 1970 or 1971. At present $2,000,000 is needed to fund new Districts. In Indiana alone we need an additional 71 man years of SCS technical assistance to cake care of current needs.

As you know, SWCD supervisors, including State Association Officers, serve without pay, and our interest in additional funding for SCS is to provide sufficient technical assistance to our cooperators, and your constituents, for the conservation of soil, water, and related resources, which can have a significant beneficial impact on the future of our country.

I am sure you recognize that time is of the utmost importance in providing needed technical assistance to groups such as in county-wide comprehensive planning and implementation. Detailed soils data is increasingly being used for site planning for non-agricultural land uses. Guidance in sediment control and water management for safe disposal is an urgent need in the state and there is too little technical assistance available to do the job at hand.

The Soil Conservation Service soil survey program in Indiana is in critical need of acceleration. Of the same 23,000,000 acres of land in Indiana, only about 50% has an up-to-date Soil Survey. With present staff it will take at least 26 years to complete the soil survey for the entire state. You can see that this will be too late. Land use decisions are being made daily in Indiana and many, many without the benefit of vital soils information. At the present rate of growth in Indiana we will see a tremendous amount of land going into permanent land uses in the next 10 years. Without adequate soils information costly and irrevocable mistakes can be predicted which will have a lasting effect on the total quality of the environment of our state.

Several counties in the state have, and the State of Indiana itself has, recognized the need for soil surveys. A total of 10 counties have provided some county funds to accelerate surveys. The State of Indiana, for the first time, last year provided financial assistance in 4 of the 10 above mentioned counties. These 4 were considered high priority from the standpoint of needs.

It is our urgent plea that the Federal government will provide additional funding to SCS in order that this among many other vital programs might be accelerated.

The State Association of Soil and Water Conservation Districts urges that the Congress appropriate the additional conservation operations funds which are needed to provide minimum technical staffing for each District to swing the tide from mis-use toward one of sound land use and treatment for the good of our people. This would mean an increase in the Conservation Operations 1971 Budget estimate from $128,435,000 to $140,000,000 plus a separately identified increase of $2,000,000 for the servicing of new Districts organized in 1969 and 1970, and those that will be organized in fiscal year 1971.

The current SCS personnel ceiling restrictions are also throttling our efforts. It does not make sense to so handicap an agency that can do so much toward improving our environment, especially at a time when the public is demanding more attention toward this serious problem. Why not provide more responsibility and funds to an existing agency that has the technical expertise to do the job?

The 1971 agricultural budget proposal includes an additional $3,000,000 for resource development and technical services to approved Resource Conservation and Development projects. We strongly support this level of funding for existing projects.

However, much to our dismay and disappointment, the budget as proposed for Fiscal Year 1971 provides for no planning authorizations for new projects. Is it good judgment to fail to include authorization for new projects when there is a critical need to improve the quality of the environment, conserve and develop the natural and human resources in the non-metropolitan areas? We believe a very serious mistake will be made if authorization for at least 15 new projects is not provided for in 1971. This is only three more than was authorized in 1970 and this level of authorization is needed to begin to reduce the backlog of almost 60 applications. We strongly believe RC&D projects have demonstrated beyond any doubt that they serve as the catalyst needed to help people help themselves. The "Lincoln Hills" Project in our state is a shining example of what can be done on a multi-county basis to bring about the orderly development of natural resources. Also, accomplishments in developing the human resources of the project area have made significant strides through the successful completion of Vocational Training classes in each county.

An application for a proposed Historic Hoosier Hills RC&D Project was submitted in September, 1968. Although the sponsors were very disappointed that their application has not been approved to date, they are proceeding to develop the action plan for their project area. We must give the needed support and encouragement to leaders like these who are persistently following a sound plan of attack toward solving their problems. Soil and Water Conservation District Supervisors from two other multi-county areas are also contemplating the submission of applications for planning assistance for RC&D projects in the near future.

I strongly urge you to support the RC&D budget as proposed and provide for at least 15 new project starts in 1971.

Indiana has been a leader in the PL–566 Small Watershed Program. Local people have recognized the need to do something about their conservation problems and now stand ready to carry out their responsibilities if the Federal government will provide funds for the federal portion.

A total of 205 potential watershed projects have been identified in Indiana. Annual flood damage runs well over $16,000,000 per year. With watershed protection, this can be prevented. With projects complete 6,000,000 tons of sediment would be prevented from polluting our streams and lakes.

Recreational facilities for more than 5,000,000 visitor days of recreation use each year could be provided. New jobs will be created.

To move these potential projects to the construction stage by the year 2000, we need to double the rate of planning and construction we are currently accomplishing. Our water development and land treatment needs are increasing, not diminishing. Now is the time to act to insure the final success of the plans and work of the local people in Indiana which has already been set in motion.

Accordingly, I recommend to you that the amount of funds for watershed planning be raised to $7,500,000.

Your strong support of the 1971 budget estimate for watershed works of improvement of $74,278,000 is needed. I would also urge removal of the administrative restrictions that cause delays in the development of small watershed projects under PL–566.

The State Association of SWCD's also urges Congress to keep up financial assistance to landowners and operators through the Agricultural Conservation Program for establishment of the soil and water conservation measures on the nation's agricultural lands.

It would be deeply appreciated by the 455 supervisors of Indiana's Soil and Water Conservation Districts and their many thousands of cooperators if you would take whatever action possible to secure a fiscal year 1971 budget for the following items and amounts:

Soil Conservation Service

Assistance to new SWCD's established in 1969, 1970 and 1971	$2,000,000
Assistance to SWCD's (Conservation Operations)	140,000,000
Watershed Planning	7,500,000
Watershed Construction	74,278,000
Resource Conservation & Development Projects	13,876,000

I thank you for your past support of our work. Your support of our present needs can help significantly to provide the kind of a nation we can be proud to leave to succeeding generations.

Sincerely,
HAROLD H. WILSON, *President.*

VOLUNTARY ACTION TAPS "GREATEST RESERVOIR"

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. BUTTON. Mr. Speaker, "Voluntary Action" will be the password of the 1970's. The Nixon administration has helped to launch the National Center for Voluntary Action—which has three main goals: Citizen motivation and recognition, community mobilization, and experience and expertise. I call your attention to an article in the Republican Congressional Newsletter of March 9, 1970, which explains the voluntary action program in detail:

VOLUNTARY ACTION TAPS "GREATER RESERVOIR"

One of the most promising missions thus far devised by the Nixon Administration got underway February 20 when 98 board members met in Washington to launch the National Center for Voluntary Action.

The National Center completes a "creative partnership" between public and private resources. It is the mechanism for stimulating and supporting the private sector on the matter of voluntary action. Together with the Office of Voluntary Action (which serves the Cabinet Committee on Voluntary Action) within government, the National Center rounds out the national program of voluntary action.

The program goes back quite a ways. In an Oct. 26, 1968, nationwide radio address, Mr. Nixon called the energies and spirit of the American people "the greatest reservoir of neglected resources in America today." He said that the nation needed to "enlist those millions of Americans who stand ready to serve and to help, if only they knew what to do and how." And he was clear on what government should do:

"I will expect Federal departments concerned with social problems all to be actively dedicated to the stimulation of new voluntary efforts—and I will expect the Secretaries of those departments to make this a personal responsibility."

Once elected, President Nixon wasted no time reiterating his intentions. He called for enlistments during his Inaugural, and on his 100th day in office he issued a comprehensive statement on voluntary action. It said:

"More than ever, America needs the enlistment of the energies and resources of its people—not as substitutes for government action, but as supplements to it. People can reach where government cannot; people can do what government cannot. Today, more than ever, America needs the hearts and hands of its people, joined in those common enterprises, small as well as large, that are the mark of caring and the cement of the community."

The President pointed out that, in the past, government has sometimes been the jealous competitor of private efforts. He vowed that, from that point on, government would offer encouragement and support. He took four preliminary steps:

1. Formed a Cabinet Committee on Voluntary Action. Secretary Romney (HUD) was named chairman. The Secretaries of Commerce, Labor, Agriculture, HEW, OEO and the Attorney General were also named members.

2. Requested Secretary Romney to establish the Office of Voluntary Action.

3. Appointed Max M. Fisher, Detroit industrialist and leader of voluntary-action efforts, as Special Consultant on Voluntary Action.

4. Directed Secretary Romney to establish a clearinghouse of information on voluntary programs, indicating that eventually the clearinghouse would be moved to the private sector.

Through the Office of Voluntary Action (OVA) staffed mainly by persons volunteering from the public and private sectors, beginnings of a national program were made. An information clearinghouse was started. A survey of federal programs capable of using or assisting voluntary action was made. Three national workshops on college-student volunteer programs were conducted.

Mr. Fisher, the Cabinet Committee and OVA also consulted with private citizens and hundreds of voluntary organizations on means for stimulating and expanding voluntary activities.

Then on November 4, President Nixon announced formation of the National Center for Voluntary Action. The Center was set up as a non-profit, privately financed, non-partisan entity. Max Fisher was named chairman; W. Clement Stone, Chicago insurance executive, chairman of the finance committee; and a nominating committee made up of leaders of the private voluntary sector was named to form a board.

On December 22, the President announced that Charles B. (Bud) Wilkinson would take on the key role in co-ordinating the Administration's voluntary-action program. Wilkinson is White House Co-ordinator for voluntary action and executive director of the National Center.

The National Center has three main goals:

Citizen Motivation and Recognition—Using the mass media as well as existing organizations, the Center will attempt to create a climate of national opinion favorable to voluntary action.

Community Mobilization—The Center will encourage and perhaps even assist communities to achieve a new level of voluntary action directed at meeting community needs.

Experience and Expertise—The Center will gather and disseminate best experience and expertise available for successful voluntary action.

The National Center For Voluntary Action has been deliberately set up to be a responsive organization. It does not plan to do much dictating. It does plan to listen carefully, evaluate what it hears from volunteers, and be guided accordingly.

The basic machinery is in place. The question now is how well it will fly.

There'll be another look six months from now.

THE IMPACT OF AMERICA'S INTERNATIONAL TRADE UPON WEST VIRGINIA

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. MOLLOHAN. Mr. Speaker, it is inevitable that the various branches of a large government such as ours, will on occasion work at cross-purposes and that this will cause unforeseen and unwanted results.

One of these situations exists today in my State of West Virginia due to the trade policies of this administration and the previous administration. For on one hand, through the Appalachian Development Act and numerous other Federal programs, we have been investing substantial sums in West Virginia's basic economic development—roads, education, medical facilities, housing, and municipal sewage plants. The purpose for this accelerated investment is to aid West Virginia and other Appalachian States in their effort to catch up to the economic and social standards of the rest of the Nation. Many of these programs have been successful and when the present commitment of Federal programs reaches completion, West Virginia, will indeed have taken large steps toward the future.

But, what these Federal programs seek to secure—a public and private capital investment that can assure growth and stability—is being tragically undercut by the Government's trade policy. For it is West Virginia's economy that is suffering the effects of free trade while other parts of the country enjoy its benefits. More than 30,000 jobs in West Virginia depend upon six industries which have suffered a decline resulting largely from foreign importation.

These six industries lost more than 50,000 jobs across the country in 1966, the latest year for which complete Government statistics are available. The number has increased since.

In the steel industry, for example, the foreign trade deficit represented the equivalent of a loss of 27,000 jobs.

In flat glass the trade deficit meant a loss of 2,000 jobs. The surplus of earlier years has disappeared from the pressed and blown glassware industries.

The electronics field has suffered a comparative loss of 13,000 jobs due to the trade deficit in radio and television sets during 1966.

The importation of each set also brought a loss of employment in fields related to, and dependent upon, electronics so the absolute loss in employment was much greater.

In the footwear industry seven shoe factories in New England closed in the first half of last year. The high volume of imported shoes and boots is largely blamed for the failures of the American factories.

Since 1960 shoe imports have increased 600 percent and this equals nearly 28 percent of the total domestic production in 1968. The tanneries in West Virginia suffered accordingly because of a decreased demand for leathers.

The production of cellulosic manmade fiber suffered a comparative loss of some 600 jobs in 1966. This advancing industry is fast becoming important to West Virginia and the Nation, and is endangered by imported fibers.

Mr. Speaker, it is of crucial importance that this policy be changed. We in West Virginia realize that we cannot reverse the tide of foreign imports, and we seek through H.R. 16287 not to reverse our policy, but to bring it up to date. It is imperative that the President have the power to curb further inroads made by

foreign products upon the domestic market in certain industries. Otherwise, West Virginia's industrial base will decline and the investment made by the Federal Government to build a stable and progressive economy will be in vain.

The industries in West Virginia will face even stiffer economic storms in the near future for the slowdown in auto sales affects the steel industry; the drastic cutback in housing construction harms the glass industry, particularly the sheet glass industry which depends upon housing for 60 percent of its sales.

The electronics industry will almost certainly face a reduced market potential as the Vietnam war comes to an end, and the shoe manufacturing industry is very closely dependent upon the general welfare of the country for its sales.

It is axiomatic that a nation which wishes to gain the benefits of foreign exchange must be prepared to purchase foreign products as well. We realize that free trade is based largely upon a sense of equity between nations. The internal effect, however, is to aid some industries at the expense to others. While some industries benefit from increased sales to foreign buyers, other industries must face stiffer competition—the influx of foreign goods.

So in effect, West Virginia, under serious pressure to come from behind to share in America's abundance, is at the same time forced to accept the burdens of imports that make America's free trade program successful. This is a difficult and unfair burden to place upon West Virginia.

H.R. 16287 will give the President the tools to shift this burden. By giving him broad powers to limit imports through both tariffs and quotas, he can act effectively to distribute the burdens and benefits of free trade.

OIL IN ESCALANTE, UTAH

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. BURTON of Utah. Mr. Speaker, in the February 1970 Quarterly Review, published by the University of Utah's Geological and Mineralogical Survey, there is an article by Howard R. Ritzma, their petroleum geologist, concerning oil exploration in Escalante, Garfield County, Utah. The possibility of a big oil hit in this area is exciting news for Utah, and I include Mr. Ritzma's comments at this point in the RECORD:

OIL IN ESCALANTE

(By Howard R. Ritzma)

There's a new bustle along the streets of Escalante. Hard hats are almost as common as the broad-brimmed variety, and conversations at cafe counters may not be so much of cows and tourists as of drilling problems, well locations and the movement of oil tank trucks. And some of the accents may be more typical of south Texas than south Utah.

The difference is two or three years and the Upper Valley Oil Field discovered by Tenneco Oil Company in 1964 and now in its fifth and busiest year of development. Production in October 1969 was 142,263 barrels from 16 wells, an average of 4,590 barrels per day for the field and 287 barrels per day per well. The oil produced from the Kaibab and Timpoweap limestones of Permian age is 27° gravity (API), brownish black, asphaltic base crude with 1.75 percent sulphur content. This field is the only source of this type of crude oil in Utah.

Production of Upper Valley* is summed up as follows:

Year	Number of wells at year's end	Annual production (barrels)	Cumulative production (barrels)
1964	1	57,867	57,867
1965	2	126,611	184,478
1966	4	223,504	407,982
1967	5	431,592	839,574
1968	11	890,943	1,730,517
1969 [1]	13	748,002	2,478,519

[1] 6 months.

Production in October 1969 from 16 wells raised the total to 2,973,979 barrels, and projections indicate that the 3¼ million barrel mark may be reached by year's end.

Almost all oil from Upper Valley moves by truck tankers to Salt Lake City, an operation employing scores of drivers, maintenance men and personnel at loading facilities. Payrolls of oil field employees and of the companies engaged in drilling and servicing the wells have pumped a welcome surge of new dollars into the economies of Escalante and surrounding towns. Garfield County records show that the oil field's first tax bill in 1965 of $2,985 has grown to $33,717 in 1968, about ten dollars annually for every person in the county. Equally impressive is the distribution of royalties, 100 percent payable to Uncle Sam since the field is wholly on Federal land.

In 1968 alone, Upper Valley returned $214,777, 12½ percent of its gross income, in royalties to the Federal government. Following a complicated formula, 37½ percent of this found its way back to the county and state of origin. Ten percent of this, a little more than $8,000, was returned to Garfield County to finance county road work. The remaining 90 percent was distributed through the State Uniform School Fund to Utah's state-supported institutions of higher learning, elementary and secondary schools, and several educational and scientific agencies. Upper Valley's surging oil production in 1968 generated about $15,000 for the University of Utah and $1,300 for Southern Utah State College, to cite two examples.

Escalante's oil activity is far from boom proportions but the scent of big oil has had its effect. Seismic crews have fanned out far and wide across southern Utah as other companies eagerly but cautiously probe for a new big find in the relatively undrilled Kaiparowits Basin. There is talk of connecting Upper Valley to the pipeline 150 miles south in Arizona. Oil would then flow to the hungry California market.

Significant exploratory tests have been drilled and abandoned. More are drilling now and many more will spud in the months ahead. Any one of these could hit, set off the "big play," and give Utah another oil-rich basin to rival the Uinta and Paradox.

*Data from Division of Oil and Gas Conservation, State of Utah.

RECENT DEATH OF E. H. REES IS COMMEMORATED IN WELSH PRESS

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. SKUBITZ. Mr. Speaker, one of our beloved colleagues, the Honorable Ed Rees, of Kansas, died October 26, 1969. For 24 years he served the Fourth District ably and well before his retirement in 1960. His hometown newspaper, the Emporia Gazette, which is in my district, recently noted that the Welsh press commemorated the death of Mr. Rees, whose grandparents emigrated from Wales in 1871 to Kansas.

Because the article would be of interest to his colleagues, I insert it in the RECORD:

[From the Emporia (Kans.) Gazette, Feb. 28, 1970]

RECENT DEATH OF E. H. REES IS COMMEMORATED IN WELSH PRESS

The recent death of Edward H. Rees, Emporian who was a Kansas congressman for many years, was news in Wales, from where Mr. Rees' grandparents emigrated in 1871, A clipping from a newspaper in Neath, Wales, has been received by relatives in Emporia and was brought to The Gazette by Miss Margaret Rees.

The story, published under a headline reading "An American With a Welsh Heart," follows:

A close link with the United States in Washington and the Vale of Neath, has just ended with the death, at the age of 83, of popular Congressman Edward H. Rees, a vigorous reformer of the U.S. Postal Services.

"Ed Rees," as he was affectionately known to his constituents in Kansas, and to relatives in the Neath Valley, was genuinely proud of his Welsh background, which shone throughout his long political career.

He often spoke proudly about his paternal grandparents, William and Mary Herbert Rees who, together with their family, emigrated to the U.S. in 1871 from Glyngwilym Uchaf Farm (now in ruins) on the mountainside overlooking the village of Resolven. The people in the area who claim relationship with him are the Llewellyns, of Ty-du, the Williams of Llwyncoedwr and Cefn Gelli, and the Rees family of Hendre Owen.

During his 24 years as member of Congress, Republican Mr. Rees kept a regular "hot line" of letters explaining the measure and moves in the House, not only to his electorate, but also to his relatives in Wales.

His long battle for American economy was recognized in 1954, when he was named "Washington Man of the Year," by the 1,000 member Federal Club, for unselfish devotion to public service. Five years earlier his stand against unnecessary expenditure was illustrated when he travelled to Europe on a fact-finding tour, which was financed completely with his own funds.

Back in Washington, D.C., he was described by distinguished fellow Congressman William H. Avery as "a man who was never so much concerned with the popular position, as the position he believed was right in the past interests of his country."

Edward Herbert Rees—To give him his full name, was a long-serving Chairman of the Post Office and Civil Service Committee, and was instrumental in setting off improvements in postal administration, salaries and

benefits. He was the author of many bills before Congress—one of which changed November 11th each year from "Armistice Day" to "Veterans' Day."

Ed, who lived in an area teeming with people of Welsh descent, was a keen follower of the Eisteddfod and Cymanfa Ganu in the United States.

This ebullient Republican, who was looked upon as the prince of political orators in Kansas, was as American as the people who put him in power. But at heart, he was really Welsh.

His son, John Edward Rees, who is a lawyer at Wichita, recently visited Resolven to see the old ruined farmhouse from which his ancestors emigrated, and nearby Melincourt Chapel where they worshipped.

In addition to his son and family, Edward Herbert leaves a widow, and one sister, who is a retired school teacher.

ENVIRONMENT AND THE ECONOMY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. OTTINGER. Mr. Speaker, I would like to draw the attention of my colleagues to a new publication and the cover story of its first issue. Pangolin magazine is published in New York City by a small group of young men who are interested in providing what they refer to as "an activist forum" for other young adults who are turned off to today's slick periodicals. The cover story I refer to is titled "Environment and the Economy," written by John G. Mitchell, editor-in-chief of the Sierra Club. Mr. Mitchell's article appears as the introduction to Ecotactics, a book published as a pocketbook by Simon and Schuster and the Sierra Club in April.

This article expresses the deep concern that many feel for what is happening to the earth. Distress over environmental problems is not the only concern of this new magazine, however. Not the least of Pangolin's other coverage is its keenly barbed political satire which many of my colleagues may find intriguing.

Pangolin is now being distributed to 40,000 young adults in the northeast region but will, I am told, go nationwide before the end of the year.

What is included in its pages may annoy or anger some, but I would suggest that the magazine should be read not only for the material of merit it contains but also as an insight into what interests and involves a growing number of our young citizens.

The article follows:

ENVIRONMENT AND THE ECONOMY

"When we try to pick out anything by itself," wrote wilderness wanderer John Muir, "we find it hitched to everything else in the universe." Thus did Muir, who founded the Sierra Club in 1892, become one of the first to define in 25 words or less what ecology is all about. At the time, perhaps, his simple eloquence was wasted on a generation that had devoted itself to the unhitching of North American species, including the Indian, and was now hell-bent on stoking the new fires of technology. Who but a bearded mountaineer, after all, had time to contemplate the adhesiveness of interrelationships in nature? Who then—in good conscience and patriotic spirit—dared challenge the rapid evolution of a singular society that would produce 10 million Babbitts even before Sinclair Lewis could coin the name? Of milk cartons and motor cars there would soon be plenty—more than enough to inspire Stephen Vincent Benet to observe wryly: "We don't know where we're going, but we're on our way."

We Americans have been so busily on our way for the past 50 years that we have only recently discovered all things are indeed interrelated. We now know, for example, that the salmon on our dinner plate is inextricably hitched to the farmer's south-forty. The hitch, of course, is DDT. We also know there is a hitch between the sonic boom and the psychic development of the human foetus, internal combustion and the living lung, waste disposal and water shortages, bulldozers and spiritual blight. We also possess the frightful knowledge that many of the ancient hitches, the natural ones, the links in the chains of life on this plant, are coming apart. We have not picked at them, as Muir would put it. We have wrenched.

By no accident the words *ecology* and *economy* are semantically hitched themselves. *Ekos*—Greek for house—is the root of both words. Our *ekos* is the Earth. Between the atmospheric roof of air above and the lithospheric cellar of rock below is our house and home, the biosphere. It is the only house mankind will even have, interplanetary exploration notwithstanding. And today this house is in a frightful mess. Man, the Master, sits amidst offal in the living-room, counting his short-term profits. Well, tomorrow's another day. We'll get to the housekeeping then. But in the United States, that kind of tomorrow never seems to happen. In fact, some people are beginning to suspect that "due to a lack of interest, tomorrow has been cancelled."

The American pioneer, for all his outstanding qualities, was a dreadful housekeeper. First he clear-cut the forest. Next he planted his crops. Then he failed to understand why the land went stale with erosion. So he moved on, beyond the western hills, and cut again and planted his fields and once more failed to understand. Yet Americans still cling to the pioneer ethic—even in this new age that has carried mankind at last beyond the frontiers of Planet Earth.

In his final speech as U.S. Ambassador to the United Nations, the late Adlai Stevenson delivered a statement that may well stand as the most significant of the 20th Century. He said: *"We travel together, passengers on a little spaceship, dependent on its vulnerable resources of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and, I will say, the love we give our fragile craft."* Stevenson was not, in the traditional sense of the word, a conservationist. Yet he was in the vanguard of those who recognize that the earth environment, like a spacecraft, is a closed system, dependent on that great life-support apparatus of Nature, with its carefully balanced mix of sunlight, water, green plants and oxygen.

Since our *ekos* is a spaceship, then our economy must become a spaceship economy in which no resource can ever again be considered without limits, including the resource of man himself. But as economist Kenneth Boulding so correctly points out, the U.S. has not yet accepted this principle. We still pursue what Boulding calls the cowboy economy. Growth and expansion must be celebrated. Nature must be subdued. Wilderness must be regarded with suspicion, for it is idle land. Cut, plant, mine the land and get out. Westward Ho!

Westward to where?

The American Cowboy, 1970-style, cuts a different figure than his granddaddy. This one wears a white collar and is the fence-rider of technology. He packs no six-gun. *His* holsters hold sliderules. The Technocrat-Cowboy tells us not to worry about anything. Nature, he says, isn't important anymore. Its gifts can be reproduced in a testtube, or by computers. And so we are promised a brave new world in which the cowboys will corral DNA, the building block of cellular life. Not only will man thus be made molecularly perfect but the world's food problems will be solved. Out of the testtube will come protein *a la algae*. Yummy.

The cowboys, of course, cannot dismiss the relevance of human evolution. Man can adapt, yes. To a remarkable extent he has adapted to a host of unnatural stimuli: poisonous air, malodorous water, demoniacal noise, oppressive overcrowding, and invasion of privacy. In some cities, some citizens have adjusted so well to these urban amenities that they seem, at times, to be non-participants in the process of civilization. Some 38 New Yorkers in 1964 ignored the screams of Kitty Genovese as she was hacked to death beneath their windows. No one even bothered to call the police. So man can adapt, to almost anything. But more than a few scientists are beginning to wonder: In adapting, at what point does man cease to be human?

Wisconsin botanist Hugh Illtis believes man ceases to be human when he totally loses touch with Nature. Illtis writes: "Every basic adaptation of the human body, be it the ear, the eye, the brain, yes, even our psyche, demands for proper functioning access to an environment similar, at least, to the one in which these structures evolved through natural selection over the past 100 million years. For millions of generations . . . any of our monkey ancestors whose faulty vision caused them to miss the branches they jumped for fell to the ground and failed to become our ancestors . . .

"We cannot reject nature from our lives because we cannot change our genes. That must be why we, citified and clothed apes though we are, continually bring nature and its diversity and its beauty into our civilized lives, yet without any real understanding of why we do so. We have flower pots and pedigreed pets in our homes . . . and even in our airplanes' "puke bags" with green beech leaves imprinted on the side to make us feel better, to alleviate boredom or sickness by tending to our largely genetically based appreciation of natural beauty."

The gene pool of nature is important not only to what we are but to what we may need to continue to be what we are. Nearly all organisms moulded by nature over millions of years have survived because of the range of variability built into their genetic structures. Thus, as climate or some other natural condition changes, a species can draw on a genetic variant—and survive.

We speak of saving a species—the whooping crane or the alligator—because it is rare, or because one species has no right to destroy another. But there's another reason to save the crane or the alligator, or the ecosystems of the Big Thicket, the Everglades, or the Grand Canyon. Each species or ecosystem may hold for us the answers to biological questions that have not yet been raised—man has not yet learned how to ask. Henry David Thoreau wasn't kidding when he proclaimed—and not too prematurely at that—that "in wildness is the preservation of the world."

In the cowboy economy, the opportunities for preserving unquestioned answers are disappearing fast. First, we are witnessing a rapid loss of unrenewable resources. Second, we are fouling our nest at an alarming rate and with a multitude of pollutants. And finally, on a global scale, we Americans are exporting our sliderule brainstorms, our double-edged sword of technology, our genius for destruction to promote the most massive modifications of the biosphere since the last of the glaciers retreated 10,000 years ago.

The unrenewable resources in greatest danger of depletion today are not the min-

erals that we gouge from the earth but our fellow-travelers on Spaceship Earth, those furred, finned, feathered and chlorophylled cousins of ours that evolved from our common colloidal soup. From our present perspective, one wonders now why Noah ever bothered to take aboard passengers in the Great Biblical Flood. Consider North America. Since the Pilgrims celebrated the first Thanksgiving, at least 22 species of mammals, birds and fishes have forever disappeared from this continent—which means, in most cases, from this Earth. They did not go the way of the Jurassic reptiles, by eating their own eggs. They were exterminated by man. And now, incredibly enough, with wolves, coyotes, hawks and other natural predators the bounty-hunter's prey in some jurisdictions of their limited range, another 59 vertebrate species are threatened with extinction. The gene pool has been further emasculated by the axe, and now the chainsaw and bulldozer. In the U.S., more than 80 species of plants are living on borrowed time.

Another great unrenewable resource that is disappearing in the U.S. is the land itself. New concrete is poured over nearly one and a half million acres of it every year. By 1975, the U.S. will be building 2.5 million new housing units annually, and half of them will be single-family homes on lots calculated by archaic zoning regulations to *waste* land. New residential living space alone will annually require a land area nearly half the size of Rhode Island. And new interior roads, not the big expressways but the little neighborhood streets that lead to the front door, will stretch out over 22,000 linear miles—*every* year. In a little more than a decade, developers will have poured enough concrete over New Suburbia to build a Walnut Street to the moon.

But why wait until 1975 to calculate the consumption of land by cars and roads and parking facilities? They already occupy more space in the U.S. than people do. In Atlanta, to cite just one example, the voracious motor vehicle has cannibalized 60 percent of that city's parkland. And the U.S. government, paying lip service to the need for mass transportation, still proceeds to extend the Interstate Highway System through wilderness and city alike. Perhaps the White House should be moved to Detroit. Perhaps the Vatican, too, with its curious attitude toward contraception, should be moved to Detroit. The late William Vogt once observed that the motor vehicle "has become an adjunct of reproduction and probably has had a significant effect on vital statistics since many of the 20 percent of American women who are pregnant before marriage . . . have undoubtedly been inseminated in automobiles . . ."

Though the modern cowboy might challenge Vogt's analysis of the auto as a mobile fertility lab, he can hardly deny the vehicle's major role in poisoning the air. Despite Detroit's less-than-best efforts to reduce vehicle pollution at its source, the number of cars proliferate faster than the contaminants can be contained. And that seems to be true of almost every kind of waste in our all-consuming, waste-high society.

About every four seconds, the U.S. census clock ticks off a new American. In his expected 70 years of life, he will contribute to the Gross National Product by consuming 50 tons of food, 28 tons of iron and steel, 1,200 barrels of petroleum products, a ton and a half of fiber and 4,500 cubic feet of wood and paper. All of this material will pass through or around the new American, eventually winding up as waste—100 tons of it, wafting on the breeze, bobbing in midcurrent or, along with his 10,000 "no deposit, no return" bottles, ploughed into some hapless marsh, there to pollute both the land and the sea. Nor does any of this take into consideration the consumption and subsequent waste involved each time the individual American throws an electric switch to light his private *ekos* or to shave the stubble from his chin. Clean energy, it seems, is a thing of the past, of muscles and waterwheels and wind-in-the-sail. Energy today comes from fossil fuels, which darken the sky; from nuclear reactors that overheat rivers, and from the turbines in high dams, which bury the rivers behind them under accumulated silt.

From an environmental point of view, no power system today is satisfactory. Nuclear power plants, for example, were initially hailed as "air cleaners." Their development allowed utilities to retire old coal and oil-burning plants. But soon the "nukes" were blamed for creating a new kind of thermal pollution that pours waste heat from the fission process into rivers, causing, in some instances, massive die-offs of fish. To solve that problem (and come up with a more efficient power plant, to boot) industry is now striving to develop a commercially feasible fusion reactor. And one of fusion's by-products is tritium.

Tritium, or radioactive hydrogen, is not found in nature. One man who wishes it weren't found anywhere is Frank W. Stead of the Geological Survey in Denver. "They can talk of clean power from fusion," says Stead, "but it's strictly a frying-pan-and-fire situation." The trouble with tritium is that no one yet knows how much of it man can tolerate. Though presumably not as dangerous as such other radioactive substances as iodine-131, tritium does emit beta radiation. Also, being hydrogen essentially, it has an affinity for water, and can follow water into the cells of the human body. Some scientists, notably La Mont Cole of Cornell, warns that man already receives much unavoidable radiation from the sun and even from X-rays. Since there is no human threshold for radiation, too must tritium conceivably could cause mutations or malignancies in future generations.

The tritium threat comes not only from fusion reactors but from Project Plowshare and other "peaceful" uses of fusion explosions. Stead, for one, is worried about what could happen when the nonproliferation treaty goes into effect, making fusion explosions available to any nation that might happen to want to dredge a new harbor, or get into the mining business atomically. Without an international agency to monitor tritium and other potentially harmful nuclear byproducts, says Stead, "We can hardly hand these things out like firecrackers."

Caution might also be exercised—but isn't—in the disposal of some of the highly toxic wastes the U.S. is currently flushing into deep, underground disposal wells. Pickling acids, pharmaceutical and petro-chemical byproducts, poison gases and other toxins—down they go, out of sight, out of mind. In the U.S. today there are some 130 such wells, and a full third of them are less than 2,000 feet deep in permeable sandstone or limestone strata laced with aquifers that feed eventually into waters on the surface of the earth. Scientists warn that the acids and poisons poured into these wells rarely stay put. "Once it gets into the drinking water," says Geologist David Evans of the Colorado School of Mines, "there's no way in the world you can clean it up. It may take 50 years to discover that it's on the march, and by that time, the whole countryside is poisoned for miles around."

While most Americans may be willing to run such risks, some Europeans are not. Southwest of Sicily, on the tiny island of Lampedusa, a party of Italian government officials landed recently to inspect the terrain for a new deep-well disposal site. In wrathful self-interest, the islanders drove them off by force. Later, a mainland professor commented that Italy might soon be forced to rocket its wastes into space.

Few of the world's peoples are as environmentally enlightened as the Lampedusans. After all, the U.S. and the Soviet Union made it through technology. Why shouldn't they? And so the undeveloped nations are taking a quantum jump into the 20th Century—a jump that has landed more than a few of them in a pile of ecological crises. Some examples:

Aswan Dam, the world's largest structure of its kind, was designed to reap the United Arab Republic a multitude of socioeconomic benefits: doubled electrical output, a 25 percent increase in cultivated land, the impoundment of 32 million cubic meters of water otherwise poured by the Nile River into the eastern Mediterranean. But already the Aswan account is in arrears. Aswan's giant Lake Nasser, not yet full of water, is beginning to fill instead with silt. The dam is also impounding natural minerals essential to the web of marine life in the Nile delta; since its completion five years ago, Egypt has suffered a $7-million-a-year loss in its native sardine industry. Now there are reports that the delta shrimp fishery is also drying up.

From Chad and the Sudan, Ecologist Raymond Dasmann reports that massive water development, intended to stabilize nomad herdsmen, has instead destroyed the region's groundcover. Over-grazing in fact, has drawn the Sahara south and turned parts of Chad and Sudan into agricultural wastelands.

Behind every ecological boomerang lurks the cowboy-technocrat. Not satisfied with the wonders he has wrought in Africa, he now eyes the Amazon Basin of South America. And what does he see? More dams, dams enough to create an artificial lake the size of East and West Germany combined, dams and dikes and canals enough to turn the rain forests into a hydroelectric-transportation network linking the world's greatest river with the Orinoco watershed. What the technocrat cannot see are the long-range effects of so massive a modification. A new inland sea in the Amazon, some scientists fear, might well throw the heat/moisture balance askew at the equator and inflict some rather vast and frightening effects on the world weather system. At the same time, stopping the Amazon's discharge of nutrients to the sea could destroy the Atlantic shellfish industry as far north as the New England Coast.

The other grand design is for a new sea-level canal to be dredged (by nuclear explosions, no less) across the Central American isthmus—at a point where the Pacific is higher than the Atlantic and Caribbean, 18 feet higher, in fact, when the tides are out of phase. Zappo! The cold Pacific floods into the warm Caribbean. Goodbye Gulf Stream. Goodbye bikinis at Key Biscayne. Hello, thermal underwear. Aye, *there's* a hitch.

So it all comes home again to the Great American pioneer ethic, to what one perceptive observer has diagnosed as a bad case of "frontier hangover." Still groggy after nearly two centuries of exploiting our own land, we now seek new exploitive challenges abroad—and if it can be done, the saying goes, do it, even as the ill-fated British mountaineer George Mallory had to climb Mt. Everest simply *because it is there.*

In his Pulitzer Prize-winning book, *So Human An Animal,* Rockefeller University microbiologist Rene Dubos cites Mallory's heroic statement as an expression of man's determination to accept difficult challenges. But Dubos offers his own challenges. "Dashing expressions," he writes, "do not constitute an adequate substitute for the responsibility of making value judgments."

How long, indeed, in this nation which allocates less than .005 percent of its Gross National Product toward environmental quality, which encourages ecologists to study lichens and water-fleas instead of people and ecosystems, and whose elected leaders choose to substitute rhetoric for action? It is as if we had embraced Benet's folk humor as national policy: not knowing where we're going, but sure-as-hell, damn-the-torpedoes, full-speed-ahead on our way.

Economist H. H. Landsberg once remarked that "if we choose to be plagued by big nightmares, we are entitled to offset them with equally big daydreams." Perhaps we indulge too much in the nightmares. Down the dark tunnel we see the fireballs of a nuclear holocaust. Or the new ice of a glacial era brought on prematurely because warmth from the sun can no longer penetrate the spoor of carbon dioxide high in the stratosphere. Or the spectre of too much heat if solar radiation should, after all, penetrate the veil of global pollution only to be trapped by its "greenhouse effect." And what makes these nightmares really big is that no one can know—at this time—if they'll ever come true. There is no certainty about the daydreams, either. In the light at the end of the tunnel, we see the recycling of wastes, the end of overpopulation, famine and pollution, the preservation of the species. We no longer see Babbitts, but Muirs and Thoreaus who know where they're going. And everything wrenched apart is hitched together again. It's possible. But simply dreaming of it will never make it so.

The gap between rhetoric and action was most recently revealed in President Nixon's State of the Union message, which promised a new crusade in the Seventies to end the war against nature. Mr. Nixon's only specific proposal was for a $10 billion program to provide the nation's cities with sewage disposal facilities. But it required only the most elementary arithmetic to determine that what Mr. Nixon proposed, spread over 10 years, would, in effect, commit the Federal government to spend less on municipal water pollution than was budgeted for this purpose in 1969.

TASK FORCE HEARING

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population of which I am chairman, has been conducting hearings on the effects of the mineral shortage problem. The summary of our first set of hearings regarding this subject was published in the RECORD on February 26. We will continue weekly hearings on this matter, and I will publish the results in the RECORD for the benefit of my colleagues.

On March 4, we were privileged to have Mr. W. W. McClanahan, Jr., executive vice president; Mr. B. L. Thompson, staff economist; Mr. W. A. Raleigh, Congressional and Government Relations; and Mr. Claude D. Curlin, information director of the National Coal Policy Conference, Inc., appear before our task force. The hearing was a most productive one for the task force, and we greatly appreciated the opportunity to hear the testimony of experts from the private sector. During the course of the hearing Mr. McClanahan presented a very lucid and informative statement that described many of the major resource problems facing our nation. Mr. McClanahan's remarks were extremely helpful, and I include them in the RECORD at the conclusion of these remarks:

ENERGY AND FUEL OUTLOOKS THROUGH 1990

Those of us working in the energy area must recognize two basic facts.

First, the people of this Nation have made a commitment to an improved environment. This includes cleaner air and water.

Second, the increasing demand for electric power, which is doubling every 10 years or less, must be satisfied or the industrial development of the Nation will be slowed down or reversed.

The industrial complex for which I speak—the producers, transporters and consumers of bituminous coal—believe these two objectives, which in many respects are will be reconciled. It will not be easy. It will cost a lot of money. It will require new technology. It will demand of industry a recognition that it must play a key role in bringing to a growing population the benefits of a highly industrialized society and it must do so in a manner that will contribute to an enhancement of the environment.

The dimensions of the problem the Nation faces in meeting this dual objective—a greatly expanded electric power generation capacity within the context of an improved environment—are great.

In 1968, the Nation's electric generation capactiy totalled 290 million kilowatts. Our economics department has made a projection of the needed generation capacity and how it will be fueled for both 1980 and 1990, based upon a set of assumptions which we believe are valid. According to this projection, a capacity of 571 million kilowatts will be needed by 1980 and 988 million kilowatts by 1990.

To produce this amount of power will require tremendous quantities of fuel—the equivalent of about 1.1 billion tons of coal in 1980 and 1.9 billion tons of coal equivalent in 1990, as compared to 557 million tons of coal equivalent in 1968.

Based upon a very careful analysis of trends and developments affecting the various sources of power, our projection concludes that, if the future electric power requirements are to be met, the use of coal will have to increase from 297 million tons in 1968 to 432 million tons in 1980 and 719 million tons in 1990.

There are so many factors that will eventually affect the availability of oil for utility electric power production that it is almost impossible to project with any semblance of accuracy what share of the utility market residual oil will hold in the next two decades. The President now has before him recommendations which suggest a drastic change in the oil import program. There are proposals being kicked around by very serious people suggesting that we move to find some other form of motive power for automobiles as an air quality control measure, and, of course, at some point we must certainly reach a level of dependence on foreign fuel beyond which we do not dare go. It should be noted that a major portion of all residual oil now used in the United States is from foreign sources and there is no reason to think this will change, since domestic refineries find a much more profitable market in this country for the lighter weight, higher grade petroleum products.

In 1968, residual oil burned by utilities was the equivalent of 45 million tons of coal and this was equal to 8.1 percent of all electric utility fuel, so for the sake of having some basis on which to estimate, let's assume that this 8.1 percent of total utility fuel continues through 1990, although, as I have said, it seems improbable to me that we would dare risk that much of our electric production on insecure foreign sources. But if we assume this percentage will hold, then we can say that in 1980 oil will supply 86 million tons of coal equivalent in utility fuel, and in 1990 it will supply 150 millions of coal equivalent.

Natural gas is likewise difficult to project, particularly in view of increasing warning that we are facing shortages in this country. However, we assume that for several years there will continue to be an increase in natural gas used by utilities, particularly in the Southwest and other major gas-producing areas, and our economic projection has estimated that this will increase from 120 million tons of coal equivalent in 1968 to 146 million tons (C.E.) in 1980 and 153 million tons (C.E.) in 1990. I might point out that this is consistent with recent projections made by the Federal Power Commission.

There are likewise quite a number of uncertainties that will affect the growth of nuclear power, including if and how soon the fast breeder reactor is developed. However, in this study we have assigned to nuclear power, which provided the equivalent of about 5 million tons of coal to electric generation in 1968, some 265 million tons of coal equivalent in 1980 and 705 million tons in 1990. This, of course, assumes that the nuclear power industry grows at the optimistic rate which the AEC has predicted for it, and it is reasonably in line with projections which have been made by that agency.

There will also be small increase in both hydro power and power from internal combustion, largely for peaking purposes.

From this jumble of statistics, one fact emerges. The Nation will have to rely primarily upon coal and the atom to meet the Nation's growing power demand, particularly in the decades immediately ahead of us. This is a conclusion with which Atomic Energy Commission officials agree. Eventually, the atom may dominate electric power generation, particularly when and if a safe, economical breeder reactor is developed, and coal will find a market outlet as a liquid or gaseous fuel. But during this transition from a coal-based to a nuclear-based power industry, I do not see how it will be possible to meet the increasing demand for power without burning coal in amounts indicated above.

There is no question about the availability of coal. Reserves are estimated at anywhere from 800 billion to more than one trillion tons. The technology is available to produce it.

The real question, then, is this: Will the air pollution control program which is becoming nationwide in scope and which would be speeded up by the program outlined by the President this week, permit the burning of coal in the amount required?

At the present time, air pollution control officials are concerned with two pollutants from the burning of coal under power plant boilers, sulfur oxides and particulate matter. It is technically feasible to control the particulates from power plants and other large boilers, although it requires the installation of expensive electrostatic precipitators, dust collectors and the like. Sulfur oxides are another matter. To reduce SO_2 emissions, almost all control agencies are placing limits on the amount of sulfur in the coal which may be burned. In many areas it is as low as 1% and the sulfur limit will be reduced even further in the future. Higher limits have been imposed in other areas. However, in every instance, the sulfur limit is significantly lower than the sulfur contained in the coal historically burned in those areas for power production.

This has forced a widespread change in fuel purchasing patterns by many utilities. Low-sulfur coal is in extremely short supply. As an alternative, a number of utilities have shifted to low-sulfur residual fuel oil or to natural gas. At best, these are short-term expedient measures. The low-sulfur residual fuel oil has to be imported and for the most part its availability is limited to the East Coast, although just recently, efforts have been made to obtain special quotas to import residual for the first time into the interior of the Nation via the Mississippi River. Natural gas is already in short supply and pipeline and distributing companies are experiencing difficulties in meeting increased consumption from present consumers.

We are deluding ourselves if we think either imported residual fuel oil or natural gas will be available in anything like the amount needed to replace coal as an electric utility fuel in the decades ahead.

It seems to me to be obvious that we must use another approach to reducing SO_2 emissions if the electric power we know we are going to have to have will be available in 1980, 1990 and later years.

The best approach is to remove the SO_2 from the stack gases before it is emitted into the atmosphere. A number of large industrial firms say they have developed the technology to do this. Whether the claims they make for their processes are valid, I am not in a position to say. But when a company such as Monsanto takes a full-page ad in trade publications to advertise its process, and to guarantee performance, they have to be taken seriously.

At any rate, it is extremely important to determine whether we now have sulfur removal processes which are economically and technologically feasible, a condition specified in the Clean Air Act relating to the setting of emission standards. We have addressed a letter to Secretary Finch of the Department of Health, Education, and Welfare, requesting that he appoint a competent, impartial panel to make a study of the processes now available and to report if they do meet these qualifications. If such is the case, then we have requested that the HEW publication entitled "Control Techniques For Sulfur Oxide Polution" be revised to point out that this is an acceptable alternative to limiting sulfur content of fuels. If the panel should determine that the problem has not yet been solved, which I must say some utilities believe, then we have urged that HEW take the leadership in a crash program of research and development to see that the technical problems involved in controlling sulfur oxide emissions from stacks using high sulfur fuel is developed and made commercially available in the shortest possible time.

Up to now, the application of this new SO_2 removal technology has been distressingly slow. Commonwealth Edison Company of Chicago opted for importing residual fuel oil from Venezuela, at an additional cost for fuel of about $5 million per year, rather than installing one of the available processes. A number of utilities on the East Coast have switched to imported oil.

This reluctance on the part of utilities to apply the technology, and the failure of air pollution control officials, thus far, to insist that this approach be tried is a matter of grave concern to the coal industry.

We are losing markets in the utility industry, and we will lose other markets as long as the method for controlling SO_2 emissions is confined to regulating the amount of sulfur in the fuel.

The implications of this approach go far beyond any effect upon coal markets. It relates directly to the ability of this Nation to produce the power it will need in the decades ahead.

What I have said boils down to this:

This Nation cannot meet its electric power demand without the use of coal in increasing amounts.

Under the present approach to controlling sulfur dioxide, most of the Nation's coal reserves will be barred as a utility fuel.

Thus, the Nation's future electric power supply is in grave danger.

As I have stated, the answer lies in applying the technology to remove the sulfur dioxide from stack gases after the coal has been burned—not in limiting the amount of sulfur in the coal which may be burned. If the present SO_2 removal processes which are being offered for sale by a number of large companies do not satisfy the utilities, then let us get on with the job, under a priority equal to the urgency of the problem, of developing the needed technology.

Recently, I presented Health, Education and Welfare Secretary Robert Finch a suggested course of action. A copy of the letter has been made available to you.

As far as our air pollution control program is concerned, I think the matter of sulfur oxide emissions is probably the most serious problem we face.

At stake is the adequacy of the Nation's supply of electrical power.

EXPERIENCE IS A GREAT TEACHER IF WE KEEP OUR MINDS OPEN TO ITS LESSONS

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. CUNNINGHAM. Mr. Speaker, I have read in the newspaper that Army medical officers in Vietnam have just about eliminated the tourniquet from the battlefield. They have learned from recent experience that to do so saves not only lives but limbs.

And so another so-called fact of first aid has become a battlefield casualty. Experience is a great teacher, provided we keep our minds open to its lessons.

A case in point is the recent news of an 8-year study of twins. The findings should be unsettling to those who are convinced, as a result of incessant antismoking commercials, that cigarettes are hazardous. Among identical twins, the new study reports, neither young nor old smokers showed any tendency to lung cancer or coronary disease as a cause of death. Among unlike twins, the older smokers were similarly free of fatal effects. Among young unlike twins, the smokers appear to be slightly more durable than the nonsmokers.

I do not cite this new evidence to defend tobacco. My interest is to alert Congress to similar threats now hanging over many industries with legal products that some pressure group or other considers to be objectionable. Dairy products, pharmaceuticals, airplanes, and many others are vulnerable to the same kind of propaganda attack.

Mr. Speaker, I include recent news accounts of this important scientific research so that my colleagues may read it—and remember the tourniquet:

[From the Omaha (Nebr.) World Herald]

TWINS ARE WATCHED IN SMOKING STUDIES

ROME.—A Swedish-American study on pairs of identical twins showed Tuesday that the twins who smoked had no higher mortality rates than those who refrained from smoking.

And if this was true for twins, the report said, it probably would be true also for people in general. But it added that "only time will tell whether the trends found are stable."

The report by members of the National Institute of Public Health, Stockholm, and the National Research Council, Washington, D.C., was released after it was read at an international symposium on twin studies in Rome.

The scientists said they considered such research to be of immense value because twins provide ideal human examples for comparisons.

"In the identical twin pairs," the report said, "where one member smokes and the other does not, or in pairs that differ in smoking habits, no association between smoking and high mortality was found."

The report was prepared by Dr. Rune Cederlof of the Stockholm institute, Dr. Zdenek Hrubec of the National Research Council and their collaborators.

The study was based on the national twin registries maintained in Stockholm and in Washington. The Stockholm registry, the report said, was organized in 1961, mainly to study mortality in members of twin pairs with differing smoking habits.

"Symptoms of coronary heart disease," the report said, "were more closely related to such factors as drinking habits, physical exercise, change of employment and occupational adjustment than to smoking . . .

"An obvious association between smoking and lung cancer was reported, but there was no difference in the over-all prevalence of cancer between smokers and nonsmokers in twin pairs . . .

"The investigators believe their findings support the hypothesis that probably a substantial part of the higher disease and mortality rates among smokers reported in other studies is not caused by smoking, but by genetic, behavioral or other factors, which are associated with smoking."

[From the Philadelphia Inquirer]

ONLY TIME WILL TELL: EIGHT-YEAR STUDY OF TWINS DISAVOWS LINK BETWEEN SMOKING, CANCER

(By George Weller)

ROME.—The hall of the medical congress was only half filled. Many delegates were shaking hands in the corridors, packing bags in hotels and catching planes. The last of some 150 scientific papers was being read, as dryly and noncommittally as possible, by a Swedish professor. The applause when he finished was perfunctory and everyone ran for taxis.

But the final paper turned into a time bomb with a delayed action fuse. That was two weeks ago and the phones hardly stop ringing in the Gregory Mendel Institute of Medical Genetics and Geminology, a big squarish glass-walled research building in the heart of Rome, where the meeting was held.

The reason for all the fuss is that this final paper questioned much of world-wide research that indicates that people die of lung cancer simply because they smoke. They smoke and they die, but not because they smoke, the paper argued.

The study casts doubt on the arguments of government officials who have been trying to ban cigaret ads from television, newspapers that have refused to accept it and doctors who have denounced it.

The physician who lighted the fuse, Dr. Rune Cederlof of the National Institute of Public Health in Stockholm, prudently folded his manuscript, refused to allow it to be released and ran for his plane. Only a few quotes were authorized.

The study started in Sweden in 1961, when the National Institute of Public Health began to collect data on the lives of twins, mainly to find out how smoking affected them. They drew in the National Research Council in Washington, which pulled together the results from the largest of America's 14 "twin institutes."

Some of the American twin institutes are in Connecticut (24,000 pair), New York (25,000) and California (76,000).

As he fled and before the phones began to ring, Dr. Cederlof threw over his shoulder the cautionary remark: "My personal convic-

tions have nothing to do with the results of any researches." The other scientists echo him.

The prestigious National Institute of Public Health in Stockholm is the body that advises the Nobel Prize Committee about their choices for medical winners of the world honors. Four other Swedish doctors, all from the Karolinska Institute in Stockholm, signed their names to the result. The only American named is Zdenek Hrubec of the National Research Council.

The Swedes in their eight years have sent out questionnaires to 10,927 pairs of twins over 40 years old. Studies were also made of smokers in their 20s. But only 80 sets of twins had one twin with heart disease.

Among identical twins, neither young nor old smokers showed any tendency to lung cancer or coronary disease as a cause of death. Among unlike twins, the older smokers were similarly free of fatal effects. In the remaining group, the young but unlike twins, the smokers appears to be slightly more durable than the non-smokers.

The real reason smokers get coronary heart disease, say the scientists is "drinking habits, physical excess, change of employment and occupational adjustment."

The study concedes an "obvious" connection between smoking and lung cancer, but refuses to agree that the nicotine is the decisive blow. Where each of identical twins had different smoking habits, "there was no difference in the over-all prevalence of cancer."

When the healthier partners of several sets of twin are grouped apart from the less healthy and the two groups are compared, "there is no noticeable difference in smoking habits between them."

So far the cigaret companies have decorously retrained from joyously breaking down the institute's doors or smothering the Swedes in funds. Only one company, Philip Morris, sent a man to Rome in pursuit of the undivulged original text.

The real trouble is that not enough twins have died yet. "The number of deceased twins in pairs with differing smoking habits is small," the study says. "Only time will tell whether the trends found are stable."

[From the Medical World News]

COFFIN NAILS? NOT FOR TWINS

The murky debate over cigarettes and health has perhaps been further obscured by new evidence of a genetic factor in human response to smoking.

A study of identical twins presented by Swedish and American researchers at an international symposium in Rome this month concludes: "Where one member (of a twin set) smokes and the other does not, or in twins who differ in smoking habits, no association between smoking and high mortality was found." The report, prepared by Drs. Rune Cederlof and Lars Friberg of Sweden's National Institute of Public Health and Dr. Zdenek Hrubec of the U.S. National Research Council, focuses on the incidence of coronary heart disease among 4,311 sets of identical male twins, aged 45 to 55, registered in Washington, D.C., and on the mortality rate among some 8,000 sets of twins in the Stockholm registry. The scientists suggest that their findings in both categories "support the hypothesis that a substantial part of the higher disease and mortality rates among smokers . . . is not caused by smoking but by genetic, behavioral, or other factors associated with smoking."

Another hint in this direction was dropped at the International Conference on Congenital Malformations in the Hague this month, when a Mayo Clinic biostatistician reported that black women who smoke during pregnancy seem to run a far higher risk of miscarriage or still-birth than do white women smokers. Dr. William P. Taylor stressed that the more than 16,000 women covered in his eight-year survey were cared for "in the same prenatal clinic, the same hospitals and delivery rooms, and by the same medical staff."

Mr. Speaker, I also would like to cite the following testimony by physicians before committees of Congress:

[From the Omaha (Nebr.) World Herald]

ANOTHER POINT OF VIEW: "NO PROOF SMOKES CANCER CAUSE"

Hiram T. Langsten, M.D., professor of surgery, University of Illinois College of Medicine; chief surgeon, Chicago State Tuberculosis Sanitarium and president, American Association for Thoracic Surgery, April 28, 1969.

"It is distressing to me that governmental reports keep repeating those same studies which support their views, while ignoring reports or views or facts that might point to contrary opinions.

". . . I would like to submit that whereas I do not know the cause of cancer of the lung, I cannot accept the preachment that the use of tobacco in general or the smoking of cigarettes in particular causes this important disease. My conclusion is based on the many inconsistencies that I find between the statistical associations presented in support of their theory of causation and the clinical behavior of this tumor in the patients that I take care of.

"I therefore must raise my voice in opposition to the attitude of the United States government through the office of its surgeon general that the solution to this problem is so simple and so clear-cut that elimination of cigarette smoking will likewise eliminate the disease for all practical purposes.

"At the present time to accept cigarette smoking as the cause of cancer of the lung is to do so by edict only."

John P. Wyatt, M.D., professor and chairman of the department of pathology, University of Manitoba, April 28, 1969.

"Since autopsies are performed in only a small portion of cases throughout the country . . . we must conclude that the diagnosis of emphysema on a death certificate may often rest on dubious evidence.

"There is no evidence of which I am aware that constituents of cigarette smoke have the capacity to produce dissolution of lung tissue (emphysema)."

"Most authorities agree that emphysema represents a complex problem which awaits a scientific explanation."

Duane Carr, M.D., professor in surgery, University of Tennessee College of Medicine; a founder of the Southern Thoracic Surgery Association; and a member of the American Board of Thoracic Surgery, April 28, 1969:

"As of the present date, the cause of cancer remains unknown.

"Unfortunately, many supposedly well informed officials in the Public Health Service and certain voluntary health organizations have permitted their emotionalism and zeal to outdistance the actual scientific knowledge and proof.

"This has resulted in misleading the public into believing there is proof where none exists. A bandwagon effect has resulted even in the medical and scientific community where too many have accepted the pronouncements of dedicated zealots . . ."

Victor Buhler, M.D., Pathologist, St. Joseph Hospital, Kansas City, Mo.; associate clinical professor of pathology and oncology, University of Kansas School of Medicine; and former president of the College of American Pathologists, April 28, 1969:

"The cause of cancer in humans, including the cause of cancer of the lung, is unknown. No amount of speculation, no amount of suspicion, no amount of repetition of now familiar findings and no amount of emotion can alter this fact."

HAWAII'S PETE VELASCO NAMED TO VOLLEYBALL HALL OF FAME

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. MATSUNAGA. Mr. Speaker, I take pleasure in calling the attention of the House to the recent announcement that one of Hawaii's greatest athletes, Pete Velasco, has been elected to the Helms Volleyball Hall of Fame.

This recognition for Hawaii's All-American volleyball player is thrilling news to Pete's fans from all across the country, and indeed the world.

Among the Hall of Fame's greatest athletic feats were those he performed as a member of two U.S. Olympic volleyball teams. He captained the 1964 squad in the Tokyo Olympics, and also played in the Pan American Games in 1963 and 1967.

Pete, the father of seven children, is presently attending the Church College of Hawaii on an academic scholarship. Following his graduation from Church College and his postgraduate work, Pete has expressed the desire to work with and train young people.

The Honolulu Star-Bulletin took note of Pete Velasco's most recent athletic honor in an article from the March 6, 1970, issue of the paper. In the article, John Lowell, coach at Church College and the Outrigger Canoe Club, observed:

As important as his athletic ability, are his outstanding character and self discipline . . . He has been an ambassador of good will at the international games and probably has more friends than anyone else in the sport.

Pete will be inducted in the Helms Volleyball Hall of Fame during the U.S. Volleyball Association Tournament to be held in the Island State in May, in which some 90 teams from the Mainland United States will participate.

I know that the Members of Congress would wish to join me in saluting one of Hawaii's most famous sons, and an outstanding athlete who possesses those qualities which are worthy of emulation by our Nation's youth.

The article, "Velasco Named to Hall of Fame," from the March 6, 1970, issue of the Honolulu Star-Bulletin, follows for the RECORD:

[From the Honolulu Star-Bulletin, Mar. 6, 1970]

VELASCO NAMED TO HALL OF FAME

Pete Velasco, Hawaii's All-America volleyball player, has been elected to the Helms Volleyball Hall of Fame.

The Church College of Hawaii volleyers will be inducted into the Helms Hall of Fame during the U.S. Volleyball Association tournament here in May. Approximately 90 teams from the Mainland are entered in the tourney, so Velasco should get quite an audience watching him receive the honor.

Velasco, a member of two U.S. Olympic volleyball teams, captained the 1964 squad in the Tokyo Olympics. He also played in the Pan American Games in 1963 and 1967.

John Lowell, coach at Church College and the Outrigger Canoe Club, who has observed Velasco's playing for a number of years, feels that Pete is one of the two or three finest

athletes Hawaii has ever produced. (Velasco also starred in prep basketball and in the Armed Forces Basketball League).

"As important as his athletic ability is his outstanding character and self discipline," said Lowell. "He has been an ambassador of good will at the international games and probably has more friends than anyone else in the sport."

Velasco, 33, is father of seven children. He works nights at Pan American and attends classes during the day.

While he is a fine athlete, Velasco is attending CCH on an academic scholarship.

Velasco expects to graduate from CCH in 1971 and take graduate work at Brigham Young University in physical education.

"My hope," he said, "is to work with young people after I finish at BYU."

MASS TRANSIT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. ROSENTHAL. Mr. Speaker, my colleague, the gentleman from New York (Mr. KOCH), testified before the House Banking and Currency Committee last week on the subject of mass transportation. Mr. Koch is the initiating sponsor of legislation to establish a mass transit trust fund of which I am a cosponsor. His testimony urges adoption of the trust fund concept to insure more Federal funds for efficient and adequate mass transit for the urban areas of our country and an increase in the amount of funds to be made available for that purpose.

I commend his testimony to our colleagues for their consideration:

STATEMENT BY REPRESENTATIVE EDWARD I. KOCH, BEFORE THE HOUSE BANKING AND CURRENCY SUBCOMMITTEE ON HOUSING, ON THE MATTER OF MASS TRANSIT, MARCH 3, 1970

Mr. Chairman and Members of the Committee.

I appreciate your invitation to appear before you to speak on the subject of mass transit. It is this legislation which will determine whether or not we move ahead in providing efficient transportation for our country's urban dwellers that now comprise almost 80% of the population and by the year 2000 will represent 90% of our residents. In the sixties we accomplished extraordinary feats in outer space travel while back here on earth we poured a network of roads across the country linking our cities and towns with direct and fast auto travel and providing an economic boom for our rural areas. We spent $19.4 billion in the last decade to accomplish the first moon landing and we allocated $45 billion in federal funds since 1957 in the construction of the Interstate Highway System.

Today, I urge that we dedicate the 1970's as the decade of the urban dweller and working man's transportation—that we make the same commitment that resulted in delivering the astronauts to the moon to providing rapid, convenient and clean transportation for our commuters. We must advance mass transit technology so that it can fulfill its role in the nation's transportation scheme and effectively complement the automobile and airplane.

The automobile was a great invention. It mobilized our nation. But, its overuse as a commuting vehicle in our cities is inefficient and in fact counter-productive. Walter Reuther, President of the United Auto Workers, put the matter succinctly when on December 5, 1966 before the Senate Government Operations Subcommittee on Executive Reorganization, he said:

"I think it is absolutely ridiculous for 100,000 Americans living in the same urban center to try to go to the same place for the same purpose at the same time, as each drives a ton and a half of metal with him. I just think that this is utterly stupid from an economic point of view and from a human point of view."

It takes twenty lanes of highway to accommodate the same number of passengers carried by one pair of subway tracks.

Despite all the difficulties of parking and traffic jams, the American still loves his car. And if we are to woo him into using public transportation for commuter travel, we will have to provide him with service that is clean and efficient and is the technological equivalent of the automobile.

After having spent nearly $20 billion on the Apollo program to carry two men to the moon and $45 billion on highways, I propose that we now commit $10 billion in the next four years to mass transit. To do this I have introduced H.R. 7006, a bill which you have before you, to provide these funds and to establish an Urban Mass Transportation Trust Fund comparable to the Highway Trust Fund. The trust fund would be independently financed by the existing 7% automobile manufacturer's excise tax, just as the Highway Trust Fund receives its revenue directly from the 4¢ gasoline tax. In my bill I also propose that the limitation on federal participation in capital projects be raised from the current ⅔ to 90%.

I have re-introduced this bill eight times with House co-sponsors now numbering 105. The bill numbers are: H.R. 7006, 9661, 10554, 10555, 11080, 11081, 12897, 13198, and 13719.

S. 3154

I of course know of the Senate's action in passing on February 3rd of this year, S. 3154 providing for a total expenditure of $1.86 billion in the next five years with contract authority totalling $3.1 billion. I have decidely mixed feelings about the Senate bill. Surely, the distinguished Senator from New Jersey, Mr. Williams, is to be congratulated for his leadership in getting legislation passed which provides a measure of long term financing for mass transit. But, I feel that the dollar amounts provided in the Senate bill are inadequate. In addition its financing mechanism will again subject mass transit to the Appropriations Committees' annual paring, all of which will undermine the stability of the program, including its long term financing so essential if our country is to make a meaningful change in its public transportation picture.

The opening paragraphs of the Senate bill speak of the need for a $10 billion commitment in the next twelve years if we are to meet the needs of urban areas and "to permit confident and continuing local planning, and greater flexibility in program administration." But this is only rhetoric and no real commitment nor specific authorization for an expenditure of $10 billion appears in the bill. All we have in the Senate bill is $1.86 billion in hard cash for the next five years and $3.1 billion in contract authority. $1.86 billion to be paid out by the federal government for all the nation's mass transit needs during the next five years while we spend $4.5 billion on highways in one year alone. The rhetoric of the Senate bill—which is also the Administration's bill—is of the same character as the President's words in his budget for Fiscal Year 1971 when he declared, "This Administration is dedicated to achieving a balanced national transportation system," but then actually allocated to mass transit only 6% of what he gave highways.

It is true that money for the total cost of a project need not be immediately forthcoming. But even with the system of contract authority proposed, the Administration seems to be reluctant to go forth in making commitments beyond the FY 1971 appropriation. While the Administration has requested $105 million in contract authority during FY 1971, the commitments that will be carried forward in excess of the appropriation actually will amount to only $25 million since $80 million is being put forward for the liquidation of contracts during that year. This will subject the remaining monies available for contract authority to the scrutiny and possible limitations of the Appropriations Committees. Will mass transit suffer the same fate as urban renewal did in 1966 when after having incurred $3.5 billion in obligations, its contract authority was restricted so that it can no longer obligate more than it receives in appropriations?

I would bring to the Committee's attention the observation of Senator Proxmire on the Floor of the Senate during the Debate on S. 1354 just a few weeks ago that the Administration had indicated it would not immediately obligate the total $3.1 billion in the first year; therefore, the Committees in his words, "would have ample opportunity to restrict the use of contract authority in subsequent years if it developed that a higher level of spending could not be justified."

In the same colloquy, Senator John Stennis, Chairman of the Senate Appropriations Transportation Subcommittee, in assuring his colleagues that Congress has control over contract authority, noted that most recently in the 1970 Transportation Appropriations bill, the Congress placed four ceilings on contract authority that were lower than what the original authorization had called for. They were in programs not funded by the Highway Trust Fund, but by regular appropriations and are as follows:

1. $25 million for Highway Beautification was reduced to $16 million.
2. State and Community Highway Safety was reduced from $100 million to $70 million (after having gone through a similar reduction the previous year from $100 million to $75 million).
3. Forest Highways was put at $18 million instead of $33 million.
4. Public Land Highways lost half of its contract authority budget when it dropped from $16 million to $8 million.

Senator Proxmire, himself a Member of the Senate Appropriations Committee for six years stated in the Senate hearings that:

"When the President puts the squeeze on the budget that comes from all the pressures we live under to cut spending wherever we can, there would be tremendous pressure to hold down expenditures in this mass transit area and to cut them down far below the authorization level."

And the Senator from Wisconsin noted further "you won't have anything like the kind of assurance you have in the trust fund. Nothing like it."

During this same session, Secretary Volpe noted that restrictions can also be placed on expenditures from the Highway Trust Fund. But Senator Proxmire rightly replied:

"It could, but what has been the experience? What is the practical effect of the—"

Secretary VOLPE. "The experience has been that the Congress has continued the program at the levels that were set out in the original bill."

Senator PROXMIRE. "Exactly, the trust fund has been an assured regular source of substantial funding, far more I am convinced than it would be if it were under the Appropriations Committee annual appropriations with the contract authority. No comparison. There just isn't any question."

It is true that trust fund expenditures can also be limited, but with its source of funding being apart from the General Treasury, the pressure to do so is not so great because its funds cannot be easily shifted over to another program. Proof of the trust fund's long term stability and dependability comes in the Highway Trust Fund whose expenditures have matched the originally authorized level of spending. Without an assured source

of long-term financing, cities cannot make their plans and secure public approval of the required bond issues.

For this reason, I would urge you to give very careful consideration to the system of contract authority vis-a-vis the trust fund, and see what might be done to either report out a trust fund bill—which would be far preferable—or make the contract authority financing mechanism a more assured one.

NEED FOR MORE MONEY

Whatever financing mechanism this Committee does adopt the single most important responsibility the House has before it is to allocate more money to mass transit than has the Senate.

Even $3.1 billion does not offer metropolitan areas funds in sufficient quantity to give them the necessary support so that we are able to realistically plan and move ahead with comprehensive capital programs. Without the availability of sufficient funds and a system of assured long term financing, municipalities simply will not be able to develop plans and float bonds for projects of sufficient scope to have a substantial effect in modernizing local public transportation and equipping it to deal with current and future traffic.

To date the lack of federal assistance available and the want of assurance that any money might be forthcoming in the future, combined with the large commitment required from the municipalitiy, has caused plans to bog down in many cities across the country such as Atlanta, Seattle and Baltimore, just to mention a few.

Last year, The President of Atlanta's Transit system, Mr. W. P. Maynard wrote and told me that Atlanta's bond issue referendum to launch the city's plans for a $751 million mass transit capital improvement and expansion program was "defeated by a vote of 57% to 43%, primarily because there was no substantial long range federal help in view." Mr. Maynard continued:

"Even though the urgent need for a rapid transit system was recognized by the voters, there was a strong feeling that this was such a large financial undertaking that the total financing could not be borne locally."

And on the Floor of the Senate during the debate on S. 3154, the Senator from Maryland, Mr. Tydings, said:

"S. 3154, as it presently stands, is simply inadequate. For example Baltimore's $1.7 billion rapid transit system is stalled awaiting realistic federal commitment so it might move forward with its financing. More than anything else, we need this commitment. Here is a city with a serious problem that has been met with foresight, with planning, and with local commitment; but the continued failure of like action in Washington threatens to kill the whole program."

Let us for a moment translate the Senate bill's $1.86 billion into figures for our large cities. Perhaps I can best speak for New York.

The New York Metropolitan Transit Authority estimates that it needs $2.1 billion over the next seven years. The New York City area has received approximately 15% of the federal funds spent on capital facilities grants during the past five years. Assuming the same percentage for the next five years, New York City would receive approximately $465 million in contract authority, $280 million of which would be liquidated with federal cash. Thus, federal assistance would amount to no more than 20–25% of the total cost of mass transit development in the metropolitan areas. Other major cities with mass transit plans similarly would have to find non-federal funds equalling 80% of total development costs. But, our municipalities whose dollars are scarce and competed for by welfare, medical and educational needs as well as those of mass transit, simply do not have this kind of money.

My bill, H.R. 7006, provides a federal commitment of $10 billion over the next four years for mass transit projects. Such an expenditure would provide New York City with approximately $1.5 billion representing 70% of total development cost.

Some of the other metropolitan areas requiring large expenditures in the next decade include: Chicago, $2.2 billion; Baltimore. $1.7 billion; Southern California Rapid Transit District, $2.5 billion; Boston, $784 million; Bay Area Rapid Transit District, $1.8 billion. This does not begin to account for the many middle size cities and the hundreds of smaller cities also needing help that cannot be ignored.

A chart entitled, "1970–79 Capital Requirements of the Rapid Transit Industry—Preliminary Study" which was drawn up by the Institute of Rapid Transit, was introduced in the record during the Senate Floor debate. It included figures for transit needs during the coming decade for just 19 systems and came out with a grand total of $17.708 billion. And here we are talking about a commitment of $3.1 billion.

Furthermore, it should be noted that these figures do not take into account the continual rise in construction costs which increase on an average of 10% annually. Proof of this is found in the interstate highway system whose original cost was estimated at $26 billion, but whose actual cost will exceed two times this. We have already spent $45 billion on it and it is yet to be completed.

Time is of the essence. And were the government to provide a more substantial commitment we could get underway quickly and in the long run save the taxpayer billions of dollars, as well as many valuable man-hours now lost in slow and stalling systems. Savings too would come in the health of city dwellers and in the reduction of millions of dollars spent annually in cleaning up auto pollution.

It is remarkable to me that so many people in the past year have spoken of S. 3154 as though we were launching a new program needing only a small beginning. It is true that S. 3154 offers a new financing mechanism, but the concept of federal assistance for mass transit and the expenditure of large sums on mass transit is nothing new. To suggest that our cities are not equipped to get underway with mass transit construction is ludicrous. It is true that many cities have not made any plans, but it is equally true that many cities have plans that are ready for execution and are stymied for lack of federal funds and commitment. In fact, UMT Administrator Carlos Villarreal testified before the House Appropriations Committee last year that a backlog of applications for capital grant assistance in excess of $400 million would be carried forward into FY 1971.

People also justify the small level of appropriations by saying that experience shows that actual expenditures under these programs are fairly small in the first year or two. This is true—but still the long range commitment afforded by the $3.1 billion level in contract authority remains very small. And, as I noted before, the Administration plans to obligate only $25 million in excess of what it will liquidate in FY 1971.

In essence, the single most important thing needed is to bring the federal level of funding to a point which perhaps is most suitably called a "threshold for action," below which point funds are simply insufficient to enable our communities to undertake transit modernization and new construction.

I believe that such a threshold can be reached if a commitment of $10 billion is immediately made available for long term financing. While I continue to favor the trust fund approach, I have introduced H.R. 15468 which would provide $10 billion in contract authority and $6 billion in appropriations over the next five years. Should your Committee determine that it has no alternative but to authorize a system of contract authority, I would urge that you consider increasing the funding levels to the amounts put forward in H.R. 15468.

DISCRETIONARY FUND

My bill does not place a 12% limit on how much money can go to any one state. This limit does appear in the Senate bill and I know that S. 3154 as finally passed suffered a reduction in the discretionary fund given to the Secretary for his allocation of additional funds to states reaching the 12½% limitation. It is essential that this body restore the discretionary allowance to at least 15%. It is a necessary measure of administrative flexibility for the Secretary of Transportation so that he can place funds where they are most urgently needed. It should not be viewed as a windfall for a few of the larger states. Rather it is a vehicle for allocating added funds in one state in a year when it is needed and then extra money in another state another year.

I would point out that a uniform limitation is not found in the Highway program on the amount of money that can be poured into any one state in a year. Rather, the money is allocated by a formula based on need. This is what the Mass Transportation Administration should be doing—putting the money where it is most critically needed.

SEVEN PERCENT AUTO EXCISE TAX FINANCING OF THE MASS TRANSIT TRUST FUND

There has been some criticism over the fact that H.R. 7006 provides for the financing of the mass transit trust fund by the 7% auto excise tax. But, when in fact carefully considered, the use of an auto tax for mass transit is not without justification in as much as auto driving will be greatly enhanced if commuter traffic is diverted from the single passenger auto to the subways, trains and buses. In addition, if we do not do something to improve mass transit in our cities, traffic congestion will reach such a peak that cars will simply be banned from the central city. Already our metropolitan areas are immobilized by auto traffic and cars built to go 80 mph creep along at an average pace of 16 mph in many of our cities.

Those who do not own cars pay for city streets which are funded locally out of general revenues and far exceed the highways in mileage. We do not hear the argument that only those who drive on the streets should pay for them.

Mass Transit is not a competitor for the automobile; it is its complement. In relieving traffic congestion on the highways, we will enhance the potential as well as the enjoyment of driving an automobile as opposed to their being lined up on every highway, stalled as if in the most expensive open air garage.

NINETY PERCENT FEDERAL SHARE

While I realize that for many large cities an increase in the maximum level of the federal share would effect no real change in the federal government's contribution to the project cost, I believe that we should increase this limitation to 90%. If we are to ever place mass transit on a par with highways, we must offer communities the same ratio of federal funding for mass transit as they get for highways. Too often communities have chosen a highway over mass transit (which would more effectively meet their needs), because federal funds were available in the quantities needed only for the highway. Even with the levels of funding proposed by the Administration, 90% federal participation could benefit some cities and towns with modest mass transit project plans.

CONCLUSION

In conclusion I would like to repeat that the single most important task before us is to give mass transit a meaningful level of funding—one that will enable our communi-

ties to move forward with their construction programs.

Unfortunately, mass transit has yet to be given the status it deserves by the Administration. And thus, it is a mistake for the Congress just to follow after the President; instead, we should correct his priorities and lead the way.

Just one more indication of the President's cavalier attitude toward mass transit is to be found in his budget for FY 1971 submitted a few weeks ago. There, the $3.1 billion contract authority program is outlined, and one should note that the President has proposed that we deduct from the meager amount (considering the need) of $3.1 billion in contract authority the $214 million already appropriated in advanced funding for FY 1971, plus an additional $4 million to cover salaries and expenses, and the extra $80 million appropriation authorized in S. 3154, thereby reducing contract authority to $2.802 billion. Thus, while S. 3154 suggests a commitment of $3.1 billion in new money, $218 of this is in fact funds that have already been appropriated.

Gentlemen, you have it in your power to redress the inequitable appropriations that have been made in the past for mass transit. I urge you to do that by supporting the mass transit trust fund and providing the sum of $10 billion over the next four years to accomplish the goal. That goal is efficient and adequate mass transit for the urban areas of our country.

HOWARD W. FITZPATRICK

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks, I include a copy of a resolution introduced by my able and distinguished friend, Senator Joseph D. Ward, of Fitchburg, Mass., in the Massachusetts State Senate memorializing the late Howard W. Fitzpatrick, sheriff of Middlesex County, an outstanding Democrat and humanitarian. I want to commend my esteemed friend, Senator Ward, upon his introduction of this resolution.

Howard Fitzpatrick was one of Massachusetts' greatest political leaders and most illustrious sons. He was a very close friend of mine for years, and we campaigned together when we first aspired for the public service. Howard Fitzpatrick was not only a great political leader, but a leader in business, charity, benevolence, and human causes, second to none.

In fact, he devoted the best years of his life to helping people and causes related to their interest, welfare, and well-being, to which he was so loyally attached.

His untimely passing was a great blow to me personally, and it was an irreparable loss to his family, his many friends, his district, our State, and the Nation. Men with the indomitable spirit, human qualities, unbounded generosity, and concern for human kind of Howard Fitzpatrick are rare indeed.

He will long be remembered by a grateful people, and his peerless service to so many causes, and his faithful, outstanding service to our people will long be gratefully recalled by the people of Massachusetts.

A great American has been called to his eternal reward, and his passing has left an irreparable void and deepest grief and sorrow in the hearts of his dear ones and the legion of friends and admirers who were so much a part of the great causes that he served with all his heart.

Our prayers and most heartfelt sympathy will be with his dear ones in their sorrow, and we join them in mourning the loss of a very dear friend, a peerless leader, and a truly great American.

May he find rest and peace in his heavenly home.

The resolution follows:

RESOLUTIONS ON THE DEATH OF HOWARD W. FITZPATRICK, SHERIFF OF MIDDLESEX COUNTY

Whereas, the Senate has learned with deep sorrow of the sudden death of Howard W. Fitzpatrick, sheriff of Middlesex County; and

Whereas, in a long and honored career in the public service during which he served as a member of the Massachusetts Port Authority and as the high sheriff of Middlesex County since 1949, Howard W. Fitzpatrick was distinguished as a public servant who was ever conscious of his obligations to the people he represented and fearless in the discharge of his duties, and will always be remembered as a genial and courteous gentleman who gave untiringly of his time and resources; and

Whereas, Sheriff Fitzpatrick was active in numerous civic, fraternal and political organizations, being the deserved recipient of an honorary degree of doctor of laws from the College of the Holy Cross, the Man of the Year award from the National Conference of Christians and Jews, a Knight of the Order of the Holy Sepulchre and an Official Knight of the Order of Merit of the Republic of Italy, to name but a few of the great honors that have been bestowed upon him; now, therefore, be it

Resolved, That the Massachusetts Senate hereby extends to the family of the late Howard W. Fitzpatrick its deepest sympathy and condolences in their bereavement; and be it further

Resolved, That an engrossed copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the sister and brother of the late Howard W. Fitzpatrick.

Senate, adopted, February 24, 1970.

MAURICE A. DONAHUE,
Senate President.
NORMAN L. PIDGEON,
Senate Clerk.

Offered by Senator Joseph D. Ward.

VOLUNTARY PUBLIC HEARINGS ON CLEAN AIR IMPLEMENTATION PLANS IN NEW YORK

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. KOCH. Mr. Speaker, on January 21, I introduced a bill, H.R. 15491, to provide for public hearings in the formulation of implementation plans for air pollution abatement. Under the Air Quality Act of 1967 public hearings are required before a State can submit its schedule of air quality standards to the Federal Government; and yet, no hearings are required during the second stage when implementation plans are devised.

States are currently preparing such regulations to meet a May 7 Department of Health, Education, and Welfare deadline for the control of sulfur and particulate matter.

On January 21, I also wrote to Gov. Nelson Rockefeller and urged him to direct New York to voluntarily go ahead with public hearings on the control of sulfur and particulates before submitting its implementation plan to the Department of Health, Education, and Welfare.

I am pleased to report that I have received a response from Governor Rockefeller and he tells me that the State's air pollution control board will be scheduling a public meeting for the presentation of the implementation plan for sulfur dioxides and particulates prior to May 7, although a definite date has yet to be announced.

Pending a change in the law, I hope that other States will similarly conduct public hearings before the May 7 deadline.

The Governor's letter follows:

STATE OF NEW YORK,
Albany, February 12, 1970.

HON. EDWARD I. KOCH,
House Office Building,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of January twenty-first concerning the introduction of your bill in the House of Representatives which would require states to hold public hearings on implementing regulations for the air quality control regions established under the Air Quality Act of 1967.

It has always been the policy of the State of New York, acting through its Air Pollution Control Board, to keep the public informed about its activities relating to air pollution control. Our Air Pollution Control Law requires that the Board hold public hearings, with thirty days prior notice, on proposed new or amended standards and regulations. The Board advises that it intends to schedule a public meeting for the presentation of the implementation plan for sulfur dioxides and particulates prior to May seventh. As yet, the definite day and time have not been established.

New York State has been in the forefront in establishing standards for ambient air quality and implementing regulations have been adopted to achieve these standards. Regulations for sulfur dioxide and particulates control have already gone through the hearing process. It does not appear likely that these regulations will have to be amended in order to achieve the standards which have been established for the Federal air quality control regions.

The requirement for rehearings on rules each time the Department of Health, Education and Welfare issues criteria for a specific contaminant, unless amendments are necessary, would seem to be wasteful of public funds and staff effort and tend only to delay rather than expedite the control effort.

Please be assured that we will continue to keep the public informed in regard to all our activities in this area.

Sincerely,

NELSON A. ROCKEFELLER.

U.S. FOREIGN POLICY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. JACOBS. Mr. Speaker, Mr. Michael M. Stump has written a most eloquent letter expressing what I believe to be a

rather lucid approach to American foreign policy.

The letter follows:

INDIANAPOLIS, IND.,
March 7, 1970.

Mr. HENRY KISSINGER,
c/o White House,
Washington, D.C.

DEAR MR. KISSINGER: I am writing to you in an effort to fulfill a function in our representative democracy. It is my sincere hope that although you may never see this letter, the thoughts and feelings will at least reach you.

Having majored in Government and American History, I attempt to view foreign policy with a rather unemotional perspective. I would presume that the foreign policies of the United States are geared to the establishment and maintenance of international commitments which enhance our national objectives.

Among those objectives must be a concern for a healthy and stable world community which is becoming increasingly dependent on the strength of each nation state. Our American experience shows that the evolution of government to democratic forms is healthy both economically and morally to the fiber of the people. In the overview of world history, it must be recognized that the long term trend points toward the establishment of democratic institutions among all nations.

Based on this thought, how can the United States send men to Southeast Asia to be sacrificed for the defense of a dictator every bit as repressive as his communist foes. May I direct your attention to President Thieu's recent action against two members of the National Assembly of South Viet Nam, Hoang Ho and Tram Ngoc Chau. The style reeks of Franco, Hitler and Stalin. At least we are more sophisticated with the fate of Leon Panetta.

We are living in a house of cards if we believe this country has the power to hold back the downfall of political despots. Our country has nothing to fear from Communism as an economic force. Any fear we face comes from the political conduct of the major communist nations. The fear of totalitarianism is all we face. It makes no difference if it is on the so-called "left" or "right". It is still on the opposite end of the spectrum from Democracy.

My frustration comes from the apparent lack of concrete evidence from the President that our foreign policy goals have significantly shifted from those of previous years. When will we ever seek the end to totalitarianism and cease to be distracted by the narrow view of a solely communist threat.

I would appreciate a reply from your staff as to the final resting place of the contents of this letter.

I sit appalled when I think of the Chau arrest!

Sincerely,

M. M. STUMP.

LAND FOR POSTERITY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. GUDE. Mr. Speaker, the quiet, effective work of the Nature Conservancy has served well this Nation and those who would save its natural beauties as an endowment for the future. How the conservancy preserves these valued resources of forests, marshes, rocky and wooded islands is described in detail in an article which I commend to the attention of my colleagues as it appeared in yesterday's Wall Street Journal:

[From the Wall Street Journal,
Mar. 11, 1970]

LAND FOR POSTERITY: GROUP WORKS TO KEEP CHOICE SITES UNSPOILED

(By Dennis Farney)

MASON NECK, VA.—The Potomac River ice creaks and groans beneath the January sky. Cardinals flit across the beige and white of the snowy cattail marsh, and crows caw from nearby woods of beech and oak. A great blue heron lifts away on three-foot wings.

Mason Neck on a clear, cold morning is placid, unhurried now. But only five years ago this 10,000-acre peninsula was threatened by the relentless spread of suburban Washington. Real estate speculators controlled the land; there were plans for asphalt streets through the woods, subdivisions near the restored mansion of a Colonial planter.

It didn't happen. And the main reason was the quiet work of an increasingly effective conservationist, the Nature Conservancy.

Three years ago, the Conservancy moved in and began buying up more than 3,000 acres here for about $5.6 million, checkerboarding its holdings to block development of most of the peninsula. It was another successful application of one technique that helps make the Conservancy unique among national conservation groups—unique in what it does as well as what it doesn't do.

MOUNTAINS, PRAIRIES, AND MARSHES

The Conservancy isn't the best-known national conservation organization. It rarely makes headlines with dramatic protests or last-ditch lawsuits. It doesn't sponsor wilderness outings and it doesn't publish beautiful books.

It just preserves land, the kind of land that can't be replaced: Virgin woods in New Jersey, islands off the Atlantic Coast, ancient California redwoods, prairies, marshes and mountains. The Conservancy is the only national conservation group that puts its total resources into land preservation. So far, it has preserved about 150,000 acres in 41 states and the Virgin Islands—most of this since it really got rolling in the early 1960s.

The Conservancy traces its lineage to a 1917 committee formed to acquire natural areas for scientific research. Today, however, the Conservancy is interested in outstanding examples of the American environment for other purposes as well. It buys such land itself or lends money to private groups that wish to do so; tax-exempt and nonprofit, it accepts bequests and donations of land or cash. It has helped preserve everything from a 10,500-acre island off Georgia (now a Federal wildlife refuge) to Ezell's Cave, the subterranean home of *Typhlomolge Rathbuni*, the Texas blind salamander.

BEATING THE BULLDOZERS

Both public and private efforts to preserve natural areas threatened by development often founder for the same reason: A lack of ready cash. By the time a government agency can secure its appropriation or a citizens group can launch a fund-raising drive, the bulldozers have come and gone. The Conservancy is trying to fill this gap with three programs:

From a revolving fund of more than $1.1 million, it makes quick loans to private groups, including its own chapters, organized for the purpose of acquiring specific areas. The groups may take up to three years to repay; the loans are interest-free for three months, then bear interest at an annual rate of 6½%.

A separate endowment fund of about $800,000 guarantees bank loans to such groups when the revolving fund is being used to capacity.

Under its newest program, which utilizes a $6 million line of credit guaranteed by the Ford Foundation, the Conservancy moves in fast to acquire tracts being sought (for parks or wildlife refuges, for example) by Federal state or local government agencies. It resells the land to the agencies when their appropriations come through.

Requests for help are keeping all three funds busy. A loan to a citizens group, for example, recently helped preserve Clausland Mountain, a wooded rampart on the Hudson River near New York City. The $237,500 loan clinched offers of more than $1.1 million in additional money from other sources. Area artists have raised some of the money for repayment with an "Art for the Mountain" benefit.

BROAD SUPPORT

The program using the Ford-guaranteed credit line has acquired more than 11,000 acres since early 1969, sometimes nailing down tracts that slower-moving government agencies might have lost. A good example is the 3,215 acres of Michigan forest recently acquired for the U.S. Forest Service. The Federal agency turned to the Conservancy because the tract was being marketed by a concern that needed to sell quickly, and it might have taken the Forest Service as long as 18 months to secure the necessary appropriation.

Such successes are winning the Conservancy support from figures as diverse as Laurance Rockefeller, Charles A. Lindbergh, Arthur Godfrey ("Boy, they do a job") and Marshall Field. Says a top Federal conservationist: "They haven't tried to branch out and get involved in all aspects of the environment. They've stuck to land preservation—and they're doing it damned well."

Conservancy officials praise the efforts of such better-known organizations as the Sierra Club, which attempts to rouse public opinion and sometimes hauls developers and polluters into court. But the Conservancy generally avoids such fights. "The measure of our success is not how well we propagandize for or against a given issue," says Thomas W. Richards, president. "It's in those acres, and in the quality of those acres."

So it's no accident that Conservancy headquarters in downtown Washington rather resembles a high-powered real estate agency. It's the kind of place where Mr. Richards may interrupt an enthusiastic description of a contemplated project (enclosing both banks of a portion of the Potomac in a "green sheath," for example), to answer the telephone and bargain for an island, a marsh or a forest. The atmosphere seems a little like that cartoon above the desk of Edward R. Kingman, vice president and treasurer. The cartoon depicts an exasperated executive who bellows: "Whattya mean we don't have any capital. . . . The acquisition's already been approved."

The cartoon notwithstanding, the Conservancy is at home in the world of finance. Mr. Kingman has been a bank vice president, a financial consultant and a real estate broker; Mr. Richards has nine years of experience as an IBM department manager. Other staff members include ex-real estate agents, a NASA administrative assistant and an industrial engineer—all recruited for their management skills.

"Conservation problems today are no longer solved by a guy hiking around in the woods," says Alexander B. Adams, an ex-FBI agent who helped lead the Conservancy through most of the 1960s. "They're solved by guys sitting behind desks, thinking." Agrees Mr. Richards: "To win a land conservation battle today, you've got to use the same skills private industry uses."

Last year, its biggest yet, the Conservancy helped preserve nearly 40,000 acres through 101 projects and donations. The year also marked ceremonial completion of a major phase of the Conservancy's most spectacular project to date: The addition of about 10,000 acres to Hawaii's Haleakala National Park.

Before the project, Haleakala Park occupied about 14,000 acres atop a long-extinct volcano. Soon the park will contain about 24,000 acres and extend from the mountaintop to the sea, an enlargement that one conservationist calls a "dream come true." It all began with a 1967 challenge from Laurance Rockefeller. He would donate a $585,000 piece of shorefront to the park—if the Conservancy could acquire the eight-mile-long Kipahulu Valley between the shore and the mountaintop.

Often veiled in fog or drenched in torrential rainfall, the valley is a lush remnant of Hawaii as it used to be. More than 100 waterfalls roar in a rain forest abundant with wildlife, including a bird species presumed extinct for 80 years. The upper valley is a wilderness scarcely penetrated by modern man. Not surprisingly, the Conservancy took the challenge and went to work.

HARD BARGAINING

As negotiator, the Conservancy dispatched Huey Johnson, its western regional director. In two weeks of hectic bargaining, Mr. Johnson reached agreements with the valley's three private landowners, then persuaded the state of Hawaii to donate about 3,000 additional acres it held.

The private owners eventually sold nearly 7,000 acres for $620,000, donating additional acreage valued at $300,000 as a tax-deductible contribution. A mail solicitation, three cocktail parties and a luncheon raised the $620,000, with about $375,000 coming from a gathering in New York's Pan Am building. Mr. Lindbergh addressed that gathering, and Mr. Godfrey did a persuasive job, too. He describes catching a departing donor in the elevator and emerging at the end of the ride with a pledge of $100,000.

In January 1969, the Conservancy donated more than 7,000 acres to the National Park Service under an agreement that will preserve the upper valley as wilderness for scientific research and open the remainder of the valley to the public. (The state is in the process of conveying its 3,000 acres to the Park Service.) Then the Conservancy launched the project's second phase: A campaign to raise about $750,000 to purchase several hundred additional shorefront acres highly vulnerable to development. If this phase succeeds, Gov. John Burns has indicated, he'll work for the donation of additional state land. Says Mr. Richards: "We want to do this thing once and for all, and do it right."

The scope and expertise of the Kipahulu project was a far cry from the Conservancy of 1960. That year the organization preserved only about 4,000 acres, had an operating deficit and only about $100,000 in its revolving loan fund, and was mired in an ill-planned project that threatened to bankrupt it. Adds Mr. Adams, then president: "We were like practically every other conservation group—trying to do everything at once, and not doing anything as well as we might.

Spurred by Mr. Adams, the Conservancy reorganized. It beefed up its staff with the help of Ford Foundation grants, formed the endowment fund and secured the Ford-guaranteed line of credit. And after what Mr. Adams calls "a long battle within the organization," it phased out activities unrelated to land acquisition.

This meant leaving public protests to other conservation groups, a decision that still has its critics. One, for example, asserts that "too much concern about what major contributors might think" sometimes inhibits Conservancy activities and was a major factor in the policy change.

This critic is particularly disturbed because in the early 1960s the Conservancy dropped an active role in opposing a controversial pumped storage hydroelectric plant proposed by Consolidated Edison for New York's Storm King Mountain. He maintains: "Many Conservancy backers are stockholders of Con Ed or are interested in other forms of economic development along the Hudson and might have been offended."

Mr. Adams disagrees. "I know of no instance where our policy has been affected by a donor, and I can say that absolutely flatly," he declares. He calls the protest against the Storm King plant "the kind of project that could be much better handled by other groups" and notes that another group did take over after the Conservancy dropped out. The intent, he says, was to "disengage from things other organizations were already doing and concentrate on buying land."

There's no doubt that Conservancy fortunes soared after the reorganization. In 1969, it either bought or received as gifts land valued at nearly $20 million, up from about $750,000 in 1960; by 1975, it expects this amount to rise to $50 million. During 1969 it transferred ownership of $7.2 million worth of land to various Federal, state and local institutions, including universities.

Increasingly, the Conservancy is going into large-scale projects that will protect complex life chains in broad areas. A top priority for the 1970's will be the acquisition of coastal marshes and wetlands to protect spawning grounds for marine life and refuges for migratory birds. Separate projects, already well under way, aim to establish "coastal reserves" of islands off Georgia, Virginia, Maine and Florida. Other priorities: The acquisition of virgin prairie, water-filled "potholes" (needed by migrating ducks and geese) in the upper Midwest, and desert springs and streams.

NEEDED: $31 MILLION

This year the Conservancy will spend $7.5 to $10 million for land acquisition—a record but about $31 million short of what it would like to spend, says Mr. Richards. He estimates he would need at least $15 million more, for example, to buy up "some of the most critical inholdings" (private land) within national parks and other public areas; $10 million more to fully execute a new project to protect threatened wetlands around San Francisco Bay; $3 million more for Gulf Coast Florida islands and wetlands; and $3.5 million for Atlantic barrier islands and salt marshes.

Meanwhile, additional requests keep coming in. Illinois is asking help in buying a $7.8 million piece of open space in Chicago, for example. And Sen. Ralph Yarborough (D., Tex.) has asked for help in preserving something of East Texas' Big Thicket, a beautiful forest of pines and hardwoods.

Private donations and fund-raising drives by Conservancy chapters and project committees brought in nearly $5.5 million in cash and securities last year. Donors also contributed about $12.5 million worth of land, including a 74-acre ridge in Connecticut and 361 acres of forest (valued at $1 million) in Florida.

"We're willing to go to almost any lengths for a donor," says John F. Jaeger, the staff attorney who processes most of the gifts and bequests of land. Some donors retain the right to live on the donated property for their lifetimes, for example. Others donate only a portion of the value of their land and sell the remainder to the Conservancy, or assign ownership to the Conservancy over a 20-year period.

The Conservancy is looking for help from another area: Business. Last year, in what Mr. Richards called a "breakthrough for conservation," the Conservancy accepted a gift of two-groves of California redwoods (worth about $6 million) from Georgia Pacific Corp., a concern that drew bitter attacks from some other conservation groups during the fight to establish the new Redwoods National Park. The gift, now a California state park, convinces Mr. Richards that business and the Conservancy can work together with mutual benefits.

"I'm anxious to work with other businesses, particularly the extractive industries," he says. "It's conceivable, for example, that a lumber company could assess its massive holdings and find some areas that aren't beneficial to it but which would be great from our standpoint. We could take management problems off their hands and enhance their public image in the process."

It's an irony of Mr. Richards' work that he seldom escapes his office to visit the landscapes he's helped preserve. (His most satisfying acquisition to date is a Georgia island he has yet to visit.) But he's an enthusiastic outdoorsman as a winter hike here on Mason Neck well indicates.

A jaunty beret on his head and field glasses swinging from his neck, Mr. Richards strolls across the iced-over marsh and into the woods, checking tracks in the snow and training the glasses on birds that wing by. "Boy, isn't that great!" he exclaims, focusing in on a flying woodpecker—red and white and black against the sky. Still watching, he quips: "Look at that body!"

He studies a distant treeline, the last known nesting area of the bald eagle on this stretch of the Potomac. (The marsh and nesting area, part of the acreage acquired by the Conservancy, will soon be a Federal wildlife sanctuary.

U.S. SCHOOL EXECUTIVES HONOR DR. KIRBY P. WALKER

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. GRIFFIN. Mr. Speaker, it is a privilege for me to be able to pay tribute in this way to a great Mississippian and a great educator who was honored recently by an assembly of his colleagues. I am referring to the fifth annual meeting of the American Association of School Administrators and the educator is Dr. Kirby P. Walker of Jackson, Miss.

As superintendent emeritus of the Jackson public schools, Dr. Walker can look back on one of the most distinguished careers of service in the history of American education. Last year, this outstanding public servant and teacher retired after 47 years in the field of education, 33 of which were spent at the head of the Jackson city school system.

At the meeting of AASA held in February in Atlantic City, N.J., Dr. Walker was presented that organization's Award for Distinguished Service in School Administration. In making the presentation, Mr. Arnold W. Salisbury, president of the AASA cited not only Dr. Walker's outstanding service to the field of American public education, but to "his unique qualities as a humanitarian."

Mr. Speaker, it is for his wonderful service to Mississippi young people, to his community, his State, and his Nation, that I pay tribute to this man. As a part of my remarks, I include an article which appeared in the Jackson Daily News of February 26, 1970. It follows:

U.S. SCHOOL EXECUTIVES HONOR DR. WALKER

Kirby P. Walker, who retired last year after 47 years as an educator, including 33 as superintendent of the Jackson City Schools, has been presented an award for distinguished service in school administration by the American Association of School Administrators.

He is the first Mississippian to win the award.

The award—an illuminated manuscript—was presented to Dr. Walker by Arnold W. Salisbury, president of the AASA, at the fifth general session of the association at its recent convention in Atlantic City.

It cites his service to education and "his unique qualities as a humanitarian.

Five others receiving distinguished service awards were M. Lynn Bennion, superintendent of the Salt Lake City Schools; John Guy Fowlkes, emeritus professor of educational administration of the University of Wisconsin; Winifred H. Newman, assistant superintendent in charge of elementary schools, Kanawha County Schools, Charleston, W. Va.; Harold Spears, superintendent of the San Francisco Schools; and H. I. Willett, superintendent of the Richmond, Va. Schools.

The Mississippi Association of School Administrators proposed Dr. Walker for the award.

Dr. Walker in December received a lifetime membership in the Southern Association of Colleges and Schools, of which he was president in 1952–53.

The text of the manuscript follows:

"Teacher, administrator, businessman, philosopher, and humorist—a very warm and enthusiastic personality—thus Kirby P. Walker was characterized at the time of his retirement, by an appreciate member of his board of education.

"His career in school administration, spanning 47 years, encompassed the depression years of the 1930's, World War II shortages, building program expansions and integration crises. Under his wise guidance, covering more than three decades, the Jackson Mississippi, Public Schools—largest in the state—rose to increased heights of excellence.

"Especially valued has been his unusual capacity to listen with compassion to the concerns of people in search of reasonable solutions for their problems, believing that people generally are responsive to the weight of fact and logic even though all their concerns may not be resolved or their wishes completely granted.

"Because of his outstanding contributions to the betterment of public education, to the improvement of the profession of the school administration, and because of his unique qualities as a humanitarian, the American Association of School Administrators is pleased to bestow upon Kirby P. Walker this award for distinguished service in school administration.

THE EAGLE SCOUT AWARD

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. KEITH. Mr. Speaker, on January 14 and February 15 of this year. I had the good fortune to address Eagle Scout courts of honor for two outstanding young men in my district—Mr. Jeff Anderson, of West Bridgewater, and Mr. Kerry Silva, of East Falmouth.

I regret my schedule does not permit me to personally congratulate all such young men who are successful in the Boy Scouts. I am therefore submitting for the RECORD the text of my remarks at both these occasions—largely written by a member of my congressional staff who is also an Eagle Scout. The appearance of these remarks in the RECORD is my tribute to the enduring contribution of the Boy Scouts of America to our national well-being and, specifically, to those young men who attain Scouting's highest honor: the Eagle Scout Award.

My remarks follow:

REMARKS BY CONGRESSMAN KEITH

Scouting has always seemed to me to be one of the best responses to the old saying that "As a twig is bent, so grows the tree." The duties set forth in the Scout oath apply as equally to the duties of a man. The virtues of fairness, honesty, diligence and compassion are needed more today than ever before in our history.

The Scout motto: Be Prepared, is also more appropriate than ever. Scouting prepares a young man to grow in both awareness and character. It recognizes that being truly prepared requires constant growth and development. The recent addition of merit badges for Atomic Energy, Computers, Electronics, Business, Oceanography and World Brotherhood point out Scouting's own development in recent years. These subjects do much to help a young man Be Prepared for today's complex world. Combined with the more traditional subjects of camping, citizenship at home, in the community and nation and the conservation of natural resources, Scouting truly "rounds a guy out." At no time in our history have we needed Scouting's teaching more than we do now.

From their very beginning, Boy Scouts have had a deep and lasting love for Nature—its grandeur and wonders. In this, the Scouts have always known what the rest of the world is just now learning: the great importance of conserving our natural resources. The whole world is finally waking up to the wisdom of the Boy Scouts. Scouting gives a man a lifelong appreciation of our rivers, forests, fields and mountains. As America is among the richest of nations in these resources, the Scouts have done much to make us similarly rich in our appreciation of them. You don't have to be a Boy Scout to love nature and know the importance of conserving it. However, if there had been more of you, we'd certainly have less of a problem now.

We all seem to be hearing more and more about pollution—I certainly am in Congress—about how man will turn his world into a wasteland within the next fifty years if something isn't done now to stop this pollution. And so, scouting may make its greatest contribution to the future through its oldest teaching—a love for nature and its conservation. As various political issues come and go, the always present issue of pollution and the quality of our environment is becoming America's and the World's biggest problem.

As parents, we of the older generation have been listening more than usual to our young lately. This may be in part because they have been shouting more, but also because they are saying some very good things. The young have always been both the hope and the weathervane of tomorrow. We should all be most encouraged by what was reported in my recent newsletter questionnaire. In addition to their concern about education, housing and poverty—concerns we all share—the pollution of our environment received greater attention than ever before. In answering questions about their ideas of the biggest single problem of the future, the quality of our environment was placed amongst those at the top of the list. This certainly gives all of us great hope for tomorrow. But much more than hope, I'm afraid, is needed today.

As I have said, the Scouts have always known about the need for conservation. Just recently we have seen people other than the outdoorsman, scout or long-time conservationist, getting the idea and joining forces. On a local level, the question of pollution is also of greater concern than ever before. You know we New Englanders are fortunate in having some of the most beautiful scenery in the world. The recent oil spillages that have threatened Old Silver Beach, Weymouth Harbor and other parts of the shorelines; the fact that people can no longer even swim in many of our harbors; the ever-increasing amounts of DDT being found in our shellfish; the fewer and fewer areas remaining where one can even dig for clams—these things, affecting all of us, are causing more wide-spread concern about pollution right here at home. We see the last few areas of open space around us being gobbled up by urban sprawl here in southeastern Massachusetts as well as nationwide.

On a national level, fear of pollution is no longer confined to our biggest cities. The average man in the street is being affected by it everyday. The air he breathes is being filled with exhaust fumes and factory smoke. There are fewer woods through which to walk or quiet places to be alone.

So, everyone seems to be catching on to what the Boy Scouts have always been saying.

The President has made the stopping of pollution a "major goal" of the Seventies. For the first time in 20 years: next year's Budget contains more for human resources than for defense spending. Over $10 billion is to be spent to clean up our water supply. The polluters—those in industry and elsewhere—are being called upon to pay much of the cost of this effort. As the President said in his recent State of the Union Message: "It is time for those who make maximum demands of society to make some minimum demands upon themselves."

We in the Congress have also been most active in this area. We have taken several important steps just this year. Last month we agreed to spend more than $800 million to start cleaning up our water supply. We have set up a Cabinet-level Council on Environmental Quality to work with the President on this whole problem. We will soon have new and tougher laws against the kind of oil spills that have occurred here. We are also cracking down on the boating sewage that is fouling our lakes and harbors.

State Governors from around the country are starting to join us in this fight. Here in Massachusetts, Governor Sargent has announced an ambitious new program to both save the state from further pollution and clean up what has taken place.

These are just the first shots in our long and bitter war against pollution.

I'm sure that you in Scouting have shared my own great frustration with those who have merely taken the beauty and natural resources of this country for granted.

Times are changing in this and those who are just waking up will look for guidance to those who have long been in the fight against pollution. I know the Boy Scouts will do their share. I'm also confident the Eagle Scouts will be the leaders in the conservation movement they have been in scouting. And so, I salute all of you in scouting—from Tenderfoot to Eagle. I hope that we in the Congress will accept the challenge that your examples have given us. And I hope, too, that all of you will continue to encourage other young men to join the Scouting movement—and upon joining, they will seek to win the Eagle Scout Award. By so doing you will all continue Scouting's great tradition of making our world a better place in which to live.

VA SEEKS RECORD BUDGET

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. TEAGUE of California. Mr. Speaker, following the generally excellent statement of VFW Commander in Chief Raymond Gallagher before the

House Veterans' Affairs Committee on the morning of March 10 in connection with the VFW's 1970 conference in Washington, D.C., I indicated to him that certain of the remarks might well be taken to indicate a belief on his part, and on the part of his organization, that the administrations of Presidents Kennedy and Johnson had a very generous record in the field of veterans' affairs while the Nixon administration was cold and penny-pinching in these matters.

I was pleased that Commander Gallagher asserted unequivocally that his criticism of VA medical program funding also could be leveled against previous administrations. In fact, he stated forcefully that there was "no question about it."

This setting of the record straight is absolutely necessary if the Congress and the House Veterans' Affairs Committee itself is to meet the challenge of improving the VA hospital system after a long period in which spiraling costs have burdened a fine system and made the delivery of quality medical care more difficult to perform for the dedicated doctors, nurses, and administrative personnel who staff what I consider to be the finest hospital system in the world.

I think it important that Congress, the public and veterans and their families understand what is being done today to insure that our veterans will receive medical care that is second to none. Donald E. Johnson, Administrator of Veterans' Affairs, spoke to the VFW Department Service Officers Conference a day or two ago. These are the VFW men in the field who are helping veterans and their families and who are doing an outstanding job.

Administrator Johnson has held office now for just over 8 months. His statement, portions of which follow below, outlines some of his accomplishments during this brief period. I think Don Johnson is doing a conscientious job for our veterans—and he has just begun. With the cooperation of all who are sincerely and primarily concerned with advancing the interests of veterans we can look for much progress in the months and years ahead.

Mr. Speaker, I submit for the RECORD, portions of Administrator Johnson's report to the National Conference of Department Service Officers of the Veterans of Foreign Wars of the United States, meeting in Washington, D.C., on March 11, 1970:

REMARKS OF VA ADMINISTRATOR DONALD E. JOHNSON

Commander-in-Chief Ray Gallagher, National Rehabilitation Service Director Norm Jones, distinguished National Officers, Department Service Officers, members and guests of the Veterans of Foreign Wars of the United States:

Please permit me to touch briefly on some of the highlights of the Veterans Administration budget which the President has requested for Fiscal Year 1971.

I think it is appropriate that I do so at this conference. Granted the indispensable importance of personal concern and compassion and dedication, by you members of the VFW, and by our employees in the Veterans Administration, money is still needed to make the wheels of service to veterans go 'round.

To begin with, the $8.635 billion in total VA appropriations which the President requested is the most money ever sought for veterans in the history of the nation. It is $347 million more than the appropriations for the Veterans Administration in the current fiscal year. Translated into specifics, this budget, if approved by the Congress, will provide: compensation payments totaling $31 billion to 2.5 million veterans and survivors of deceased veterans for service-connected disabilities and death; pension payments totaling $2.3 billion to 2.3 million disabled veterans and veterans' widows and children in financial need; combined compensation and pension payments in FY '71 will be up more than $142 million over the current fiscal year; increased education and training assistance for 1.5 million veterans and 68,000 sons, daughters, widows and wives of deceased or seriously disabled veterans, with readjustment benefits being increased by $139 million.

The $1.702 billion requested for the VA hospital and medical care program in fiscal '71 is also the highest appropriation request in the history of VA medicine. This sum is $160.5 million more than the original appropriation requested for VA medicine in the current fiscal year, and almost $281 million more than for fiscal 1969. This record budget, if approved, will add a number of pluses to the VA medical care picture. One concerns VA hospital construction. Following on the heels of an appropriation of less than $8 million in fiscal 1969, and the government-wide moratorium on most construction projects this year, we have asked for $59 million for construction in the next fiscal year. Coupled with unexpended funds carried over from this year, this request will enable us to obligate $120.4 million for construction in fiscal '71, thus assuring the largest volume of VA construction placed under contract in 21 years.

Of more immediate interest . . . is the approval which the VA received just last week to ask Congress for another $15 million to become available in the quarter starting this April 1. Some $9.8 million, or almost two-thirds of the approved amount, will be earmarked for our dental outpatient program. We will be able to complete 50,000 additional fee examinations and 45,000 more treatment cases . . . reducing our workload to a normal operating level considering the present, unprecedented demands. Another $3 million will go for specialized medical services. In a word, instead of waiting until the next fiscal year, this money can be devoted to fully staffing specialized units, including pulmonary function, alcoholism treatment, day hospital treatment and speech pathology units, as well as another spinal cord injury center, plus more than 600 coronary and intensive care beds.

Some $200,000 will help us beef up the staffs at our six existing spinal cord injury units by 71 full-time employees; $1 million will go into the home dialysis program, and another $1 million will help meet increased demands for drugs and medicines.

CAMPAIGN GM—II

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. ROSENTHAL. Mr. Speaker, on February 24, 1970, I included in the Extensions of Remarks of the RECORD an account of Campaign GM, an effort of the Project on Corporate Responsibility to engage the active participation of the General Motors Corp. in the issues of mass transit, air pollution, auto safety, and general corporate responsibility for its behavior in the economic and political societies in which it operates and which, to an important extent, it dominates.

Campaign GM submitted to General Motors a series of resolutions for consideration at the corporation's May 22, 1970, meeting. The organizers of the campaign are stockholders in the corporation as evidence of their willingness to abide by the rules of the corporate system in which General Motors operates.

Unfortunately, General Motors Corp. has flatly rejected the initiative of these stockholders as the following statement by the Project on Corporate Responsibility indicates. I am disturbed by this development which seems to reflect an unwillingness by General Motors to take proper account of a rising indignation by the public, including corporate stockholders, at the social and political irresponsibility of many elements of American business.

The statement of the Project on Corporate Responsibility follows:

STATEMENT BY CAMPAIGN GM, MARCH 5, 1970, WASHINGTON, D.C.

During the past few weeks the Project on Corporate Responsibility, a General Motors' shareholder, asked General Motors to give its shareholders an unprecedented opportunity to vote on nine proposals involving corporate decisions of vast importance.

Monday morning, we received General Motors' answer—management flatly rejected each of the proposals. In more than 300 pages of materials—including 71 pages of legal memoranda and more than 250 pages of what it calls "exhibits"—management declared that issues like air pollution and auto safety are no concern of shareholders.

Today we are taking the highly unusual step of releasing our opponents arguments to the press. We do so because General Motors has failed to go directly to the public itself. Reporters who have asked General Motors for these documents have so far been unable to get them. Management apparently continues to believe that it runs a private government where decisions of national importance can be made behind closed doors. Living in remote cubicles of power these decision-makers have become isolated and stale, their decisions unresponsive to public needs. We intend in this campaign to throw open those doors of power and expose the men who live there to the sunshine of public debate.

Shareholders, they say, can vote on complicated financial issues which practically no one understands—but not on corporate decisions which people really care about, such as safe cars and clean air. General Motors has been content to mesmerize its stockholders with the illusion of corporate democracy. For instance, in an unflagging reaffirmation of its faith in the common stockholder, the company annually submits the name of its corporate accountants for shareholder approval. In 1968, the Corporation submitted the following proposal for shareholder approval: to "Amend charter to provide limited waiver of right to subscribe to convertable obligations—for possible foreign financing." But now, the company refuses to submit a proposal which says that nothing the Corporation does shall be detrimental to the public health, safety or welfare, or violate any laws. Clearly General Motors is threatened by the possibility that, for the first time in its corporate history, stockholders will express an opinion on matters which really count.

In its materials, General Motors does not deny that it could allow shareholders to vote on these proposals. Clearly they could, if they wanted. They chose instead to omit the proposals and then to contend that neither state nor federal law can force them

to let shareholders vote on these proposals. In effect they say that there is no Voting Rights Act for shareholders. They may or may not be right. The laws have not been fully tested. We do not think much of the largest corporation in the world thumbing its nose at its owners and saying—look, we don't have to let you tell us what you think. No congressman, no senator, indeed not even President Nixon could say that to the public. Most of management's response strikes us as the long-winded work of high-priced lawyers from the best law schools who want to impress their clients and frighten their opponents with the sheer mass of paper, and their familiarity with corporate jargon which has worked in the past to secure their clients from public accountability.

But we are not impressed. We know about this junk. We all came out of the same legal community as General Motors' lawyers before taking our present jobs. We intend to fight in every available forum for the right of shareholders and the public to have an effective voice in making corporate policy.

Today, we are privileged to announce that Mr. Abraham Pomerantz of New York, one of America's leading advocates of shareholder rights, has agreed to represent us in this legal struggle. He will be assisted by our Washington counsel, Professor Donald E. Schwartz of the Georgetown University Law Center. (Ironically, General Motors' lawyers have referred to a book co-authored by Mr. Schwartz, *Manual for Corporate Officers*, in their memorandum.) They will be assisted by a team of lawyers in New York and in Washington. All of these lawyers have agreed to represent us free of charge because they share our view that these issues are so important that they must be litigated, and that public minded efforts such as ours cannot be discouraged for lack of available legal talent.

We have asked Mr. Pomerantz and Mr. Schwartz to begin negotiations with the Securities and Exchange Commission in an effort to require General Motors to include these proposals in its shareholder materials. These discussions are currently underway, and we hope they will soon be resolved. In the event the SEC does not require General Motors to include the proposals, our lawyers are prepared to take these issues to court. If need be, we will seek an injunction to postpone the May 22d shareholders meeting until these issues are resolved.

PROJECT ON CORPORATE RESPONSIBILITY,
Washington, D.C., February 17, 1970.

Mr. GEORGE W. COOMBE, Jr.,
Secretary, General Motors Corp.,
New York, N.Y.

DEAR MR. COOMBE: Enclosed please find copies of six resolutions which the Project on Corporate Responsibility, as a shareholder of record, intends to introduce at the annual shareholder meeting in May. Should management oppose these proposals, we would expect you to include the enclosed 100 word statements in support of the resolutions as is required by law.

These resolutions deal with issues of fundamental importance to the Corporation and the public: air pollution, auto safety, mass transit, car warranties, occupational health and safety, and equal opportunity.

We believe that you are legally obligated to include these resolutions in the proxy materials sent to our shareholders. Certainly, you have the power to do so. It is time that General Motors acknowledge the massive social consequences of its decisions and permit the shareholders, as owners of the company, to participate in making these decisions.

Sincerely,

GEOFFREY COWAN,
For the Board of Directors.

[Submitted by Project On Corporate Responsibility, Feb. 17, 1970]

RESOLUTIONS

Resolved, That General Motors announce and act upon a commitment to a greatly increased role for public mass transportation—by rail, by bus, and by methods yet to be developed.

STATEMENT IN SUPPORT

General Motors is publicly opposed to diverting to public transportation any part of the more than thirteen billion dollars annually generated in automobile-related taxes. While GM lobbies with the government, our cities are being destroyed by too much pollution, pavement, and traffic. With imaginative mass transit, travel would be faster, more convenient, and less costly to society. As the nation's largest transportation corporation, GM should take the lead in helping to develop new modes of mass transit.

Resolved, That, by January 1, 1974, all General Motors Vehicles be designed so as to be capable of being crash-tested—front, rear, and side—against a solid barrier at sixty miles per hours, without causing any harm to passengers wearing shoulder restraints.

STATEMENT IN SUPPORT

The National Highway Safety Bureau has already crash-tested domestically-manufactured vehicles with "marked modifications" at forty-seven miles per hour, without harming passenger, according to Robert Carter, chief of the Vehicle Structures Division. These cars, with much-strengthened frames, are not immediately marketable because of lead time required for design, Carter says. But the technology exists, and Carter expects successful tests at sixty miles per hour within one year. General Motors should have developed such a car itself. Now, it should at least make the necessary modifications on all its cars by 1974.

Resolved, First, that General Motors support and commit whatever funds and manpower are necessary to comply with, the vehicle emission standards recently recommended by the National Air Pollution Control Administration for the 1975 model year; and to comply with these standards before 1975 if in the course of developing the emission controls this is shown to be technologically feasible. Second, that General Motors commit itself to an extensive research program (with an annual budget as large as its present advertising budget of about a quarter billion dollars) on the long-range effects on health and the environment of all those contaminants released into the air by automobiles which are not now regulated by government. These would include, but not be limited to asbestos and particulate matter from tires. The results of this research would be periodically published.

STATEMENT IN SUPPORT

Experts in the National Air Pollution Control Administration consider its recommended standards technologically feasible by the 1975 model year; General Motors should do everything possible to develop the necessary devices, and to make sure they continue to control emissions after 50,000 miles, with one tune-up at 25,000, which their present cars often do not do. But the government's regulations cover only three pollutants—hydrocarbons, carbon monoxide, and oxides of nitrogen. General Motors is not known to have spent anything studying potentially serious pollutants not regulated by the government like asbestos, and tire particulate matter. GM should start regulating itself.

Resolved, That first, the warranty for all General Motors cars and trucks produced after January 1, 1971, be written to incorporate the following:

(1) General Motors warrants that the vehicle is fit for normal and anticipated uses for a period of five years or 50,000 miles, whichever occurs first.

(2) General Motors will bear the cost of remedying any defects in manufacture or workmanship whenever or wherever they appear, for the life of the vehicle. Neither time nor mileage limitations nor exclusions of successive purchasers nor other limitations shall apply with respect to such defects.

(3) General Motors accepts responsibility for loss of use of vehicle, loss of time, and all other incidental and consequential personal injuries shown to have resulted from such defects.

Second, General Motors raise its reimbursement rates to dealers on warranty work, making them competitive with other repair work.

STATEMENT IN SUPPORT

Inevitably, some cars are so bad that replacing parts won't help. At present, GM bears no responsibility for such "lemons." Under (1) GM would replace these cars. (2) and (3) are revisions of present warranty provisions, aimed at relieving the heavy burden now imposed on car owners through no fault of their own. The second part, on raising reimbursement rates, would make dealers less reluctant to take on warranty work than a 1968 FTC staff report indicates they now are.

Resolved, That General Motors undertake to monitor daily the in-plant air contaminants and other environmental hazards to which employees are exposed in each plant owned or operated by General Motors; that the Corporation report weekly the results of its monitoring to a safety committee of employees in each plant; that if such monitoring discloses a danger to the health or safety of the workers in any plant, or in any part of a plant, the Corporation shall take immediate steps to eliminate such hazard, and that no employee shall be required to work in the affected area so long as the hazard exists.

STATEMENT IN SUPPORT

For the most part, General Motors has been an industry leader in providing health and safety mechanisms to its employees. But often the need for safety improvements has been subordinated to the Corporation's concern for production and profit. To date, GM has given too little consideration to the affects of in-plant air contamination which may harm both workers and the immediate community near the plant. Employees must be informed of potential hazards in order to take effective action to help prevent or eliminate them. If adopted, this resolution will enable employees to participate directly in alleviating these health hazards.

Resolved, That General Motors take immediate and effective action to allot a fair proportion of its franchised new car dealerships to minority owners; furthermore, that General Motors act to increase significantly the proportion of minority employees of General Motors in managerial and other skilled positions.

STATEMENT IN SUPPORT

As of January, 1970, GM had seven nonwhite dealers out of an estimated 13,000. GM would have to increase this number sixty-fold—to over 400—to achieve the ratio of nonwhite businesses to all U.S. businesses. A fair proportion would be larger still—perhaps approximating the percentage of nonwhites in the population. Also, while GM in recent years has hired many more nonwhites proportionately than before for unskilled and semi-skilled positions, its record in skilled and managerial jobs remains poor. The most recent public study indicates that in 1966 GM trailed both Chrysler and Ford in these categories.

ISRAEL'S DEFENSE NEEDS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. RYAN. Mr. Speaker, the administration's delay in reaching a determination as to the sale of jet aircraft to Israel is of increasing concern. The delay would appear to indicate that there is some question within the administration as to whether to respond affirmatively to Israel's request.

During his January 30 news conference, the President promised to make a decision "within the next 30 days." Yet, on March 1, the White House announced that no decision had yet been reached and that, according to an article appearing in the March 2 edition of the New York Times by Peter Grose, "all the options were before the President for a thorough review of the Arab-Israeli strategic balance." Still no decision has been forthcoming.

House Concurrent Resolution 511, in which I joined on February 18, calls upon the President to consummate the sale to Israel of the jets. While I have full confidence in the brilliant ability of the Israelis to defend themselves and to employ their strategic and military expertise expertly in defense of their very existence, I believe that Joseph Alsop, in his column in the March 11 edition of the Washington Post, states the case well and concisely:

> By shining courage and tremendous skill in combat, the Israelis today enjoy air superiority. But that cannot endure indefinitely, as the stock of aircraft dwindles . . .
>
> If Israel ever loses air supremacy, furthermore, all will be lost against the numerically superior Arabs. So the refusal the President is mulling over, if persisted in, amounts to a sentence of death at long term.

An immediate and affirmative response by the President is necessary to help insure Israel's survival.

Mr. Alsop's column follows:

[From the Washington Post, Mar. 11, 1970]

ISREAL'S CONTINUED SURVIVAL THREATENED BY SOVIET UNION

(By Joseph Alsop)

Unless the President's present inclination is changed by new developments, he will end by refusing to permit Israel to buy the American aircraft that Israel needs for survival.

As any Nixon-watcher can imagine, the refusal, if it comes, will surely be blurred. There will be a promise of a later review of the question. Or there will be an assertion that the planes are not needed immediately, but may be provided later if this is necessary to maintain a "reasonable military balance in the Middle East." But the betting is on a refusal, at least for now.

The sick climate causing the President to incline to turn down the Israeli request, has already been analyzed in the last report in this space. It remains to be seen why Israel's very survival will be endangered if the President sends a "no," however prettily wrapped up, to Prime Minister Golda Meir. There are two aspects, here.

First of all, few people in this country understand the vital importance to Israel of the forward policy of deep air penetrations, particularly over Egypt, that Israel adopted some time ago. This was, quite simply, the only possible response to Gamal Abdel Nasser's intoxicated proclamation of a "war of attrition."

Even in its first, more costly phases, the losses inflicted on Israel by Nasser's "war of attrition" seemed trivial to people in America. But it must be remembered that for little Israel, a weekly toll of 20 men on the Sinai front is precisely equivalent to a weekly toll of 1,800 Americans killed in combat.

If we had to choose between losing 1,800 men a week, or adopting a forward military policy against a hate-swollen enemy, we should not hesitate for an instant. That was the true nature of Israel's choice. The forward policy has also succeeded, reducing the losses from the supposed "war of attrition" to near zero.

Yet the forward policy also inflicts its own inevitable but quite different attrition—on Israel's slender stock of first class fighting planes. By shining courage and tremendous skill in combat, the Israelis today enjoy air supremacy. But that cannot endure indefinitely, as the stock of aircraft dwindles.

Hence, Golda Meir asked permission to buy more Phantoms and Skyhawks—a pitifully small number—in order to be sure of having a sufficient stock of aircraft a year and more from now.

If Israel ever loses air supremacy, furthermore, all will be lost against the numerically superior Arabs. So the refusal the President is mulling over, if persisted in, amounts to a sentence of death at long term.

As to this dark and tragic matter's other aspect, it concerns the Soviet role in the Middle East. The Arabs, it must be understood, are not the enemies Israel mainly needs to worry about. The real threat to Israel's survival is the Soviet Union.

By now, to begin with, the proof is clear that the Soviets were the sole instigators of the Six Day War. Nasser made the threatening moves that directly caused the war. But the puppet, Nasser, only moved because of false Soviet encouragements and grossly fabricated Soviet intelligence reports. These were motivated, in turn, by a wildly incorrect Soviet estimate of the Middle Eastern balance.

When the six day war ended, a true peace was within Israel's grasp. No doubt Israel did not grasp for peace as boldly as was desirable. Yet it was the Soviet Union which hastened to destroy all the conditions which made peace possible.

Like someone blowing poison gas into discarded balloons, the Kremlin re-inflated the Arabs militarily and politically. The Kremlin also approved Nasser's first breaches of the U.N. cease-fire—which Israel would still like to restore. And the Kremlin, once again, was certainly a party to the final, flagrant denunciation of the ceasefire as a deadletter, and the simultaneous declaration of the "war of attrition."

Today, moreover, the Kremlin is still pondering exactly how to deal with the success of Israel's forward policy. Nasser is already getting far more Soviet arms. But the Kremlin may go still further, beginning direct Soviet involvement in the fighting, by partly or entirely taking over Egypt's air defense.

If we ever see this particular thin end of the wedge, the peril to Israel will be dreadful indeed. Yet the policy of weakness, which the President is now thinking about, will actually invite Soviet insertion of the thin end of the wedge.

For the long pull, in fact, it is a matter of life or death to make the Soviets realize they are playing a deadly dangerous game. And that can only be accomplished by American strength and firmness, which we now need to show, to serve our own hard national interests.

FOR SPEEDY TRIALS, AGAINST UNLIMITED PREVENTIVE DETENTION FOR THE DISTRICT OF COLUMBIA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. MIKVA. Mr. Speaker, the House will soon be called upon to consider the District of Columbia Court Reorganization and Criminal Procedures Act of 1970. That bill contains a number of so-called anticrime provisions of doubtful constitutionality and wisdom. By far the most doubtful on both counts is preventive detention.

I will offer an amendment when the bill, H.R. 16196, is considered on the floor of the House in order to insert a requirement for speedy trials in the District of Columbia, thus reducing the need for radical measures such as preventive detention.

Moreover, because preventive detention turns around the traditional presumption of innocence, historically so important a part of our criminal jurisprudence, and says in effect as to certain defendants "you are guilty until proven innocent," I believe we must limit our use of pretrial detention as much as possible. As we know, pretrial detention—denial of bail—is already possible in capital cases. My amendment will limit the sweeping preventive detention provision in the committee bill to coverage of only the most dangerous defendants—narcotics addicts, probation and parole violators, and defendants who threaten witnesses and jurors.

Because I did not have an opportunity to testify before the District of Columbia Committee or its subcommittees while preventive detention was being considered—although I requested such an opportunity—I would like to explain here the constitutional and public policy rationale against unlimited preventive detention and in favor of my amendment: Speedy trials and limited pretrial detention for only the most dangerous defendants.

THE COMMITTEE BILL

The subject of how most effectively to control crime by defendants released prior to trial is, indeed, a difficult one. I have read the committee bill H.R. 16196; I have read the Department of Justice's legal memo in support of preventive detention; I have read the Supreme Court cases interpreting the eighth amendment and discussing the role of bail and pretrial release in our criminal justice system. There is absolutely no question in my mind that preventive detention could never survive judicial scrutiny on constitutional grounds. To be entirely frank I am not even certain, based on the Court's decision in *Stack* v. *Boyle*, 342 U.S. 1 (1951), that provisions of the existing Federal Bail Reform Act can pass constitutional muster. As the Court said in that case:

> The right to release [not to bail, to release] before trial is conditioned upon the

accused's giving adequate assurance that he will stand trial and submit to sentence if found guilty . . . Bail set at a figure higher than an amount reasonably calculated to fulfill this purpose is "excessive" under the Eighth Amendment. (342 U.S. at 4–5.)

If assurance of appearance at trial is the only basis on which bail may be set, and if an amount in excess of what is required to provide such assurance is constitutionally unacceptable, then a fortiori, a restriction on a defendant's release prior to trial which goes even beyond setting of excessive bail would be unconstitutional.

CONSTITUTIONAL ARGUMENTS

A. THE EIGHTH AMENDMENT

It is difficult for me to understand how any lawyer who has read the case of Stack against Boyle could argue that preventive detention is constitutionally permissible. Perhaps the author of the Justice Department's memo did not read that case, since the memo relies primarily on a civil case relating to deportation of aliens—persons not even citizens of the United States, *Carlson* v. *Landon*, 342 U.S. 524 (1951). The Justice Department memo makes only one passing reference to Stack against Boyle, the controlling precedent interpreting the eighth amendment.

As to the appropriateness of inferring the need for high bail from the nature of the offense or the fact of indictment, the Court said "To infer from the fact of indictment alone a need for bail in an unusually high amount is an arbitrary act. Such conduct would inject into our own system of government the very principles of totalitarianism which Congress was seeking to guard against in passing the Smith Act under which the petitioners have been indicated." 342 U.S. at 6.

B. THE ERRONEOUS ASSUMPTION

Buried in the middle of a paragraph on page 2 of the Justice Department memo is a sentence which contains the crux of its constitutional argument on preventive detention. The memo asserts:

It is only reasonable to conclude that anticipated danger to other persons or the community was a substantial motivating factor in making these dangerous offenses, non-bailable.

Such a conclusion may be reasonable, but historically and constitutionally it is unfounded. Prospective danger of a released defendant has never been a part of the rationale of bail. The Court made this clear in Stack against Boyle, as do other cases to which I might call the subcommittee's attention. I have a legal memo in rebuttal to the Justice Department's memo which contains references to these cases clearly setting forth the rationale of bail.

C. THE DUE PROCESS CLAUSE

There are several reasons why the proposed preventive detention violates the fifth amendment's guarantee of due process of law. First, in the absence of statistics demonstrating the incidence of crime by defendants released prior to trial, it is impossible to show a rational connection between detention of certain defendants and the danger sought to be protected against. In the second place, the bill permits detention for some crimes, or alleged crimes, which are neither violent nor dangerous. Finally, since a pretrial determination would, in effect, be a small trial in which the judge must consider the likelihood of the defendant's guilt, any such procedure which did not meet the constitutional prerequisites for a guilt-determining procedure—that is, a jury trial—would violate due process of law.

The cases which the Justice Department memo cites to prove the due process acceptability of preventive detention are all inapposite. The central objection to attempting to import preventive detention into our system of criminal justice is that it is totally at odds with the basic tenet of that system—that we rely on the threat of the criminal sanction to deter crime. Preventive detention, by contrast, relies on prior restraint to prevent crime. The cases which the Justice Department cites are all situations in which the deterrent effect of the criminal law is no longer a consideration—such as when the defendant is insane, when he has already been convicted, when he has made threats against witnesses or jurors, and so on.

D. PRESUMPTION OF INNOCENCE

The Justice Department memo gives the presumption of innocence short shrift as "simply a rule of evidence." In fact, the presumption of innocence is far more than a rule of evidence; it is the spirit which underlies the entire system of American criminal justice; it is the cardinal principle of Anglo-Saxon jurisprudence. Not only would pretrial detention of accused defendants violate his right to assist in preparation of his defense, it would change the whole nature of our system of criminal procedure. It is hard to think of a principle which is more basic to that system than the idea that a man is not jailed until he is convicted by a jury of his peers.

Perhaps the layman's view of how our legal system works is more helpful here than the nice distinctions of the lawyer. Ask the man on the street what separates the American legal system from that of totalitarian societies. He will tell you, "It's because under our system a man is innocent until he's proven guilty; he can't be sent to jail until a jury finds him guilty." Thus, the presumption of innocence is far more than "simply a rule of evidence." As the Supreme Court has noted, preventive detention "would inject into our own system of government the very principles of totalitarianism which Congress was seeking to guard against in passing the Smith Act." The way we determine that a man must be put in jail under our system is called a jury trial; it is not a pretrial determination by an official of the State, based on fragmentary evidence about the man and the act of which he is accused.

But as fundamental to our system as the presumption of evidence has always been, the Justice Department bill reduces it to "simply a rule of evidence"; and then it goes even further and abolishes even that rule of evidence as to certain defendants. That is quite an accomplishment for one bill.

The Supreme Court summarizing nearly two centuries of Federal law has said, and the present Federal Rules of Criminal Procedure, approved by Congress, now say:

A person arrested for an offense not punishable by death *shall* be admitted to bail. Rule 64(a)(1) (emphasis added).

This is certainly more than "simply a rule of evidence."

Moreover, once preventive detention was established it would generate a momentum of its own which would erode the presumption of innocence even further. The judge faced with the necessity of making a determination on whether to release a defendant prior to trial would never know when he erred on the side of overcaution and incarcerated a man who would not have been dangerous if released. But every time a judge released a man that did commit another crime, he would hear about it. Thus the temptation would gradually become overpowering to always err on the side of overcaution, to always put a man away if there was the slightest doubt. After all, if a released defendant commits a crime, everybody screams—the public, the newspapers, the police. But when a nondangerous defendant is sent to jail before his trial, so the judge can protect himself from criticism for being too lenient, the only people who scream are the defendant, his family, and his lawyer.

Thus to enact preventive detention is not merely to contravene the presumption of innocence for a single time and for a limited group of defendants. It is to promote a revolution in the very nature of our criminal justice system.

THE PUBLIC POLICY ARGUMENTS

There are, of course, a number of reasons beyond the constitutional reasons that make preventive detention a bad policy. In the first place, if we were to recommend this device, and Congress were to enact it, we would have done so without the hard empirical evidence which one needs to justify so fundamental a change. Attorney General Mitchell has admitted that no one has accurate statistics on the incidence of crime by defendants released prior to trial. The constant resort to "commonsense" or "the experience of experts" simply covers up the absence of statistical data to tell us how serious a problem we are dealing with.

Then there are all the practical considerations, obstacles of time, manpower and facilities. The procedures in the committee bill might well require separate bail determinations and preventive detention determinations, for the simple reason that the information necessary to make a preventive detention determination would not be available soon enough to allow the defendant to be brought before a commissioner "without unnecessary delay," as required by rule 5 of the Federal Rules of Criminal Procedure. Thus there would be two hearings instead of one. Untried defendants detained prior to trial might well have to be kept in separate facilities to meet constitutional requirements, assuming that detention is allowed at all. Even if they were not, they would further overcrowd already overloaded jails and lockups. The additional administrative burdens on courts, bailiffs and mar-

shals—for which no provision is made in the bill—would be enormous. Moreover, the bill would allow detention for only 60 days. With no provision for implementing or even encouraging speedy trials, 60 days protection is as good as no protection since the defendant probably would not be brought to trial in that time anyway, even if his case were given priority.

Two examples which I culled from recent news reports will serve as instructive examples. A recent Philadelphia Inquirer article noted that a man arrested on January 23, 1969, for stabbing a victim was released on $2,000 bail. In November, 10 months later, he was again arrested for another stabbing. The police and the editoralists point to this as an example of where preventive detention is needed. But the Committee bill would have provided no protection here. That bill allows detention for up to 60 days. In Philadelphia, as in almost every jurisdiction in the country, it is impossible to bring a criminal case to trial in 60 days. With no specific requirements for speedy trials, 60-day detention will not provide any more protection than no detention. But speedy trial and a bail system with sufficient resources to administer it properly would.

A much reported case recently told of a man who was charged by neighborhood children of having placed razor blades in the apples he gave them on Halloween. The judge said to the defendant:

We should put people like you in jail and throw away the key.

If that judge had had preventive detention at his disposal, he probably would have put that defendant in jail and thrown away the key—at least for 60 days. The catch is that it later turned out that the story had been completely fabricated by the children. But the judge did not know that, and he would not have known it at the time a preventive detention determination needed to be made. That kind of experience would become a commonplace if preventive detention was a part of our legal system.

But the most compelling "practical" consideration to me is related to the constitutional objections I voiced earlier. If we enact a scheme for preventive detention, I have absolutely no doubts that within 2 years—or however long it takes a case to get to the Supreme Court—we will have to start over again to deal with the problems of pretrial crime. In other words, preventive detention will last about as long as it takes a case challenging it to reach the Supreme Court. When that happens, 2 or 3 years hence, we will have to start all over again without being one whit the wiser about how much pretrial crime there is, what are workable ways to solve the problem consistent with the Constitution, or how we can speed the trial of criminal cases.

In my opinion we can use that 2 or 3 years much more valuably. We can insure that we have data at the end of that time. We can take concrete steps to help control pretrial crime. And we can do all this in a way which deviates far less than preventive detention will from what we already know is constitutional.

AMENDMENT TO COMMITTEE BILL

The basic problem which the committee proposal for preventive detention tries to solve is the unconscionable delay between a criminal defendant's arrest and his trial. This extended period between arrest and trial—between crime and punishment—has two harmful effects. First, it destroys almost entirely the deterrent effect of the criminal sanction, the very effect which we have traditionally relied upon to protect us against antisocial behavior. Second, the long delay between arrest and trial exposes society to the danger which a guilty defendant may present for an extended period, not days or weeks, but months and years.

The primary means which we should rely upon to remedy this fundamental defect in the functioning of our criminal justice system is a congressionally mandated requirement for speedy trials. Such a system would not only implement the sixth amendment's express guarantee of a speedy trial, it would help to provide Congress with the information we need to begin furnishing adequate resources to the District of Columbia courts. I will offer an amendment when H.R. 16196 is considered on the floor to establish a workable system of speedy trials, make some small substantive changes in the bail procedures in the committee bill, and narrow the coverage of preventive detention.

SPEEDY TRIAL

The amendment will establish a workable system of time limits within which criminal defendants in Federal courts would have to be tried. It would phase these limits in over a period of 18 months, and would at the same time require the District of Columbia courts to formulate plans to meet the time limits established. The limits for crimes of violence would be 60 days; for all other crimes 120 days. The limit for violent crimes would apply to all informations and indictments filed more than 6 months after the effective date of the District of Columbia Court Reorganization Act; the limit for all other crimes to those filed more than 12 months after such effective date. The effective date for speed trial requirements could be suspended by the Judicial Conference at the request of the chief judge of the court concerned. Such request, a copy of which would go to the Attorney General, would specify the additional personnel and other resources necessary to make compliance with the time limits possible. Within 12 months of the effective date of the act, the Judicial Conference would be required to submit to Congress a recommendation covering additional authorizations and appropriations required for full compliance.

The sanctions on which the scheme relies are citation for criminal contempt in the case of the defendant and/or his attorney, and dismissal of the case with subsequent prosecution forever barred in the case of the Government.

Thus, the speedy trial amendment provides not only for limits, but for a rational means of adjusting those limits where necessary, and a feedback to Congress which will tell us what is needed to make the limits realistic. We will have the benefit, at last, of a report from the men on the frontlines—the judges, the U.S. attorneys, the defense counsels, the marshals, the probation supervisors, and the rest—of exactly what they need in order to bring criminal cases in the District of Columbia to trial within a reasonable time. This bill relies, then, on restoring what we have allowed to erode away—speedy trials in a system adequately staffed and provisioned to insure that justice is both swift and sure.

LIMITATION OF PREVENTIVE DETENTION

Equally important to insure the constitutionality of provisions to reduce pretrial crime is the limitation of preventive detention. As included in the committee bill, a defendant's "dangerousness" could be considered in setting pretrial release conditions no matter who the defendant was, what his previous record was, or what relation the finding of dangerousness had to other factors making the defendant a bad risk of flight. The importance of tying "dangerousness" determinations to risk of flight determinations is that we know that risk of flight is a valid constitutional ground for imposing restraints on a defendant's liberty. On the other hand, prospective "dangerousness" has never been a part of the rationale of bail, either historically or constitutionally. My amendment would, therefore, limit the consideration of a defendant's "dangerousness" in setting pretrial release conditions to those characteristics which also make the defendant a bad risk of flight. As any judge knows, many of the same factors which make a man likely to flee also make him dangerous. My amendment would say that to the extent that "dangerousness" factors and "risk of flight" factors overlap, they may both be considered.

More important, my amendment would limit the all-inclusive sweep of the committee's preventive detention proposal. The committee bill applies preventive detention to: First, all defendants accused of dangerous crimes; second, violent crime second-offenders who are dangerous; and third, defendants who threaten witnesses or jurors. My amendment would limit preventive detention coverage by eliminating the first group—those accused of "dangerous" crimes—by limiting the second group to probation and parole violators charged with violent crimes and found to be "dangerous." The third group—juror and witness threateners—would still be covered.

In addition, under other provisions of the committee bill which my amendment would not change, narcotics addicts could be preventively detained for treatment, and all defendants released prior to trial would be subject to supervision and control of the District of Columbia Bail Agency. This latter provision for supervision of defendants during pretrial release means that for the first time in the District of Columbia, there will be some way to make really effective the conditions on pretrial release which judges impose on defendants—conditions which may include such restrictions as return to custody after certain hours.

Thus while the committee bill offers sweeping preventive detention and no guarantee of speedy trials, my amendment would guarantee that violent crime defendants are tried in a maximum of 60 days, perhaps much less; that they would be subject to supervision during the entire period of their release; and that narcotics addicts, probation and parole violators, and defendants who threaten jurors and witnesses can be preventively detained with appropriate procedural safeguards.

That is essentially the choice: sweeping preventive detention with no guarantee of speedy trials, or express speedy trial requirements with limited preventive detention directed at especially dangerous defendants.

RECOMMENDATIONS OF THE PRESIDENT'S CRIME COMMISSION

In 1966 the President's Commission on Law Enforcement and Administration of Justice completed what is probably the most comprehensive and thorough survey of our criminal justice system and its problems now in existence. In that report and its related task force reports, the President's Crime Commission discussed in detail the arguments for and against preventive detention. It specifically did not recommend instituting preventive detention. Instead it said:

> An intermediate position, short of a full system of preventive detention . . . [imposing] conditions on a person's release designed to reduce the likelihood of criminal acts pending trial should be tried. Task Force Report: The Courts, at p. 41.

While noting that such conditions might not prevent crime by persons committed to a life of crime—and we may assume that many of these would be detained anyway as probationers, parolees, or narcotic addicts—it offers great promise with respect to marginal offenders. The report continues:

> And while such conditions are by no means immune from constitutional challenge, they are less likely to be struck down on due process or excessive bail grounds than an authorization to incarcerate on the basis of predicted dangerousness." *Id.*

With respect to the pretrial release supervision such as would exist for the first time under the committee bill and which my amendment would retain—the Commission said:

> Experience with supervised release has been limited. . . . The potential for this method must be further explored. *Id.*

Finally, the Commission said as to speedy trials:

> Obviously an important step in reducing the danger of criminality by released defendants is to shorten the time between arrest and trial.

It may have been "obvious" to the President's Crime Commission, but the committee bill does not even hint at speedy trial. This important step is at the very heart of my amendment.

DISTRICT OF COLUMBIA CRIME COMMISSION RECOMMENDATIONS

In early 1967 the President's Commission on Crime in the District of Columbia made its report to the President. That report discussed at length the problems of defendants released prior to trial and the threat they present to society. It contained the closest thing we have to statistics on such crime—and even these statistics are incomplete. As three members of the Commission pointed out, these statistics demonstrate indisputably that while the rate of violent crime by men released prior to trial may be disturbingly high at 4.5 percent, there is absolutely nothing to indicate that the offense on release could have been predicted. We all agree that crime by persons released prior to trial is undesirable. But preventive detention assumes that it is also predictable. The District of Columbia Crime Commission's statistics show that this is not true for the District of Columbia.

The Commission made five recommendations for dealing with the problems of crime by defendants released prior to trial. Four of those recommendations—the only ones which were made unanimously by the Commission—are covered in one way or another by the committee bill as improved by my amendment:

First, that judges be allowed to consider danger to the community in setting pretrial release conditions;

Second, that additional penalties be provided for crime committed while on pretrial release;

Third, that speedy trials be guaranteed; and

Fourth, that provision be made for supervision during pretrial release and that modification or revocation of release conditions be allowed.

The only recommendation which I believe should be significantly limited is preventive detention, a recommendation made by a divided Commission which admitted the constitutional problems raised. The committee bill, on the other hand, does nothing about speedy trial, but accepts the Commission's questionable recommendation of preventive detention as the principal answer to the problem of pretrial crime. I submit that this is an indefensible reversal of priorities in following the Commission's recommendation. It puts the last recommendation first. It puts the recommendation of a divided Commission before two unanimous recommendations which, if implemented, might well make preventive detention unnecessary. It places principal reliance on a recommendation which is of very doubtful constitutionally over others far less subject to constitutional challenge.

SIGNIFICANCE OF HOUSE ACTION

This problem of what can constitutionally and wisely be done to control crime committed by defendants released prior to trial is not an easy problem, as all who have studied it admit. With only fragmentary or nonexistent data on which to base our decisions, we are asked to provide procedures which may very well change radically the nature of our whole system of criminal justice from what it has been for almost 180 years. I believe that all of us can agree that speedy trials are desirable. I believe that pretrial supervision by the District of Columbia Bail Agency can serve a tremendously useful purpose in providing us with further information on the nature and extent of crime by defendants released prior to trial. The fact is that we just don't have this kind of information now. Moreover, pretrial supervision by the District of Columbia Bail Agency can serve as an experiment in assessing the effectiveness of constitutional pretrial controls.

The issues with which we are dealing here are too important, too fundamental to the kind of society in which we live, to act without examination of all possible alternatives. If a change from the present procedures is necessary, and I tend to believe it is, then that change ought to be as small a deviation as it can be from the procedures which we know are constitutional—and still be effective.

The responsibility which we in this House bear is a heavy one. At issue are procedures and principles which have endured for almost two centuries. Nothing less than the basic policy of the Constitution and the federal government is at stake here. As the Supreme Court said in Stack against Boyle:

> From the passage of the Judiciary Act of 1789, . . . to the present Federal Rules of Criminal Procedure, Rule 46(a)(1), federal law has unequivocally provided that a person arrested for a non-capital offense *shall* be admitted to bail. This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction. . . . Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning. 342 U.S. at 4. (Emphasis in the original)

MORE ON YOUNG AMERICANS IN CANADA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. KOCH. Mr. Speaker, I continue to receive letters concerning my trip to Canada to learn about draft-age Americans who now live there. I thought it would be of interest to our colleagues to set forth some of the correspondence in the RECORD. Try as we might, this tragic problem cannot be ignored.

The letters follow:

COMMISSION ON INTERFAITH ACTIVITIES,
New York, N.Y., February 19, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have been following with a great deal of satisfaction the reports in the press, as a result of your recent visit to Canada, where you indicated that it is imperative that there be discussion by Americans of the situation of our young people who have fled there and the reasons for their emigration across the border. Your urging of the end of the war in Vietnam, your advocacy of the ending of the cool draft, your request that there be established a selective conscientious objector provision that would allow men to apply for this status from wherever they may be—prison, Canada or military service—are as courageous as they are necessary and timely. It is unfortunate that the press has identified you almost totally with your concerns for amnesty. Urging legislation for amnesty while the war is still going on and isolating it from your entire report is a distortion which, unfortunately, does a disservice to the logic of your argument.

I write now not only to express my personal support for your position but to encourage you to continue the call to the American people for an open discussion concerning the plight of our young men in Canada. I hope that you receive many such letters of support and that you will not be deterred in your efforts by those who might not see how that what you ask for is to their own individual lives and freedoms.

Sincerely, do I remain.

Rabbi BALFOUR BRICKNER.

THE UNITED CHRISTIAN MISSIONARY SOCIETY,
Indianapolis, Ind., February 19, 1970.

Hon. EDWARD KOCH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have read with interest and sympathy your report of a visit to the draft-age young men who have emigrated to Canada to express their opposition to war in general and to war in Vietnam in particular. The problem which you speak of so eloquently is one faced by many local ministers and regional and national church bodies today. Hardly a day goes by when we do not receive letters or telephone calls from ministers indicating that their young men want to seek qualification as a conscientious objector to war or, having been decried this, are considering either refusing induction or possibly emigrating to Canada. Since we are not an historic peace church the expression of this kind of sentiment among our churches is all the more alarming since it indicates that many young men raised in our church are taking their religious faith seriously and indicating that they cannot kill or take part in the machinery of war.

I found your program for ending the war, eliminating the draft, establishing a selective conscientious objection provision in the draft law, and amnesty one which I could support whole heartily. Our denomination passed a resolution in Seattle, Washington last August asking for repeal of the draft, and a year earlier we expressed our judgment that any draft law that was in effect should make provision for selective conscientious objectors. We only recently became involved with the men in Canada through the personal experience of young men of our denomination who have gone there sometimes because they saw no alternative at this time. Whether we agree with these young men or not is hardly the question. The highest authorities in our own denomination have expressed the feeling that we are mandated by our faith to minister to these young men and their families who are here in the United States.

Therefore, we are grateful to you, as a member of Congress, for taking a courageous step in offering a program that provides a way of dealing with this complex problem. Please let us know of any way in which we can be of assistance.

Cordially,

ROBERT A. FANGMEIER,
Director, International Affairs.

OPERATION CONNECTION,
Santa Barbara, Calif., February 17, 1970.

Hon. EDWARD KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have read with interest your speech made on Wednesday, January 21, as reported in the Congressional Record.

As an Episcopal bishop, I cannot overstate my gratitude to you for raising the need for sensible dialogue in tackling the growing problem of the exodus from the United States of so many young men. We do not like to think that we produce our own political refugees. Such an idea is an affront to our national ego. It produces, I realize, a reaction which often is very frightening because of its violence and hysteria.

The fact is, however, as you point out in your speech, that an infinitely larger number of young men than is generally realized have sought sanctuary in Canada. Whether we agree or disagree with their reasons, such young men are concerned about the issue of war and peace. Such concern is not likely to be abandoned or ignored. Most young men who go to Canada rather than have any part in what they regard as an immoral war represent some of our best educated potential for achieving a peaceful world. It is a fearsome thought that we think we can do without their contribution to the building of a more civilized society.

I hope that your concern will become reflected in more visits by Congressmen to meet with our young people in Canada. And I hope your concern will help generate much better information about why resisters to the war choose to go to Canada and sacrifice much of the American way of life for their convictions.

Above all, I hope that all of your well-stated proposals to end the war, to bring an end to the draft, and to establish selective conscientious objector provisions allowing men to apply for this status from wherever they may be at the present time, will be thoughtfully and rationally discussed by all concerned Americans.

Sincerely,

Rt. Rev. C. EDWARD CROWTHER.

UNITED CHURCH OF CHRIST, COUNCIL FOR CHRISTIAN SOCIAL ACTION,
February 13, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have read the report of your visit to Canada in the Congressional Record of January 21 and I wish to extend our heartfelt support for what you have done and are doing to help promote a better understanding of the plight in which these young exiles find themselves.

Our monthly magazine Social Action plans to devote its March issue to this important matter, entitled "The New Exodus". I am sure you will find it useful. We will send you a copy as soon as it is available. In the meantime, I am enclosing our February issue which, though dealing with Economic Justice for Blacks, contains a column of mine which attempts to help parents of exiles to understand what their sons have done. If you believe it to be of value, I would appreciate your putting it in the Congressional Record.

Members of my staff have been much interested in the draft exiles in Canada. We accompanied Dr. Robert V. Moss, the President of the United Church of Christ, as part of the visitation made to Windsor, Ontario, by a group of U.S. clergymen for a consultation with Canadian churchmen, sponsored jointly by the National Council of Churches and the Canadian Council of Churches early last December.

I am enclosing, also for your information, positions the United Church of Christ's General Synod has taken on matters related to the draft and selective conscientious objection.

Thank you for your interest and actions in these matters. Please do not hesitate to call on us if we can be of any service.

Very cordially,

LEWIS I. MADDOCKS.

CANADA TRIP

Excerpt: In regard to your Canada trip: As I said before, I am a lieutenant in the Army serving my two years of active duty, however, my sympathies and my ideological leanings are with the people you visited in Canada. I am very strongly opposed to the war in Vietnam and if I had followed the dictates of my conscience, I would probably be with them. I feel that my course was and still is by far the easier one to take. Thus, as you might expect, I was very pleased to hear of your trip to see these people and am completely in accord with your press conference statement, especially in regard to the eventual granting of amnesty. I am disgusted but not really surprised by the volume of hate mail you received on this matter and I wanted you to know that at least one of your constituents (who is in the Army besides) is 100% behind your actions.

Sincerely,

———, ———.

U.S. ARMY TRAINING CENTER,
INFANTY,
Fort Dix, N.J., January 1, 1970.

DEAR CONGRESSMAN: I have just viewed the evening television news and am elated to have seen an interview in which you put forth your views on the young men who have fled to Canada to avoid fighting in a truly immoral war. At long last someone of the legislative elite has seen fit to first-hand study this problem of conscience and moral conflict and further to intelligently propose a just (and, in fact, the only) solution. It is apparent that these emigrants had no alternative other than to follow the sagely advice of Albert Einstein who once said, "Never do anything against conscience, even if the state demands it."

As an American citizen, a member on active duty in the Armed Forces, and as an individual who heavily weighed all the alternatives to conscription, I wholeheartedly agree with your proposal and will, in turn, write to my own Congressman in an effort to solicit his support.

If I can in any way aid you in your fight for political amnesty, please feel free to contact me.

Thanking you for your concern, I remain,

Very truly yours,

———, ———.

LEGISLATION TO REDUCE URBAN CRIME

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. FARBSTEIN. Mr. Speaker, no more urgent need faces our Nation than to provide the mechanism to help release our neighborhoods and communities from the grip of crime.

Crime is a danger that affects all segments of our society. Important as the actual physical danger it presents is the psychological fear which keeps our citizens off the streets at nights and away from public facilities even during the daytime.

Crime, however, is overwhelmingly an urban phenomenon. According to the task force report of the National Commission on Causes and Prevention of Violence, Crimes of Violence, the rate of violent crime in cities over 250,000 is seven times that of communities with a population under 10,000:

VIOLENT CRIME IN THE CITY—VIOLENT CRIME BY CITY SIZE (U.S. 1960 AND 1968)

[Rates per 100,000 population]

Cities	1960	1968
Over 250,000	293.7	773.2
100,000 to 250,000	154.0	325.3
50,000 to 100,000	104.3	220.5
25,000 to 50,000	70.1	150.8
10,000 to 25,000	57.3	126.6
Under 10,000	47.7	111.4
Suburban	(1)	145.5
Rural	(1)	96.5

1 Not available.

REPORTED URBAN ARREST RATES FOR VIOLENT CRIMES BY AGE

Rate per 100,000 population U.S. 1967	Age	Increase in rate 1958 to 1967 (percent)
123.0	10–14	222.0
408.2	15–17	102.5
222.1	10–17	138.8
436.1	18–24	45.5
127.3	25+	41.1
189.1	(1)	65.7

1 All ages (10+).

NOTES

Violet crime in the city is overwhelmingly committed by males.

Violent crime in the city is concentrated especially among youths between the ages of fifteen and twenty-four.

Violent crime in the city is committed primarily by individuals at the lower end of the occupational scale.

Violent crime in the cities stems disproportionately from the ghetto slums where most Negroes live.

The victims of assaultive violence in the cities generally have the same characteristics as the offenders: victimization rates are generally highest for males, youths, poor persons, and blacks. Robbery victims, however, are very often older whites.

Source: Task Force Report, Crimes of Violence (National Commission on the Causes and Prevention of Violence).

The Safe Streets and Crime Control Act was enacted by Congress in 1968 to do something about this problem. It provided Federal funding for planning of and execution of programs to upgrade the quality of law enforcement. Eighty-five percent of the money allocated under this program must go to the States, which are required to establish boards to allocate at least 40 percent of the money to local governments. The allocation among the States is based on population.

Local government witnesses before the House Judiciary Committee charged last week that very little of this money is getting to the crime-ridden urban areas. Only eight States allocate crime funds on the basis of local crime rates.

In addition to bringing low per capita funding to large cities, recent reports by the National League of Cities and the Conference of Mayors have found the present allocation procedure:

First. Places few urban representatives on State boards allocating Federal crime money;

Second. Siphons off much of the crime money to unnecessary layers of bureaucracy; and

Third. Leads to the allocation of funds for uses considered by urban officials to be of low priority.

To turn this situation about, I am introducing legislation to give large cities direct access to funding for law enforcement activities under the Crime Control Act.

The bill is predicated on the premise that large cities, for purposes of the Crime Control Act, should be treated like States. Under the terms of the legislation, cities over 100,000 would be eligible for direct crime control funding, provided they have a violent crime rate at least 50 percent above the national average. The level of grants would be based on population. The amount going to the rest of the State would then be recalculated, subtracting the city's population.

The problem of urban crime is too important to be left in the hands to hostile State administrations. Through the approach of this bill, the problem can be dealt with without having to bribe, beg, or bluff the States into passing some of the Federal money on to the cities. By so doing, the money will go where it can best be used to reduce the spiraling crime rate in this country.

The full text of the report of National League of Cities and the U.S. Conference of Mayors on the Omnibus Crime Control and Safe Streets Act of 1968 follows:

STREET CRIME AND THE SAFE STREETS ACT—WHAT IS THE IMPACT?

(An examination of state planning and dollar distribution practices under the Omnibus Crime Control and Safe Streets Act of 1968.)

Crime has always been a subject of public concern, but in recent years this concern has risen in some areas to a state of alarm with demands for action by all levels of government to restore a general feeling of safety to America's streets. In the past three years three separate Presidential Commissions have studied problems relating to crime and issued reports recommending substantial, and costly, courses of action to deal with crime and the social conditions which create it. Such close and continued coverage of a subject by Presidential Commissions is unprecedented in the history of America.

The most recent of these Presidential Commissions, the National Commission on the Causes and Prevention of Violence, reported in December of 1969:

"Violence in the United States has risen to alarmingly high levels. Whether one considers assassination, group violence or individual acts of violence, the decade of the 1960's was considerably more violent than the several decades preceding it and ranked among the most violent in our history."

Crime is primarily an urban problem. In 1968 approximately 3.8 million index crimes—85% of the national total—were committed within the nation's metropolitan area. There are over 2,800 crimes per hundred thousand population in metropolitan areas compared to less than 800 per hundred thousand population in rural areas. City officials are particularly concerned about crime problems, for it is upon them that prime responsibility for crime prevention and control rests and it is they from whom the people are demanding most immediate action to improve safety on the streets.

Enactment of the Omnibus Crime Control and Safe Streets Act of 1968 signalled the beginning of a major new federal grant effort to aid in solution of the urban crime problem. Local officials particularly welcomed this development as a valuable source of support for improvement in their law enforcement systems above the improvements already being supported from heavily strained local revenue bases. Local officials were concerned at the time of the enactment of this legislation, however, with amendments to channel all funds through state agencies. While they were encouraged by assurances that states would use funds responsibly to deal with the most urgent crime problems, they were concerned that traditional state dollar distribution patterns would reappear in this program with the result that substantial portions of funds would be channeled away from the most urgent crime problems in the urban areas.

The Safe Streets Act establishes a program of planning and action grants to state and local governments for improvement of their criminal justice systems. All of the planning grants and 85% of the action grants must be channelled through states according to a formula established in the Act. Fifteen percent of the action grants may be allocated directly to state or local governments as determined by the Law Enforcement Assistance Administration.

Several provisions of the Act seek to assure that local government will have a definitive role in planning and funding of the programs. Most important of these protections are sections which require that 40% of each state's planning funds and 75% of the state block grant of action funds be "available to units of general local government or combinations of such units" for local planning and action programs. The percentage for allocations of action funds between state and local governments was drawn from the breakdown of expenditures for the criminal justice system cited in the 1967 report of the President's Crime Commission. The Act also requires that local officials be represented on the state planning agencies and specifically directs the states to take into account "the needs and requests of the units of general local government" and to "encourage local initiative . . ."

Because of the great needs of urban governments for assistance in upgrading their criminal justice systems and the concern of many city officials that funds appropriated under the Safe Streets Act be spent effectively, the National League of Cities and the U.S. Conference of Mayors have followed closely the progress of this program.

In March of 1969 the National League of Cities completed a preliminary examination of the program and issued a report which raised some very serious questions about the early directions the program appeared to be taking. In the fall of 1969, as the state allocation of action funds to local governments are getting under way, Patrick Healy, Executive Vice President of the National League of Cities and John Gunther, Executive Director of the U.S. Conference of Mayors directed three staff members of NLC and USCM to undertake a substantial review of the first year fund allocation processes developed by the states. This report is the product of that study. The findings are a matter of concern because, essentially, they confirm the patterns identified as developing a year ago.

The program, as presently administered by most states, will not have the necessary impact vitally needed to secure improvements in the criminal justice system. The states in distributing funds entrusted to them under the block grant formula of the Safe Streets Act have failed to focus these vital resources on the most critical urban crime problems. Instead, funds are being dissipated broadly across the states in many grants too small to have any significant impact to improve the criminal justice system and are being used in disproportionate amounts to support marginal improvements in low crime areas.

A few states are operating programs which give promise of success, among these are Arizona, Illinois, New York, North Carolina, Washington and Wisconsin. But generally despite the great urgency of the crime problem, states are not acting responsibly to allocate Federal resources, or their own, in a manner which will be most productive in preventing and controlling the urban crime which was the target of the Act. In light of the findings, the Safe Streets Act must be amended to insure effective use of funds in

areas of greatest need by giving its dollar distribution pattern greater flexibility, permitting full support of state programs where state and local governments have formed a cooperative and effective partnership to fight crime, but preserving the option of dealing directly with the Federal government to those cities within states which have neither demonstrated a clear commitment to improve the criminal justice system nor used Federal funds entrusted to them most productively.

Specifically, the intensive analysis of state programs under the Omnibus Crime Control and Safe Streets Act concludes:

1. The planning process has not been effective in creating real, substantive state plans. Generally the state plans have focused on individual problems and solutions of varied and often unrelated impact without providing the guidance for coordinated improvements to the criminal justice system which is the most appropriate role of a state planning operation. Further, in many states there appears little relation between plans and actual distribution of funds for projects. The final result is that local governments are presented with generalized statements of problems and solutions which create only confusion among localities as to their immediate role in the program and give no indication of the future impact of system improvements at the local level. In addition to confusing statements of generalized goals, many state plans produced shopping lists of specific projects which frustrated any local attempts at comprehensive criminal justice improvements. Localities in such states were forced to split their programs into separate project categories fixed by the state and hope for funding of those parts of their program which related to the state lists on a hit-or-miss, project by project basis.

This conclusion of confusion in state planning processes is not held by NLC and USCM alone. Mr. James A. Spady, Executive Director of the New Jersey State Law Enforcement Planning Agency and President of the American Society of Criminal Justice Planners, in explaining the need for a good state plan, told a meeting of the New Jersey State League of Municipalities about some of the other state action plans:

"If you had seen some of the confused, contradictory, and unimaginative plans of some other states that I have seen you would know what I mean. You would know how difficult it must be for local officials in those states to decide just what is available under the plan, just what has to be done to get it, and just where is the whole thing headed."

2. The states in their planning processes, have generally failed to take into account the specialized and critical crime problems of their major urban areas. This failure goes to the very heart of the state programs—a crime planning process which neglects to take special notice of problems in those areas where 85% of the crime is committed can be judged by no other mark than failure. Significantly, this is a general defect in the plans recognized by LEAA itself whose Police Operations Division, after reviewing the state plans, noted with concern: . . . "the failure of those states having large metropolitan areas where from 25% to 60% of the state's crime is committed, to give separate treatment to the law enforcement situation in those areas."

3. Despite general statements in plans advocating improvements, most states in the allocation of action dollars have neither demonstrated any real commitment to improve the criminal justice system, nor have they concentrated funds on programs in most critical need areas. Instead of need and seriousness of crime problems, emphasis in dollar allocation appears to have been placed on broad geographic distribution of funds. Some states have established formulas for distribution of planning and action funds among local units or through regional units established for fund distribution purposes. Others have simply allocated funds in many small grants to local units. Few, if any, states have attempted to make difficult decisions which would enable them to allocate sufficient amounts of dollars to have any impact on the most urgent problems. Though LEAA guidelines are reasonably explicit in urging concentration of funds on crime problem areas and in requiring local consent if the local share of funds allocated under this Act is to be used by other than local governments, LEAA has not been very active in enforcing these requirements. Nor does it appear that LEAA has been very demanding in requiring a certain level of quality in state plans.

4. Though better coordination and program comprehensiveness is a stated goal in most plans, and was a goal of Congress in enactment of the legislation, in practice state dollar distributions have frustrated chances for coordination. The many grants to low crime areas, often served by small departments may preserve the fragmentation of the criminal justice system and frustrate efforts to improve coordination. Some small departments which would otherwise be forced to consider coordination or even consolidation because of local financing constraints are now able to continue maintaining an independence existence because of the subsidy provided from Safe Street funds. Also state programs often support separate regional training academies and development of new independent communications systems when these facilities could be operated more economically and improve coordination if they were tied into the existing training or communications facilities of major cities in the area. In some states which allocate dollars to regional units, coordination is also frustrated because jurisdictional lines for law enforcement planning regions have been drawn differently from jurisdictional lines for other existing multi-jurisdictional planning efforts.

5. Assignment of planning responsibility to regional planning units has often frustrated the capacity of individual cities and counties to gain expression of critical needs in the state plan and action program. These regions have been established, in most cases, at the direction of the state planning agency, often without the consent of and sometimes with the actual opposition of the local units assigned to the regions. In most cases these state established regions are supported from the 40% local share of planning funds. Allocations to such regions have resulted in no Federal aid being available for necessary planning in individual localities. The regions impair the ability of LEAA to oversee the fairness of dollar distribution at the local level. In addition they increase administrative costs and often times result in several duplicative studies of similar problems in different areas of the state. Regional units also restrict the ability of local governments to gain expression in the state level plans of their particular local needs and ideas for improvement of the criminal justice system, thus restricting local control over local programs. In many cases representation on the governing boards of regional planning units is not fairly apportioned among participating local units.

6. Finally, the values of the block grant approach stated at the time of enactment of the Safe Streets Act have generally not been realized in application.

(a) Instead of avoiding a proliferation of paperwork and bureaucracy the block grant approach has interposed two new and costly layers of bureaucracy between federal crime funds and their local application in most states, with a resulting confusion of planning boards, staffs, application timetables, guidelines, plan priorities, etc.

(b) The states have not filled their proposed role as agencies to coordinate programs and assure that funds are spent most effectively, rather state program directions have created much confusion for localities trying to define a role for themselves in the program and state dollar allocations have spread funds broadly across the state without regard to need.

(c) Delay in getting funds to local projects has increased, not reduced. A year and a half after the fiscal 1969 appropriation was approved, many states are still in the process of, or have just completed, allocation of fiscal 1969 action funds to their local governments. Regional and state approval must precede Federal program approvals and regional and state decisions to release funds must follow Federal decisions to release funds—compounding delay local governments face in filing applications and receiving determination on the funds they will receive.

(d) Though dispersal of program responsibility down through the levels of government was a stated goal of the block grant approach, the direction of the program has been toward increased concentration of power at the state level at the expense of cities and counties—the levels of government closest to the people and the problem. Many state programs are tending to limit the capacity of the local government and local citizens to affect their law enforcement systems, and the local say in state planning for local programs can often be best described as tokenism.

During the NLC and USCM examination of the Safe Streets program, LEAA officials have always been willing to discuss the issues of the Safe Streets program—its successes and failures—with an openness and candor which is refreshing. Though we have not always agreed with decisions made by LEAA, we believe that LEAA under the leadership of Administrator Charles H. Rogovin has been among the best of the Federal agencies administering grant-in-aid programs. The difficulties LEAA faces are primarily created by the restrictions imposed in the statute which limit LEAA's capacity to further stimulate expansion and improvement of programs in those states making a determined effort to upgrade state and local criminal justice programs, and deprive LEAA of sufficient flexibility to provide urgently needed assistance to cities in states which are failing to use Safe Streets funds responsibly to deal with their major crime problems.

Though review of the Safe Streets program indicates that serious problems exist in many states, several states appear to be acting responsibly in partnership with their local governments to improve their criminal justice systems. Programs in these states stood certain key tests in the NLC and USCM review of the Safe Streets program: (1) NLC and USCM staff identified no major flaws in the state's action plan; (2) No criticism of the state program was received from the largest cities in the state or from the State municipal league; and (3) No major criticisms of the state program were received from small and medium sized cities in the state. The states identified as a result of these tests were: Arizona, Illinois, New York, North Carolina, Washington and Wisconsin.

Generally, however, the picture has not been good. The necessary change in legislation should not, however, reject a major role in the Safe Streets program for those few states which are administering the program responsibility.

Cities are ready, willing and able to work closely with state government where state government demonstrates that it is willing to seriously commit itself to aid in solution to urban problems. Most states have not demonstrated that commitment today. Some have, and the Safe Streets Act should be restructured and program administration practices changed to recognize these differences among states, giving incentives for greater state involvement while at the same time

guaranteeing that the urgent needs of all urban governments will be met by direct Federal aid in those many states which have little demonstrated commitment to aiding the solution of urban problems.

The following specific program modifications are suggested:

1. In order that cities with serious crime problems will receive urgently needed assistance, the Safe Streets Act must be amended to assure that an adequate share of funds can be distributed directly to cities.

2. Concurrent with amendments allowing adequate amounts of grants to cities, the Safe Streets Act should be amended to give States incentives to deal responsibly with the crime problems of the major urban areas.

3. The LEAA must take a much more active role in overseeing state programs:

To demand that states give proper recognition to needs and priorities of urban governments in development of state plans.

To prevent states from using the local share of planning funds for what are essentially state purposes without first obtaining the consent of affected local governments.

To assure that states and their regional planning agencies in allocating planning and action funds concentrate support on improvement programs for areas with the most serious crime problems.

4. Once these basic substantive changes are made to assure more effective use of funds, the level of assistance available under the Safe Streets Act should be substantially increased and the program matching ratios reduced to allow comprehensive criminal justice improvement programs in all urban areas.

Study Background:

The NLC and USCM study of the first year state action plans covered a period of five months with a primary time commitment in January and February of 1970. The study included:

(a) A comprehensive analysis of 33 state action plans filed with LEAA and approved for funding during the summer of 1969. Action plans studied included those of:

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho.

Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts.

Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Oregon.

Pennsylvania, Tennessee, Texas, Virginia, Washington, Wisconsin.

(b) Communications in person, over the telephone or by mail with local officials or state municipal leagues executives in 45 states. In this regard NLC and USCM wish to express particular appreciation to the city officials who composed two task force groups who met in Washington during January of 1970 to share their experiences and ideas relating to the Safe Streets program with NLC and USCM staff. A list of these officials is included in Appendix A.

(c) Discussions of problems relating to the Safe Streets Act with officials of the Law Enforcement Assistance Administration and several directors of state law enforcement planning agencies.

(d) A review of other studies of administration of the Safe Streets Act published during the last five months of 1969.

THE PLANNING PROCESS

Congress, in writing the statute, clearly expressed its intent that there be substantial local involvement in planning by requiring that 40% of the planning funds be available to local governments, that the state planning agency be representative of local governments and that the state plan "adequately take into account the needs and requests of the units of local government." Many states had promised this participation in grant applications filed with LEAA. Despite general statements in grant applications about the high degree of local government involvement in the planning effort, examination of the 1969 plan development processes indicated that in many states the actual degree of local involvement in the planning process can best be described as tokenism.

Local Representation:

Mayors, county commissioners, and other local elected officials with general policy responsibilities have not been deeply involved in the planning process which is dominated by functional specialists in the various fields in criminal justice.

In September of 1969 the International City Management Association published a survey which showed that only 13% of the members of all state planning bodies were local policy making officials, that 15% were classed as "citizens" and the rest were either state officials or functional specialists in the various fields of law enforcement. At the regional planning level, functional specialists predominate to an even greater degree, with some states including Florida and Louisiana having regional boards made up almost entirely of local law enforcement officials. California has recently added several local policy making officials to its state board, and Pennsylvania has made a major effort to broaden the local policy making representation on regional boards. There has also been some expansion of local officials representation in other states, but generally representation of local policy making officials on state and regional planning boards remains inadequate.

Adequate representation of local policy making officials on state and regional boards is an absolute necessity as these officials provide an overall view of the problems and priority decisions facing local governments which can aid in structuring state and regional planning to assure that the programs developed from these planning efforts can be easily integrated into the overall local governmental processes. Adequate citizen representation on state and regional boards is also necessary to give state and local planning processes and resulting efforts to implement law enforcement plans a degree of legitimacy among those elements of the community who believe they will be most affected by improved law enforcement activity.

Funds for Local Planning:

As NLC's 1969 study indicated, state practices in allocation of the 1969 planning funds severely limited local participation in the planning effort. The local share of planning funds was distributed in a manner which emphasized broad geographic coverage rather than the seriousness of local crime problems or the degree of need for planning assistance.

As a result, in many states a disproportionate share of the planning funds was allocated to benefit rural areas. Further, broad geographic distribution of funds resulted in many planning grants which were too small to have any significant impact in establishing and maintaining a competent local planning process. According to the ICMA survey, 24 states distributed the local share of their planning funds among local governments and regional planning units solely according to population while another 10 states made minimum allocations to regional planning units and then distributed the remainder of available funds to a formula basis.

Minimum allocations discriminate against heavily populated areas in distribution of funds. Superficially, such allocations can be justified as necessary to support a minimum planning competence. However, the manner in which most states drew the planning regions to receive the funds indicate that the regional dollar allocation structure may have been established to benefit the low density areas. Kentucky's plan notes that it has three major urban areas which account for 70% of the crime problems in the state, yet the state designated 16 law enforcement planning regions and allocated a $5,000 base grant to each region. The result: rural regions received twice as much per capita in planning funds as the Louisville area. Oregon has over half its population concentrated in two of its 14 law enforcement planning regions, yet each region received a base grant for both planning and action purposes. Colorado divided planning funds in $2,000 base grants among 14 regions, though more than half the state's population and 70% of its index crime is concentrated in the one region including Denver. As law enforcement systems are similar in many rural regions of individual states, it would appear that these rural regions could have been combined with no significant reduction in effectiveness of the basic planning effort, freeing a substantial amount of the funds to concentrate on planning for solution of crime problems in areas of greater need.

The Impact of Regionalization:

Involvement of individual cities and counties in the planning process has also been severely limited by state impositon of regional planning units to take charge of the local planning effort. In addition to the 50 state planning agencies required under the Safe Streets Act, approximately 40 states have designated regional planning agencies as a third level of bureaucratic activity for planning and the processing of local grant applications. There are currently between 350–400 of these regional law enforcement planning units in operation across the nation. Generally states have made the decision to establish these regional units, but most are supported by the 40% share of the planning funds which the Act requires be "available" to local units for their planning efforts.

Many of these state planning sub-units were developed specifically for the Safe Streets program, others had existed on paper without any source of support until Safe Streets funds were made available, and some of the regional planning agencies were already in operation when aid for the Safe Streets program became available. The ICMA survey indicated local councils of government were used in only 12 states as the agency for regional law enforcement planning. State planning districts were used in 7 states, and economic development districts in 11 states, with the remainder emphasizing mainly regional planning districts which may or may not represent the interest of their local government.

Where they exist, states place primary reliance on regional planning units for direction on what the needs and priorities of local government should be. This saves the state planning agency the trouble of dealing with many local units having differing needs and complicated law enforcement problems. However, it makes it very difficult for individual local problems to gain expression at the state level. The City of Norfolk, Virginia noted the problem it faced in this regard:

"Localities cannot report to the state planning agencies, instead they must refer all priorities to a regional planning commission for approval and new priorities formed, which will then be forwarded to the state planning commission."

Though regions are theoretically established to represent local interests, the ICMA survey indicated that 45% of its 637 reporting cities did not believe that regional planning operations would take city needs into account. The regional arrangements are particularly amicable and convenient for those states which control the staff and/or appointments to the regional boards. There the regional units first loyalty is to the state and not to the local governments it is designated to serve. Among the states in which local officials noted problems because the governor or another state agency controlled appointments to regional boards and staff were Alabama, Arkansas, Colorado, Georgia, Indiana, Kentucky, Oklahoma and South Carolina. One comment from South Carolina noted:

"The state of South Carolina has been di-

vided up into so called planning districts by the governor. The local legislative delegation from each county has appointed people to a 'planning commission' to plan under this Act."

A Georgia official noted that regional boards are picked by "political philosophy rather than competence." In Florida regional board members are chosen by the police chiefs and sheriffs of the particular regions. The governor then selects a board member as chairman. However, broadening of board membership to include local policy officials, private citizens, etc., has been foreclosed by the state decision that regions should be controlled by law enforcement professionals.

As a result of this emphasis on sub-state regions in planning dollar allocations, local governments have been unable to obtain their fair share of planning dollars for necessary local level planning. Cities in those states where all of the local planning funds are retained at the regional level have a much more difficult time to gaining adequate expression of their needs, particularly since there is no assurance that a commitment of substantial local resources to a locally funded planning effort will result in an action grant from the state agency. St. Paul, Minnesota, pinpointed these problems in its comments about the Safe Streets program:

"Under the Minnesota plan no monies are forwarded to the cities of St. Paul or Minneapolis for planning purposes. In lieu of that the state has designated a Metropolitan Planning Council as the recipient of the funds. We recognize that there is a need for area-wide planning. However, the development of a data base suggests the need for input of the local units of government. Yet, these local units of government will be required to donate time to the state agency which is fully funded. In view of the financial distress of the cities it seems somewhat unrealistic."

Pennsylvania controls the regional boards but pays the board from state funds, freeing the local share of planning funds for expenditures in developing plans for individual local units. All local applications must filter through the regional planning boards, but the availability of planning funds to local units allows them to better analyze their needs and develop a more comprehensive case for assistance to submit to the regional board.

Some states have recognized the problems regional units create and are backing away from them. Kansas abandoned a regional structure which relied on state Congressional districts because of difficulties in establishing the regions and the projected inconsistency of the regional effort with local planning goals. New Jersey modified an initial planning program which emphasized regions to allow direct grants to aid local planning efforts in major cities of the state.

There has been some confusion over the role of LEAA in supporting regional planning structures. In discussion with NLC and USCM staff, several state planning directors have indicated much the same view as expressed by the Utah State Planning Director when he told a January 1970 meeting of executive directors of western leagues of municipalities that LEAA is urging states to establish regional structures for local planning. A publication of the Indiana Criminal Justice Planning Agency indicated regions were established "as requested by LEAA."

The Act says that state plans should: "encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment." When complaints about regional structures are presented to LEAA, it takes the position, consistent with the statute, that while multi-jurisdictional arrangements should be encouraged, LEAA is not urging regionalization upon state law enforcement planning systems.

NLC and USCM agree that multi-jurisdictional arrangements would be of great benefit to many areas to secure improvements in the criminal justice system, provided means are preserved for expression of individual local needs and problems. However, review of the Safe Streets program operations indicates that regional planning structures are essentially grant review and approval mechanisms which provide little positive leadership in efforts to secure coordination of law enforcement and criminal justice systems.

In a number of cases imposition of regions is actually frustrating local coordination efforts already in effect. The cities which are the focus of the three leading city-county consolidation efforts, Indianapolis, Indiana; Jacksonville, Florida; and Nashville, Tennessee were placed in regions with a number of other independent local jurisdictions. The planner in charge of the law enforcement planning region including Jacksonville, Florida did not know of the existence of the Jacksonville-Duval County Planning Board in the early stages of the development of the Jacksonville region law enforcement council. Further, officials in Jacksonville are concerned that the law enforcement planning council is proceeding completely independently of all other planning activities done in the community and acting without regard to capital budgets, community improvement schedules and other factors essential to successful operation of local government.

Limited Local Participation:

The final result of these difficulties in the State planning process is that local governments are effectively excluded from any meaningful participation in the planning process for their state. An NLC and USCM official attending a February, 1970 meeting with mayors, managers and selectmen from 40 communities in Vermont discovered with surprise that none of the attending officials had been contacted by the state regarding the Safe Streets program. Officials of the cities of Savannah, Georgia and Dallas, Texas indicated that their cities were not consulted in the development of the 1970 action plan which their regional planning agencies were submitting to the state. In Dallas' case the officials stated that this lack of consultation really made no difference since the plan was so general it could accommodate anything Dallas wished to do within the program. (This being the case, the question arises: If the plan was so general that it could accommodate anything proposed by a city what was the purpose of the whole regional and state planning process?). North Carolina designated 22 units to do criminal justice planning, but 14 of them had not received any funding when the state plan was submitted to LEAA. Likewise in Pennsylvania, funds were not distributed to regional planning agencies until June, 1969, after the state plan had been filed. The Alabama state plan was submitted to LEAA before the regional committee ever approved the regional plans which were to provide the local element of the state plan. Kansas used the questionnaire approach in developing information for its plan, but drew up and filed the state plan at a time when only 47% of the needs and priorities questionnaires had been returned.

Besides Kansas, Idaho, Illinois, Indiana, Montana and Ohio placed some reliance on questionnaires in developing fiscal 1969 needs and priorities. Questionnaires are valuable to gain data, but the danger of the questionnaire approach is that in adding up all of the votes, general needs, particularly needs of more numerous low crime communities, tend to be emphasized while specialized problems and situations peculiar to one or a few communities are relegated to positions of lesser importance. For example, in March 1969, Ohio requested a letter from each community stating its needs and made a compilation of those letters the basis of the local element of its first year plan. In response to a complaint that major city problems had been overlooked in the Ohio plan, the Ohio planning director justified placing primary emphasis in allocation of action funds on basic training because "the vast majority" of localities had expressed a need for training and that, "one of the basic lessons we learned . . . is that there is a great need for funds to support a minimum standard of law enforcement in the state."

In some states, the time constraints imposed on the local planning process belied the possibility of development of any real local input. The sub-regional board to take responsibility for planning in the Los Angeles area was not established until two weeks before the March 15, 1969 deadline when the comprehensive criminal justice plan for the Los Angeles area was to be filed with the state for inclusion of the state plan. One local official from North Carolina made this observation regarding the time constraints faced in his state: "We are rushing too fast to take advantage of the funds available—for fear they will be lost—without adequate planning and without establishment of proper priorities." Rockville, Maryland was given only two days from original notice to filing deadline to prepare a project application for submission to its regional planning body. Grand Rapids, Michigan had three days to prepare and file its application, then waited nine months for a response from the state.

PLAN RESULTS

Priority Structure and Program Impact: The allocation of action funds resulting from the first year planning process has created much dissatisfaction among the nation's cities. Even those few major cities relatively satisfied with their first year allocation are concerned at the structure of the program for they recognize that next year their particular projects aimed at satisfying most urgent needs may be sacrificed to appease some of the more stridant critics in other cities. These conflicts have developed because of a difference between needs and priorities perceived by cities and state governments. In a paper presented to the annual convention of the American Political Science Association, Douglas Harman, Professor of Urban Affairs at American University, pinpointed the basic problem of the Safe Streets Act: "There is a significant conflict between the goals of fighting immediate urban crime problems and a grant-in-aid system dominated by state governments."

Few of the city officials with whom NLC and USCM have discussed the Safe Streets program believe that the needs and priorities identified in the plans of their states adequately deal with the most urgent law enforcement needs of the major urban areas. One Texas official noted bluntly his belief that, "the state plan mainly aimed at solving problems in rural and suburban areas," while he recognized that there were needs in these areas, he said that the program emphasis was misdirected. He noted further that to get what they wanted most under the need categories set out in their state plan, cities had to play "phony games with words."

Often the plan results reflected state dominance and limited recognition of local needs in the planning process by emphasizing programs which created much concern among local officials. The Tennessee plan placed major emphasis on programs to establish general minimum standards for personnel, and uniform statewide systems in personnel, crime reporting and computer information, though local officials expressed concern at cost implications and other aspects of these programs and urged greater allocation of resources to deal with critical problems in individual jurisdictions. Local officials in Vermont believe that their greatest needs are for improved training and equipment. The Vermont League of Cities and Towns, reflecting these views, protested a proposal to put major emphasis on a statewide communications system and were told in defense of the com-

munications system: "But, that's what the governor wants." Kansas planned to retain $30,000 from the local share of action funds to establish a training academy though the League of Kansas Municipalities objected that localities had not been consulted about the projected use of local funds.

The city of Toledo, Ohio had four top priority needs in fiscal 1969: (1) modernization of its communications systems, (2) laboratory equipment to handle drug addiction, (3) improvement of a police training facility, and (4) an improved detention facility including a rehabilitation program. None of these were included in the priorities of the state plan. The only projects for which Toledo could apply for assistance under the fiscal 1969 plan were a closed circuit TV system, a mobile riot unit, or portable TV sets. Because the city had made complaints about the state planning process, it was encouraged to file an application. It did so, but the application was turned down because it was not in one of the three project areas set for assistance. Thus, Toledo did not receive a dime under the regular allocation of 1969 action monies, though it had received $21,000 for a community relations unit as part of the allocation of riot funds made available in August of 1968.

Another city noting problems with the state priority determination was Norfolk, Virginia:

"The states number one priority deals with law enforcement training, which we feel is not a critical priority in the larger metropolitan areas."

Denver, Colorado relating their dissatisfaction with program allocations stated:

"The action program for Colorado reflected emphasis on the Colorado Law Enforcement Training Academy over the Denver Police Academy, riot equipment funds for the State Police and the State Penitentiary over the Denver Police Department needs, funds for numerous state juvenile facilities and none for Denver, funds for community relations for cities other than Denver, etc."

Boulder, Colorado—the fifth largest city in the state—did not fair much better:

"Boulder's program request centered around crucial police-community relations and organized crime particularly in drug traffic . . . these program requests were rewarded with evaluation of priority 5 and priority 6. From a rating scale that ranges from 1 to 6, it is obvious that our program requests did very poorly . . . in view of this determination, the city of Boulder, is likely to receive no funding under the Omnibus Crime Control Bill in 1970."

Where did all the money go?

Difficulties a city faces in getting needs recognized at state level are compounded when it is placed under a regional planning structure with many other units of government with widely differing levels of needs and varying law enforcement capabilites. Los Angeles, California has been placed in a sub-region of a region which extends all the way to the Nevada border and includes part of the Mojave Desert. Grand Rapids, Michigan, a city of 200,000 population, placed in a rurally dominated law enforcement planning region has received only $188 of over $54,000 allocated to its region under the program. Grand Rapids city officials contributed time worth substantially more than the grant received to developing local action program applications and participating in the regional planning body.

Two of the nation's largest cities have been placed in regions with vote allocation patterns designed to shift power away from them. Cleveland, Ohio was placed in a seven county region in which the two urban counties get five votes each, and five rural counties get three votes each, result: urban interests and urban priorities outvoted 15 to 10. To avoid this structure Cleveland is attempting to establish a direct relationship with the state through a cooperative planning venture with Cuyahoga County. Houston, Texas contains two-thirds of the population in the council of governments which was responsible for developing its law enforcement plan, but it has only one-twelfth of the vote on the COG board. When time came for allocation of action dollars, Houston received a grant for $126,000 to tie in all suburban jurisdictions to Houston's computer. Superficially, this was a grant to Houston, but the suburban communities were the principal beneficiaries. Houston's operating costs may be increased because of the expanded maintenance requirements on its computer operations.

Though the plans generally did not deal adequately with the special crime problems of major urban areas, almost all plans reviewed by NLC and USCM placed major emphasis on providing basic training and equipment. Such programs will primarily benefit low crime areas serviced by small departments. In addition, many plans stressed broad geographic coverage as a goal to be achieved in allocating funds.

The Kentucky plan, for example, emphasizes that 75.65% of the state's action funds will be distributed among local governments on a "balanced geographical basis."

The Indiana plan often used the phrase: "appropriate geographic coverage will be stressed" in explaining how dollars would be distributed, and the Washington plan in aiming for broad geographic distribution stated: "certain other programs were chosen partly because of their suitability to rural areas."

States which have allocated funds among regions on a formula basis to assure that each region gets something and broad geographic coverage is achieved include: Colorado, Florida, Georgia, Michigan, Oregon, Pennsylvania, and Texas. California has taken a more hard-nosed approach at the state level, judging each local application on its merits with the result that, as of January 30, 1970 no projects in three of its predominantly rural regions had been funded.

The net effect of these two policies, emphasizing geographic coverage and basic standards, has been dissipation of millions of Safe Streets dollars in small grants to provide basic training and equipment for police operations in low crime areas. While the need for upgrading such police services cannot be questioned, its priority in most Safe Streets plans, in face of the urgency of the urban crime crisis, pinpoints again the basic conflict between urban needs and traditional state dollar allocation practices.

State programs which emphasize improvement of basic services discriminate against communities which, because they face major crime problems, already have committed resources to acquire basic equipment but badly need more sophisticated equipment and training techniques to deal with their crime problems.

As a Lancaster, Pennsylvania official noted:

"Under the present system, dominated by rural interests, those of us in the cities who have made substantial financial commitments on our own in the fight against crime will be subverted to the interests of those who have made little or no commitment and are using Safe Streets money as a substitute for local funds."

Essentially the same problem was recognized by Boulder, Colorado:

"Those agencies who do nothing to improve the most basic enforcement tools seem inevitably to benefit most by grant programs."

Spreading funds around the state in many small grants prevents concentration of a sufficient amount of funds in any one area to have any significant impact in improving the criminal justice system.

A communication from San Jose, California stated:

"Money allocated to the states for local use is being spread so thin as to make its effectiveness useless. This action ignores the mandate of the Act that priority should go to high crime areas: urban centers."

A representative of another California city asked: "What can you do with four or six thousand dollar grants?" And the City of Minneapolis indicated that though in total it has received a fairly substantial share of funds, the separate programs to which these funds were assigned by the state chopped them up into so many small pieces that their potential impact was minimized.

Commitment of large sums of money to support basic law enforcement services in low crime areas also contributes to continued fragmentation of the criminal justice system by providing a Federal subsidy for the continued independent operation of smaller agencies, which, without Federal support, would be forced by the economic pressures of rising costs to consider coordination or consolidation with agencies in neighboring jurisdictions. One Pennsylvania official stated that in several instances in his state grants had been made to establish independent county communications networks when combination with the communications system of the central city of the county would have been more economical and promoted coordination of law enforcement efforts.

Opportunities to foster interjurisdictional cooperation have also overlooked in establishment of many basic training programs. Funds have been allocated in 26 of the 50 states for regional training facilities to provide basic training for law enforcement officers. A large number of these regional facilities will be established for the first time under the Safe Streets Act. Local officials from Alabama, Georgia, Ohio, and Texas noted that in their states it would have been much more economical if the state, instead of using the local share of action funds to establish new regional training facilities, had supported expansion of existing training facilities operated by the central city of the region.

Local efforts to coordinate criminal justice systems were also frustrated in many states by the structuring of state plans which presented localities long shopping lists of projects from which the localities had to pick and choose without any particular relation to the priorities at the local level. While these shopping lists often gave the state plans a superficial appearance of comprehensiveness, their net effect was to frustrate comprehensive planning and structure local programs and application processes on an individual project by project basis. A city must split its project applications into the separate categories suggested in the state plan and file separate applications for each with the state. Some of these projects may then receive funds, others may not. The final result is approval of bits and pieces of the local program with each separate part approved having various degrees of relevance to the needs of the local government. The city only knows what it will receive at the end of a long process of formal and informal negotiations.

As noted before, Toledo, Ohio's inability to reconcile its locally developed priorities with the list of projects presented by the state prevented that city from receiving any assistance under Ohio's regular allocation of action funds. The Massachusetts plan presented localities a list of 27 projects for which they could apply to receive federal assistance. The list of projects covered the whole field of criminal justice and gave the Massachusetts plan an aura of comprehensiveness. However, the city of Boston noted that any development of comprehensive local programs was frustrated because separate applications were required for each of the separate items listed in the plan, and the application process was further complicated because different deadlines were assigned for applying for various items on the state list.

The 1969 Colorado plan presented a list of 31 projects. Of these, only 6 were to provide more than $10,000 in federal assistance, and 16 provided under $4,000 with one providing $450 and another $555 in federal aid. Eighteen of the twenty-nine projects listed in the Maryland plan called for federal aid of less than $10,000. The Maryland plan particularly gave the appearance that federal aid fund allocations had been spread around among many projects to give the appearance of comprehensiveness. In a number of cases the share of project costs provided from the federal assistance was well below the level required by the Act. The total Maryland plan called for expenditures of $1,321,348 of which only $457,528 was to come from the federal government. Considerable bookkeeping costs may have been saved without any reduction in the effectiveness of Maryland's plan if the federal assistance could have been concentrated on a few projects rather than spread over many to comply with the comprehensiveness requirement.

Fund Allocation Patterns:

Following are some examples of state priority systems and grant allocations patterns illustrating the defects discussed above:

Major goals stated in the Arkansas plan were:

Improving patrol equipment by replacing obsolete and private vehicles presently in use (These vehicles were mainly in smaller communities).

Improving training through use of mobile equipment and regional training centers, and

Development of a system of minimum standards for jails.

The Kentucky plan noted that there were 90 police and sheriff's vehicles in Kentucky without radios and consigned up to $25,000 in federal aid for use in providing basic equipment such as car radios and teletype hookups. The Kentucky plan also noted that ten smaller agencies would receive grants from $500 to $1000 to procure services of management consultants.

The Massachusetts and Nebraska plans both indicated a major effort would be made to expand coverage of state teletype networks by installing teletype terminals in many smaller communities.

Idaho planned to split $28,635 in federal aid into 32 subgrants ranging from $395 to $2,500 to provide basic communications equipment.

Alabama planned to use $64,167 to establish seven regional training centers to provide basic training and proposed to divide another $94,000 among 60 to 80 communities for police operations improvements.

Pennsylvania allocated at least 8 grants totaling $186,611 for broadening the basic coverage of several local communications systems.

Michigan placed 23 grants in 22 communities to provide radio equipment. Of these grants, 8 were in amounts of less than $750.

In Michigan, the city of Grand Rapids, with 200,000 population, and annual police expenditures of over $2,900,000, received $188 for a 75% share of two Polaroid cameras and a fingerprint kit while one community of 7,500 population received $1,650 for an infrared Varoscanner with accessories, $1,275 for a surveillance camera, and $2,400 for basic radio equipment. A rural county with a population of 38,600 and total police expenditure of $197,000 was granted $18,000 for basic radio equipment, and another rural county of 33,300 population won $15,100 for a probation services program.

In Oregon, $45,000 was allocated in $5,000 base grants to 9 rural regions. A two county rural area with 31,800 population and an annual police budget of $213,000 received a base grant of $5,000 in action funds, while the four county region including Portland, with 833,500 population and combined annual police expenditures of well over $13,000,000 received only $89,358.

In Pennsylvania, the city of Scranton with 111,143 population and annual police expenditures of approximately $1,000,000 received $5,000 while a rural county with 16,483 population and annual police expenditures of $12,000 received $22,236 for a basic communications system. The city of Philadelphia was allocated $207,536. To receive a comparable per capita allocation to that of the rural county, Philadelphia would have had to receive approximately $2,800,000. To receive a comparable share of its annual police budget, Philadelphia would have had to receive approximately $120,000,000.

There is every indication that allocation patterns which do not focus on areas of greatest need will continue in 1970. Pennsylvania has developed a complicated allocation formula involving crime index, defendants processed, incarcerated inmates and probationers, all related to population. Philadelphia is a region within itself and is assured of receiving one-third of the local share of action funds, or about $2.6 million in fiscal 1970. However, as the allocations across the state are still directed to regions there is no guarantee that regional boards will divide funds to focus on the most pressing crime problems.

Florida and Georgia are planning to allocate fiscal 1970 funds among regions on a population formula as they did in fiscal 1969. Within its region Savannah, Georgia with 150,000 population and an annual police budget of $1,500,000 will receive $132,000 while a rural community of 7,000 population and annual police expenditures of $24,000 will receive $8,400 for basic communications equipment and an additional $5,000 for hire of a juvenile officer.

For fiscal 1970, Denver, Colorado has been told it will receive $350,000 out of the state's total allocation of $1,800,000. This is about 20% of the funds though the city contains 30% of the population and must deal with 70% of the crime in the state. In fiscal 1969, Denver and the 8 counties in its state designated region received 23.6% of the state crime funds.

Red Tape and Delay:

The state and regional bureaucracies imposed between federal dollars and their application at the local level have also added a substantial element of delay and costly confusion in distribution of funds. Though all the states had received their action grants by June 30, 1969, funds did not begin to filter down to the local level until late fall. As 1970 began a substantial portion of the 1969 action funds remained to be distributed. Alabama did not begin allocating its fiscal 1969 action funds until the end of January 1970. Over $500,000 remained to be allocated in sub-grants from the local share of the state of California's $2.35 million action grant as of January 27, 1970. As of January 12, 1970 the state law enforcement planning region including Jacksonville, Florida had received only $13,500 out of its $34,500 allocation of fiscal 1969 action monies. Pennsylvania did not announce grant awards from its allocation of action funds until December 19, 1969.

The city of Boston has indicated that they expect the following schedule to apply with respect to allocation of the 1970 action funds: (a) The state plan is submitted to LEAA in April; (b) Money is expected to be received from LEAA around the first of June. Until the state receives money from LEAA, cities will get no comprehensive guidelines on how to go about getting federal funds; (c) After the money is received and cities get the guidelines, they will have approximately two months to develop project applications which will have to be filed with the state sometime in early August; (d) The state will then approve local project application by comparing it with the programs listed in the state plan. Grant awards to cities are expected to be announced sometime in September.

Much confusion and delay has been added to state programs because of a high rate of staff turnover and uncertainties of funding for necessary state staff services. In the nine months from November 1968 when planning processes began in earnest in most states to August of 1969 when allocation of fiscal 1969 funds was completed, responsibility for program direction changed hands in 30 of the 50 states. Between August 1969 and January 1970 as states were gearing up for the second year planning process, responsibility for program direction changed hands in 18 states. One observer in New Mexico noted: "In thirteen months we have had three state directors of the program and we are working with an acting director at the present. All of this, plus insufficient staff, has put the entire state process way behind."

A number of states including Indiana, Maine, Nebraska and Nevada face major difficulties because state legislatures were slow to authorize funds for staff to perform even the most essential state planning functions. In Indiana, the first planning agency director quit in frustration after eight months because of continuing inability to get staff under state cutback orders.

Several cities noted that difficulties attendant to direct federal-local financing were compounded when localities had to try to develop programs with regard not only to federal appropriations, application deadlines, and approval processes but also to these processes duplicated, often in a different time frame, at the state level. Following a request for assistance through the many levels involved in a block grant program can be an arduous task. One Southern California city in a sub-regional and regional structure noted:

"A unit of government interested in applying for an action grant must submit a request at the local level, and the request must receive approval from a regional task force, the sub-regional advisory board, a regional advisory board, a state task force operations committee, and finally, by the California Council on Criminal Justice before it may receive the money. In each case there is a possibility the action grants will be denied."

In addition to possibilities of denial, at each level the risk increases that the priority attached to a city's specific problem will become lost in more general consideration and that the end result will be grant allocations which favor only generally appreciated needs.

Administrative Costs:

Some has to pay for all the checkpoints in the grant process. To the extent that Safe Streets funds are being used to pay for program administration they cannot be used in action programs to combat crime.

Bookkeeping costs for this program appear to be substantially higher than in programs involving a direct relationship between the federal government and localities. Houston, Texas indicated there were four separate levels of paperwork in administration of its grant program: program substance and financial reporting requirements required by LEAA; another, and different set of requirements imposed by the state; paperwork involved with the regional planning unit, and entirely separate accounting requirements in effect at the local levels. Another Texas city noted that it did not believe that any grant under the Safe Streets program in an amount of less than $15,000 which was worth the effort. The city of Boston decided to turn down one grant of nearly $10,000 which had been offered to it because of the heavy bookkeeping and reporting requirement attached by the state. In addition, the state of Massachusetts has been withholding $21,830 out of the city of Boston's $31,830 allocation from under the special civil disorders program announced in August of 1968 because the city has been unable to comply with reporting re-

quirements imposed by the state. The following quotation from a letter sent to the city of Boston by the state indicates the information required:

"The following information is needed before further funds can be released. When are the police-school seminars to be held, who is to be involved, what is the program format to be, and what expenditures are to be involved? With respect to the tactical patrol force training program we require:

"1. A schedule of classes to be conducted including time, place and subject;

"2. Lesson plan outlines for all classes to be conducted; and

"3. Qualifications summaries of all instructors to be utilized.

"With respect to the equipment purchases, we need to know what equipment has been ordered, when, from whom, and when delivery is expected."

Many of the reporting requirements imposed by the state appear to be almost impossible to comply with before Boston received funds and began implementation of the project.

The question of bookeeping costs is of particular concern with respect to the myriad of very small grants being given out by state agencies. If a locality must prepare an application and follow it through the approval processes of the region and the state, and then prepare reports satisfactory to LEAA, the state and regional agency and the regular accounting and reporting procedures at the local level, it does not appear that grants of only a few hundred can add much value to a city's operation. Many state plans indicated small grants were planned. The Idaho plan noted that grants as small as $75 were contemplated. The state of Indiana allocated the city of Evansville two very small grants, one of $112 for drug abuse education and another $89 for drug detection kits. While many small grants such as these may satisfy the state goal of broad geographic distribution of funds, it is unlikely that such grants can be of any significant impact on the criminal justice system, and in many cases the heavy cost of bookkeeping may more than outweigh the value of the grant to the community.

Duplication of Effort:

Several consultants retained by LEAA noted with concern that a substantial amount of federal funds were being committed toward repetitive studies because of lack of coordination among the individual states.

Professor Harry I. Subin, of the New York University School of Law, after reviewing the state plans at the request of LEAA noted with concern: ". . . the heavy emphasis in many of the state 'action' grant proposals on 'study'." Professor Subin continued ". . . It would appear that, in view of the urgency—and age—of many of the problems facing the criminal justice system, the emphasis upon "comprehensive studies" contained in the plans is misplaced."

A review for LEAA by the National Council on Crime and Delinquency noted that regarding state training programs:

"Unless national direction and leadership is given to all these training activities, there may be needless duplication of effort substandard instruction and a training in self-defeating setting."

Loss of Local Control

Over the past year there has been developing a new protocol of federalism, strongly supported by many governors, which rests on a theory that direct federal-local contacts should be minimized and that all expressions of local needs and all federal actions to meet these needs should be channelled through the middle man in the state house. Mayors and other local officials are concerned at the growing acceptance of this protocol in the Administration because many believe, as this and other recent studies point out, that generally state government is not willing to respond to the most crucial urban problems and that lines of communication to Washington must be preserved as the only channel through which vital assistance can be gained. Reduced contacts between federal and local officials will make it more difficult for federal officials to understand local problems and gear federal programs to aid in solving these problems in a manner which makes most productive use of the taxpayers' dollar.

Attempts to limit the lines of access between the federal government and cities reached what the *New York Times* described as an "almost comic peak" in April of 1969 after President Nixon invited eleven mayors to the White House to discuss urban problems. Within a week a meeting of governors passed a resolution criticizing this meeting and urging the President to do his talking with governors, not mayors, when he wanted to learn about urban problems.

State House to sensitivity to direct federal contacts has been particularly marked in the Safe Streets program. After LEAA announced grants from its 15% discretionary funds to eleven major cities in May of 1969, a strong criticism of these direct grants was filed by the National Governors Conference through their designated spokesman on urban crime matters, Utah Governor Calvin Rampton. Governor Rampton's telegram to LEAA asserted that governors, "expressed concern about your proposal to grant discretionary funds directly to the nation's ten largest cities. We questioned the wisdom of population as sole criteria of need and confinement of funds to artificial city boundaries. Of greater importance is the departure from your commitment to deal through the state agency."

The point about population allocation of funds according to artificial boundaries is particularly interesting as this is precisely the allocation method which governors supported in amending the Act to provide a block grant approach, and it is an allocation method adopted by many states, including Utah, for allocation of part or all of the Safe Streets funds. In closing, Governor Rampton urged that all future discretionary funds be granted through state agencies, despite the legislative history of the discretionary grant section recently confirmed by a ruling of the General Accounting Office which clearly establishes that discretionary grants may be made directly to units of local government.

Although their authority to make discretionary grants directly to local governments is clear, LEAA is requiring that local applications to receive discretionary grants from fiscal 1970 appropriations receive a state certification of approval before the application is filed and that funds for the local governments under the discretionary grant program be channelled from LEAA through the state agencies to local governments.

This new attitude of federalism has created particular problems for some cities which have tried to communicate with the federal government about problems they saw developing with the program in their state. Mayor George Seibels of Birmingham, Alabama was severely criticized by Alabama state officials after he attempted to gain information about the program by meeting with LEAA officials in Washington. Mayor Seibels had previously been unsuccessful in attempts to obtain adequate information from state officials about ways Birmingham could participate in the program and had appealed to Washington because Birmingham, in the midst of a major effort to upgrade its law enforcement systems, needed indications of the type and level of federal assistance that could be expected. Because of his initiative in this matter, Mayor Seibels, in addition to being criticized, was excluded from membership on the regional board assigned to do local planning for the Birmingham area although Birmingham comprises two-thirds of the population of the region.

CORRECTIONAL REFORM IN INDIANA?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. HAMILTON. Mr. Speaker, my Indiana colleagues, Mr. JACOBS, Mr. BRADEMAS, and Mr. MADDEN, join me in presenting for your consideration a four-part series recently appearing in the Christian Science Monitor on Indiana's efforts to reform its correction system.

The series is disturbing to us in that it clearly demonstrates the long road our correction systems have yet to travel before their rehabilitation efforts produce a significant downturn in present recidivism rates.

Current House Judiciary Committee hearings on amending the Omnibus Crime Control and Safe Streets Act of 1968 present the opportunity to emphasize the need to provide greater assistance for the reform of the correction system portion of the criminal justice process. During fiscal year 1969, 17 percent of $29 million in LEAA action grants benefited correction systems. This year, 34 percent of $183 million in LEAA action grants will do so.

The series follows:

[From the Christian Science Monitor, Mar. 4, 1970]

INDIANA UPDATES CORRECTIONAL SYSTEM REPORT—DOCUMENT SCRUTINIZED

(NOTE.—Like other states, Indiana is trying to reform its correctional system. Some of its problems were touched on last spring in this newspaper's series, "Children in trouble: a national scandal." This is the first of four articles updating the Indiana correctional situation.)

(By Howard James)

INDIANAPOLIS.—Last spring this newspaper published a series of articles under the heading "Children in trouble: a national scandal." Certain Indiana officials have characterized the portion dealing with the Indiana Boys' School at Plainfield and the State Reformatory at Pendleton as "unfair and inaccurate." In October, Gov. Edgar D. Whitcomb of Indiana, through his aides, asked that The Christian Science Monitor report on progress made under his year-old administration.

QUESTIONS REJECTED

This reporter spent months attempting to get reliable information. In mid-December Whitcomb administration officials finally agreed to answer more than 30 questions about the correctional system. Two months passed, and the questions remained unanswered. During that time this reporter and the Monitor's Boston office made frequent attempts to get the requested information.

Then in February, Governor Whitcomb called the Monitor's Boston office, stressed the difficulty of bringing about correctional reform, and said the questions submitted in December were in the "have you stopped beating your wife" category.

Typical of the questions asked were:

What is the Whitcomb administration's policy on the use of the strap? What was the precise date when use of the strap was suspended at Plainfield? What is the Whitcomb administration's policy on solitary confinement of inmates under 25—length of stay, and reasons for commitment to solitary? What is the policy on group punishment? What is the policy on probation subsidies for courts handling juveniles? What is the policy

on large vs. small correctional institutions? What are the qualifications for social workers in the institutions? What personnel cuts have been, or will be, made on the basis of the Governor's statement that such cuts would be possible?

REPORT DISPATCHED

Governor Whitcomb told the Monitor these questions would not be answered, then added that he would send a progress report compiled by the Department of Correction instead.

On Feb. 13 a 14-page report, dated Feb. 9, arrived at Monitor offices in Chicago and Boston.

While this document contained several valid items on progress made in Indiana correction in 1969, it appeared generally lacking in essential details—including dates, the number of people involved, and other basics. In addition, it seemed heavily padded with routine staff activities. Other items were unclear.

The Monitor asked this reporter to review the entire document, item by item, with correctional officials. This was done. Not all of the information requested was available—partly because of staff turnover in 1969 in the Department of Correction, partly because officials could not find supporting data, and partly because no single official in the department could (or would) discuss the document in its entirety.

PORTIONS SELECTED

The entire 14-page report, with necessary clarification and explanation by correctional officials, would fill several newspaper pages. Instead, the Monitor here offers representative portions of the progress report, with accompanying explanations where called for. Every attempt has been made to present a balanced picture of the document.

The first item in the Governor's progress report reads: "A new data-collecting instrument was designed this year. It not only provides volume information, but also adds individual information, which will provide a more accurate volume control as well as meeting the needs in program design and development. . . ."

Cloid Schuler, administrative assistant to the Correction Commissioner, and Jeff Schrink, classification director, said the "new data-collecting instrument" consists of sheets of paper—a form devised in 1969 on which to record data on those sentenced or committed to the Department of Correction.

At the moment there are neither funds nor staff to compile this data, the two men said. Mr. Schrink described the form and information they hope to collect to be "similar to data compiled by other correction departments around the United States." He added that "at the moment this is still in the planning stage" in Indiana.

MEETINGS SCHEDULED

The next two items discuss an effort to improve local probation. A series of eight meetings was scheduled, with experienced probation officers training those with less skill and experience. The first session was held Oct. 21, with 10 officers attending. Seven more meetings are planned around the state.

(Probation officers do not work for the state, and participation is voluntary. Continuation of the program appears to be dependent on local interest.)

Twelve local judges also have agreed to permit untrained probation officers to "come into their courts for instruction" in how to deal with youngsters.

The last item on this page of the report discusses a program that was started, according to Indiana Boys' School Superintendent Alfred R. Bennett, in October, 1968, before Mr. Whitcomb was elected Governor. Since that time 11 persons—4 judges and 7 probation officers (out of a state total of more than 300)—have taken part in three-day orientation programs at the school at Plainfield. The report says these programs were instituted because "the courts have had little firsthand knowledge about our institutions."

The next page mentions that a new manual is being provided to probation officers. There follows a long discussion of an inmate work-release program (a plan similar to a program developed 67 years ago in Wisconsin). The report shows three persons from the two institutions in question participating.

REPORT CHECKED

In checking, this reporter found 36 of the more than 2,000 inmates at the Indiana Reformatory were on work release, while only one of the more than 500 inmates at the Indiana Boys' School was involved in this program. Indiana officials hope to expand the program.

This section of the report notes that "approximately $20,000" in federal funds has been provided for work release. But officials say the Correction Department has not received the money because the Governor's budget agency has not released state matching funds.

The third page of the report discusses training of parole officers and rewriting of their manual and other matters that are routine in most state correctional agencies. Much of the fourth page also covers normal department operations.

Two items deserve mention. For the first time manuals on departmental policies and procedures are being developed. The first such manual—prepared by John Buck, one of several who left the department in 1969—is "coming out soon," the report states. The second and third are being written now.

INSPECTIONS MENTIONED

There also is mention of "periodic unannounced inspections of all the penal and correctional institutions." However, the reformatory has not been inspected since April 17, 1969, and no inspection has been made of the boys' school, Mr. Schrink told this reporter a few days ago.

Page 5 largely discusses training programs considered routine in most of the 50 states, including a "one-day training session for food personnel" using "resource personnel from industry and the State Board of Health." A $24,057 federal training grant is mentioned. But again the money is not available because state matching funds have not been released by the budget agency, according to correctional officials.

PROGRESS CITED

Much of page 6 involves the state prison, which was not discussed by this newspaper last spring.

The most meaningful progress is found on page 7, where the reformatory at Pendleton is discussed.

(Last Sept. 26 some 200 black prisoners were protesting conditions and rules at that institution by lying or sitting down on an open playing field. Rather than using tear gas or other methods of subduing the inmates, 11 white guards opened fire with shotguns. Two inmates died, 45 others were wounded.)

An inmate-staff council has been established since the September incident to narrow "the communications barrier between inmates and the staff." A literature review committee has been formed (black inmates complained they could not read books popular in the ghetto). Black staff members have been added to the board that passes on punishment for rule violations. Training of guards in use of weapons and methods of restraining outbreaks has been resumed. A citizens' advisory council has been formed. Management-training sessions were held for certain staff members. Certain staff members were organized into inspection teams to check on "safety, security, sanitation, etc."

George W. Phend, who took over as superintendent at Pendleton Aug. 1, says all of these changes were being planned before the September incident.

The reformatory section of the report also mentions the work-release program again and notes that group-therapy and individual-therapy sessions were started in 1969. This, the Monitor was told, was after the position of staff psychologist, vacant 1½ years, was filled.

ROOMS RENOVATED

Mr. Phend told this reporter that of the more than 2,000 inmates, a "conservative estimate" of the number involved now would be 12 in group therapy, 12 in individual counseling, with the therapist also spending part of his time in staff training.

Also in 1969 a trained recreational director was hired, but staff members say he needs more help. The report also notes that inmates renovated and remodeled various portions of the institution, providing seven classrooms and a food storeroom, and improving a dormitory, the chapel, and the dining hall.

The report discusses the state prison farm, pointing out among other things, a saving of $1,600 a year to the state, because the medical director doubles as psychiatrist.

The report notes that the 1969 Legislature passed a bill creating the Indiana youth authority within the Department of Correction. The report also discusses how 23 parole officers who once handled adults as well as children have been assigned to the youth authority.

OVERFLOW ACCOMMODATED

Next the report discusses the Indiana Youth Center. The institution is not officially open, although ground was broken in 1962. (An overflow of 70 boys from the Indiana Boys' School have been sleeping in one of the center's buildings for some time.) When the center opens officially, up to 200 younger inmates will be transferred from the Pendleton Reformatory to relieve overcrowding in that institution.

The report notes the many delays in opening the center, then adds: "We now can see the work of so many people nearing completion with only the formidable tasks of staffing, training, and documenting of programs to be completed."

STAFF REDUCED

The next page reports on changes at the Girls' School, including three new cottages, a staff reduction of 15, expansion of treatment programs, and a work-study program.

The report then devotes half a page to the Boys' School. The first item states that the vocational program was expanded in 1969. Yet, Robert E. Hardin, head of the Indiana Youth Authority, says this took place between 1964 and 1966.

The second item discusses revisions in the "diagnostic process in the orientation unit" and asserts that "the treatment process begins with the boy arriving at the Boys' School and extends through into the community with the inmates' families, by increased visitation and communication."

One official calls this "more of a dream than fact."

The Boys' School also added a psychologist, bringing the number to three. None of the three has a doctorate.

The report lists 40 staff-development sessions. Superintendent Bennett says the only qualified social worker at the school holds a training session each week. While counselors attend, Mr. Bennett says "line staff" decided to drop out.

The next item discusses volunter services. Officials say the chaplain has church members visiting smaller boys (age 10 and up) several times a week in their living unit. Also, townspeople come in for basketball games.

CAMP PROGRAM COVERED

The second half of the 11th page covers the youth rehabilitation facility—a youth

camp program. Progress in 1969, according to the report, included:

A work-release program at the Chain o'Lakes Youth Camp for 12 inmates; "expansion of community involvement," including the chartering of a youth Lions Club, "the first installation of such a body in any penal facility in the world"; and the chartering of a Jaycee chapter at the Chain o'Lakes Youth Camp.

The report notes that "the Rockville training center became a reality by law and is in median stages of development." Officials say they hope to transfer the smallest boys from the Boys' School to the camp—if staff funding is available and such a step is approved.

The report also notes that an operations manual has been completed for the youth rehabilitation facility (no date given), then adds that "revision and updating" are an ongoing process.

The fifth item shows group counseling programs have been started, although no dates or statistics are provided.

"FUTURE PLANS" LISTED

The final item notes that a vocational typewriter repair program has been initiated at the Chain o'Lakes Youth Camp "with no expenditure of funds from any source other than volunteers within the community."

The final three pages of the report list 18 items under the heading of "Future Plans." The 18 proposals include:

Reorganization of the Department of Correction; uniform records; an extensive staff-development program, including better pay; expanded work-release; expansion of the Indiana Youth Center to accommodate 450 youths; opening of a Rockville Training Center for boys 10–14 now held at the Indiana Boys' School; more contact between the Boys' School and the Girls' School for both inmates and staff; a search for alternatives to commitment, including use of more foster and group homes; inauguration of family counseling; improvements in the parole system, including use of volunteers (the report notes that "as many as half" the state's juveniles fail on parole); and provision of correctional staff members as speakers for civic groups.

Under the heading of "Shock Probation for Juveniles," the report proposes 30-day commitments to a juvenile institution for the "therapeutic value in the 'experience' of having been committed to an institution."

While most of the proposals are useful, Indiana correctional officials agree more is needed.

[From the Christian Science Monitor, Mar. 5, 1970]

PRESSURE BUILDS FOR INDIANA CORRECTIONAL REFORM FOR "CHILDREN IN TROUBLE"—HELP OR PUNISHMENT?

(NOTE.—Last spring, this newspaper published a series of articles on "Children in trouble." While reform came rapidly in several states, little happened in others. In Indiana, officials challenged the Monitor to support charges made in the series, and several months of dialogue ensued. This is the second of four reports updating the Indiana situation.)

(By Howard James)

INDIANAPOLIS.—Pressure for correctional reform is building in Indiana.

Gov. Edgar D. Whitcomb reports that his administration is pushing for needed reforms as rapidly as practicable. Specifically, state correctional officials say they are moving to stop staff brutality at the Indiana Boys' School at Plainfield and to make changes at the Indiana State Reformatory at Pendleton.

Robert P. Heyne, former superintendent of the Boys' School, and now State Correction Commissioner, told this reporter in a meeting in Mr. Heyne's office recently that he has instructed the present superintendent, Alfred R. Bennett, as well as Robert E. Hardin, executive director of the newly formed Indiana Youth Authority, to "clean up" the school. Mr. Heyne assured this reporter there would be "no whitewash."

For some time, most correctional officials, as well as some of Governor Whitcomb's aides, had denied that youngsters at the Indiana Boys' School were being mistreated.

EVIDENCE REQUESTED

State Rep. Harold Shick (R) of Muncie (brother-in-law of Donald Tabbert one of Governor Whitcomb's chief advisers) had written the Monitor last fall asking that this reporter provide evidence of beatings, solitary confinement, and other mistreatment of boys at the school as reported in the Monitor series "Children in trouble."

The breakthrough came in January of this year, when Mr. Shick accompanied me to the Boys' School. We visited boys at random in solitary-confinement cells. Some had nothing to read.

Mr. Shick also saw saucer-sized bruises on the buttocks of one youth who had been disciplined several days before with a heavy wooden paddle for running away. The boy was not permitted to sit on the bed during the day and was forced either to stand or sit on the cement floor.

Mr. Shick saw boys with shaved heads, a practice abandoned years ago in almost all other institutions in the nation.

NOTHING TO DO

He heard boy after boy tell of being "jacked-up" (physically assaulted) by staff members for various rule infractions. Boys, carefully questioned to assure accuracy, with stories cross-checked, told of being hit with fists, kicked, and otherwise attacked.

"The thing that affected me more than anything else," Mr. Shick said, "was when I saw the little kids—10 and 11 and 12—sitting in their pajamas after dinner with nothing to do. At least they could have some games or other activities. They should have more to do than watch television."

Mr. Shick heard both correctional officials and the boys themselves complain of a shortage of qualified staff and too little equipment for evening activities. Thus boys of all ages usually go to bed between 7:30 and 8 p.m.

"The purpose of the institution is to train and to try to help these kids who are in trouble, and not to inflict punishment in such a way as to cause them to be even more bitter toward society."

MEMO STRESSES DISCIPLINE

Nationally most correctional officials agree that it is difficult for a superintendent to learn of staff brutality—especially when inmates have no systematic methods of communicating with administrators. But they also assert that it is the duty of administrators to provide such channels of communication, to continuously check for possible brutality and to make it clear to staff that assaults on youngsters will not be tolerated.

The prevailing philosophy of the Indiana Boys' School seems best reflected in the disciplinary rules and procedures of that institution's academic school.

In a memo prepared by the principal and signed by the superintendent, rules for discipline and for "just and constructive punishment" are covered.

According to this memo, discipline "is the most important characteristic of the school's whole program." The memo explains how youngsters may be paddled "one to five 'licks'" if permission is granted by the principal.

Veteran observers say discipline, control, and punishment for years have been the overriding interest of many who work there.

At the same time, the vocational and academic programs at the school have been cited by experts as the "bright spots" of the institution.

1966 STUDY QUOTED

One study in 1966 by the National Council on Crime and Delinquency stated:

"The teachers are all certified by the State Board of Education and have salaries comparable to county public schools of similar size. The need to maintain established standards of the State Department of Education helps to ensure an acceptable school program.

"Other areas of the institution cannot even get necessities into their budget; yet the academic school has never been refused textbooks and necessary educational supplies. The State Department of Correction has generally respected the standards and requirements of the State Department of Education, but it has not, as yet, adopted recognized standards for the operation of its juvenile institutions."

The report adds that because of the nature of a training school, "the most skillful teachers should be sought, and at salaries considerably above salaries paid to teachers in community schools."

The majority of boys interviewed by this reporter said the academic and vocational schools are "the only good things" at the Boys' School and that most of the teachers are excellent.

TEACHER ADMITS SLAPPINGS

Yet, it is also accurate to say that boys complain that a few of the teachers hit them for minor infractions. One teacher admitted to this reporter that he slapped the boys and punished them in other ways.

Boys had reported that one teacher disciplined them by hitting them on the head with a half-inch wooden dowel. When I entered that teacher's classroom, I found a dowel on his desk.

A staff member told of other teachers assaulting youngsters.

In this newspaper's study of "Children in trouble" it was found that most leading experts agree the solution is not to use rigid or cruel controls or physical abuse, but rather to help the youngsters develop inner controls, improved attitudes, and self-discipline.

This is the basic philosophy at the highly acclaimed reform school at Redwing, Minn., throughout the innovative New York Division for Youth, and in other agencies and institutions with a high success rate across the United States.

"BRUTALITY" REPORTS DENIED

Last spring, in the "Children in trouble" series, I wrote of brutality in Indiana institutions. Later in the year I discussed this in two speeches delivered in the state. At that time Superintendent Bennett of the Boys' School at Plainfield told William B. Ketter, a reporter for the United Press International:

"We certainly do not know where he [Howard James] got the idea that brutality was part of our discipline, because it was not and is not. The accusations are without foundation . . . they are out-and-out falsehoods."

Yet, Mr. Bennett subsequently told this reporter—in the presence of a number of others on several occasions after Representative Shick visited the Boys' School on Jan. 17—that there is "more brutality here than we were aware of."

On several occasions in recent weeks, Mr. Bennett told this reporter he was doing everything in his power to eliminate brutality.

The difference of opinion appears to center on the degree of brutality. Mr. Hardin, head of the new Indiana Youth Authority, a few days ago agreed that "some" brutality exists "but not as much as you say."

PHYSICAL ASSAULT CITED

I found evidence that boys were hit, kicked, and otherwise assaulted by a number of employees at the Boys' School. Mr. Bennett admitted that he had "10 reports" of assault in the first half of January this

year and that a staff member was reprimanded for walking through a dormitory at night while boys were sleeping and kicking arms that dangled off beds.

There was also evidence last spring and as recently as January that group punishment is fairly common: Boys were forced to hold heavy chairs over their heads for long periods or to bend over and hold their ankles till they fell over, or to hold their bodies in a push-up position until they collapsed.

This reporter observed this form of punishment last spring. Staff members told him it was still going on at the Boys' School in January.

The heavy leather strap used to punish boys when I visited the school last spring now has been retired. But while the public was told by officials last fall that the strap was not being used, I found one youngster had been strapped in November. (The strap has been abolished in all but a handful of the nation's worst institutions.)

Mr. Bennett first told me there was "no paperwork" on the November strapping incident. But later, in a telephone conversation, he said he thought he could "probably find some paperwork."

PADDLE SUBSTITUTED FOR STRAP

Later he said that the last recorded strapping took place in October and added that a wooden paddle has been used since then. He says that all forms of corporal punishment are being "phased out."

It is interesting to note that his predecessor at the Indiana Boys' School, Mr. Heyne (promoted to Correction Commissioner last summer after the first man appointed by Governor Whitcomb was ousted), is quoted in the Indianapolis News in 1964 as saying that he and his then-assistant, Mr. Hardin, planned to phase out such punishment.

The article quoted Mr. Hardin as saying: "Of course, corporal punishment is not going to be done away with overnight. We cannot do away with the paddle until a suitable substitute is found."

Mr. Heyne and other officials asserted that certain references to Indiana in the Monitor series last spring were "untrue or misleading." They objected strenuously to the word flogging—used in the Monitor's original report—and preferred "spanking." More recently they have referred to it as "strapping."

The issue of brutality came up last fall, after an Evansville, Ind., attorney, Donna Ray Hagedorn, filed a motion in the local court asking that a youth not be sent to the Boys' School at Plainfield because it would "be detrimental to the emotional mental, and emotional stability of the child," because "the Indiana Boys School offers no constructive therapy or program for this specific child," and because the school "has reverted to a hideous and sadistic procedure and type of corporal punishment contrary to rehabilitation."

MOTION QUOTED MONITOR STORY

The exception/motion quoted from the Monitor of last April, and asked that the court "issue an order prohibiting any and all floggings, whippings, lashings, beatings, and/or striking of said minor child as a means of discipine and/or punishment while under the supervision of Indiana Boys' School authorities or staff."

Several weeks ago Superintendent Bennett had agreed to combat the problem of staff brutality. He told me I could return in two months to check on progress made at his school. But when other Indiana officials learned of this, the plan was scrapped, and I was banned not only from the school at Plainfield, but from the Reformatory at Pendleton as well.

Reasons given for the banning varied. At one point I was accused of being insulting to staff members. Later I was told I had "spent enough time investigating the school." Yet, according to an article in the Indianapolis Star by Jep Cadou, one of the earlier charges made by officials was that I had not spent enough time investigating conditions.

It is also unclear whether I was banned on orders from Governor Whitcomb or from Mr. Heyne. When I first asked who issued the order, both Mr. Heyne and Mr. Bennett told me the order came from the Governor's office. More recently, they said the decision was made by Mr. Heyne.

At the same time Mr. Heyne mailed the following letter to me:

"DEAR MR. JAMES: "This is to notify you officially that any allegations of brutality made by you must be submitted to my office in writing, listing names, places, and the alleged incident.

"Sincerely, "ROBERT P. HEYNE,
"Commissioner, Department of Correction."

A copy of the letter was sent to James P. Quinn, the Whitcomb aide who had been assigned to corrections.

LOS ANGELES TIMES REPORTER BANNED

This newspaper also learned that a reporter for the Los Angeles Times, Bryce Nelson, was banned from Indiana correctional institutions, although he is new to the area and has never written on the subject before. Nor, Mr. Nelson said, had officials apparently read anything he had written on any subject.

Mr. Nelson said he was twice refused permission to talk to Pendleton Reformatory officials. He said Correction Commissioner Heyne was "excluding reporters from Indiana's prisons because 'we want to keep out people who only do negative reporting.'"

Maxwell King, a reporter for the Louisville Courier-Journal, has been permitted free access to Indiana correctional institutions. Mr. Heyne said that he wants only "objective reporters" to look at the system.

The Justice Department has assigned the Federal Bureau of Investigation to investigate conditions at the Boys' School and the Reformatory at Pendleton. That report is said to be under study in Washington.

Meanwhile, the United States Civil Rights Commission is conducting its own investigation of the Indiana Reformatory.

The John Howard Association, a private nonpartisan, penal-reform group based in Chicago, investigated the Sept. 26 shooting incident at the Pendleton Reformatory in which two prisoners died and 45 were wounded. The group's report, released recently, was extremely critical of the institution and staff, and said "the most important factor" in problems at the reformatory was "partisan politics."

[From the Christian Science Monitor, Mar. 6, 1970]

WHY INDIANA LAGS IN CORRECTIONAL FIELD—REFORMATORIES STRUGGLE WHILE COSTLY STUDIES GATHER DUST

(By Howard James)

INDIANAPOLIS.—Reform comes hard in Indiana—at least in the Department of Correction.

In the past 35 years more than 18 professional studies have been published on Indiana corrections. While some important changes have been made, the dusty reports—which have cost Indiana taxpayers hundreds of thousands of dollars—have been largely ignored.

Shortcomings cataloged through the years may be found today.

(Four years ago John W. Buck, who recently left the department to take a teaching job with a university, published a short paper listing the various studies that had been made between 1935 and 1966.)

Some veteran correctional workers interviewed by this reporter in recent months insist that Indiana institutions were, in many ways, better in the 1930's than they are today. For, they explain, it was far easier to find qualified workers during the depression.

SCREENING LESS STRICT

Employees were more carefully screened 30 years ago. The now-decaying buildings were newer. At least in some instances, the number of inmates was far lower.

Thus, while many states have inched ahead in the correctional field in the past three decades, Indiana has continued to lag.

Based on the findings of this reporter in an 18-month national study published in The Christian Science Monitor last spring and return visits to Indiana in recent weeks, it remains clear that Indiana institutions for juvenile and youthful offenders rank with the worst—in the bottom 10 states.

The Boys' School at Plainfield and the reformatory at Pendleton remain brutal, punitive, and largely custodial, rather than rehabilitative. Both are inadequately staffed, poorly run, and critically overcrowded.

Some changes may lie ahead. Attention has been focused on the reformatory at Pendleton in recent months.

GUNFIRE RECALLED

On Sept. 26, 11 guards opened fire with shotguns on some 200 black inmates who were lying and sitting on an open sports field (one was reported to have been standing). Two were killed, and 45 were wounded. All had been ordered to move after they began protesting rules and conditions in the institution.

Bryce Nelson, a Los Angeles Times reporter, writing of the incident, declared Jan. 30:

"Indiana state administrators, from Gov. Edgar D. Whitcomb on down, have supported the guards' shooting of the prisoners. A county grand jury refused to indict any of those who had done the shooting, on the grounds that it could not determine criminal responsibility."

ORDER CRITICIZED

The grand jury did call for 15 changes. Almost all of the recommendations were the same as those cited in various reports through the years.

There also was criticism by the grand jury of the Whitcomb administration's order to cut back correctional staff a few days before the incident.

On Sept. 12 Robert P. Heyne, the second correctional commissioner to be named under the year-old Whitcomb administration, was quoted as saying he planned to cut 100 persons from the correctional staff in Indiana.

In a report on Pendleton issued a few days ago by the nonpartisan Chicago-based John Howard Association, this cutback was severely criticized.

"Even with 403 staff previously authorized, this meant that the institution fell far short of meeting acceptable staff standards. Then the authorized staff was cut to 386. This is absurd."

The report adds: "To meet the standards which exist in some of the more successful institutions, over 100 additional staff should be provided. To meet standards existing in some institutions where even more effective programs have been developed, over 300 additional staff are needed."

Some experienced employees at the reformatory complained to this reporter that a number of correctional workers were emotionally ill equipped for their work, others racially prejudiced, and some physically handicapped. They said some guards were one-armed, one-legged, or one-eyed.

One who gains the confidence of the inmates soon finds contraband scattered throughout the institution. Inmates brag that if the item is small "you can buy anything here that you can get on the streets of Indianapolis."

HOMOSEXUALITY REDUCED

Some inmates were even willing to show this reporter items that are banned. Cigarettes are used as the medium of exchange.

While forced homosexuality is far from

eliminated, at the reformatory, according to inmates and staff interviewed Jan. 18 gang "rapes" of smaller, younger inmates have been reduced there during the past year.

If one probes deeply enough, it is clear that conditions at the Indiana Boys' School remain critical. As pointed out earlier in this series, boys are subject to frequent and severe physical assaults by staff members. And the overall approach of the institution is punitive.

Officials say they are working to eliminate staff assaults on the boys at Plainfield. Superintendents at both the Boys' School and at the Reformatory at Pendleton told me as late as last week they have no objection to my returning periodically to check on progress. But both say higher officials will not permit it.

One reason for the problems is that the amount spent per child in the Boys' School is extremely low. According to Robert Hardin, recently named head of the newly formed Indiana Youth Authority, Indiana's expenditure per child at the institution in 1967–1968 (the most recent figures available) was $2,600.

EXPENDITURES COMPARED

Yet in that same period, one study shows, New York spent $8,850, California paid out $8,217, and the state of Washington spent $8,154 per child. Such states as Illinois, Iowa, Kansas, Maryland, Minnesota, and New Hampshire spent $5,000 per child or more—roughly double Indiana's commitment.

While leaders in the correctional field say even these states are not doing enough, at least conditions are—in almost all cases—far better than what one finds in Indiana.

Part of the problem at Plainfield is size. Experts say that if a juvenile institution is to rehabilitate rather than cause more crime, it should have no more than 50 or 100 inmates. In no case, say these experts, should an institution have more than 150.

The population of the Indiana Boys' School usually runs between 600 and 700 youngsters. About 70 boys have been sleeping at the nearby Indiana Youth Center—an institution not yet officially open.

PROBLEM OF RUNAWAYS

In 1967, the Hendricks County Grand Jury (Plainfield is in Hendricks County) issued a report criticizing the Boys' School. A problem with runaways and other shortcomings were noted.

A year later the grand jury reported, among other things, that the "Indiana Boys' School is terribly overcrowded," adding that "clearly, additional facilities are needed to handle delinquent boys in Indiana."

The grand jury also said that "the school does not have sufficient professional staff to institute and operate a really effective rehabilitation program." Then it recommended that "the Indiana Legislature should take steps immediately to correct the situation. Public safety and human compassion demand it."

As early as 1935 the report of the Indiana State Committee on Governmental Economy urged that the Boys' School adopt a "social-work approach," according to Mr. Buck's paper.

In 1966 the National Council on Crime and delinquency said essentially the same thing and more. The council study pointed out that the Boys' School did not "contain the basic ingredient for behavior change."

But little has happened since any of these reports were released.

POLITICAL ASPECT NOTED

Those close to the problems in the Indiana Department of Correction blame politics for many of the problems. It appears that those who have been trying to sell changes to the Legislature have not been politically expert.

Beyond that, governors too often have made appointments on the basis of party affiliation rather than professional skill. Those ousted by Governor Whitcomb make no secret of the fact that they are Democrats, while most, if not all now holding top posts in the department of corrections, say they are Republicans.

Politicians, through the years, have also found it easier to fire commissioners and other staff members when problems arise than to deal with root problems. In 1968 the John Howard Association pointed out that there had been three commissioners in eight years, five superintendents at the Pendleton Reformatory, five superintendents at the Boys' School, and nine superintendents at the Girls' School."

Since then there has been more shuffling, and Governor Whitcomb now has his second commissioner after little more than one year in office.

The John Howard Association report asserts: "The most important factor leading to the tragic 'Sept. 26 incident' at the Indiana Reformatory is partisan politics, which has existed down through the years in Indiana."

Correctional officials know that they must walk carefully or they will find a long career quickly ended. One correctional expert insists he was told by the present correction commissioner that if Governor Whitcomb is embarrassed again, heads will roll.

[From the Christian Science Monitor, Mar. 11, 1970]

INDIANA PENAL OFFICIALS SEE DIM PROSPECTS FOR REFORM—LOW PRIORITY AND PUBLIC SUPPORT

(By Howard James)

INDIANAPOLIS.—Many Indiana correctional officials are privately pessimistic about reform. Through the years there has been little public support for corrections spending in Indiana.

On more than one occasion James P. Quinn, Gov. Edgar D. Whitcomb's "law and order" adviser, has said corrections were not a "high priority" item for the Governor. Further, not only have the Governor's budget officials been extremely reluctant to release funds approved by the Legislature for corrections, but Indiana has a constitutional debt-ceiling limitation.

It is also clear that correctional administrators are not in control of the institutions. Superintendents ask not to be quoted on this point, but they say that the lowest-level staff too often thwart reform by ignoring orders or refusing to take part in changes.

REORGANIZATION SOUGHT

At the Boys' School in Plainfield, Superintendent Alfred R. Bennett is attempting to reorganize and train the custody staff—those who run the cottages and have the most frequent and important contact with the boys. When pressed on why it was taking so long to do this, he admitted that "it is a matter of selling the staff."

Some members of families in the small community of Plainfield have been on the Boys' School payroll for two or more generations. A family may have inherited "rights" to the use of a state-owned garage for parking a car on an on-grounds living unit.

At the same time many residents of Plainfield grow weary of runaways and stolen cars. Others are frightened and demand harsh punishment.

The attitude in the town of Pendleton where the Indian State Reformatory is located, is little different. Reporters who interview townspeople find many citizens satisfied that the wounding and killing of inmates last Sept. 26 at the reformatory was appropriate. The local grand jury refused to indict those involved in the shooting incident, asserting that guards—described by some witnesses as being "gleeful" as they fired on the prone inmates—were only doing their jobs.

Bryce Nelson, Midwest correspondent for the Los Angeles Times, wrote: "Prison officials receive the feeling that the public does not care what happens to the inmates. They feel that a 'law and order' mood is dominant in the country and that the public will support stiff disciplinary actions taken against inmates."

Yet slowly public pressure is growing. Because of this, Indiana officials have attempted to silence critics, both by barring them from the institutions and by putting pressure on those who are speaking out.

Indiana politicians also have attempted to silence corrections officials, and in many instances they have succeeded. Mr. Nelson, like this reporter, found most afraid to speak out. Mr. Nelson wrote that "all interviews with reformatory staff members had to be conducted in private, away from the reformatory. The reformatory sources asked not to be identified by name so that they would not lose their jobs."

Staff members at the Boys' School who indicate they are concerned by the brutality they see around them say that they would probably "testify truthfully" if called by a grand jury. They encouraged this reporter to expose conditions but then asked that they not be involved because they were afraid of being fired.

Meanwhile, some small steps are being taken to improve both institutions. Solitary-confinement cells have been repainted at the reformatory at Pendleton, for example, and rules for use of the cells have been drawn up. Other changes were listed in earlier articles in this series.

At the Boys' School in Plainfield, officials plan to shut down the inmate-operated farm program April 1—a step taken years ago by better institutions.

One spokesman said there was little opportunity for farm laborers today, that most youngsters come from large cities anyway, and that now it is cheaper in many instances to buy food than to grow it.

More contact is being made with the Girls' School—both by staff and inmates. Boys are getting off grounds more often than before to take part in community activities. At present two are taking courses at a nearby vocational center, and by next fall it is hoped that 25 or 30 will be able to do this.

A so-called "treatment unit"—a high-security building for problem boys—is finally being staffed after many delays. Half of this unit will be opened in the next few weeks. But the philosophy behind this kind of high security is already outdated, according to several leading experts.

Meanwhile, officials hope to reduce inmate population to around the 500 level in 1970 by opening small camps and convincing judges to make fewer commitments by utilizing local resources. While an inmate population of 500 is still at least two, three or four times too large—depending on which experts one listens to—it is, they say, a step in the right direction.

The ideal institution is tailored to the special needs of a group of no more than 150 inmates.

Meanwhile, Superintendent Bennett says he has been "talking to, reprimanding, and suspending" staff members found to be assaulting youngsters.

Where does one place the blame for the deficiencies in the correctional system?

What are the answers?

Some point to the politicians who refuse to support reforms and who, over the years, keep shuffling top officials in the department for political reasons.

Others note that many of the better Correction Department employees have already left and that "new talent" is needed from the outside. Nearly everyone agrees that far more money is needed—so that Indiana cor-

rectional expenditures begin to approximate those in other Midwestern or Northern states.

The Indiana Criminal Justice Planning Agency has roughly $4 million in federal funds to spend. While little was done for juveniles and emphasis was on strengthening police departments in 1969, William T. Sharp, chairman of that agency, says the thrust in 1970 will be on preventing delinquency and on keeping children out of the state institutions. Proposals for these federally supported projects now are being drafted and are expected to be submitted in April.

Perhaps this is the greatest hope: that these federal funds will be wisely used for programs that will bring about change.

SENATE—*Friday, March 13, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Shepherd of our lives, the Restorer of our souls, who hast promised to lead us in paths of righteousness for Thy name's sake, lead us this day beyond all doubt and fear, step by step, moment by moment, into the light and truth of Thy kingdom. Thus guided, may goodness and mercy follow us all the days of our lives that we may abide in the house of the Lord forever. Amen.

BOARD OF VISITORS TO THE COAST GUARD ACADEMY AND THE MERCHANT MARINE ACADEMY—APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, under the provisions of Public Law 207 of the 81st Congress, appoints the Senator from Connecticut (Mr. DODD) to the Board of Visitors to the Coast Guard Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce (Mr. MAGNUSON), his appointments of the Senator from Louisiana (Mr. LONG) and the Senator from Vermont (Mr. PROUTY) as members of the same Board of Visitors.

The Chair, under the provisions of Public Law 301 of the 78th Congress, appoints the Senator from California (Mr. CRANSTON) to the Board of Visitors to the U.S. Merchant Marine Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce (Mr. MAGNUSON), his appointments of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from New York (Mr. GOODELL) to the same Board of Visitors.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 12, 1970, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period, not to exceed 15 minutes, for the transaction of morning business, and that there be a limitation of 3 minutes on statements made therein.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

TELEGRAM TO PRESIDENT NIXON ON CIVIL RIGHTS POLICY

Mr. BYRD of West Virginia. Mr. President, press reports yesterday stated that a Member of the Senate had criticized the administration for its handling of civil rights problems.

Last evening I sent the following telegram to the President:

MARCH 12, 1970.

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

A member of the Senate has criticized your administration in the press today for having made, in his words, "a cold, calculated political decision" to adopt a negative civil rights policy. This criticism prompts me to commend your administration on its activities in the civil rights field. Too often in recent years the civil rights of the majority have been subordinated to the civil rights of a militant minority in this country. Your administration, it seems to me, has tried to strike a proper balance with respect to the civil rights of all people, Negro and white, in the Nation. I commend your administration on its efforts to promote increased employment of Negroes based on their qualifications. In addition, I commend your administration on its efforts to train and equip Negroes for better jobs.

I also compliment you on your efforts to restructure the Supreme Court which, for too long, has been the haven of activist libertarian judges who have substituted sociological theories for legal precedent and who have subordinated the rights of law-abiding citizens to the imagined rights of seasoned criminals.

I hope that your administration will continue its reasonable approach to civil rights matters and that you will not be deterred by those in this country whose philosophy was rejected at the polls in the last election but who nevertheless continue to make a determined effort to dictate the policies of your administration.

The voters of this country in 1968 indicated a desire for a more conservative orientation in this government's handling of sociological problems. I trust that your administration will continue to heed the voice of the great unorganized majority even though it may not, at times, make itself heard above the dim of organized pressure groups.

ROBERT C. BYRD,
U.S. Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in yesterday's Washington Post entitled "Brooke Hits Nixon Policy on Rights."

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

BROOKE HITS NIXON POLICY ON RIGHTS

The Senate's only Negro member, Republican Edward W. Brooke, said yesterday that the Nixon administration has made "a cold, calculated political decision" to adopt a negative civil rights policy.

"President Nixon said he wanted to bring us together, but everything he has done so far appears to be designed to push us further apart," the Massachusetts senator said, in his harshest criticism so far of his fellow Republican.

"I have seen very little for Negroes, for black people, to applaud during the Nixon administration," Brooke said in an interview on the CBS radio program "Capitol Cloakroom."

Sen. Brooke, who campaigned for Mr. Nixon, said he was aware during the 1968 presidential campaign that "the Nixon campaign strategy was to sort of ignore the black community." But he said he had expected that the President would abandon that stance after his election.

Instead, Brooke said, the Nixon administration now is following what "you might very well call a suburban strategy as well as a Southern strategy . . . and I think that it's a rather cold, calculated political decision that has been made by the Nixon advisers and by the President to continue along the road they took during the campaign."

Brooke said some of Vice President Agnew's recent statements, which he said disturbed him, could be explained as "support for this cold political decision."

The Massachusetts senator said he was "dismayed" by the administration's stand on desegregation guidelines, voting rights, Supreme Court nominees and other issues.

"I have seen very few deeds which have pleased me during the early stages of the Nixon administration insofar as black people are concerned," he said.

He has not spoken to the President on these matters for almost a year, Brooke said, but has written letters to him about them. "In most instances the answers have not been specific," Brooke said.

Nonetheless, Brooke said, "I support the administration and I'm very proud of my Republicanism, but there is room in the Republican Party for disagreement and I have that disagreement with the President on certain domestic issues."

He said he gave the administration "high marks" for improving the Vietnam war situation and the nation's economy and for cutting defense spending.

RECONVENING THE 1962 GENEVA CONVENTION WOULD NOT SETTLE THE PROBLEMS IN LAOS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 8 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, President Nixon's call for a reconvening of the 1962 Geneva Convention on Laos was a most commendable diplo-