

Mr. HOLLAND. Mr. President, I wish to comment for the RECORD that most of the first district court of appeals lies within the same area in which the northern district of Florida lies, which was presided over for so many years—12 years, as I recall—by Judge Carswell as district judge. I ask unanimous consent that the RECORD show that the circuit court in Gainesville, Fla., which has jurisdiction over several counties that lie in the eastern part of the first Federal judicial district of Florida or the northern district of Florida, was presided over for so many years by Judge Carswell.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from Hugh M. Taylor, circuit judge, who describes himself as having served for 30 years as a Democratic officeholder and for the last 25 years as a circuit judge. He recommends the confirmation of Judge Carswell.

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

TALLAHASSEE, FLA.  
March 16, 1970.

HON. SPESARD L. HOLLAND,  
Senate Office Building,  
Washington, D.C.:

I have been a Democratic officer holder over a span of more than thirty years and a Florida Circuit Judge for twenty-five years. I strongly urge confirmation of Judge Carswell to the U.S. Supreme Court. My observations are that he is fully qualified by maturity, judgment, discretion and knowledge of the law.

HUGH M. TAYLOR.

Mr. HOLLAND. Mr. President, I ask unanimous consent to have printed in the

RECORD a telegram from John J. Crews, circuit judge, eighth judicial circuit of Florida, recommending the confirmation of Judge Carswell.

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

GAINESVILLE, FLA.  
March 16, 1970.

HON. SPESARD L. HOLLAND,  
Senate Office Building,  
Washington, D.C.:

I have been shocked at the nit-picking of otherwise prudent men in opposition to the nomination of Judge G. Harroid Carswell to the Supreme Court. As a prosecutor trial judge and now appellate judge the nominee has served ably, honestly and with distinction. Without reservation I endorse his nomination. Respectfully,

JOHN J. CREWS,  
Circuit Judge, Eighth Judicial Circuit of Florida.

Mr. HOLLAND. Mr. President, in closing this brief appearance, and it is necessarily so because I am engaged in hearings and will be engaged in hearings tomorrow, my files show a very large number of other letters and resolutions to the same effect as these which I have just placed in the RECORD, and which I will have a chance to assemble and offer for the RECORD later, including strong letters from such distinguished Americans as a former Governor and an earlier Member of our House of Representatives, later a member of the supreme court of Florida, who lives in Tallahassee, and who has known Judge Carswell throughout his residence there. He strongly recommends the appointment and confirmation of Judge Carswell; as well as others too numerous to mention which

I shall have placed in the RECORD at the appropriate time.

ADJOURNMENT TO 11 A.M.  
TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment, as in legislative session, until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 25 minutes p.m.) the Senate adjourned, as in legislative session, until tomorrow, Tuesday, March 17, 1970, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 16, 1970:

AMBASSADORS

Stuart W. Rockwell, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Findley Burns, Jr., of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ecuador.

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Clarence Clyde Ferguson, Jr., of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

OFFICE OF ECONOMIC OPPORTUNITY

Albert E. Abrahams, of Maryland, to be an Assistant Director of the Office of Economic Opportunity.

EXTENSIONS OF REMARKS

GOOD PLACE TO START:  
POLLUTION DRIVE

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. MIZE. Mr. Speaker, even before his inauguration, many of us were convinced that Richard Nixon was a man—and would be a President—of action and not of words alone.

This belief has been borne out many times in the 14 months since the President has taken office, and we have seen his words of intent transformed into policy almost instantaneously.

One more example of this is the President's drive to end pollution. First he issued a strong statement of this problem, an important starting point—then immediately he set forth an order that the Federal Government would begin first, and a \$359 million program would be undertaken to eliminate the pollution caused by Federal agencies or installations.

The President's decisive action toward alleviating this serious problem is praised

in a February 6, 1970, editorial from the Kansas City Star. I insert this editorial in the RECORD at this point:

GOOD PLACE TO START THE POLLUTION DRIVE IS U.S. INSTALLATIONS

It occurred to President Nixon that before the federal government began exerting all-out pressure on the nation's cities and industries to clean up pollution, it should first "sweep its own doorstep clean." Hence Wednesday's sternly worded order to all government agencies and installations to get started on a 359-million-dollar program to abate their own air and water pollution, or at least have measures under way, by the end of 1972.

It is not that the government is a deliberate violator, any more than are most cities or industries. Most pollution is inadvertent, the inevitable product of disposing of wastes of various kinds in the ways in which this has always been done. In the case of the one worst single source of pollution, motor vehicle exhausts, it is not even a conscious act on the part of the individual.

Thus it is that Mr. Nixon could accurately refer to the federal government as "one of the worst polluters" without any particular recrimination. It is simply that the government, in the aggregate—military and civilian—has more vehicles, aircraft, sewers, incinerators and so on than possibly any other single entity in this country. And the man at the top of this enormous pyra-

mid reasonably concluded that here was a good place to start to get some of the most early and effective results in the war on pollution.

The White House in this instance has only to pass the word—and the money—and in due course considerable headway can be achieved in pollution abatement just by cleaning up all federal installations, buildings, bases, vehicles, missiles and aircraft. The executive order extends even to public works projects such as flood reservoirs and barge canals, with especially stringent language ordering the secretary of the interior to review the possible pollution effects of any new project for which authorization or funding is being sought.

The Defense department, as might be supposed, was identified as the largest single source of pollution within the government, with West Point's need of more than 3 million dollars for improved treatment of sewage now damaging the Hudson river given as a major example.

Government stocks of fuels and chemicals of various types, with their danger potential in spillage accidents, also were cited for preventive action. There was a word too, on radioactive pollution from atomic materials.

This was not the first federal directive ever put out on the subject. But previous ones, said the Nixon statement, have been "ambiguously worded" and poorly enforced. The timing of the statement was fortuitous, on the eve of a major pollution meeting in Chi-

cago of the President, his new Environmental Quality Council, most of the cabinet and four Great Lakes area governors, who share one of the nation's most acute water pollution situations. On such an occasion, the President manifestly didn't want anyone to be able to say to the federal chiefs: "What about yourselves?"

#### WHO PAYS THE BILLS?

### HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. HANSEN of Idaho. Mr. Speaker, I am pleased to bring to the attention of the Members of the House of Representatives a very thoughtful and penetrating analysis of some of the problems and opportunities facing the Nation's timber industry by our colleague Congressman JAMES A. McCLURE of Idaho. I include as a part of my remarks a recent address by Congressman McCLURE to the Western Forestry Conference:

#### WHO PAYS THE BILLS?

(By Hon. JAMES A. McCLURE)

This is your 60th Western Forestry Conference. Today your organization looks back over 60 years of progress in the science and practice of forestry. I think it is appropriate that you have chosen as your theme for this meeting "The Next 60 Years". I wonder, though—do you really think you can look that far into the future? Do you suppose that any of your members in 1909 could have predicted what is happening today? What do you suppose would have been the reaction if, at your first annual meeting 60 years ago, a speaker had prophesied that in 1969 we would be using forest products on the surface of the moon? Even less than ten years ago, most of our people did not think such a feat would be possible.

We can no longer plot the trends of the future by merely projecting the past. For example, during the 60-year history of your organization, you have already seen more technological change than have all the combined generations of mankind before you! Think of it! We now split the atom and harness its fury. Already we talk of commerce with the stars. And little by little we are deciphering the genetic code of life itself. If we plot our technological progress on a wall chart, it becomes apparent that we now live in the age of the right angle. The flat curve on the graph has turned abruptly upward and is climbing like a homesick angel.

Time, as we have known it in the past, is collapsing. Right now, in our own time, 90 percent of all the scientists who have ever lived on this earth are alive and working today. The total fund of human knowledge is now doubling every 4 or 5 years. Even the miracle of computers and automatic data processing are challenged to keep up with the tremendous output of science and technology.

Recently I visited the Forest Products Laboratory at Madison, Wisconsin. If there is any indication of what the future holds for us in the development of wood science and wood technology, this Forest Service installation is the place where we might find it. For in the land squeeze that will increasingly affect the nature of wood production, it is science and technology that will help counterbalance the encroaching restrictions of our society on land uses.

I was deeply impressed by the amount and quality of research that was going on at the Laboratory. As I walked through the workshops, I could not help but feel that here, to a great extent, lay the future of wood as a consumer's item.

It also became evident to me, in a more forceful way than ever, that this was not merely an operation of the Federal Government, but a vital activity that represented and touched all of us—forest industry, universities, small forest owners, and the consuming public.

We can look forward to developments in the future such as nondestructive testing that uses ultrasonic waves to determine how to get maximum value from a tested board, automated sawmills, slicing machines that will reduce sawdust and planing losses, the use of water jets or laser beams in cutting wood, and an increasingly greater utilization of the entire tree.

Concerned as we are with a land squeeze and the kind of limitations it may impose on land uses, research offers opportunities toward increasing timber yields. New opportunities for timber investment can open up when research finds effective ways of extending the timber supply and reducing the cost of production. As you know, some industrial landowners already are seizing these opportunities.

The research people have informed me that there are many ways of doing this. Increasing the growth of forest stands within a specified period is one way. It has been found that the application of fertilizers, for instance, can increase the growth of a Douglas-fir substantially over a 5-year period. The development of genetically superior trees is another way. The staggering annual loss of about 14 billion board feet of sawtimber could be considerably reduced if more intensive timber management were practiced.

I'm sure that much of what is wasted in the harvesting process today will be the source of some new wood product tomorrow. Forest scientists also see in the future the production of new trees resulting from a more intensive culture, further mechanization and automation of forestry and wood production processes, refined remote sensing techniques for forest resource surveys, and ways of increasing incentives among small forest owners for greater timber productivity on their lands. Many breakthroughs will come as research, aided by more sophisticated techniques, zeros in on specific problems.

Today the Western Forestry Conference also faces new vistas. You are scanning the horizon for new solutions to old problems. You are searching for leaders with distance in their eyes—men who can see beyond the political expediency of the moment. You need men of vision who can see farther and more clearly than other men. It was Sir Isaac Newton who said, "If I have been able to see farther than other men, it is because I stood on the shoulders of giants". In the days of Newton, the shoulders of giants in science were indeed rare.

Our present-day scientists and foresters have whole pyramids of giants to support their research. With this advantage, the vistas of forestry are greater than ever before—but so are the challenges and conflicts.

We have been developing our Nation for more than three centuries. Still, our forests occupy one-third of the land and supply us with more than eleven billion cubic feet of wood each year. But today's growing population tears insatiably at the forests. As people spread into every corner of the land, the forests shrink. (1) Roads drive deep wounds into the solitudes. (2) The power saw turns beauty into board feet. (3) Sheep nibble the high pasture. (4) Dam builders covet choice valleys; and (5) Armies of mechanized campers invade.

In discussing these conflicts, Charles Reich made this statement in a report entitled "Bureaucracy and the Forests":

"Management must decide between the competing demands on the forests. When different users clash, which shall be favored? How are local needs to be balanced against broader interests? Who is to have the benefit of the economic resources and on what terms? How are the conflicting recreational demands of fishermen, skiers, hunters, motorboat enthusiasts, and automobile sightseers to be satisfied? Should the requirements of the future outweigh the demands of today?"

As we devote more land to the single use of recreation, who will bear the increased cost of more intensive management on other lands? Will the recreationist? Will the public through taxes? Will the consumer, through higher prices?

As we build roads to design standards intended to make the road an addition to a permanent road system, but which will not be needed (at least at that standard) simply to remove timber, who will bear the added cost? The taxpayers of the nation as a whole through increased appropriations? Local governments through lowered revenues? The hunter or fisherman through use fees?

And if we succeeded in shifting a proportion of the total production to private lands, who will make the investment in future production and increased management costs? Will the consumer alone, or will those who benefit through decreased pressures on public forest lands share in these costs?

It is fair to say that the public has wanted the benefits of public ownership but has not been willing to pay the bill. Or maybe the public has been, but have not convinced their Senators or Congressmen. At least, Congress has not been willing to appropriate enough money to properly manage the forests, let alone the necessary money for investments which will meet future public needs and demands.

To this I might add, who pays the bills? When, etc.?

A lot of people seem to think that all we need to do is print some money to pay our bills. The current inflationary spiral and erosion of the dollar over the years are a living testimonial to that point of view. But that's another object. When thinking of the care of our forests, knowing that someone will pay the bill, we must try to smoke out just who that someone will be, without burning down the forests, of course.

Some citizens say, let the government do it, ignoring the fact that they themselves will actually pay the bill through increased taxes. On the other hand, some say let the industry provide the where-with-all, failing to recognize that this cost will come back to them in increased prices for forest products.

In private forestry, if you are to pay the bills, and protect your investment, and make plans and carry out research, you must make a profit. That is the free enterprise system. Whereas, in public forestry we pay the bills out of the U.S. Treasury—from taxes, revenues from timber sales, and other Federal sources. Right now, it is not easy to make a profit in the lumber business. This has been about the most hectic year for price fluctuations we have ever seen. Or as *Business Week* describes it in their October 25, 1969 issue, the industry is now feeling the effect of "The boom in wood that busted." The article says: Like a horse player with a sure thing the lumber and plywood industry put its money on a 1969 housing boom. Over optimism plus sharply rising prices led to overproduction. But strong demand for wood products was expected to solve all problems before yearend. The boom never came. The first rude awakening came last spring when tight money and high interest rates clob-

bered homebuilding. Wood prices plummeted at an alarming rate. Even though consumption continued to run roughly the same, lumber mills promptly shaved output below last year's level. Plywood producers started to get the message in June.

Among lumber and plywood men, the contrast between the bubbling optimism of January and the grim reality of October is striking. Old hands in the industry are unable to recall another such sharp drop in the market. Probably no other major commodity now is priced as much below year-ago levels, let alone the peaks of last February. This is an example of the current financial ups and downs in the lumber market. You know who pays the bills in times like these—and you know what happens to the margin of profit.

Forestry is an investment in the future. As evidence of the investments that private and industrial forestry are making, let's take a brief look at the Tree Farm movement in America. It was 28 years ago in this State near the town of Montezano that the first Tree Farm was established. In that year the country was harvesting 20 percent more trees than were being grown. Today we are now growing 31 percent wood than we harvest each year or lose to fire, insects, and disease. A striking 85 percent reduction in forest fire losses during this period is allowing more young forests to reach useful size.

Today nearly 10,000 professional foresters participate in industrial forest management at all levels in comparison to fewer than 1,000 at the dawn of tree farming. This is an unparalleled achievement in resource conservation, one that has no counterpart in the history of modern civilization. This, too, is an investment in the future.

By the very nature of its business the forest industries of this country keep their eyes on the future. They must! The cutting cycle from sprouting of the seedling to harvest is at least 40 years, usually 60 years, and sometimes 120 years. Timber companies are spending several million of dollars each year on forestry practices and protection of their tree farm lands. Much of the investment is made for generations yet unborn—and for profit, too, of course.

In this leisure-time age of multiple-use forestry we frequently hear complaints that outdoor recreation does not pay its fair share of the forestry bill. We also face the same conflict in regard to grazing fees on Federal lands. Over-emphasis on wildlife and wilderness perhaps falls in the same category. How are productive timberlands going to compete with all these other legitimate uses? And who will pay the bill?

Competition is a part of the free enterprise system that we cherish in America. Had we not been free to move men, goods, and services in the open market would the United States have been the breadbasket for the whole world? Would it have become the greatest Nation on earth? Would it have become the champion of freedom for all mankind?

Looking 60 years ahead, I foresee that the Multiple Use-Sustained Yield principle will be expanded and refined to the point where the needs of the American people will be better served, in terms of resource uses. Better methods—based on research and experience—will have been found to guide the management of public and private lands. These methods, no doubt, will not only be influenced by economic forces, but by social needs, esthetic standards, and ecological considerations as well.

The multiple-use concept is a relatively new thing. By one name or another we can trace it back perhaps five decades or so. It grew in scope and meaning through the years, but it was only a short decade ago

that Congress gave it official sanction with the passage of the Multiple Use-Sustained Yield Act of 1960.

Professional foresters know that it works—that it can produce timber on the one hand and provide recreation for millions of people on the other, that it can improve wildlife habitat and grazing ranges, protect important watersheds and other resource values, and accommodate as many different kinds of users as derive benefits, in one way or another, from the forest environment.

The years ahead will no doubt be crucial ones for the forest manager. Public demands inevitably will continue to build up, exerting pressures for different kinds of land uses—wilderness, recreation, limited timber harvesting, and other special purpose lands. The future forest manager will have to anticipate these demands and come up with acceptable solutions to the problems these demands will pose. Many believe that the answer lies in the application of the multiple use principle to forest management.

Progress in multiple use management is leading to less conflict among resource uses; there are fewer impacts of one use on another and greater benefits as a result of research and careful planning. For example, a road will be designed and constructed to control the impact of exposed soil on water, fisheries, and esthetic values while providing access to timberlands. Or timber harvesting may be so modified as to benefit wildlife through the production of desired browse or through a favorable "edge effect."

Land ownership involves benefits and obligations whether the owner is the public, a private individual, or a corporation.

The bills incurred on private lands increase with public use. Forest lands attract recreation use, and with increased use costs go up. Fire risks increase and the costs of protecting forest property from fire loss is largely borne by the owner, not the user. The Federal Government covers part of the cost in cooperative areas through assistance under the Clarke-McNary Act. Public use also increases the costs of maintaining roads, and providing sanitation facilities, public direction, and patrols to reduce losses due to vandalism and theft.

In State or National Forests or on Bureau of Land Management lands, the public is the owner and has more to say about the use of these lands. The cost of achieving a mix of resource uses is often reflected in reduced revenue from the sale of timber, to minimize the effect of timber harvesting on other resources. Roads necessary to provide access to timber are financed by the public through reduced revenue for stumpage. The recreationist, however, benefits from this. The water user benefits when roads are stabilized to reduce erosion, by enjoying increased water yields. And the hunter also benefits through improved accessibility to game and larger wildlife populations, though he pays nothing other than his pro rata share of public ownership.

The future of timber depends on research and on good management. It also depends on the attitude of people who use the forest, as well as those in urban areas who seldom see a tree.

We will all be glad when credit is again loosened and we can get back to the business of business in a stable and progressive fashion.

We know there is a demand to meet and the timber industry stands ready to do the job.

We need and must have a new era of cooperation between conservationists and producers and all others. For together we can build and plan for a compatible and prosperous future.

## REACTIONS TO PRESIDENT'S PLAN TO SELL AEC'S GASEOUS DIFFUSION PLANTS

### HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. HOLIFIELD. Mr. Speaker, on November 10, 1969, the President issued a press release announcing the establishment of a Directorate within the Atomic Energy Commission to operate the Government's uranium enrichment facilities "in a manner which approaches more closely a commercial enterprise." That announcement stated that the President's decision was based on the belief that the Government, which is now the sole owner-operator of such facilities, should sell these gaseous diffusion plants to the private sector "at such time as the various national interests will best be served."

As chairman of the Joint Committee on Atomic Energy, I issued a press release on November 10 commenting on the President's proposal. My distinguished colleague from Illinois (Mr. PRICE) inserted my comments in the CONGRESSIONAL RECORD, volume 115, part 26, page 34969. I should like to invite the attention of my colleagues to an excellent speech on this issue and the entire matter of providing for an adequate supply of electric energy delivered on the floor of the Senate by Senator GORE of the Joint Committee on February 17 which appears in the RECORD at page 3502. Senator GORE served the Congress some real food for thought in that excellent speech.

The administration's budget request for fiscal year 1971 contains a request for funds in the amount of \$5 million to conduct a paper study on the matter of improvement of our Nation's gaseous diffusion plants—the so-called cascade improvement program. There still is no commitment by the administration to go forward with that program which is absolutely essential if we are to meet the demands, both domestic and foreign, for enriched uranium which are foreseen through the growth of the nuclear power industry. We have the responsibility and have made the commitment to meet those demands. Initiation of that program has been delayed and is continuing to be delayed by this administration. These plants represent the sole source of enriched uranium in the United States—it is simply inconceivable to me that anyone would not take every necessary step to assure that they are of sufficient capacity to meet the needs. The Joint Committee will be exploring this subject in depth during hearings next Thursday on the AEC's authorization bill. I can assure you this matter will receive the most searching examination.

Since the President's announcement, there have been a number of editorial and other comments on his proposal to sell these unique facilities. Some of these comments have been inserted in the record by my distinguished colleagues from

Tennessee (Mr. EVINS) and New York (Mr. GOODELL). Mr. Speaker, in order that the Members of the Congress may be apprised of the various reactions to the President's plan, I include the following editorials and two speeches on the subject:

[From the Wall Street Journal, Nov. 14, 1969]

#### SELLING THE URANIUM PLANTS

President Nixon's proposal for the ultimate sale of the Government's uranium-enrichment plants deserves support. Delay in the sale until "sometime in the future," as he suggests, may be justified to provide time for steps needed to assure a reasonable price for the properties.

Mr. Nixon, for instance, has ordered the Atomic Energy Commission to begin operating the plants as a separate commercial entity. Accounting of their operation, he said, is to be placed on a basis "fully reflecting commercial criteria."

The growing use of nuclear power, one official estimated, may provide the plants with full order books by the mid-1970s, a development that obviously would enhance their attractiveness to private industry. The attractiveness to the Government—and the taxpayers—lies in the fact that needed further development of the facilities would be financed by private industry.

Atomic energy necessarily began as a Governmental enterprise, and it has continued so as the industry has struggled through its infancy. Now that it is coming of age, there's no sound reason why it should go on in the same fashion.

Some Congressmen argue that the fuel processing setup should remain in the Government's hands as a "yardstick" to measure the prices charged for other fuels. But the economic situation of Federal plants, in regard to taxes and other factors, makes them poor yardsticks for any industry. In any case, the need for such yardsticks is highly dubious—especially in an industry as thoroughly regulated as power.

It's difficult to say just how bright atomic energy's future really is; so much depends on what happens in fossil fuels. And that, of course, is precisely the sort of future with which private industry is best equipped to cope.

[From the Christian Science Monitor, Nov. 22, 1969]

#### SELL URANIUM PLANTS?

It will come as a surprise to many Americans to hear that the Nixon administration is preparing to sell, to private industry, some of its atomic production plants. These comprise 13 colossal plants—at Oak Ridge, Tenn., Paducah, Kentucky, and Portsmouth, Ohio—which turn out enriched uranium (U-235).

Anyone coming suddenly upon that half-mile long gaseous diffusion plant at Oak Ridge, there in the hills, would think he had stumbled upon something out of a science fiction magazine. It turned out the U-235 which fueled the Hiroshima bomb. After World War II the Atomic Energy Commission expanded its plants and, by 1968, had produced some \$6 billion worth of uranium. Much of this has gone into supplying the explosive ingredients for America's vast nuclear arsenal. Some has gone into fueling nuclear reactors for generating electricity.

Why should the government want to sell these plants, which would cost some \$2.3 billion to replace? Critics say that the Republicans, when in power, are always wanting to turn government operations over to private business. "In the Eisenhower era it was the Tennessee Valley Authority, now it's the atom plants." The impelling question is asked: Should not the production of a such dangerous, national-security item as uranium remain a government monopoly?

But President Nixon a week ago directed the AEC to get ready to sell these plants. The administration's argument—and there are congressional supporters—is that the price of uranium fuel will determine whether electric companies turn strongly to nuclear power generation, to meet vastly expanding future needs. And that the profit motive will enable nuclear fuel to be produced at lower prices. And that the AEC's security provisions would still apply to uranium production—including sales of U-235 or derivatives to foreign countries.

So there's an issue here, which Congress' Joint Committee on Atomic Energy is exploring. One question is: What kind of new ownership should be established? Should the plants be run by a public corporation, like the TVA, or by a joint government-private agency, or by a complex of private companies?

Certainly the price of nuclear fuel is vital to the future electric power needs of America. We think the congressional joint committee should ponder thoroughly the questions of security, national safety, the public interest, and private efficiency in power production, before Washington decides one way or the other.

[From the Sacramento Bee, Dec. 11, 1969]

#### NIXON PLAN TO SELL U.S. NUCLEAR POWER PLANTS MAY NOT BE IN PUBLIC INTEREST

President Richard Nixon's opening of the door to possible turnover of the government's nuclear fuel processing plants to private interests has serious and dangerous implications to the public interest.

The plants, located at Paducah, Ky.; Portsmouth, Ohio, and Oak Ridge, Tenn., are the only facilities in the United States which can produce enriched uranium for atomic warheads and for peaceful uses such as nuclear electric generating plants.

They represent an investment of \$2.3 billion of the taxpayers' money. There is little indication any business other than oil has the kind of capital available needed to purchase the plants. Should an oil firm, or a combine of them, become owners of these plants the oil industry could have almost complete control of the basic sources of energy in the nation.

These plants represent the last link in the nuclear fuel chain still under public control. The demand for electricity is growing at a startling pace. A recent Federal Power Commission estimate shows the country will need double the present power-producing capacity for 1980.

John A. Carver Jr., an FPC commissioner, figures the nation will have to turn more and more to nuclear power plants to fulfill this staggering need.

Private utilities and others involved in nuclear power production for years have been lobbying for private ownership of the government's enrichment plants. The Nixon administration has asked the Atomic Energy Commission to prepare their operation for eventual sale to private industry.

There is a hint of a recurrence of the Dixon-Yates scandal during the administration of President Dwight D. Eisenhower. The Washington Post has reported the idea of selling the nuclear plants originated with Kenneth D. Nichols, who was AEC general manager at the time of the Dixon-Yates episode.

Dixon-Yates was an attempt, blocked by the courts, to get the Tennessee Valley Authority's public power business into private hands.

Rep. Chet Holifield, D-Calif., chairman of the House-Senate Atomic Energy Committee and a leader in the fight against the Dixon-Yates deal, has warned the proposal on the nuclear plants has dangerous pitfalls. He has suggested they be operated publicly by a corporation patterned after TVA. This would

assure the public would be protected against a mammoth power monopoly.

#### THE CHALLENGES OF THE 1970'S

(By Alex Radin)

Perhaps the most significant monopoly issue in the energy industry will have to do with the control over the sources of energy—coal, oil and uranium. Considering the importance of energy to our society, and the fact that the cost of fuel represents one of the most vital factors in the cost of producing energy, it is alarming to observe the increasing degree of concentration of economic power that is taking place in the energy fuel business.

Senator Alken of Vermont, one of the most highly respected members of the United States Senate, warned of this problem when he spoke at APPA's annual conference earlier this year.

He pointed out that there are now 21 oil companies with interests in the nuclear fuel business. Well over half of all the coal sold is being sold by the oil companies, and at least five of the large oil companies have an interest in all energy fuel—coal and uranium in addition to oil.

A new threat developed last month when President Nixon proposed that the gaseous diffusion plants now owned and operated by the Federal government, through the Atomic Energy Commission, be "transferred to the private sector, by sale, at such time as various national interests will best be served, including a reasonable return to the Treasury."

It is likely that you will be hearing and reading a great deal more about this issue, so it is worthwhile to devote some time to it now.

Presently, there are three gaseous diffusion plants which were developed by the Federal government to provide enriched uranium that was needed initially for the atomic bomb and is now needed to provide fuel for nuclear power plants.

Although I would suspect that only a relatively small fraction of the American people are aware of the existence of the gaseous diffusion plants, they represent a very large investment of the Government—some \$2.3 billion, in fact. These plants are among the largest industrial facilities in the world, the process buildings having a total floor area of approximately 640 acres. They also use large quantities of electricity; at a load of slightly more than 6,200,000 kilowatts in 1956, they consumed almost one-tenth of the electrical energy of the United States at that time.

The significance of the gaseous diffusion plants is emphasized by the growing reliance of the electric industry on nuclear power. By the end of September of this year fifteen nuclear power plants were in operation in the United States, with a capacity of 3.9 million kw. But AEC estimates that by 1980, 120 to 170 million kw of nuclear power capacity will be in operation, plus 70 to 100 million kw of "free world" capacity. Virtually all of these plants are expected to use light water reactors which employ enriched uranium as fuel.

An AEC example for a typical 1,000,000 kw light water reactor in 1980 indicates that enrichment of an annual reload would contribute about .43 mill per kw to generating cost, or more than one-third of the total fuel cycle cost.

What would be the danger to the public interest if these huge gaseous diffusion plants were sold to private companies?

Critics of the proposal—among them, Congressman Chet Holifield of California, chairman of the Joint Congressional Committee on Atomic Energy—have pointed out that perhaps the most dangerous consequence of this proposal is that it would likely lead to further monopolization of energy supply. The successful bidder for these plants probably would be the oil industry, which has the cash

to purchase the highly expensive plants. Considering the encroachment of the oil industry into its two competing sources of energy, coal and uranium, the control of the gaseous diffusion plants by the oil companies would give this industry a virtually complete monopoly over energy supply, with consequences that are frightening to contemplate.

Among other consequences of such a monopoly, the prices of fissionable materials would rise dramatically under private control, Congressman Hollifield has warned.

"Just imagine what would happen if you owned the only gasoline refinery in existence," he said. "You obviously could set the final price for gas.

"You could charge all that the traffic would bear."

Other likely results of the sale of the gaseous diffusion plants to private companies would be the encouragement of creation of a new international cartel, since the U.S., as a prime source of "free world" enriched uranium, will become increasingly involved in foreign sales as other countries move to nuclear powers; increasing the possibility of radioactive contamination and proliferation of nuclear weapons material as control leaves government hands; and the "give-away" of a valuable going business developed with public funds but sold at depreciated prices.

It is little wonder that some have already charged that the proposal to dispose of the gaseous diffusion plants could result in another infamous "Dixon-Yates" deal.

A nine-man APPA task force which studied this issue reported in May of this year that there are "substantial reasons" to doubt that the "spur of the profit motive" would insure "fair and reasonable pricing policies." The APPA task force concluded that the plants should remain under government ownership. However, if AEC operation is considered infeasible, particularly if it is concluded that funds will not be provided through appropriations to satisfy demands for increasing uranium enrichment capacity, then a Federal corporation with authority to use its own revenues and to secure funds from bond issues should be set up to take over existing plants and to provide necessary new facilities.

The issue that is being posed undoubtedly will become a highly controversial one, and of great consequence to all utilities, whether they generate or purchase power. It therefore behooves your organization and each of you individually to follow developments carefully, and to present your views in your usually forceful manner.

STATEMENT BY JOSEPH A. BEIRNE, PRESIDENT, COMMUNICATIONS WORKERS OF AMERICA

The Nixon Administration has taken its first official step in a program which has all the signs of being a giveaway of the government's nuclear production facilities to a corporate combine which already controls much of the nation's energy sources. This should be stopped before the Administration can take the next step.

This program involves the planned disposal of the government's three uranium enrichment plants. These plants, located at Oak Ridge, Tenn., Paducah, Ky., and Portsmouth, Ohio, produce the material which fuels nuclear electric power plants—but which also can be used to arm nuclear weapons.

If the Administration goes ahead with the program to sell the plants, it is treading on the edge of a potential scandal greater than the Dixon-Yates fiasco of the 1950s.

It took the first step when, on November 10, 1969, President Nixon ordered the Atomic Energy Commission to operate the plants as "a separate organizational entity" so that they can be sold to private industry at an unspecified time in the future.

Ostensibly, this is being done because the

Atomic Energy Act of 1963 included as policy the provision that atomic energy should "strengthen free competition in private enterprise."

But in a study on the proposed sale made for the Atomic Energy Commission by the atomic industry's own organization, Atomic Industrial Forum, Inc., a warning that the sale would do little if anything for "free competition" was given.

William M. Capron of the Brookings Institution, a member of the study committee, asked how competition would come about if three super-corporate entities control the entire supply of enriched uranium. He made this comment:

"At least initially and perhaps for many years thereafter, this will be a three-firm oligopoly. Observation of performance in other industries suggests that the possibility of 'hard' competition is further lessened in markets of as few as three firms such as this where the product is homogeneous; uranium enriched to a given percentage by one produced is indistinguishable from that produced by another."

After recommending "somewhat hesitantly" that the plants be sold, Capron pointed out:

"I find it necessary to emphasize the fact that this recommendation does entail a not insignificant risk that an industry will be created which does not display effective price competition. While overt collusion can be attacked under the anti-trust laws, protection of the public interest through reliance on the anti-trust laws is much more difficult (and perhaps impossible) to achieve if the collusion is tacit and passive, as it can easily be in an industry with only three firms."

In the light of this informed comment, there is a certain hollow sound to the pleas made by some of the nation's gigantic industries and financiers for the sale of the plants in the name of competition and free enterprise.

The need for consideration of national security is also of great importance in this issue.

While some of those advocating the sale rightfully recognize the security problems involved in disseminating the vast amount of heretofore secret information which would be needed just to prepare bids, let alone operate the plants, too many others dismiss security as a minor problem.

But in the Atomic Energy Commission staff report on the proposed sale—a report which did not advocate sale of the plants—security is seen as running risks of being weakened.

The staff report said:

"A major advantage of a private competitive industry in any field is that the profit incentive stimulates efforts to advance the technology and reduce costs. The profit incentive, however, can introduce potential conflicts in an industry using classified technology and with a product subject to safeguards, as is the case with uranium enriching. Under current conditions of Government ownership, operations are carried out by industrial contractors under cost-type arrangements. In the absence of the profit motivation, such operating contractors are under no economic pressure in connection with carrying out security responsibilities required by the national interest."

Joseph C. Swidler, one of the developers of the Tennessee Valley Authority's public power program, and a former chairman of the Federal Power Program, recognized the great danger involved.

"Profit motivated operators cannot be expected to maintain security conditions with the same strictness as the present operating contractors," he said. "The proceedings preliminary to a transfer would be even more risky. Numerous companies would wish to be in position to bid, and at a minimum several representatives of each potential bidder

would be entitled to a full briefing on classified technology."

One aspect of technology security has arisen since the Nixon order and makes preservation of security especially vital. It involves the two methods of producing enriched uranium, gaseous diffusion and gas centrifuge. The three American plants use the gaseous diffusion system, not gas centrifuge.

In mid-December, Britain, West Germany and the Netherlands disclosed that they had formed a consortium to manufacture nuclear fuel through the gas centrifuge process.

The development requires an entirely new examination of the ownership proposal.

British Minister of Technology, Anthony Wedgwood Benn, in announcing the formation of the consortium, said no part of the procedure would "be used by or to assist any non-nuclear state to manufacture or otherwise acquire nuclear weapons or other nuclear explosive device."

Britain was one of the signers of the Nuclear Non-Proliferation Treaty, which decreed that the nuclear powers would not give non-nuclear powers access to nuclear devices for 25 years, and that non-nuclear nations would not seek such devices for the same period.

It also decreed that the nuclear nations would cooperate with non-nuclear in peaceful uses of atomic energy.

But the AEC staff report dated March, 1969, said that "the gas centrifuge technology is particularly sensitive from the standpoint of proliferation because it lends itself more readily to smaller scale facilities which are easier to conceal and to operate clandestinely."

With the danger of misuse of enriched uranium always present, and obviously growing, and with many existing agreements between the United States and other nations providing for the supply of enriched uranium for foreign nuclear electric power programs, it seems that the wise course would be for the major existing supplier system to remain with the government out of commercial hands.

Some of the advocates of sale of the plants have seized this security issue and converted it into a device to help assure that only a small corporate elite will ultimately control the plants. They have done this by proposing that, in the interests of keeping security information from as little dissemination as possible, the number of bidders be limited.

The Atomic Industry Forum study committee report suggested that actual bidding should be limited to from 10 to 15 bidders.

"The study committee does not intend to imply that there will necessarily be this many responsive bids submitted, but felt that such a number should be set as an upper limit for security reasons."

So, if the recommendation was followed, we would have at the most 15 corporations or combines of corporations bidding to control the entire national supply of enriched energy.

They would be bidding on plants which cost the government \$2.25 billion to build. The plants, according to the AEC staff report, "would have a depreciated book value of about \$1 billion by 1972, but may have a higher commercial value."

The AEC report also discussed other aspects of financing, including plant improvements and expansions which will be needed for anticipated increased demand in the future. It said:

"Expenditures for the improvement programs are estimated at \$600 to \$800 million, and commitments in the order of \$800 million would have to be made by about 1975 for required new plant capacity needed by about 1980. Commitments for electric power procurement to operate the new plant, assuming a five-year termination notice period, could run another \$500 million. Substantial additional investments and power

commitments for more new capacity would follow in the late 1970s. Inability to undertake such major investments or difficulties or delays in arranging financing for such commitments could compromise the assurance of adequate supplies of enriching services to overseas and domestic customers."

Who could provide such financing?

Rep. Chet Holifield, Democrat of California, and chairman of the Joint Committee on Atomic Energy, who opposes the proposed sale, pointed out that the major oil companies have both the financial ability to handle the acquisition and also have already been moving into such energy sources as coal mining industry and uranium.

"The thing that I fear is that there will be an energy combine developing," Rep. Holifield told interested news media. "I'm not maintaining that there is an evil conspiracy, just an inevitable result of the forces that are interested, a coalescing of private interests that want to exploit it," he said.

Holifield pointed out that the oil industry was in a financial position to do this because of the tax breaks which the industry enjoys.

"If they are going to control basic energy in the United States they will be controlling power across the board," Rep. Holifield said.

The fact that these plants now operate at only about 40 percent of capacity should not be considered permanent—as now planned programs to establish nuclear power plants go ahead the plants are expected to operate at full capacity, and new and expanded facilities will be needed.

It should also be noted that Peter M. Flanagan, a former vice president of Dillon, Reed, New York investment bankers, is the Nixon assistant who is coordinating the White House effort to sell the plants. Flanagan is responsible for regulatory agency affairs in the White House.

This action for sale of the plants does not give Flanagan much credibility as an official interested in regulatory agencies operating for the benefit of consumers of public power.

All this points to the same thrust which motivated the Dixon-Yates affair—greed and disregard for the public interest—as the reigning philosophy in the proposal to sell the plants.

A look at the major events in the Dixon-Yates affair is appropriate.

President Truman, in his January 9, 1953, budget message, included \$30 million to start construction of a TVA steam plant at Fulton, Tenn., to supply power for the Memphis area.

The Eisenhower Administration came into office that year, and dropped the steam plant from the budget.

In 1954, the Administration backed a plan, named for Edgar H. Dixon, President of Middle South Utilities, and Eugene A. Yates, board chairman of the Southern Company, which called for building a private power plant at West Memphis.

Supporters of TVA saw the proposal as a phony plan, to open the TVA area to private power. If it went through, it would mean that TVA would be denied funds for needed expansions of generating facilities, while private power got the authority to build the facilities. This would destroy TVA as a power price yardstick.

Calls for an investigation came out of Congress, but the pressure of the private power interests against this were so great that Senator Langer, a North Dakota Republican who was chairman of the Judiciary Committee and its Antitrust and Monopoly Subcommittee was compelled to say on the senate floor:

"The Republican leadership has refused to give our anti-monopoly committee any money which was unanimously requested by the 15-member Judiciary Committee. . . ."

Subsequently, the committee did hold hearings, and a former official of a subsidiary

of Dixon's Middle South Utilities testified that if the Dixon-Yates plan went through the result would be a private power combine "so huge it is frightening."

But on November 11, 1954, the contract was signed under Eisenhower's orders.

The fight had not yet ended, however.

On January 24, 1955, the Anti-trust and Monopoly Subcommittee issued a report warning that Dixon-Yates would bring about "the third great corporate merger movement in our history," and calling for a nation-wide monopoly investigation.

Then, information about the role of the Budget Bureau in Dixon-Yates began to develop. It became clear that Adolphe H. Wenzell, an officer of the First Boston Corp., financiers representing Dixon-Yates, was at the same time advising the Budget Bureau on TVA's accounting system.

The monopoly subcommittee held an investigation into this, but on July 11—before it concluded—Eisenhower ordered the Dixon-Yates contract cancelled. (The city of Memphis had proposed to build its own power plant.)

The part Wenzell played, according to AEC General Counsel William Mitchell, had "raised a substantial question as to the validity of the contract. . . ."

The monopoly subcommittee said Dixon-Yates "purpose was unwholesome; the methods used devious; and in carrying out the scheme, every concept of decent government and fair and impartial administration of applicable law was ignored."

Sen. Estes Kefauver, Tennessee Democrat and a member of the subcommittee, said, "this whole plan was conceived in darkness for the base and ulterior motive of destroying the Tennessee Valley Authority."

Although it is generally forgotten now, Dixon-Yates filed suit and was awarded \$1,867,545 for damages by the U.S. Court of Claims. The Supreme Court overturned that in 1961, by a 6-3 vote, saying that Wenzell's conflict of interest made the contract invalid.

Now, we are in the early stages of a plan which would turn the supply of enriched uranium over to a few private interests—most likely to interest which now exercise great control over energy sources.

The plan does not pass the test of free competition.

The plan does not pass the test of national security.

If the public interest is upheld, that plan will be aborted.

If special interest prevails, we are headed for the 1970's version of the Dixon-Yates debacle.

#### HEW FUNDS—TIME FOR RESPONSIBILITY

**HON. BARRY M. GOLDWATER, JR.**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. GOLDWATER. Mr. Speaker, it now seems possible that the President may again be faced with an inflationary HEW appropriations bill and that we may have to cast another vote of concurrence with the President. An editorial in the Los Angeles Times on February 25, 1970, very adequately sums up the problem in the editorial entitled "HEW Funds—Time for Responsibility." I wish to bring this intelligent comment to the attention of my colleagues:

HEW FUNDS—TIME FOR RESPONSIBILITY

Robert H. Finch, secretary of health, education and welfare, has warned that he will

recommend a second presidential veto if Congress insists on voting another inflated appropriations bill for his department.

Indications are that Senate Democrats are prepared to ignore Finch's plea for restraint. President Nixon, in that event, should not hesitate to veto the big money bill all over again.

It is ludicrous that, with only four months remaining in the current fiscal year, appropriations for the agencies which account for a major portion of the government's non-defense spending should still be at issue.

Congress was very late in voting out a health, education and labor bill at all. When the lawmakers finally got around to clearing the first version of the measure last month, Mr. Nixon was forced to veto it because it contained \$1.26 billion more than he had requested.

As the President properly explained, the extra money not only threatened the budget surplus which is so essential to his fight against inflation, but was to a large extent earmarked for the wrong programs.

Now the House has approved a new version which still contains almost \$900 million more than he originally requested, and over \$400 million in excess of the compromise which he proposed after his veto.

The measure, now before the Senate Appropriations Committee, also includes provisions which would bar HEW from requiring bussing as part of school desegregation plans, and would legalize so-called "freedom of choice" school plans.

Congress, to be sure, is going to have to come to grips with the question of how far the federal government should go in compelling school integration. But hastily considered riders on an appropriations bill are hardly the way to go about it.

Finch is asking the Senate to eliminate the House-approved amendments in question. He also requests that the senators either cut the bill by \$447 million, or give Mr. Nixon the authority not to spend some of the money.

Senate Majority Leader Mike Mansfield indicates that the Democrats will ignore Finch's plea. This is unfortunate.

If Mr. Nixon is forced to veto the appropriations bill again, thus prolonging uncertainties in the vital federal programs involved, the blame should be placed squarely where it belongs—on lawmakers who cannot withstand the temptation to play election year politics with inflation.

#### U.S. AGENCIES PEDDLING MAILING LISTS

**HON. J. HERBERT BURKE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. BURKE of Florida. Mr. Speaker, for several years I have been most interested in the data collection operations of various Government agencies and the threat they pose to personal privacy. Recently, alarming information has caused me even greater concern.

The U.S. Government is actively aiding many individuals and companies in violating the so-called mail privacy of millions of Americans.

Mailing lists bring approximately \$400 million a year on the open market and the Federal Government is one of the most active sellers. The scope of such activities is not so amazing when one realizes that two out of every three adults and many teenagers are on some mailing list.

Hundreds of thousands of names and addresses, with related information, are being sold by such agencies as the Post Office Department, Federal Aviation Administration, and the Internal Revenue Service.

These agencies claim that the Freedom of Information Act forces them to make such sales. However, I seriously question whether this law, which was designed to assure public access to many Government records, should be used as a defense for selling mailing lists. These practices constitute an unacceptable invasion of privacy.

Here are some examples of the Government's activities:

The FAA sells its computer tape list of 400,000 names and addresses of licensed pilots to aviation magazines and product suppliers looking for customers.

The Post Office Department lists are sold to the growing complex of firms which sell or rent them to commercial and nonprofit organizations. Much of the "junk mail" received last year was sent to addresses obtained in this manner.

A more startling and disconcerting practice is that of IRS selling a list of 140,000 names and addresses of licensed gun dealers and collectors throughout the United States.

This IRS roll of mailing labels sells for approximately \$140 and the revenue derived from these sales is estimated for fiscal year 1970 at \$10,000. It seems that making this information available to the public flies in the face of the whole intent of the State Firearms Control Assistance Act, which purpose was to help States exercise some control over the location of firearms in an attempt to keep them from falling into criminal hands.

I believe this practice of selling Government mailing lists should be prevented. When a citizen must provide information to his Government, he should not, as a result, subject himself to harassment and solicitation by private concerns using this Government-collected data.

In an effort to forbid this practice, I have joined in sponsoring legislation that would prohibit any Federal agency from making mailing lists available to the public. My bill is now before the House Post Office and Civil Service Committee.

#### CRASH LOCATOR BEACONS

### HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. BROTZMAN. Mr. Speaker, the Aviation Facilities Expansion Act has now passed in both Houses of Congress. As a member of the committee which drafted the bill, Interstate and Foreign Commerce, I feel the version we passed in the House is generally sound.

However, Mr. Speaker, one Senate amendment is particularly worthy of our attention. I refer to the amendment offered by the distinguished Senator from Colorado (Mr. DOMINICK). His amendment, which was included in the bill as

it passed in the Senate, would require all private aircraft to be equipped with a crash locator beacon. This is a simple, relatively inexpensive device which is triggered upon impact when a plane crashes. Its beeps are sent out on a wavelength customarily monitored by civil and military aircraft and aviation agencies.

This device would save many lives, particularly in a mountainous State such as Colorado. In the first place, quick location of a crash would result in medical attention for injured victims hours and perhaps days sooner than is now the case. And in the second place, aerial searches often jeopardize the lives of the searchers, and I firmly believe that thousands of air hours can be prevented through widespread use of such locator devices.

Mr. Speaker, I wish to commend Senator DOMINICK for his efforts on behalf of airline safety, and I wish also to urge our House conferees to accept this Senate provision when they meet to work out the differences in the bill as it passed in each body.

In this respect, I would like to call my colleagues' attention to two excellent editorials. One was aired on March 5, 1970, by KLZ radio and television in Denver, Colo., and the other was published in the Denver Post:

#### CRASH LOCATOR BEACONS

Last year in Colorado 37 people died in small plane crashes. Four others were rescued through the efforts of the Civil Air patrol. It is not certain, but it is a real possibility that others might have been rescued if reached in time.

Installation of a crash locator beacon on the downed aircraft at the very least would have saved 80 percent of the search cost, according to a spokesman for the Colorado Civil Air Patrol.

The Civil Air Patrol is just one of many groups which support a bill now in congress that would require private aircraft to be equipped with a crash locator beacon. Channel 7 has editorialized in the past supporting such legislation. Now for the first time the bill has passed the U.S. Senate, and there is hope that the amendment sponsored by Senator Peter Dominick will be approved by the House.

Senator Dominick's proposal would give the private aircraft operators 3 years to comply. The delay is longer than we might prefer, but it is probably necessary to allow manufacturers to catch up with the demand.

Senator Dominick in quoting a cost figure of \$200 per airplane is probably understating the expense. The better models of the crash locator beacon sell for as high as \$550 a piece. The \$200 model he refers to is not the most dependable for mountain flying where night time temperatures can go far below zero.

Still even at \$550—and mass production can be expected to bring the costs down somewhat—the crash locator beacon is a good buy.

Far from impinging on the freedom of private pilots it should be considered as a public safety device, similar to the auto seat belt, or the provision of guard rails along our highways. It makes sense and if fully utilized can save lives, and cut down the expense and danger of extensive search operations.

Senator Dominick deserves credit for his persistence, and we hope his proposal will soon become law.

[From the Denver Post, Mar. 3, 1970]

#### AIRCRAFT HOMING DEVICES NEEDED

Coloradans can be especially gratified that Sen. Peter H. Dominick, R-Colo., has pushed

through the U.S. Senate a bill requiring installation of homing transmitter devices as an aid in finding downed light aircraft.

Colorado's mountains, as well as those of other Western states, take a tremendous toll of life among private pilots inexperienced in flying at high altitude and under wind conditions far different than those prevailing elsewhere.

Dominick's plan would require installation of a simple transmitting device which is triggered upon impact when the plane crashes. The beep then is sent out on a wavelength customarily monitored by civil and military aircraft and aviation agencies.

Frequently, the presence of such a device would mean the difference between life and death; some flyers have died of exposure and injuries after lying in the wreckage for several days. An early discovery system would enhance their chances of survival.

Extensive and costly searches (which sometimes endanger additional lives) would also be reduced.

Against estimates of \$200 per installation when such devices are manufactured on a large scale, we see no reason why the Dominick project, along with a similar bill in the House, should not be given early approval by President Nixon. It is not that much of a hardship on the plane owner's pocketbook, especially considering how much it might save him later.

We realize that lawmakers from flat, densely-settled states are not enthusiastic about the devices. Crashes in such areas are discovered rather quickly without homing devices (even at night a homing device would not be likely to speed up the discovery process greatly).

But a reasonable response is that most flyers are not limited to a small geographical area. Pilots travel far and wide. And it is precisely the flatland pilot who will be most likely to need a homing device when he does travel into a mountainous area. Pilots in such areas are, therefore, shortsighted in opposing the Dominick bill.

#### THE DUTY TO DISBAR KUNSTLER

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. WYMAN. Mr. Speaker, the violence resulting in arson in Santa Barbara, Calif., last month, is reported to have been incited by the deliberately inflammatory remarks of Attorney William Kunstler of Chicago seven infamy. No attorney who conducts himself in this manner ought to be permitted to remain a member of the bar, for such activity is a direct violation of his oath as a lawyer.

Public attention is increasingly focusing on the American bar in this connection to see whether it acts to recommend to the New York bar that Kunstler be disbarred. No professional organization of lawyers claiming to maintain self-policing responsibility can continue to have public confidence and respect if it allows members to remain in good standing who violate their oath and their fundamental obligation as officers of the court as Kunstler has, and on television no less.

In this connection the following paid advertisement of the Bank of America appearing in many newspapers across the United States this week, is significant:

[From the Record American, Mar. 6, 1970]  
**VIOLENCE IN AMERICA—ONE COMPANY'S POSITION**

Isla Vista, California, population 11,250. The business district consists of a couple of gas stations, a few small shops, some real estate offices—and a bank. A large campus of the University of California is nearby. All in all, a normal American suburban community—perhaps very much like the one you live or work in. Normal, that is, until Wednesday, February 25, when violence shattered the peaceful calm of Isla Vista.

At about 8:30 p.m. on the night of February 25, rampaging demonstrators—students and non-students—protesting the "capitalist establishment" converged on the community's small business district.

Several protestors rolled a gasoline-soaked trash bin through a smashed front door in a Bank of America branch and set it ablaze. Other students extinguished the fire. But just before midnight, with the angry crowd in a frenzy, the branch was set ablaze again. While police and fire officials were held at bay by a rock-throwing mob, the bank was gutted by fire and totally destroyed. A police patrol car was overturned and burned. Numerous other fires were started. Windows were smashed and life and property threatened.

These events took place in a community called Isla Vista. They could have happened in your community. They can happen anywhere and with even more disastrous results.

Why did the eruption in Isla Vista take place?

Participants in the violence say it was a protest against the "capitalist establishment," "the war in Vietnam," "the Chicago trial," "student repression," "police brutality," and a list of other grievances against America in 1970. Some of these grievances are real, some are fanciful and others are false. But all deserve to be aired. To the degree that they are not aired, are not taken seriously, Americans break faith with their young.

But all Americans, young and old, liberal and conservative, lose by violence. Violence and destruction are the seeds of anarchy and tyranny—whether it be the tyranny of the extreme right or the extreme left.

We believe the time has come for Americans to unite in one cause: a rejection, total and complete, of violence as a means of political dissent.

All of us, young or old, liberal or conservative, have for too long been silent on the issues of violence. We have been afraid of labels or slogans that would brand us either arch conservatives or traitors to a liberal cause. Such sloganeering does all of us a grave injustice.

Let us, as a nation, find once again our ability to distinguish between protest and revolt; between dissent and chaos; between demonstration and destruction; between non-violence and violence.

Let us cease to condemn those who disagree with us, but let us also be prompt and resolute in putting an end to violence in our land.

To this end we applaud the courageous response of many dedicated public officials. They deserve the cooperation of all citizens. They will have ours.

Every American has a right to walk the streets in safety. No polemic should be allowed to obscure this right. Your wife or husband, son or daughter ought to be safe in visiting a supermarket, a filling station or a bank—regardless of whether another may choose to reject that institution as an onerous symbol.

It is for these reasons that we plan to reopen our Isla Vista branch on Monday, March 9. We realize that there is danger in this course of action. But we believe the greater danger to ourselves and to all of the people in this nation is to be intimidated by

mob violence. We refuse to be so intimidated.

Is the branch worth this much? In monetary terms, the answer is no. It is not, and never has been particularly profitable. But it is there to serve the banking needs of the community and we refuse to be driven out of any community by a violent few.

Is this a bad business decision? Perhaps in a narrow sense it is. But we believe that at some time and in some place Americans must decide whether they intend to have their decisions, indeed their lives, ruled by a violent minority.

We are but one bank, but we have decided to take our stand in Isla Vista.

BANK OF AMERICA.

## CONSERVATION PROGRESS IN 1969

### HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. BLANTON. Mr. Speaker, at its 24th annual convention in San Francisco, Calif., February 1-4, a Tennessean, John S. Wilder, was elected president of the National Association of Conservation Districts.

State Senator Wilder is a constituent of mine from the Seventh Tennessee Congressional District. His work in the conservation and development of our natural resources, and his national leadership in improving the quality of our environment, is well known in Tennessee and throughout the Nation.

We in Tennessee have long known of his dedication to the cause of "conservation, development, and self-government." He has been a conservation district supervisor of his Fayette County Soil Conservation District for many years. He served 5 years as president of the Tennessee Association of Conservation Districts, vice president of the Southern States Association of Conservation Districts, national treasurer, and later served 4 years as vice president of National Association of Conservation Districts.

I consider it an honor for Tennessee and the Seventh Congressional District and a great tribute to John Wilder's dedicated and able leadership that he now heads one of the Nation's great conservation associations.

So that my colleagues may know of the fine work of the 3,000 soil conservation districts in America, I commend to their attention the following address of John S. Wilder, the new president of NACD, presented at the 24th annual convention of NACD in San Francisco, Calif., February 2, 1970:

PROGRESS IN 1969

(By John S. Wilder)

It is my task this morning to review the accomplishments of NACD—and Conservation Districts—in 1969. I can only sketch these accomplishments, of course, because the list is very long. But one thing is crystal clear—Districts can be proud of the advances they made in the cause of Conservation, Development, and Self-Government.

As we began the year, our nation's upstream watershed program received a good deal of our attention. Our primary objec-

tive was to break the deadlock between Congress and the President over approval of P.L. 566 projects. In April, President Nixon ended the long impasse that had stalled nearly 100 projects and had disrupted state appropriation and planning schedules.

This was a major victory, but other problems were not long in coming. The fiscal year 1970 budget proposed a \$10 million cutback in watershed construction funds. It also called for sharp limits on new planning and construction starts. After getting the program back on the track, it looked as if it would be stalled again.

Hard work by Milton Fricke's Water Resources Committee, plus scores of individual Districts, State Associations, and State Commissions turned the tide. The watershed funds were not only restored by Congress, but increased! Limits on new starts were raised to reasonable levels.

The struggle to secure adequate funds for federal agencies that assist Districts is a continuous one. In 1969, it was complicated by anti-inflationary policies, spending limitations, and intense competition for money to finance military and domestic programs. Congress, however, came through. The final appropriations for the Great Plains Program, watershed work, and Resource Conservation and Development Projects all exceeded the President's budget recommendations.

A few gains were made in forestry appropriations, principally in research and state and private forestry cooperation. But funds for soil and moisture conservation work on the public lands administered by the Interior Department were decreased—further evidence of a disheartening trend in recent years.

Adequate funds for District programs are vital. You can't carry out conservation work without money. Every District official knows the crunch we're going through in terms of technical help. Over the 10 years ending with 1968, for example, the Soil Conservation Service lost 600 man-years of employment. In 1969, the work force was decreased by another 600 men—just in one year! Inflation and hiring limitations continue to decrease the technical services available to Districts.

But overall, considering the problems we faced, the funding picture for 1969 turned out to be relatively bright. In another arena, we took part in a coalition of conservation organizations that helped secure an \$800 million appropriation for federal sewage treatment grants. The budget had proposed only \$214 million.

A significant accomplishment of the year was the extension by Congress of the Great Plains Conservation Program for 10 more years. A. L. Black and Lyle Bauer of the Great Plains Committee recommended several changes in the program—including one that gives District officials more authority—and these were written into the law. The program has already been so successful in stabilizing agriculture and conserving resources in the 10 Plains states that there are over 5,000 farmers and ranchers on the waiting list.

All in all, it was a busy legislative year. Charlie Ladd testified in support of a Presidential Council of Environmental Advisers—and a law establishing it was passed a few weeks ago. President Sam traveled to Washington to urge formation of a Youth Conservation Corps to give teen-agers summer jobs in our National Parks and Forests. The Senate passed this bill and it's pending in the House.

With the help from State Association leaders in North Dakota, Minnesota, and other states, we supported establishment of a "water bank" that would reimburse farmers who protect prime wildfowl habitat from drainage. The proposal has been received warmly by wildlife groups and Congress.

Throughout the year, Dick Longmire, Chairman of our Legislative Coordination

Committee, kept key District leaders in the states informed of developments. Dick, by the way, startled Agriculture Department officials at one of Secretary Hardin's "listening conferences." He began by saying "the ox is in the ditch" and took USDA to task for cutting back on resource programs when the need for conservation has never been greater.

The legislative scene in statehouses across the country was not quiet last year, either. State Legislatures appropriated over \$30 million for District-related work. But the state legislators didn't confine their action to money bills.

There was action in Tallahassee and Columbus to incorporate State Soil and Water Conservation Commissions in other agencies of state government. In Florida, the State Board went to the Agriculture Department. In Ohio, District supervisors chose to locate their State Committee in the Department of Natural Resources.

This kind of consolidation of state agencies is taking place everywhere in the United States. We studied 10 recent reorganization cases of this type and found that the state soil and water conservation agency was retained intact in every instance. In all cases, however, where the agency had been independent, it was incorporated into a state department of natural resources, conservation, or agriculture.

The Ohio action was part of a bill that expanded District powers and enabled Districts to cooperate much more closely with county governments in carrying out watershed and other resource projects. Montana's legislature gave Districts new powers also and established a system whereby counties will help finance District work. Districts in New Mexico were empowered to levy a modest tax on real property within their boundaries. Other legislation was passed and introduced in Texas, Arkansas, Nevada, and other states; and Alaska is considering widespread changes in their law based on the recommendations of NACD's District Outlook Committee.

Probably the most sweeping change in District legislation occurred in Nebraska. A new law there directs the merger of Soil and Water Conservation Districts, watershed conservancy districts, watershed advisory boards, watershed planning boards, and mosquito abatement districts into a few dozen "natural resource districts." Other units such as water, ground water, drainage, reclamation, and irrigation districts are encouraged to join with the new districts. This is ground-breaking legislation, and we'll be watching developments closely.

By the way, we only have 937 soil conservation districts in the U.S. anymore. There are 12 soil conservation sub-districts (in Alaska), 1,878 Soil and Water Conservation Districts, 171 Conservation Districts, and 14 Natural Resources Conservation Districts. This adds up to 3,012 in all. As our functions grow, our names are changing.

Another trend was particularly evident in 1969. This is the growing participation of women in District programs—as supervisors, members of State Commissions, and advisers. And they come from a variety of backgrounds. Mrs. Helen Wilder of Columbus, Ohio, for example, the first woman in the state to serve as a supervisor, is a journalism graduate. Mrs. Russell Wiltbank of Prince Georges County, Maryland, is a suburban housewife. Mrs. Charles Hooks, Jr., of Harris County, Texas, is prominent in aviation and civic affairs. This is a most heartening trend, and one that we should all encourage.

It's hard to know where to turn next in this report. The 16th National Watershed Congress, which we help sponsor, was an outstanding success. Held in Louisville, Kentucky, it attracted over 300 conservation leaders. So did the first National Conference on Sediment Control which we co-sponsored with the Soil Conservation Society of America and the National Association of Counties.

Earl McClellan, Chairman of our District Operations Committee, was our official representative, Dave Unger, our Assistant Executive Secretary from Washington, was staff adviser for the conference.

Soil Stewardship Week in 1969 was the best ever. More materials than ever before were distributed to clergymen and their congregations. Stewardship Chairman Del Krenik reports that there were several special and unusual observances, such as a program held by the Southern Aroostook District in Maine in a drive-in theater. They plan to make it an annual event.

Our work with youth groups continued during the year. President Sam appointed a new Youth Programs Advisory Committee with representation from distinguished officials of the Future Farmers of America, Extension Service, Soil Conservation Service, Boy Scouts of America, and Camp Fire Girls. Quincy Cornelius, Chairman of our Youth Programs Committee, met with these advisers and mapped out new directions for our work with organized youth groups.

Three other events are of particular interest. First, we helped to organize a program called "Trees for People" which you'll hear about on Wednesday. Farm Forestry Chairman Monroe Samuel points out that programs of this kind can have important side-effects—such as improved cooperation between people in the forestry field. Malcolm Crooks, Eastern Program Advisor, is secretary of the steering committee.

Second, we prepared an extensive position paper on public land issues which was submitted to the Public Land Law Review Commission. The statement was drafted by Lewis Merritt, Russ Reiff, T. L. Meredith, and other members of our Committee on Recreation and National Environment. It covers everything from grazing fees to mineral rights.

Third, the Corps of Engineers began work on the survey of shore erosion for which NACD helped secure authorization. I'm pleased to report also that Elmer Peterson's Shore Erosion Committee is working with Senator Tydings of Maryland on proposed legislation to establish a series of pilot erosion control projects in the Atlantic, Gulf, Pacific, and Great Lakes areas.

I've been emphasizing people in this summary, because they're what makes an organization work. We've had some excellent participation this year from some of our newer officers and directors, like Silas Eakins, Tom Ford, Harley Bogue, Hans Lawaetz, and Don Stephens. Each of them is active in important committee work. Lorin Trubschenck, of course, has been spending a tremendous amount of time, along with Western Program Advisor Bob McClelland, helping to plan this convention. And you all know that George Hartley was elected to the board after Willis Lord resigned to accept a position with the Agricultural Stabilization and Conservation Service.

One of our Directors, Donald Fraker, received signal recognition in 1969. Along with Allegheny County District Director Ralph Abele of Pennsylvania, Don received a coveted American Motors Conservation Award. Your Executive Secretary in Washington, Gordon Zimmerman, was honored also. He was elected Vice-President of the Natural Resources Council of America, a federation of the major private conservation organizations.

Other people who help your NACD function successfully are the dedicated employees in our offices—League City, Washington, Denver, and New Hope, Pa. Under the management of Dave Stewart, the Service Department handled about 10,000 printing orders in 1969 with a total dollar value of about \$424,000. That's a lot of business! New publications, new procedures, and new services are enabling League City to do an even better job of serving Districts and State Associations.

One new service, by the way, is a slide

talk describing how NACD works. Entitled "With One Voice," it's available for training sessions, District meetings, and other programs. Although we have 10 copies, they are tightly scheduled—so make your reservations early.

Programs of our sister organization, the Soil and Water Conservation Districts Foundation, were expanded and improved in 1969. Under the guidance of Marion Monk, Foundation Director, the District Planning Guidebook was completely revised. The result was a marked increase in use. The Davis Conservation Library at League City operated by the Foundation, steadily added to its shelves last year and made good progress with a number of special collections of fundamental District documents from each state.

There simply isn't enough time to report on all the developments of 1969. What I have said should give you some idea of the tremendous number of activities that are carried on in behalf of Conservation Districts by your national association. And these activities are only the tip of the iceberg. They rest on the countless contributions of each of the 18,000 District officials of this nation and those of the State Commissions, government agencies, and individuals who work with them.

There is more to conservation than the physical accomplishments that need to be attained. The way we go about the job is as important, in our democratic society, as the job itself.

Conservation Districts are a good way to go about this job. Let's continue to work together on the unfinished resource business of the decade ahead.

#### NEW MARKETING AVENUES, CUSTOMERS BEST WAY TO HELP FARM SITUATION

**HON. WILLIAM J. SCHERLE**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. SCHERLE. Mr. Speaker, in the following interview with Mr. Jack Klesner, the distinguished Washington editor of Feedstuffs, I discussed positive ideas about helping the farmer and creating a sound agriculture program. These comments are respectively submitted for your consideration:

[From Feedstuffs, Dec. 20, 1969]

NEW MARKETING AVENUES, CUSTOMERS BEST WAY TO HELP FARM SITUATION, SCHERLE SAYS

(By Jack Klesner)

WASHINGTON.—Keying in on market opportunities and finding new ways of selling agricultural commodities, as well as new customers, are the best way of enhancing net farm income and avoiding the incongruities involved in compulsory bargaining negotiations and farm unionization, according to one of the few "dirt farmers" left in Congress, Rep. William J. Scherle (R., Iowa), a 46-year-old grain and livestock producer who represents the southwestern quarter of Iowa, one of the leading corn, cattle and hog producing districts in the U.S.

Scherle sees a continuation of a trend to larger, more specialized and more efficient farm operations, with family ownership continuing to prevail. He believes that land grant colleges and agribusiness interests, including feed companies and other suppliers, have done a tremendous job of gearing research and management skills to production efficiencies, but that marketing and sound economics have often been neglected. He believes any hunger problems in the nation

are linked largely to problems in distributing the food produced in surplus.

#### NEW APPROACHES

He said farmers tell him they're yielding 120 bu. corn per acre through new production techniques, "but it would be more significant if they told me they'd found new customers or new approaches to marketing that corn." Scherle believes farmers' low net income problems are compounded by the fact that they "can't cheat on fixed costs" if they are to continue farming. They must buy equipment, feed and fertilizer while supporting efforts to expand their foreign and domestic markets, he explained.

The Iowan is very pragmatic in discussing current approaches to farm bargaining power, pointing to the independent nature of farmers, difficulties in getting them to sell as a group and problems involved in attaining the necessary supply-demand balance needed for effective bargaining.

"Sure, I like to see strong farm prices, but remember that real lucrative prices bring in the lawyers, barbers and everyone else until production climbs way up and prices drop again." He cited built-in hazards in bargaining for terms for perishable commodities, and pointed out, that, "You just can't profitably keep cattle on feedlots when they're ready to move."

The 1968 bargaining rights bill commonly known as S. 109, which outlawed discrimination against producers because of their activities in bargaining co-ops, was termed "workable" by Scherle, who takes a skeptical view of proposed steps beyond S. 109 calling for rigid compulsory bargaining and government intervention.

He noted that, distasteful as it may be now, the continual off-migration from farms may eventually improve the price situation for the remaining producers. If the number of farms is drastically cut, however, consumer prices would quite possibly be forced higher or food shortages could result, Scherle cautioned. On the extreme in such a case, he said, the government could eventually move to make food production and distribution a public utility.

Scherle plans to double his cow-calf operation and sell them as yearlings. He noted that older packing plants have become obsolete, that enormous amounts of cattle in his area are being fed by corporations and that competition on the market has been stepped up because of an influx of new, modern, regional packing operations, which must have the raw products on a regular basis. Need for this new production may force a problem in the next few years, he mentioned, adding that it might also encourage more imports.

Pointing to the demise of the old farm bloc in Congress, Scherle said that in order to get passage for agricultural legislation, including farm programs, rural interest must have "trading stock," such as support for food stamp expansion and other issues important to urban congressmen. City people, he said, can't understand why they "have to pay farmers not to produce." They must be shown that there are 20 backup workers in agribusiness and the food and distribution industries for every farmer, and that agriculture and the world's best food supply are one of the great assets of this nation. He mentioned that farmers are subsidized by government no more than are airlines, the merchant marine and General Motors. "When the farmer ceases to have a minimum return on investment, there will be grass growing on every street and town in the U.S.," Scherle said. He predicted a continued off-migration from farms, as producers are discouraged by a low 3-5% return on investment and high capital expenditures. It was mentioned that, "A lot of decisions will have to be made in the next five years on whether to stay and farm or get off."

Scherle has been trying to muster support

for legislation he introduced which would allow tax incentives to business and industry moving into or expanding in rural communities. He contends the long-range solution to urban problems is to provide good jobs for rural people in their own communities. The congressman said he was concerned that the high school dropout rate is higher in rural areas than in inner cities and that those who do graduate often must move to Des Moines, Omaha, or Kansas City for meaningful jobs.

#### NEW FARM PROGRAM

On development of a farm program to replace the Food and Agriculture Act of 1965, which expires at the end of 1970, Scherle favors continuation of a modified feed grain program and a selective 5-10 year land retirement scheme to take 5-6 million acres out in the first year, increasing it the next year to 10 million acres. He's opposed to a limitation on farm payments, feeling this is a penalty on operators because of size and that the big producers contribute most of the surplus, therefore they should be in the program.

The feed grain program favored by Scherle would be similar to the present one, would provide for advance payments and would allow the secretary of agriculture more leeway in making adjustments for special situations.

The long-term land retirement scheme would have to be organized so that large amounts of land would not be retired in any one farming community, thus disrupting the economy of small towns. Land retirement options would be offered first, on a bid basis, to older farmers who want to retire on their farms, and to the disabled. Those who are unable to get farm help or who have working sons in the service would also get special consideration, according to Scherle's plan.

The congressman said 75% of the eligible farmers in his district participate in the feed grain program, and should have a chance to continue in it or bid on land retirement. "We can't suddenly ask them to break away from farming or go to massive land retirement," Scherle said he was against a precipitous withdrawal from the feed grain program. He added that it should be kept voluntary and annual.

Scherle said there were many unhappy producers when the soybean loan was adjusted downward last March from \$2.50 (No. 2 grade) to \$2.25 (No. 1 grade), but that this move has allowed soybeans to move on world markets and has led to increased domestic consumption. If necessary to move beans for export, the loan may have to be dropped another 5¢, as has been rumored, Scherle said.

On use of Commodity Credit Corp. and resale loan grain stocks, the congressman pointed out that USDA should avoid dumping corn on the market and disrupting prices, as, he said, was done in recent years. At the same time, Scherle maintained that CCC and producers can not build up surplus stocks year after year without eventual repercussions on the market.

How's Secretary of Agriculture Clifford M. Hardin doing?

"Very well," according to Scherle, who finds Hardin not as dogmatic as predecessors Orville L. Freeman and Ezra Taft Benson. Scherle said Hardin has neutralized much potential opposition, by not coming forth with all the answers, but rather by going into the country and getting views of farmers and agribusiness through a series of listening conferences.

Scherle said he had only one complaint about Hardin's first year performance: Although he's worked closely with members of the House and Senate agriculture committees on development of farm programs, he hasn't contacted other congressmen with strong agricultural interests. "I would like to visit with him before he comes out with his plan," Scherle said.

SUNNY SLOPE FARMS OF GAFFNEY, S.C., WINS PEACH COUNCIL AWARD

### HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. GETTYS. Mr. Speaker, I am proud of the achievement of a distinguished family of Gaffney, S.C., the Caggianos, who have contributed greatly to the agricultural economy of my State.

To those of you who are not familiar with the agricultural and industrial development of South Carolina, I have an interesting bit of information to divulge at this time. In the overall field of agriculture, South Carolina is rapidly coming into its own and her star is shining ever brighter with awards for progress in many areas of agricultural and industrial development.

Today another national honor is brought to our State in the recent award to Mr. Vincent Caggiano and his fine family who operate Sunny Slope Farms at Gaffney, S.C. Mr. Caggiano and his sons have just been honored with an award from the National Peach Council for outstanding contributions to the peach industry. One of the largest peach producers in America, Mr. Caggiano and his son, Louis, were instrumental in designing the 3/4-bushel container, which in itself has saved millions of dollars for producers, shippers, and retailers through less bruising and spoilage of fresh fruit. Sunny Slope Farms, which has over 1,200 acres in production is the pride and joy of Vincent Caggiano and his family.

Mr. Caggiano was born in 1880 in Salerno, Italy, and migrated to the United States at the age of 16. He had the hungry desire first to become an American citizen, and second to be a good farmer. His dream became a reality when he purchased his first small farm in New Jersey. He dreamed of growing the finest apples and peaches to be had on the fresh fruit market. The first Sunny Slope Farm was developed at Bridgeton, N.J., and later the Sunny Slope Farm at Gaffney, S.C., was established. The New Jersey farms are now owned and operated by his son, Alfred. All of the Caggiano family, Anthony, Dominic, Alfred, John, Mildred, Louis, and Vincent, Jr., have assisted their father in the Sunny Slope operations.

James Caggiano, a grandson, is a graduate of Clemson University's School of Horticulture. Louis Caggiano, assisted by sons James and Louis, Jr., now leads the Gaffney operation started in 1943 and all work closely with Clemson College of Agriculture with Dr. William Wiley, dean of the agriculture school, as well as Dr. T. L. Senn, Dr. Robert Skelton, and their fine staff of horticulturists. South Carolina's Horticulture Department now reports over 4 million peach-bearing trees are expected to be in production this year to help furnish the finest fruit grown for the American dinner table.

Vincent Caggiano, Sr., who recently celebrated his 90th birthday, is semi-retired but still maintains his interest and enthusiasm for farming.

Mr. Speaker, it is with deep and proud humility that I take this time to honor a great American, an immigrant to this country at age 16, and his fine family for their help and devotion to their adopted State as well as their contributions to one of the most competitive industries of this day—the elements and environment included.

WE STILL HAVE MEN WHO BELIEVE  
IN DUTY, HONOR, AND COUNTRY,  
WE NEED MORE

**HON. GEORGE W. ANDREWS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. ANDREWS of Alabama. Mr. Speaker, the effects of the wave of shameful antiwar demonstrations on the spirit of our fighting men in Vietnam is a matter that receives all too little consideration these days.

Yet, it is not hard to imagine the disappointment and disgust that our soldiers feel when they see and hear of acts of desecration against the American flag, obscenities against the Government of the United States and her President, glorification of the Vietcong and the late Ho Chi Minh, and condemnation of American servicemen in Vietnam.

An act of unspeakable treachery occurred recently in downtown Cincinnati, Ohio, when an American flag was hauled down from its pole and a Vietcong flag hoisted up in its place.

That incident and the loss of a good friend and comrade-in-arms prompted Lt. Col. William Schroeder, a fine officer and one of my appointees to the U.S. Military Academy to write the following letters to me and the Cincinnati Enquirer.

The last is a truly remarkable letter written by Colonel Schroeder's friend's grandfather in 1917, requesting permission from his father to join the U.S. Navy. We still have men like him today, men who believe in duty, honor, country. We need more. The material follows:

MARCH 10, 1970.

HON. GEORGE ANDREWS,  
Congress of the United States,  
House of Representatives,  
Washington, D.C.

DEAR SIR: It was recently my honor to escort the body of a friend, Major William McConnell, from Vietnam to his home in Denver, Colorado. Many relatives of Bill's live in Alabama and attended the funeral. He was a member of the Alabama National Guard when called to active duty.

I was profoundly disturbed by a front page newspaper article which stated that a group of 300 demonstrators had removed a large American flag from its pole in downtown Cincinnati and replaced it with the Communist Viet Cong flag at approximately the same time that I was presenting my friend's widow with our country's flag. I wrote a letter to the editor of the Cincinnati Enquirer which I am enclosing.

Also, I thought you may enjoy reading a letter from Bill's grandfather written in 1917 in which he requested permission from his father to join the U.S. Navy. I believe this letter illustrates Bill's heritage which in-

stilled within him a high degree of belief in duty, honor, country.

Sincerely yours,  
Lt. Col. WILLIAM SCHROEDER,  
Staff CINCPAC—Box 13, FPO San  
Francisco 96610.

MARCH 9, 1970.

ATTN: Mr. BRADY BLACK,  
Editor, Cincinnati Enquirer Inc.,  
Cincinnati, Ohio.

DEAR SIR: I could not help being struck by the irony of the attached clipping in which I read about a group of 300 demonstrators who removed a large American flag from its pole in downtown Cincinnati and replaced it with the communist Viet Cong flag. At approximately the same time I was presenting the widow of a soldier with our country's flag at his funeral in Denver, Colorado.

My friend Bill was a brave soldier on his second Vietnam tour who sincerely believed in our country's effort to prevent communism from absorbing still another country. He had served as an advisor to a Vietnamese unit, as a company commander of U.S. troops, and finally when he met his death as a staff officer of a U.S. battalion.

Those of us who have served in Vietnam, especially those who have been advisors to Vietnamese units, have been necessarily close to the war. We have had personal involvement. Therefore, we have a right to question the supposed objectivity of those who have not seen what we have seen, who have not done the job that our nation asked us to do.

I have seen results of many polls taken to determine the feelings of the American people about the Vietnam war. Yet no one, to my knowledge, has ever taken a poll of the many thousands of U.S. advisors who have returned from service in Vietnam to ascertain how they feel about our effort and commitment to that brave little country.

Vietnam didn't ask to be caught in the middle of a power struggle between a godless ideology and the leader of the free world. Of course, however, neither did Korea. I thank God that in Vietnam the great majority of the people prefer their freedom; will, and are fighting to preserve it, and will continue to do so even if we pull out.

It was not very difficult for me to explain to my friend's widow, children and parents that Bill had not died in vain, for after his first Vietnam tour he had convinced them and his friends in Denver of the necessity of our commitment.

What is more difficult to explain or even understand is how a major city's police force or even its ordinary citizens would allow our country's flag to be removed from a flag pole and replaced by an enemy's flag. Perhaps a confrontation was avoided, temporarily. Perhaps Cincinnati can be proud of the avoidance of a clash with demonstrators.

Perhaps one can dismiss the small percentage of demonstrators in our country by explaining that they just don't know any better. How does one explain the speeches and comments of many of our political leaders who appear to be vying with one another to see who gets quoted the most in the communist propaganda organs. I have seen numerous Viet Cong propaganda leaflets praising the statements made by U.S. Senators. These statements have encouraged our enemy to continue the fight. I can think of at least 40,000 reasons why these statements should not have been made and while there is still an American in Vietnam why they should cease. Political expediency above national interest at the cost of American lives is difficult for a soldier to fathom.

I don't believe there is anyone in this country that is more for peace than those who have fought and are fighting in Vietnam. Our brave soldiers have won the mili-

tary victory in Vietnam. For God's sake don't throw away this victory and then ask us to go at a later time to another place and do it all over again, as surely we will be required to do.

What did I say when I presented our country's flag to Bill's widow? "Bill fought and died bravely for this flag; as a symbol of its gratitude, a grateful nation presents it to you."

Lt. Col. W. SCHROEDER,  
HONOLULU, HAWAII.

YOUTHS IN PROTESTS

CINCINNATI.—A group of about 300 demonstrators marched to Fountain Square in the heart of the downtown section here and removed the large American flag from its pole, replacing it with a Viet Cong flag.

The group, composed mostly of young people, assembled at the Federal Building for a rally in support of "suppressed ideologies."

In Frankfort, Ky., between 500 and 600 youths marched through the streets of the state capital to protest the war in Vietnam.

IN MEMORY OF MAJOR WILLIAM C.  
McCONNELL, IV

Passed away February 22, 1970.

SERVICES

1 P.M., Tuesday, March 3, 1970.  
Fairmount Memorial Chapel.  
Chaplain (Col. Res.) Paul G. Hansen,  
officiant.

Jacqueline Wennberg, organist.

CASKET BEARERS

Frank Chirico, Peter Schaefer, Lionel Topaz, Frances E. Kahn, Alvie J. Willis, Richard Maloney.

Military Honors by Fitzsimons Honor Guard at Fort Logan National Cemetery.

MARS HILL, N.C.,  
April 9, 1917.

DEAR PAPA: As you have no doubt seen from the papers, the naval department has issued a call for five hundred thousand volunteers for the war with Germany. This call, together with the declaration of war, has interested me very much. However, I cannot join the Navy without your consent and mother's, because I am under eighteen. I have no intention of enlisting until school is out, but I would like to have your permission, at that time to go to the aid of my country.

I have several reasons for making this request, strange as it may seem, since I have never expressed such a desire before. In the first place my country needs me, and it seems to me nothing but cowardice for a physically strong man to hold back in a time like this. The most general thought, among the young men now, is: "What's the use for me to go? There will be plenty of volunteers." The man who thinks this has absolutely no grit, nor back-bone, and above all, no love for his flag and country. I do not fear death. I rather fear the scorn of my fellow-men and of those I love. Someone must die and "better be a dead hero than a living coward." But the war will not last long, I think.

It may be possible to get in the Navy for a year or until the end of the war. Here is another reason. The training received in the Navy will be good for me not only physically but mentally. Then again it will not hinder my education. A year in the Navy will be worth any year at school, I think. As you know I am planning for a business career. In order to be a successful businessman it is essential that I should know human nature. And nowhere can this be learned better than by rubbing shoulders with every class of humanity in the world. So I do not believe that a term spent in the Navy would be time wasted.

However, as I said before, I do not want

to enlist until after school is out. I could enter on Monday after school is out on Friday. That will be May the seventh, four weeks from today.

Now, Papa, I have considered the subject seriously, and aside from the training I will receive, I believe I will not be showing true *American Blood* unless I volunteer my services to my country in this time of need. I want you and mother to consider it and also consider what you would do under the same conditions. Write me as soon as possible and let me know your opinion.

I am returning the check sent to Kinton. It arrived two days after the books were closed for the exchange of rooms.

I hope you are all well. Can't you come out sometime soon, when the roads are better, to see me?

Love to all.

Your Son,

WM.

#### STATEMENT OF INCOME

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. HUNGATE. Mr. Speaker, in accord with my regular practice since coming to Congress, I again disclose my income as shown by my most recent income tax return for the year, 1968, due and filed in the year 1969.

My joint personal income tax return, form 1040, line 5, shows my congressional salary of \$30,000. Line 6 lists other income of \$3,393.65, for a total income on line 7 of \$33,393.65, less line 8, adjustments for allowed congressional living expenses attending Congress in Washington, D.C., \$3,000. Total income, line 9, is \$30,393.65.

Itemized deductions, line 11a, are \$5,016.91, consisting primarily of State and local real estate and personal property taxes of \$2,108.38 and interest payments of \$2,188.15.

The total income tax and surtax, line 12, is \$5,732.49, less a tax credit of \$6.58, line 13, leaving \$5,725.91, income tax due, line 14. Plus a self-employment tax of \$106.18, line 15. The total tax, line 16, is \$5,832.09. The total Federal income tax withheld, line 17, is \$6,473.30, plus Federal income tax paid on estimate, line 20, \$1,156.33.

Total tax payments are \$7,629.63 as shown on line 21. This constituted an overpayment of \$1,797.54, of which \$800 was credited on line 24 to 1969 estimated tax, and the balance of the overpayment refunded.

The principal sources of income, aside from congressional salary, were interest on savings and loan deposits, speaking fees in excess of travel expense incurred in connection therewith, and income from law partnership. The gross amount of ordinary income received from the law partnership—Hungate & Grewach, Troy, Mo.—was \$3,251 which was substantially reduced by depreciation and partnership expenses chargeable to me. As I have previously indicated, the partnership was terminated on June 30, 1969, and this income will be duly reported by me when my 1969 income tax forms, due April 15, 1970, have been filed.

Neither my wife, myself, nor the law partnership bought or sold any stocks, bonds, or real estate during the year for which this report is filed.

Campaign funds raised for me are handled by committees and held in trust so that I have no direct control over such funds.

#### THE UNITED NATIONS AND THE HUMAN ENVIRONMENT

### HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. FISH. Mr. Speaker, along with my distinguished colleague, GEORGE P. MILLER, of California, I serve on the U.S. delegation to the Preparatory Committee for the United Nations Conference on Problems of Human Environment. Twenty-seven nations are represented on this committee preparing for the 1972 conference in Stockholm, Sweden. The U.S. delegation is ably led by Christian Herter, Jr., Special Assistant to the Secretary of State for Environmental Affairs, and by Mrs. Shirley Temple Black.

At the opening session, March 10, 1970, United Nations Secretary-General U Thant eloquently stated the critical need for international action, calling for the United Nations to be a "center for harmonizing the actions of nations in solving the problems of the human environment."

The Secretary General correctly stated the problem in terms of the effects of the productive processes on the physical environment. He stated:

Control of these effects, will require new economic thinking, new legal instruments, new administrative measures and new governmental priorities.

The estimated doubling of the world's population, he reminds us, will double the world's consumption of water, energy, and minerals.

Monitoring what is happening the world over to the oceans and to the atmosphere is advocated to supply the knowledge needed to meet the challenge of preserving human life on this planet.

I am inserting the remarks of the Secretary General in the CONGRESSIONAL RECORD for the benefit of my colleagues:

TEXT OF STATEMENT BY SECRETARY GENERAL U THANT

LADIES AND GENTLEMEN: I wish to welcome you to this first session of the Preparatory Committee for the United Nations Conference on the Human Environment. Never in the twenty-five-year history of the United Nations has there been a problem of more relevance to all nations than the present environmental crisis. The time has come for the United Nations, in the spirit and the letter of the Charter, to be a centre for harmonizing the actions of nations in solving the problems of the human environment.

The work which you are about to undertake is symptomatic of new trends which are emerging in contemporary events and which seem to me to mark the beginning of a new era in human history. The mastering of energy and the transformation of natural resources into innumerable instruments and goods at the service of man, brought about

by the industrial revolution, have provided one of the most astounding pages of human history. It would seem, however, that the aims and methods of the industrial revolution, which has brought such immense prosperity to some areas of the earth, must come under review before it has even reached the entirety of the globe. A new civilization characterized by more human beings, with longer lives and a better quality of life has flowered in the last two centuries, and is spreading slowly over the entire world. Justice in the world-wide distribution of these benefits so far has not been ensured. Indeed, it has been one of the major preoccupations of the world community during the last twenty-five years to enhance the share of the poorer countries in these benefits and to help in their development.

The realization of a new and very disturbing aspect of the spreading and growing industrial civilization has now arisen: man has suddenly awakened to the dimensions, to the rapidity and to the mass effects of productive processes on the physical endowment and configuration of this planet and on its basic biological balances. To produce at any cost, without due consideration to effects on the environment, can no longer be the central preoccupation of man. Control of the effects of productive processes will require new economic thinking, new legal instruments, new administrative measures and new governmental priorities. I am convinced that men and institutions will be able to solve this problem in time, for under the pressure of necessity, man is quite capable of adapting to new conditions. The new challenge posed to industry can be solved by industry itself, once the minds of our best scientists and engineers are bent on devising clean processes of production and proper means of waste disposal.

Mankind is also coming to the realization that a new dimension of time, reaching substantially into the future, must be added to its thinking, planning and endeavours. For never before has the future been so decisively engendered and moulded by present-day decisions. Historically, man has been preoccupied with a time range of scarcely a few years ahead. Life spans were short. The rate of change was slow. Anyone who dealt with forecasts was labelled a utopian, a visionary or a dreamer. In our time it is the utopians who have become realists, and even their forecasts often fall short of reality. The seeds of future benefits and levels of life on our planet are being planted now and are already beginning to germinate. We must carefully weigh the effects of present behaviour on the future if we do not wish to be considered by later generations as having failed in our foresight. It is consequently of paramount importance that the youth of the world be fully involved in our planning. I think that their current unrest and revolt against many of the values of the past arise in part from their uneasiness with the deterioration of the human environment and human situation. Seldom has any century or any generation been faced with such serious responsibilities.

The United Nations and its specialized agencies pioneered in dealing with prospective problems. We possess today sound long-term projections for a great variety of economic and social phenomena such as population, urbanization, education, food requirements, international trade, rates of growth in national income, and so forth. But much remains to be done: we need similar long-term forecasts for the consumption of our natural resources such as water, minerals and energy which will increase prodigiously in the decades ahead. We will need statistics and projections on the total effects of consumption, production and transportation processes on the human environment.

We are thus necessarily on the threshold of a new era of international co-operation. Whatever the political stalemates may be

and however long they may last, it seems clear that most economic, social and physical world indicators will change by at least 100% every twenty-five years: world population will double and so will world consumption of water, of energy, of minerals, of transportation, and so forth. Under the impact of rapid scientific and technological changes, nations are being brought closer together and problems are progressively becoming the same in all countries. The total effects of changes within all countries, added together, will require joint international surveillance, consultations and actions if human life on this planet is to be preserved and enriched.

It is urgent that we rapidly fill the gaps in our knowledge. While immense resources are being devoted by many towns, states and national governments in order to obtain better knowledge of their territorial areas, not enough is being done to improve our collective knowledge and to monitor what is happening to our atmosphere and our oceans. Little is being done, for example, to calculate the totality of wastes and deleterious materials which are being introduced by nations and by international transports into our common resources through rivers and oceans, combustion and radiation. As noted in my report on problems of the human environment issued in May, 1960, only a few regional efforts had been made toward the development of systematic air-pollution sample networks.

I sincerely hope that the international community will decide to make the necessary arrangements so that all nations will be informed year by year of the changes occurring in vital elements of the human environment. The time has come when we must establish an appropriate world-wide network of environmental statistics and forecasts as we have done in other major economic and social areas of collective concern. The time has come when nations must realize that each of them has responsibilities towards the state of the natural endowment of the earth as a whole and that its individual actions added to individual actions of other nations may have collective deleterious effects. Concerted preventive action now is far less costly than to repair the damage after it has occurred.

At this first session of your Preparatory Committee, I would like to make one remark on the orientation of your work. When the Conference was proposed by the Government of Sweden—to which we must be so grateful—one of the major preoccupations was to arouse world-wide attention to human environment problems. We are living in a world of extremely rapid communications and of a great sensitivity to new emerging problems, and it would seem that this original objective of the Conference has already been largely achieved. The human environment is now a matter for almost daily discussion in governments, in the press, in non-governmental organizations, in the schools and in the municipalities of industrialized societies. Two years will pass before the Conference takes place. You must be alert to the rapid changes which are likely to take place during this period. The Conference must be in step with whatever developments may occur during this interval. It must live up to the expectations which will prevail two years hence. Knowledge about the human environment is likely to improve considerably in that time as well as public awareness to the problem. It would seem to me, therefore, that the Conference should be planned in a predominantly action-oriented manner.

The 1972 Conference on the Human Environment can provide a unique opportunity for the United Nations family to provide leadership in dealing with a complex of problems which endanger the most fundamental well-being of mankind. I would like to make

a passing reference to the considerable efforts already made by the United Nations institutional system in the environmental field as well as to the first international agreements concluded by major governments. Let me remind you that the universality of the concern with human environment was dramatically recognized in 1963 with the entry into force of the tripartite treaty banning nuclear weapon tests in the atmosphere, in outer space and under water. This was one of the most enlightened acts of statesmanship witnessed in recent years. May I express the hope that the wisdom of nations inspired by the vision of a world united around the human objectives of peace, justice and prosperity will soon enrich human life with a renewed respect for the earth's resources, and reward us with a hostility-free and weapon-free human environment. Perhaps it is the collective menaces, arising from the world's scientific and technological strides and from their mass consequences, which will bind together nations, enhance peaceful cooperation and surmount, in the face of physical danger, the political obstacles to mankind's unity.

I wish you every success in your important deliberations.

**WE CONTINUE TO EXPORT TEXTILE JOBS**

**HON. BILL NICHOLS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. NICHOLS. Mr. Speaker, as one whose district has a large number of textile plants, I am vitally concerned about the growing number of textile imports from other countries. Mr. J. Craig Smith, president of Avondale Mills is also a student of this serious problem. He has recently written an editorial for his company's newspaper, the Avondale Sun. This editorial expresses the feelings of many of those in the textile industry who are hopeful that the administration will soon take steps to remedy this situation.

The editorial follows:

**WE CONTINUE TO EXPORT TEXTILE JOBS**

The most recent figures of the U.S. Bureau of Labor Statistics show the following losses in textile employment last year: North Carolina 7,200, Georgia 2,200, and South Carolina, 1,200. Alabama had a slight gain.

So far this year, the situation has worsened. Many textile mills have been forced to curtail their operations. The curtailment in the carpet industry has particularly adversely affected us.

President Nixon said during his campaign that he intended to protect our jobs. He has restated this several times since his election. Secretary of Commerce Stans has made a valiant effort to get the Japanese to agree to reasonable restraints. These efforts have been completely rebuffed. Our court of last resort is the Congress of the United States. I am convinced that the Congress would give President Nixon any legislation he may need to deal with the critical situation of textile imports. I believe all President Nixon has to do to get this legislation is to nod his head. He has been in office now over a year. The bad situation he found us in has worsened. The hour for him to say he wants restraints on imports fixed by legislation is late. I can't and don't believe that it is too late.

**EDUCATIONAL SUCCESS STORY IN WAUKEGAN**

**HON. ROBERT McCLORY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. McCLORY. Mr. Speaker, in this day of generation gaps, ethnic gaps, and other roadblocks to effective communication, it is heartening to observe a project in Waukegan, Ill., in my 12th Congressional District, designed to bridge the gap between Americans who are Spanish-speaking and the English-speaking community.

An illuminating article by Gene Mustain appeared in the Saturday, March 7, edition of the Waukegan News-Sun describing the so-called Project ELSA, meaning the English Language School for Adults. This educational success story merits the attention and praise of those in positions of leadership who are seeking improved means for bridging the gap between our Spanish-speaking compatriots and ourselves. Mrs. Joanne Arnold, Mayor Robert Sabonjian, and the leaders and members of the Latin American Community Advisory Council of Waukegan, as well as John Rasmussen, principal of Andrew Cooke School, deserve special commendation.

I was pleased also that my longtime friend, Edwin Montano, chairman of the Latin American Advisory Council, and many others in the Waukegan community, cooperated to make this an effective and productive program in behalf of teaching English to Spanish-speaking Americans.

The article is reproduced below:

**"PROJECT ELSA" SUCCEEDS—ENGLISH LANGUAGE SCHOOL FOR ADULTS IN FULL SWING**

(By Gene Mustain)

It was about 5 p.m. the day before last Thanksgiving when Mrs. Joanne Arnold got the call.

It was Waukegan Mayor Robert Sabonjian on the phone, and at that time, although Mrs. Arnold didn't know it for sure, "Project Elsa" had just been born.

The mayor had arranged to meet that night with leaders of the Latin American community and Mrs. Arnold. The purpose: to organize a program for improving the English of the many citizens of the area who speak Spanish as a first language.

And, as Mrs. Arnold recalls it, it is somewhat amazing that less than two months later the program had a \$5,000 grant, lots of "positive participation", and nearly 180 Latin Americans attending classes thrice weekly at Andrew Cooke School.

The program is called English Language School for Adults, hence the name, "Project Elsa", and its coordinator is Mrs. Arnold, a first-year Waukegan Grade School teacher.

Though she is the first to admit the program would have not become a reality without help from numerous sources, Mrs. Arnold deserves much credit. In her capacity as a special teacher for Spanish-speaking youngsters, she learned the children's parents needed instruction, too.

"I'd find that talking with parents of the children was a real problem. They had trouble communicating." And when you realize how important communication is in finding and holding a job and living in a community, the problem becomes acute, she added.

So she contacted Mayor Sabonjian who called upon members of the Latin American Community Advisory Council. All of them went before the Waukegan Grade School Board Dec. 15 and sought—and received—approval for a 16-week program.

The program got underway Jan. 13 with registration and opening classes. Was it well received?

"Well, we expected an enrollment of 100, but we have about 180 registered. And it's getting bigger, too," answers Mrs. Arnold. "Even during the cold weather, we had 180 each night."

The popularity that "Elsa" received is why eight teachers are needed instead of five as planned under the original \$5,000 appropriation.

In addition to the teachers, three teacher-aides and other adult volunteers operate a nursery for children of adults attending the classes.

Mrs. Arnold and John Rasmussen, principal of Andrew Cooke who serves as the program's director, both speak highly of the cooperation and participation "Elsa" enjoys.

"We emphasize the importance of people here. Without them the program could not work. The people make it work. The Latin American community has been just tremendous," Mrs. Arnold praised.

"Many of these people have never been to school. To them it's a completely new experience. It helps them develop pride in a strange environment," Rasmussen remarked.

Latin American leaders who helped formulate and still participate in the program are Edwin Montano, LACAC chairman; Edwin Colon, grade school board member; Manuel Garcia and Joe Mota.

The program is divided into three separate levels based on achievement recorded on a pre-test when the student registered for the course.

Of the eight classes, three are basic, two intermediate, and one advanced. The latter meets only once a week. Persons with varying degrees of education and U.S. residency can be found at each level.

The basic classes are aimed at improving conversational English where "people learn to read and write what they say and the necessary things about living in the community."

"We try to tell them the community services that are available to them, like police and fire," explained Mrs. Arnold. Anyone who has visited a foreign country knows what problems the language barrier presents.

One of the basic English adult students is Quintana Diaz, 70, who has lived in the United States for 51 years. Another is Carlos Lopez, a pre-law student in Mexico.

At the intermediate level emphasis is shifted more toward reading and writing. At the advanced stage proficiency in English skills is the goal.

One visual aid used in the advanced level is the Waukegan News-Sun, which sends 70 papers to the school.

Right at the start, in basic classes, only English is spoken. "We try to use just English because we have them for only six hours a week. The rest of the week they use Spanish," explained Mrs. Arnold.

One of Mrs. Arnold's key helpers, Mrs. Anne Sutkus, who is responsible for curriculum development, teaches her class with all the vibrancy of a child opening Christmas packages.

One day recently Mrs. Sutkus stood in the middle of a group of basic English students, laughing, gesticulating, teaching. She motioned for one to stand and turned to another, "Is she standing?"

"Yes, she is standing," came the uncertain reply in studied but good English. Then Mrs. Sutkus said, "Yes, she's standing," making a contraction and setting an example. Mrs. Sutkus then led the group in a chorus of "Yes, she's standing." Lesson learned, but more important, understood.

After a similar demonstration a few weeks earlier three of her students came up after class and threw their arms around her, exclaiming "Thank you, thank you."

"That's the kind of program we have here," relates the "Elsa" coordinator. "The people like it and they feel at home."

Other teachers in the program are Mrs. Laura de Blank, Mrs. Diane Ray, Mrs. Lydia Albarran, and Mrs. Becky Van Hoose, basic instructors; Miss Kaye Whitehouse and Mr. Ken Ray, intermediate, and Mrs. Alice Curry, advanced.

The teacher aides are David Albarran, Raul Zavala, and Angel Rosario. Zavala speaks six languages.

Although most of the program's enrollees speak Spanish as a first language, "Elsa" is open to anyone from any ethnic group who wishes to improve his English.

Of course, Mrs. Arnold hopes "Elsa" is continued in future years. "There are many others whom we can't possibly reach right now. But his program is making it. It is a success. We hope it continues."

### FLEXIBLE DETERRENT REQUIRES MULTIPLE SHIPYARDS

#### HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. KYROS. Mr. Speaker, the Newport News Shipyard in Virginia is one of the most important defense facilities which our Nation possesses, and this is made very clear by a recent article by Bernard D. Nossiter which appeared in the Washington Post of Sunday, March 15. This article also outlines a situation "of crisis proportion" which has arisen at this facility, with regard to alleged racial discrimination which exists in the shipyard's work force.

I hope very much that this impasse will be resolved promptly and satisfactorily; the article points out that very substantial progress has been made in the elimination of segregation and discrimination, and that agreement on the issues involved is expected.

The fact that such a serious problem has arisen, however, underscores my serious concern about the trend in our present national policy, under which more and more of our important defense contracts are being assigned to fewer and fewer contractors. The effects of such a policy could be disastrous in the event of a prolonged work stoppage at these huge facilities, regardless of the reason for the stoppage.

The possibility of such a shutdown emphasizes the need for multiple shipyards, adequate at the very minimum for the continued maintenance of our Navy's fleet. The importance of the Portsmouth-Kittery Naval Shipyard should be obvious in this regard, for this is the only shipyard in the United States which is exclusively devoted to submarine work. Given the crucial role of our submarine deterrent in our national defense, I believe it vital that we have sufficient shipyard facilities to maintain this deterrent. Only in this manner can our security remain assured, while problems such as described in the following article are being resolved. Mr. Nossiter's description of the impasse at Newport News follows:

[From the Washington Post, Mar. 15, 1970]  
SHIPYARD JOB BIAS: UNITED STATES CITES NEWPORT NEWS FIRM, BARS NEW NAVY CONTRACTS

(By Bernard D. Nossiter)

The Newport News, Va. shipyard, the nation's largest, has been ordered to create a plan ending discrimination in its work force on pain of losing hundreds of millions of dollars in Navy contracts.

The Maritime Administration has ruled that the yard is failing to live up to the equal job opportunities provision of the 1964 Civil Rights Act. As a result, the Navy is now prohibited from signing any new contracts with the yard, the Newport News Shipbuilding and Dry Dock Co.

Immediately affected is more than \$700 million worth of contracts for nuclear-powered vessels that the Navy intends to place with the yard. This includes two aircraft carriers, a frigate and a high-speed submarine.

Unless the impasse is resolved—and both government and company officials are confident that it soon will be—the huge shipyard could be shut down entirely.

Maritime Administrator Andrew E. Gibson has scheduled a meeting with Newport News President Lennis C. Ackerman for Wednesday.

Yesterday, Gibson said he has stepped in because the situation has reached "crisis proportions." However, he quickly added, "It is my firm expectation that we will reach agreement. They have intention of abiding by the law. I think they have gone a tremendous way and very real progress has been made."

In Newport News, Ackerman said, "I frankly don't think there are that many differences" between his company and the government.

"After all, we are below the Mason-Dixon line," he said. But he continued: "We know we have to be in compliance. In both spirit and positive action, we are working towards the elimination of segregation and discrimination."

Both government and company officials were reluctant to discuss their specific differences. However, those familiar with the affair said that they centered largely on the kind of work blacks perform, rather than the total number of Negro workers.

#### EMPLOYS 21,000

Newport News Shipbuilding, a subsidiary of Tenneco Inc., employs 21,000 and Ackerman puts the black employment at 5,600. Other sources said that Negroes make up 35 to 40 per cent of the blue-collar force and this is regarded as a high level.

But blacks have traditionally held the least skilled, poorest paid jobs and the better ones have gone to whites.

The Maritime Administration, which oversees equal employment policy for shipyards, is understood to have demanded that Newport News produce a plan with the following elements: upgrading black workers assigned to categories below their skills; a training program to enlarge skills; better promotion opportunities; and more equal prospects for transfers.

A ruling issued earlier this year by Labor Secretary George P. Shultz requires federal contractors to set up an "affirmative action program" providing equal job chances.

Under this order, Maritime Administration officials have been negotiating with Newport News. These talks reached a stalemate last week.

#### NAVY INQUIRY

As a result, when the Navy routinely inquired whether the yard was complying with the law, the Maritime Administration declared that it was not. On Friday, Deputy Maritime Administrator Robert J. Blackwell sent Ackerman a letter directing the yard to produce its program by March 27.

Before the yard is stripped of its present contracts, a lengthy procedure that includes a hearing must be pursued. Yesterday, however, no officials thought there was even a remote possibility that this would happen.

Although the Navy is now barred from signing the contracts, officials said that this would not cause a construction slowdown for several months.

Rear Adm. Nathan Sonenshein, commander of the Naval Ship Systems Command, said that "slippages" in his timetable would occur only if the dispute drags on into the summer. The Navy intends to write a firm contract with Newport News for the two nuclear aircraft carriers in May, the nuclear submarine in September and the nuclear frigate in December.

The yard is due to receive about half the sums spent for each ship. The Navy currently figures the two carriers will be built for \$536 million and \$510 million, the frigate for \$225 million and the submarine for \$200 million. Typically, costs exceed estimates on these programs by 50 to 100 per cent.

#### THE OCEANIC OPTION IN AMERICAN STRATEGIC POLICY 1970-1990

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. ANDERSON of Tennessee. Mr. Speaker, on February 17, 1970, the Navy League of the United States conducted a superb symposium on the American oceanic and maritime role through the crucial three decades ahead. The list of speakers and participants resembled a "Who's Who" of the U.S. ocean affairs drawn from the enormous range of diverse interests encompassed by that term.

One of the many topics of mounting interest was the naval role in the new "low posture" configuration of U.S. foreign policy planned by President Nixon. Substantial discussion centered upon a system of strategic force deployments and functions generally termed "the ocean option." In general, this approach to the shifting world power mosaic would, first, place the principal U.S. nuclear deterrent forces in mobile bases within the 128 million cubic miles of sub-surface ocean hydra space; second, replace many of our foreign land bases with a powerful offshore military presence; third, take the steps necessary to secure the ocean supremacy of the consensual democracies—in trade, exploitation of marine wealth, development of the sea floor, and in military power.

Vice Adm. Richard G. Colbert, president of the Naval War College, prepared a paper for the symposium exploring some features and possibilities of such a sea-oriented military posture. I commend this paper to the attention of all my colleagues in the Congress. There is much in it that is worthy of critical perusal:

#### THE BLUE WATER OPTION

(By Vice Adm. Richard C. Colbert)

Mr. Chairman, distinguished guests:

I am deeply honored to have been invited to join with you as a member of this panel to discuss "the defense contribution to future maritime prowess." I regret that I am unable to be present for a direct personal exchange of views for I am thus deprived of

the opportunity for intellectual stimulation and enlargement of my own perspectives that such discussions always present. It is a privilege to be able to submit this brief paper to be read on my behalf, understanding that my contribution may have already been overtaken by the broadened thinking and imaginative approaches which are generated from live discussions.

In considering the possible new demands to be made on our navy in support of a revitalized American merchant Marine during the final one-third of this century, it is essential that we first carefully evaluate significant trends now visible in national and international affairs—trends which will profoundly influence American naval and mercantile development during the next three decades.

First, President Nixon has stated in unequivocal terms his intention to bring about substantial change in the international posture of the United States—as expressed in a recently published interview by Secretary of State William P. Rogers, "Our posture today is one of a lowered profile and a reduced presence of the United States, consistent with security considerations. . . . It means putting more emphasis on regional cooperation, making other nations realize that they must take the lead in carrying out the responsibilities in their area." This policy, described as the Nixon Doctrine, is, I believe, based on the realities of the world situation. First of all, the mood of this country has changed—there is little support for the United States continuing to act as "unilateral policeman" of the world; secondly, many countries of the free world which were politically and economically unstable two decades ago when we took on this role, are now reasonably healthy and viable; and thirdly, there are the pressing internal needs of our country which require a reduction in the resources we can devote to our military force structure.

While this new foreign policy posture denies any significant retrenchment toward isolationism, it does advocate a quantitative reduction in our military strength and activities abroad. Thus, our military forces in the 1970's, including the Navy, will be smaller but more sophisticated forces whose presence on the international scene will not be as visible as in the past.

Concurrently, another trend of great significance to our discussions has become clearly and dramatically visible: I refer to the announced determination of the Soviet Union to establish and maintain a worldwide maritime and naval presence. It is obvious that the Soviet leaders are not engaged in idle talk when they refer to their sea forces as capable of supporting foreign policy objectives in the littoral areas of the world. During the past two decades the Russian fleet has risen from a third rate force to challenge our position today as the mightiest naval power. In so doing the Russians have clearly and accurately interpreted Mahan's definition of seapower. Not only is their navy the largest, in numbers of ships, to ply the oceans of the world, but so is their fishing fleet and their oceanographic fleet; and their merchant marine is embarked in a fantastic growth program. In their overall balanced capabilities at sea, they have some reasonable claim to the title of the world's greatest seapower, as defined by Mahan. Their maritime presence, both naval and commercial, has already proved to be an effective tool, a valuable political-military instrument, of Soviet foreign policy in the Mediterranean, the Atlantic, the Indian Ocean and the Pacific—all the world's sea areas.

These trends—the low profile posture to international affairs, increasing emphasis on domestic as opposed to international problems, and the ubiquitous Soviet maritime forces—indeed have serious implications for the strategic role of the Navy in protecting a revitalized U.S. Merchant Marine.

With bloc obsolescence of fifty-eight per cent of our warships becoming a reality and the likelihood of replacing these ships on only a one-to-two or one-to-three basis, the U.S. can no longer assume the burden as "minuteman" of the world's oceans.

Taken together, then, one might conclude that Soviet maritime expansion in the face of an American policy of political and military retrenchment may result in a diminishment of the world importance of American naval and commercial maritime power. On the contrary—these two trends indicate to me that the final decades of this century will and must witness a resurgence of American maritime spirit and commercial enterprise at sea, and that this rebirth will require continuation of the existing U.S. Navy predominance of the world's oceans.

The Nixon doctrine seems to be fully consistent with the preferences of American public opinion, and thus is may be considered as a non-partisan and enduring new expression of our national policy. This shift of posture calls for a significant change in the future role of American Armed Forces, in that the commitment of additional ground forces and land based air forces overseas seems improbable, short of full-scale hostilities against a major power. On the other hand, if the regional partners of the United States in various places in the world are to be convinced that we intend to fulfill our existing commitments worldwide, some American presence must be visible to them. In particular, as an enlarging Russian maritime strategy begins to exert pressures within the spheres of interest of the various regional groupings, it will be increasingly necessary for the United States to demonstrate support for local efforts to turn aside or resist such pressures.

If American presence on the ground or with land based Air Forces overseas is to be ruled out, it seems to me that the next decades will present increasing opportunity for American maritime and Naval power to substitute a sea-based presence in support of our allies, some have termed this a "blue water" strategy.

I believe that President Nixon has indicated his belief the importance of American sea-oriented forces through his advocacy of a new and meaningful program for the American Merchant Marine, and his support for continuing the modernization of U. S. Naval Forces.

Thus, it appears to me that we will see a growing partnership of American commercial maritime interests and American Naval power in mutual support of this new keystone of American policy.

In summary, recognizing that our Naval Deployment Worldwide will be reduced in the years ahead, I believe the U. S. must place increased reliance upon the Navies of allied and friendly nations of the world to maintain freedom of the seas and protect free world merchant shipping in their contiguous areas. In order to be credible, these Navies must be provided with the technology and material to allow them to become partners of the U. S. on this mission, and they must be backed by selected but wide-ranging operations of the U. S. Navy, and too, if we are to provide this vital support in the face of inevitable reductions in our overseas bases, our forces must become increasingly self-sufficient to enable them to remain at sea for extended periods and range throughout the oceans of the world.

Thus, I believe that the dual presence of free world navies operating in their local areas and the selected appearance of United States Naval Forces cruising in the area in their support, will best serve to reaffirm our support for our allies and friends, and to maintain the freedom of sea communication and trade so vital to the economic and political health of our country.

Thank you.

## NURSING HOME ABUSE

## HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert into the RECORD an article written by James A. Treloar, which appeared in the Detroit News of March 8. The article points to shocking abuse in nursing homes and the resultant tragedy of nursing home patients. Certainly, the facts presented are to be kept in mind as Congress examines ways to provide better health care services for our population and improvements in our medicare and Medicaid programs. The article follows:

## NURSING HOMES: A STORY OF ABUSE

(By James A. Treloar)

"A layman doesn't know what to look for in a nursing home. He walks in and sees a patient is nice and quiet. And he thinks this guy is happy. And the nurse tells him:

"This is John. John is one of our best patients. He sits here and watches television."

"But you just take a look at John's pupils, and you'll see what condition John is in. John is so full of thorazine that it's coming out his ears. Thorazine—that's a tranquilizer they use. It's a brown pill. It looks like an M & M candy.

"The nursing home where I worked kept at least 90 percent of the patients on thorazine all the time. They do it for the money. If they can keep John a vegetable, then they don't have to bother with him. They never have to spend anything to rehabilitate him. And as long as John is there, the money keeps rolling in.

"And John is lost."

These words were spoken by a former nursing home administrator.

He called The Detroit News after reading a special magazine supplement on the problems of the aged, published Feb. 24 by The News.

"I can't hold it in any longer," he said. "I've got to tell somebody what's happening to the old people in these places." He spoke about drug abuse, kickbacks from funeral homes, watered milk on the dinner trays, money stolen from his patients, election fraud, and doctors who collect fees from patients they never see.

Here's the story he tells, in his own words: "One place I worked, they had this director of nursing who just wasn't a good administrator. One day, I walked in her office, and her desk was piled high with boxes and bottles full of drugs. I've never seen such gross waste of the taxpayer's money.

"These were all drugs that had been ordered for patients, and medicare and Medicaid were paying for them. But most of them had never even been opened. Some had been there two and three years. There was everything from thorazine to sleeping pills, to amphetamines, barbiturates—you name it, any kind of drug you could name, it was there.

"By law, a lot of these drugs should have been under lock and key, but you could walk right in off the street and help yourself, and nobody would know the difference.

"The nurses, they just helped themselves. They stole antibiotics, narcotics—anything they wanted. And if any of them wanted to take birth control pills, they'd just tell the nursing director. She'd order them for some patient, and then hand them out to the nurses. The patients never saw the birth control pills. But Medicaid paid for them.

"I was really scared, I could have gone to jail for some of the things that were happening in that place. The doctors, they

were supposed to prescribe these drugs. But they never did.

"They'd come in and here'd be all the doctors' daily reports. The doctors didn't make them out. The nurses did. The doctors just came in and signed these things. They never even read them. They didn't even look at the dead patients.

"I'll never forget this one man. One day the nurses were passing out the medications. I don't know what this patient was getting. It could have been most anything. But just after he got these pills, he started screaming. "Then he was quiet. None of the nurses bothered to check on him. But I was curious, so I went over to his room.

"And he was dead. Just like that—dead. The doctor wrote 'cardiac arrest' on his death certificate. But he didn't even look at the body. Everything there was called 'cardiac arrest.'"

(Dr. Louis Hayes, vice-president for Michigan Blue Shield, which administers medicare and Medicaid funds, said: "We have been particularly concerned about doctors' charges in nursing homes for some time, and we have many cases in various stages of investigation in which we are cooperating with both federal and state officials.")

"When anybody died—unless there was some family that had a special funeral home they wanted—all the bodies went to the same place.

"Now, I can't prove that the owner was getting a kickback from this funeral home. But I did see a \$500 check from the funeral director to the owner of the nursing home. And I can't imagine what else it could have been for. And this is state money again. Most of these people who died, their funerals were paid for by the state.

"The owner of that place would steal from the patients. There was this one man—he came to the home in a taxicab from Harper Hospital. And to my amazement, he had \$190 in cash in his pocket, which was most unusual.

"The head nurse and I counted the money, and we put it in a valuables envelope and put it away for safekeeping. So in comes the owner, and he doesn't say 'Hello' or 'How are you?' or 'Where's the new patient?' or anything. The first thing he says is: 'How much money did he have and where is it?'

"The next morning I came in, and the money was gone. Two weeks later, the guy dies. Know who paid for the funeral? The state! Know where the \$190 went? Into the bank—the owner's personal account. I know. I did all his banking.

"You want to know what happens in a nursing home? OK. Say a family sends a patient some money. And the patient dies. The family comes, and they want to know 'What happened to the money we sent John?'

"We'd tell them, 'Oh, we bought John some new shoes and pants and shirts.' And we'd take the family upstairs and sure enough in the closet there'd be these clothes.

"But these things don't belong to John. These things have been there for years. The money they sent John is gone! John never got to see it.

"Under Medicaid, every patient gets \$15 a month for personal expenses. The patients who knew this showed up in the office the day the checks came. The others? The owner would scrawl an X on their checks and cash them.

"The money would go into the patient fund, then get transferred to the general account, and nobody could ever trace it.

"Patients get charged for everything. Even the lubrication for an enema. That was 10 cents. And if a patient needed to go into an oxygen tent, that was great; because you bought the oxygen for about \$10, and marked it up to \$30 or \$40 on his bill.

"Even United Fund money was stolen. One month, we collected \$40 for the United Fund. Only the United Fund never saw it. Christmas presents were stolen. There's an insur-

ance company downtown that makes a project every year of buying Christmas presents for the patients at this one home.

"But anything that was too nice, the patients didn't get. The owner took them. The nicest clothes, candy—all the good stuff. I've even seen the owner come out in the kitchen and water down the milk that was served at dinner.

"The state says we're supposed to have a dietitian plan the menus. Sure, there was a dietitian. She came in once a month, wrote out the menus and left. But whatever sounded too expensive, the owner changed.

"Can you imagine patients getting a couple of pancakes and one hotdog for dinner? That's the kind of meals we served.

"The patients at one nursing home I worked for weren't even allowed to vote their own ballots at election time.

"The owner made sure they all applied for absentee ballots, but when they came, he took them all and voted them himself. Voted for the people HE wanted.

"The health inspectors aren't at all effective. One place I worked, they came once that year. And they gave us notice. They told us they were coming. So all the men were given shaves, the women's hair done up, special meals planned, the floors all scrubbed, and it looked just fine.

"I never heard of a state inspector coming at night.

"There has got to be stiffer state controls on nursing homes. Most nursing home operators are making a great deal of money, and this is how they're making it.

"But first, the public has got to learn to care. If more people would visit nursing homes regularly, the owners would shape up. "They'd have to."

## THE PLIGHT OF HOSPITAL WORKERS

## HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. MOORHEAD. Mr. Speaker, hospital workers at two of Pittsburgh's major hospitals are seeking the right to be represented by a union. Their ultimate aim is to raise their take-home salaries from their current \$70 per week average to something closer to \$100 per week.

In attempting to have themselves represented by the National Union of Hospital & Nursing Home Employees, these workers are being met with some illogical opposition from the boards of directors and officers which run the hospitals.

A recent editorial in the Pittsburgh Post-Gazette sketches quite clearly the hospital workers' dilemma.

I would like to introduce this editorial into the RECORD for the benefit of my colleagues:

## THE PLIGHT OF HOSPITAL WORKERS

The basic issue at stake in the lengthening struggle here between two hospitals and Local 1199P is the right of working men and women to have union representation and collective bargaining. The minimum hourly wage at Presbyterian-University and Mercy Hospitals is about \$1.75 or \$70 for a 40-hour week, which is barely above the officially defined poverty level for a breadwinner with a family of four.

The National Union of Hospital & Nursing Home Employees (the "P" in 1199P stands for "Pittsburgh" and distinguishes the local here from the union's other locals in the South and the East) is aiming for a \$2.50-per-hour minimum. That would come out to \$100 a week for the approximately 600

service and maintenance unit personnel at Presby and the 650 similar workers involved at Mercy.

The battle over the organization and bargaining rights of workers was, ironically, fought and won largely in Pittsburgh in the first half of this century. But in the ensuing national and state legislation which codified these rights of labor, certain groups—such as hospital and farm workers—were excluded from minimum wage and collective-bargaining guarantees because they were then unorganized and not very vocal. The rationale for excluding hospital workers was that they worked for nonprofit institutions.

One result has been that hospital workers have, in general, been helping to subsidize the community's health establishment by working for lower wages than workers in private-profit enterprises. Hospital boards of directors, often themselves captains of industry and banking who deal with unions in their own fields as a matter of course, have generally been reluctant to grant union recognition to hospital workers and have argued that making salaries competitive with those of workers in private industry would boost the costs of hospital care to patients. This is undoubtedly true. But it is unfair to deny hospital workers—janitors, food preparers, plasterers, painters, etc.—collective bargaining rights and expect them, just because they labor in a non-profit institution, to subsidize indirectly the community's health care, the costs for which are, after all, the responsibility of the whole community.

Both hospitals should adopt the position taken by the Jewish Home and Hospital for the Aged here, which was that although it did not believe its workers needed union representation it would not deny them the right to vote on it. (The workers at the Jewish Home and Hospital did, and now Local 1199P represents them.) All unions which wish to represent the workers should be welcome on the ballot.

As for the problem of increased costs—which admittedly will arise as a result of the granting of bargaining rights to hospital employees—the hospitals must be preparing now for this later eventuality. They must increase their efforts to curb waste and to achieve greater efficiency. In the case of Presbyterian-University Hospital, the University of Pittsburgh will have to appeal to the state Legislature to help it to meet the higher costs of decent wages for employees. Finally, patient fees must be raised if this is necessary to avoid paying substandard wages. A real effort now to settle the hospital worker dispute on an equitable basis could avoid the confrontations and the suspension of health care services that have occurred in some other cities.

#### DEDICATION AT THE HADASSAH-HEBREW UNIVERSITY MEDICAL CENTER IN JERUSALEM

**HON. DONALD M. FRASER**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. FRASER. Mr. Speaker, one of the beneficiaries of this Nation's foreign aid program has been the Hadassah-Hebrew University Medical Center in Jerusalem. On February 25, 1970, three new wings, made possible by a U.S. Government grant, were dedicated.

The new buildings, built at a cost of \$1 million, granted by the Agency for International Development, comprise the Department of Public Health and Social Medicine, a physicians' residence for overseas doctors working at Hadassah,

and an addition to the Hadassah-Henrietta Szold School of Nursing. The grant was made under the Foreign Assistance Act of 1967, section 214.

The Hadassah-Hebrew University Medical Center is the largest center of healing, teaching, and medical research in the Middle East. It serves Jews and Arabs alike, as well as patients who come from countries in Africa, Asia, and Europe.

The Department of Public Health and Social Medicine provides a link between the individual, the family, and the community with the medical center. The physicians' residence is essential because large numbers of physicians from African and Asian countries study at Hadassah and many American physicians spend their sabbatical leaves there. The nursing school, which has already produced over 1,000 graduates, is now deepening its study program in accord with new concepts in nursing.

At the ceremony, the speakers said:

Mrs. Faye Schenk, national president of Hadassah, the Women's Zionist Organization of America:

The clasped hands—the meaningful symbol of United States aid and concern for smaller underdeveloped and developing nations of the world—is a perfect characterization! Please note the symbol—see what it is—also see what it is not! You do not see a disparity in the size of the hands—one larger, stronger than the other—as it might well be if it were depicting the donor as the dispenser of largesse to the other, the weak and cowering recipient. Not at all! The hands are of equal size denoting mutual exchange, the proffering of aid, of encouragement leading to self-help, to self-sufficiency, and, in turn, to the help of others.

I am reminded of the words spoken by Prime Minister Golda Meir to President Nixon at the White House dinner tendered to her during her recent visit to the United States—and I quote very freely: "I have come," she said, "the leader of a tiny country to the largest, most affluent country in the world, and as I talked with the President of this rich and powerful nation, I felt all the while that I was talking to a friend who listened and who cared."

Indeed the Government and the people of the United States have cared and continue to care and these areas which we dedicate today are only a small but to Hadassah a very important and significant part of the tangible, visible evidence of that great sense of caring, a caring which helped build this sturdy little land of Israel—a caring which has helped make the United States the great nation it is, a worthy inheritor of the legacy of its founding fathers dedicated to the support of the democratic rights of men and nations and to the betterment of the human condition wherever man has his being.

Mr. Barbour, to you, as the much beloved Ambassador of the United States to Israel, I, as President of Hadassah, the Women's Zionist Organization of America, say to you: I am more than proud and privileged, I am humbly grateful that these two nations—the United States of America and Israel, so beloved by the 318,000 members of Hadassah—stand in mutual accord and not only figuratively, but literally clasp hands and join hearts on these premises today as we dedicate these gifts of the American Government to Hadassah and to the weal of mankind.

This business in which we are engaged together we believe to be the most effective means to peace and today when peace is the most complicated and most essential business on earth, may we say that we would like to engage in more of this kind of good business together.

Mrs. Charlotte Jacobson, national chairman of the Hadassah Medical Organization Committee, who presided:

There is no event which can bring satisfaction to the members of Hadassah than one dedicating new buildings to serve the people of Israel. It represents the physical evidence of plans fulfilled, years of hard labor and perseverance rewarded, and faith triumphant.

In this case, our gratification is intensified because the funds for these buildings were given to Hadassah by the United States Government thru the Agency for International Development program. This is not the first grant that Hadassah has been privileged to receive from the U.S. Government, and certainly our expectations are great that it will not be the last. While we have always been proud of the high regard for our medical activities as expressed by many American statesmen, it is nevertheless a great tribute to our work that in 1966 the United States Congress voted the equivalent in Israel currency of one million dollars to help us carry out essential areas of development.

A Medical Center exists to study, understand and cure the common enemy of man everywhere—disease—and to enhance the common good for all men everywhere—good health. Indeed, in one of his messages to a Hadassah National Convention, John F. Kennedy wrote: "Not only Israel but the entire free world benefits from projects such as the Hadassah-Hebrew University Medical Center." Only last year, when Mr. Robert H. Finch, U.S. Secretary of Health, Education and Welfare, was in Israel, he wrote us that "The Medical Center near Jerusalem, for which Hadassah can take so much credit, was a particular highlight of my trip. Its physical plant alone represents a breakthrough of major proportions, and its approach to the delivery of a total package of health, training and services will figure directly in our future planning here at HEW. We can learn much from our friends in Israel, and I intend to see that the opportunity is not wasted."

His Excellency, Mr. Walworth Barbour, the U.S. Ambassador to Israel, said:

I have participated in a number of dedications here in the Hadassah-Hebrew University Medical center in Jerusalem. It has invariably been a pleasure to do so, as they have been historic occasions commemorative of the so-well expressed clasped hands symbol, which signifies the solidity and activities of the aid program, and of Israel's willingness and ability to cooperate and aid itself with a minimum of our help. On this occasion, particularly, the American Government has participated directly through the Congress in making possible these additions to this magnificent plant. The use of these monies and the fact that the Congress appropriated them is an indication of several things, not the least of which is the general recognition of the important role Hadassah has played in world medicine, not only in Israel, but throughout the world, scientifically and otherwise. I congratulate Hadassah. I sincerely support the action of Congress in making these monies available.

The Israel Minister of Finance, Mr. Pinhas Sapir, said:

I am really indebted to you, my dear ladies and friends of Hadassah, for the chance you give me—in a world so troubled with anxiety and worry—to get together with all of you representing both sides of the ocean, on this happy occasion. I must congratulate you most heartily upon the successful carrying-out of new projects at this Hadassah-Hebrew University Medical center in Jerusalem through the international cooperation of the United States and Israel.

Fifty years of pioneering in the health field in this land are an asset and credit to

the great Hadassah movement in the United States. I wish to say to the dedicated members of Hadassah in America and to the devoted physicians, nurses and general staff of Hadassah Medical Organization in Israel: the work you have carried out has justly won acclaim in the United States as well as many other far-flung continents. It is thus no surprise that the American Government and people have sought to associate themselves in so generous a way with the further development of your humanitarian work on behalf of patients of all races and creeds.

By their infinite devotion to these holy tasks, the leaders and members of Hadassah have created the closest personal links between the Jewish communities of the United States and of Israel and also between the leading medical institutions of both countries. Thus, you have attracted valuable support from U.S. public funds for the expansion of medical service, training and research activities at Hadassah in Jerusalem.

As a movement, you have always remained loyal to Jerusalem, and shared the fortunes of its residents in times of peace and emergency alike. You are now on the threshold of great expansion at the Ein Karem center and of reconstruction at your impressive Medical center on magnificent Mount Scopus—the purpose of which is to bring the blessing of health to tens of thousands of Arabs and Jews from East and West Jerusalem and, indeed, from all over the country, and even—as was the case throughout the history of Hadassah—from neighboring countries.

It is a real privilege for me to bring to you on this occasion the warm greetings of the Government of Israel and to express the hope that you may reach the fulfillment of your dreams and projects within a lasting peace—both for Jerusalem, the city of peace, and for the Middle East as a whole.

Mrs. Vera Tsur, chairman of the Hadassah Council in Israel, said:

It is no coincidence that Hadassah pioneered in the setting up of a country-wide network of maternity, child health and school hygiene services. The concern for the welfare of the family is deeply rooted in Jewish tradition and was always a pivotal factor in the structure of Jewish community life. An abiding concern for the physical and spiritual well-being of the family has preserved the unity and the survival of our people throughout the centuries and has guarded it against the trials and tribulations to which it has been exposed. Inspired by this tradition, Hadassah, from its inception, placed the emphasis not only on treating and curing the sick but emphasized the prevention of disease by entering into the problems of the family—its living conditions and environment—through its public health program and later focused in its family and community Health Center and Department of Social Medicine.

As an Israeli mother whose family has benefited from Hadassah's blessed facilities, may I, on behalf of the motherhood of this country, express deep gratitude to Hadassah and to the American Government for the generations to come.

Prof. Sidney L. Kark, head of the Department of Public Health and Social Medicine:

I am very honoured to speak on behalf of those who have received accommodation as a result of this very fine gift of the U.S. Government to Hadassah.

What is social medicine? The social medicine developed at this school has included three important related elements:

Firstly—Epidemiology which is its basic science;

Secondly—Studies of the health care system; and

Thirdly—The practice of community medi-

cine, which itself includes several elements, namely family practice, family nursing, care of the chronic sick at home and maternal and child health care in a community.

I would like to refer to something that has happened since we moved to the Medical Center to our new wing. In the last academic year we have had twelve United States medical students, mostly in their senior year of studies, undertaking a clerkship in community medicine in our department for periods ranging between six weeks and three months. This clerkship in community medicine was recognized by their various faculties in the U.S. and it has apparently stimulated so much interest that we have had a number of inquiries from students in the United States who wish to come and spend a period of three and sometimes more months in a community medicine clerkship.

What will the transfer of our department to the Medical Center mean for social medicine and its various fields, like the practice of medicine in the community—a transfer which has been made possible by the U.S. Government funding and the imagination of Hadassah itself, for which we are very grateful? It is my hope that this will lead to a gradual coming together of the community health activities of Hadassah and its hospital and basic sciences of the Medical School. It is true that the social medicine aspect is at present but a tiny part of the totality that exists here in Ein Karem, but this is a reflection of the state of medicine at the present time where all emphasis is on the hospital and the basic sciences integrating the clinical sciences in the hospital.

The advent of social medicine into the University Medical itself adds a third dimension. While only a small beginning, I am sure that it will in time develop the same relationship with the basic sciences as has been developed by the clinical departments of the hospital and any association with these clinical departments will broaden the scope of the University Medical Center to include more advanced teaching and research in a much needed field of community medicine. Through this research and through the practice which is growing in the community, the medical center will be enabled to provide a scientific foundation on which policy decisions by government and other agencies can be made.

We cannot in Israel afford petrification in our health center system and must seek new ways. As in other fields of medicine, these new ways can be helped by suitably supported research.

Prof. Kalman J. Mann, director-general of the Hadassah Medical Organization:

Our work in the field of Public Health and Social Medicine is the end result of a long road of growth and development that has its beginning in this country over 3,000 years ago, when there were enunciated here the earliest laws for the promotion of health by the initiation of a weekly day of rest; for the prevention of physical disease by the introduction of laws governing personal hygiene and isolation of infectious cases; for the elimination of Social Pathology by the formulation of inter-human patterns of behavior.

This road continued its westward course throughout the 19th century with the development of Medical Sciences and a deeper understanding of infectious diseases. It broadened in the 20th century to include the psychological and social causes of community ill-health in addition to those of physical origin, and in 1918, with the help of Hadassah, it made the return journey from the United States to its starting point—to Israel—where it changed the image of health of Man and Environment.

Yet, Hadassah's contribution to health extends far and beyond the field of Public Health. As you stroll around the Medical

Center, you will perceive that the area for Public Health which we are now dedicating is less than one percent of the area housing the totality of our medical work; that the subjects of our care are not only social groups and environment, but also 400,000 individuals who are being taken care of annually in the Outpatient departments, Dental Clinics, Student Health Services, Emergency Room, Traumatic Unit and Hospital wards.

You will note that the subjects of our care reflect the demographic structure of Israel's population, including Christians, Moslems, and Jews; children and adults friends and enemies, whether stricken by God or human hand.

And interwoven within this mass of suffering humanity you will find our 2,000 undergraduate subjects training in the Schools of Medicine, Dentistry, Nursing, Occupational Therapy, Public Health and others, so that they are able, once qualified, to undertake the responsibility for Israel's health.

While wandering through the hive of activity, you will meet its 2,400 workers, adding the third dimension of Research to that of Service and Teaching; extending the fruits of their labour to medical institutions in Jerusalem, in Israel and beyond to African and Asian countries; enriching Man's health and the pool of his scientific knowledge.

Today we are dedicating the physical facilities for Public Health, which were given to us by the American people. Is not the totality of this center a tribute to the greatness of the American people and to the Jewish community within them which made that greatness available to us?

Today we pay homage to the United States for being the source from which we draw our knowledge and know-how in the field of Public Health.

Should we not recognize the enormous benefits that have accrued to Mankind through this partnership of the American people, the American Jewish Community and Israel?

Let us deepen and strengthen this partnership so that, together, we can bring health to Man and his environment and Peace to a war-torn region and its people.

Mr. Speaker, the eloquence of these speakers attests to the value of this project which is assisted by our foreign aid money. This support and these buildings represent the positive side of U.S. foreign policy. We need more of this sort of involvement.

#### RETAIL DRUGGISTS MEETING STRESSES CONTINUING IMPORTANCE OF SMALL BUSINESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the National Association of Retail Druggists recently held its second annual conference on national legislation and public affairs in Washington. This 2-day session was intended to meet the need for independent retail pharmacists throughout the country to discuss national legislative issues affecting pharmacy with Members of Congress and with top-level officials in the executive branch.

I would like to take this opportunity to commend the National Association of Retail Druggists for its sponsorship of this informative and enlightening conference. This long-established national organization, representing the interests

of some 40,000 independently owned retail pharmacies in the United States, has made an earnest effort to encourage its members to play an active role in the democratic political process and to apprise them of the legislative measures and Federal agency programs and regulations affecting them.

It is a pleasure for me to pay special tribute to the NARD for instituting this annual political action meeting which featured addresses by Senator PHILIP HART, Senator FRANK E. MOSS, and Congressman LLOYD MEEDS.

It has rendered a valuable service to an important segment of the small business community. Notwithstanding the fact that this Nation's economic power has become more and more concentrated in the hands of a few corporate giants, this second annual conference of the NARD clearly demonstrates that small business is still a viable force in our Nation. The 5,500,000 small businesses in America remain the hard core of our free enterprise system and there is still a place in our economy for those individuals who want to chart an independent course.

I wish to offer my commendation to the NARD for its efforts in protecting and promoting the interests of the Nation's retail druggists. It is extremely important to those of us in the Congress to have the benefit of the views of this important sector of the small business community.

In this connection I want to commend the Honorable E. Boyd Garrett, commissioner of conservation of the State of Tennessee, one of the leading champions of independent retail druggists and a leading exponent of the importance of the small business sector to our Nation and our economy.

THE HABIT OF WASTE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. REUSS. Mr. Speaker, the March 2, 1970, issue of the Nation includes the following perceptive article on the utilization of our forest resources by Malcolm Margolin:

THE HABIT OF WASTE

(By Malcolm Margolin)

"We had better worry about wood," warns *Pulp & Paper*, a trade journal, and statistics from the U.S. Forest Service are certainly ominous. They predict: two and a half times the current demand for pulpwood by 1985; well over twice the demand for all wood products by 2000; and millions fewer forested acres to grow it on.

We could, of course, simply use less wood. We could take advantage of substitute materials for home building—materials not being used because of a reactionary building industry and a jungle of obsolete building codes that only the most preposterous overuse of wood can satisfy. "We're still building houses the same way we did in the 1890s," notes Gov. Daniel Evans of Washington.

Or we could recycle paper, thus eliminating simultaneously a good part of the garbage, air pollution and conservation problems. If *The New York Times* were de-inked and recycled instead of being burned, that would

save nearly 36 square miles of mature Canadian forest each year. Add just a few more cities on the East Coast to this recycling plan, and we would save something close to a national park's worth of standing timber a year. Yet a recent conference on recycling attracted what one journal called "widespread disinterest."

It is insane to suppose that if the public sits on its hands long enough, industry will lead the way to conservation of wood. The forest products industry is the fourth largest in America; and, typically American, it thinks only one brute thought: bigger! The very companies that yell "timber shortage" the loudest spend millions of dollars to develop "disposables"—throwaway evening gowns, tuxedos, tablecloths, and the like. For every scientist seeking to save wood, there are a hundred searching for new ways to waste it. Would you believe wooden pipes for conducting liquids underground?

When the Defense Department stops ordering pinewood ammunition cases, the loggers do not rejoice at the salvation of the Southern pine forests; they demand (and get) a House Small Business Committee conference to find out why. And last year when the price of lumber suddenly jumped 30 per cent and plywood nearly 80 per cent, Congress held three separate hearings to discuss, not how to decrease the demand but how to squeeze more timber out of the forests.

Congress might have examined that 1968-69 timber famine more closely. Why, for instance, wasn't the 20 per cent restrictive tariff on plywood imports dropped? Or why, during the crisis, did the industry's profit ratio double, climbing "beyond what should reasonably be expected," according to George Romney.

There were other oddities. The industry unanimously demanded that the National Forest increase the allowable cut on public lands by 10 per cent. At the same time, industry had purchased 26.6 billion board feet of national forest timber which they were not cutting—a backlog equal to twice the annual cut. "It's beginning to look like someone here is pulling our leg," commented Bert Cole, State Land Commissioner of Washington.

Finally there was the puzzling business of exports to Japan—2.23 billion board feet of prime Pacific Northwest logs in 1968, 35 per cent more than was exported in 1967, ten times what was exported in 1960. Fat, healthy logs were jamming the West Coast harbors within view of sawmills that had closed down for lack of supply. Yet Japan was so glutted with wood at this time that companies like Germain Lumber of Pittsburgh were actually forced to import plywood from Japan.

This adds up to something more than collusion or a deliberate manipulation of the market. (Collusion, if it existed, could have been stopped by already existing laws.) The timber crisis indicated how extensive is the mismanagement and nonmanagement of the timber supply.

Where will the wood come from? Ask a logger or a forester, and you will get a very tempting answer: from intensified forestry. Weyerhaeuser is squeezing 33 per cent more lumber out of its forests by intensive cultivation methods. International Paper, Potlatch Forests, St. Regis and others use fertilizers and genetically improved "supertrees" to get 50 per cent to 60 per cent more wood per acre. And from legislation now being pushed through Congress (The National Forest Conservation and Management Act), the national forests will soon be enjoying intensive cultivation to increase yield by a whopping 66 per cent. It sounds marvelous—until you get out of your car, walk through the gates of Weyerhaeuser, International Paper, or any of the others, and take a look at the "Forests of the Future." The trees are arranged in straight rows precisely the same distance apart. They are all the same species, the same

age, the same height and the same shape. They were selected from genetically improved stock to remove any imperfections that might give the trees individuality. These tree farms are sometimes fertilized, sprayed for insects and fungi, and are regularly thinned. They are wildlife deserts and have no more recreational value than do cornfields. In fact, that is the first association of every one who sees them: "wheat fields," "cornfields." Yet today nearly every logged-over acre of industrial timberland in the South and Northwest is artificially reforested in this manner—more than 1 million acres last year alone, about 1,600 square miles.

If tree farms were as visible as smog there would be an enormous protest; but they are mostly on private land, as far removed from the public eye as logging itself, and they are well padded by public relations lullabies. Except for industry, only the Sierra Club, the Wilderness Society, and a few others are aware of tree farms; and they have been waging an unsuccessful battle to preserve at least the publicly owned land from such a fate.

If this is what threatens America's remaining forests, the first question to ask is: are there alternatives? I have already touched upon a few: use of substitute materials, recycling of paper, stopping exports (which now account for 10 per cent of America's timber production). There are many more. American logging, milling and home-building practices were developed during an age when forests were plentiful, even a nuisance. The attitudes and technologies from this era still cling. In its progress from forests to its ultimate destination—the dump—we find wood outrageously wasted at every step.

To begin at the beginning, logging, especially on the steep slopes of the Northwest, is still exciting; but once the chain saws have stopped whining, the engines have stopped roaring and the donkey whistle is silent, what remains are hillsides littered with slash. Ten to 20 per cent of the volume is left behind, to be burned or buried. It could all be used. Portable chipers, skylining and ballooning (lifting whole trees with balloons as they do in Russia) make it possible and according to a Wilderness Society estimate would increase the national timber supply by 10 per cent.

Next comes the sawmill, where fat logs go in one end and skinny planks emerge from the other. Bark, which is about 10 per cent of the log, is burned or sold as mulch: it could be converted into bark board. Sawdust, which accounts for about 7 per cent of the log, could be halved with thinner blades. New methods and patterns of cutting Southern pine could increase output by another 8 per cent. Few mills have special equipment to process undersized or defective logs. And finally there are the thousands of marginal, small-town sawmills that stink up the air by burning ends, edgings and slabs instead of converting them into fiberboard, particle board, or pulp.

What I am describing are ways of applying existing technology. Why haven't they been applied? They are, unfortunately, economically marginal, or worse. Good forestry and good milling are simply not profitable—not when the price of lumber is artificially depressed by overcutting private land and by raiding the national forests. Deliberate action will be needed to bring them into harmony: perhaps a steep price rise, perhaps legislation to promote better practices, or maybe something sweeter like tax relief or subsidies to insure proper treatment of wood.

The next stage on the journey through the sawmill is past the grader. Although devices for grading accurately exist, it is still done haphazardly. A man glances at one side of a passing board and puts on the grade. The standards are set by industry, and they are entirely voluntary. Strong wood is occasionally misgraded (and misused) as

weak. But a recent check by *The Washington Post* found that half the lumber bought from randomly selected dealers was "much weaker" than it was supposed to be. Architects and builders know this, and they automatically compensate, using 2-by-10s instead of 2-by-8s, etc. More accurate grading, the Western Forests Industries Association thinks, could reduce the amount of lumber used in the average house by 15 to 30 per cent. Rep. John Dingell (D., Mich.) thinks that the waste from misgrading "could amount to as much as 25 per cent of the total resource."

Then there is the matter of proper seasoning, to make wood last longer and reduce the rate of replacement. The antiquarian Eric Sloane has compared the suburban house which sags, rots and sports termites after a single generation, with the New England barn that lasts centuries—without paint or preservatives. The difference is in the seasoning.

It is impossible to estimate how many Yellowstones could be saved by recycling, using slash and sawmill leftovers, increasing milling efficiency, halting exports, grading properly, seasoning adequately and using alternate materials. Yet there is more to the subject. I have not even touched upon the attacks by hundreds of critics against numberless stupidities: the Jones Act, for example, which in effect forces Alaska to ship nearly all of its lumber to Japan; the telephone poles which devastate forests and scenery at the same time; power transmission lines that destroy more than 30,000 acres of forest a year; flood-control dams in areas where reforestation would not only control floods but would produce commercial timber; failure to use bagasse (sugar refinery refuse) instead of pulp for certain grades of paper; failure to encourage use of groundwood paper (which uses 90 per cent of a log) over finer grades (which convert only 50 per cent).

We steadily reduce our wild varied forests to mono-cultural tree farms; yet we allow 2 million logged-over acres in Southern Florida and millions more in nearly every state to be taken over by brush. If an Oregon landowner wants to strip his land of mature firs, cedars, hemlocks and larches, and replant with colonnades of genetically improved Douglas firs, he will benefit from millions of dollars worth of research, state nurseries, and the visitations of public foresters. But if he wants to rehabilitate his brushland, there is nothing he can do but buy the one book available on the subject. "And if this represents the state of the art," comments one of them, Bruce Starker, "I could have spent my money more effectively on an ax."

At the present rate of waste, we shall certainly have a timber crisis by the 1980s. We shall also see a large part of our forests brutalized by "intensive cultivation." Every one will blame the sad state of affairs on overpopulation, but they will be wrong. The real cause of that double disaster, timber famine and tree farms, will be the current gross mismanagement.

Various solutions have been put forth. They include price rises, price controls, federal or state regulation, tax reforms to promote efficiency, subsidies, and others more radical. Every one who views the situation would like to take the villain by the throat, but he is not to be found. The four largest timber producers combined control less than 10 per cent of the market. There is not one hole in the barrel but a thousand.

Whenever the industry itself speaks of the approaching timber famine, it casts the entire blame on three evils: the refusal of small landowners to let their land be logged; the withdrawal of timberland for national parks and wilderness areas; and the failure of the government to cultivate the national forests more intensively. In effect they have only one solution: we must cut more, and that is ridiculous.

Many individuals and groups have looked into aspects of the timber situation—they range from the Sierra Club to Ervin Peterson, former Assistant Secretary of Agriculture and now president of Sonic Jet Processes Corp.—and they usually come to the same conclusion. We need, at this moment, a high-level commission, a sort of Hoover Commission, to study the whole seedling-to-dump timber problem, to sort out fact from public relations propaganda, to collect for the first time adequate statistics, and finally to make recommendations.

The call for "more study" always tends to sound pale and timid, yet in this case it is the first and necessary step. Without such an authoritative, comprehensive study, critics of timber mismanagement are left with nothing but the current scatter-gun attack on a gigantic, fragmented industry that doesn't care that never responds honestly, and that wastes, wastes, wastes, the very last of the wild forests.

### MISLEADING EDITORIALISM BY THE TIMES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. WYMAN, Mr. Speaker, to no small extent our domestic difficulties, with emphasis on law enforcement, are made a bit more difficult by editorials such as appeared in yesterday's Sunday New York Times on the subject of law and order. From a cursory reading of this misleading editorial one would think the representatives of the people in Congress seek to take the United States down the road to fascism.

Let it be clearly understood that almost all Members of Congress seek better police methods and a more adequate system of criminal justice. Let it be also understood, in this connection, that rehabilitation while in confinement is an important objective in the post-conviction process.

At the same time let it explicitly be stated that neither preventive detention, nor narcotics control, nor the use of electronic surveillance against organized crime is repression of the unpopular or abridgement of constitutional rights of majority or minority.

The problems of constitutionality we face relate to interpretations of the Warren Court. The problem in America is an urgent one in which crime is out of hand and the streets in many localities are unsafe for law-abiding citizens. The problem, in no small degree, is with the Court decisions and one needs look no further for a part of the cause than Associate Justice William O. Douglas, whose recent writings in justification of revolution by force and violence undermine the Court of which he is a member and the structure of our society as well.

What is needed, in addition to thoughtful, responsible, understanding yet firm law enforcement, is rephrasing and redefinition of constitutional limitations by the newly composed Supreme Court, in a manner that allows society a reasonable measure of protection against those who are openly seeking and acting to destroy it.

We do not have this in many areas covered by confusing and libertarian decisions of the Warren Court, and the hour is late.

The Times ought not to mislead our people by saying that measures to protect people from criminal repeaters and dope addicts risk a descent into lawlessness or are the forerunner of a police state. This is media demagoguery pure and simple and it ought to be recognized as such.

The editorial follows:

#### LAW AND ORDER

The nation rallies easily to the defense of its liberty when threatened by enemies abroad. It is far more difficult to arouse men to the protection of their freedoms when they are eroded at home, especially when civil liberties and personal rights are being diminished in the name of law and order.

Citizens everywhere are properly insisting on effective measures against crime and disorders that menace public and individual safety. The current wave of bombings must be halted, and so must the narcotics traffic, organized corruption and the various other manifestations of a breakdown in law and law-enforcement which renders cities unsafe and politics unsavory.

But instead of pressing for better police methods and a more adequate system of criminal justice, political leaders increasingly stoop to repressive legislation which would eventually limit the rights of all under the guise of curbing the lawless.

There is awesome consistency in the pattern suggested by these developments of recent months:

Anti-riot legislation, although enacted in response to some provocative forays by revolutionary extremists, is being employed in such broad and sweeping ways that it is more likely to convict men for their thoughts than for the commission of unlawful acts;

At a time when there is growing uneasiness over the resort to excessive bail as a form of punishment, the "law-and-order" forces threaten to legalize preventive detention, when the emphasis ought to be on speeding the legal process;

Legislation already passed by the Senate would give the prosecution wide range in the use of illegally obtained evidence, while sharply limiting the right of the accused to challenge its veracity;

A narcotics control bill, also approved by the Senate, would allow police to break into private homes and may eventually even permit the rifling of physicians' records;

The use of bugged telephones and other forms of electronic eavesdropping has assumed proportions which only a few years ago would have been thought inconceivable in a free society;

The House of Representatives, in defiance of earlier Supreme Court opinion, would let the Federal Government bar or dismiss defense plant employees, by bureaucratic fiat and on the vaguest of political pretexts.

This ominous trend is accompanied by attacks on the news media and verbal assaults on dissenters. It exploits fear and suspicions. Instead of building confidence in the law by making it more efficient and impartial, such a strategy fosters mutual distrust. It pits one group against another and, by threatening repression of the momentarily unpopular, creates the illusion that the rights of the majority are enhanced.

In reality, when the constitutional rights of some are abridged or suspended, the rights of all are in jeopardy. To give extraordinary powers to the police or the courts in the name of "law and order" is to risk descent into the lawlessness and moral disorder that have marked every police state throughout history.

THE IMPORTANCE OF RURAL DEVELOPMENT

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mrs. MAY. Mr. Speaker, on February 9, our distinguished colleague, Mr. EVINS, who has done so much to emphasize the importance of rural development as an integral part of any effort to find solutions to both rural and urban problems, inserted an article by former Deputy Undersecretary of Agriculture James L. Sundquist.

Knowing it would interest him, I sent the article to Dr. Clayton C. Denman, the president and codirector of the Small Towns Institute in Ellensburg, Wash. He and his colleagues at the institute have been, and continue to be, deeply and constructively involved in developing programs directed toward the revitalization of small towns in America.

Dr. Denman has now responded—and because his thoughtful comments merit the consideration of all of us who are involved in the problems of rural, as well as urban, areas of our country, I am submitting Dr. Denman's letter and remarks at this point in the RECORD:

MARCH 6, 1970.

HON. CATHERINE MAY,  
2332 Rayburn Building,  
Washington, D.C.

DEAR MRS. MAY: Thank you for bringing my attention to Mr. James Sundquist's article on small communities published in the *Washington Post* on February 8th.

I have two rather opposite feelings in reading this analysis: basically it is an excellent description of the real situations facing small town and rural America. While I would agree that we are not now well organized, I resent his implication that the business of revitalizing small towns must be managed by urban rather than small town institutions.

Mr. Sundquist is obviously not aware that small towns are concerned about the problems of which he speaks and that a Small Towns Institute already exists. But the failure of small towns and rural communities to actively pursue programs of revitalization lies in the fact that we are not able to exert the pressures on business and government that urban leaders have at their command. The Urban Institute of which Mr. Sundquist speaks, for example, is a federally chartered corporation, and the director alone receives an annual salary of \$50,000. By contrast the Small Towns Institute was organized by small town people and our entire income in 1969 was less than \$500. Perhaps Mr. Sundquist's insights are really predicting our failure rather than criticizing our initiative.

As Co-Director of the Small Towns Institute I have been seriously concerned with the influences that urban-oriented planners will have on rural communities and small towns. Last February 5 I was asked to speak at a public gathering in the town of Zillah, Washington, sponsored by the Zillah Lion's Club. The enclosed transcript of my remarks indicates much of the Institute's concern with encouraging small town leaders to plan the future of their own communities.

I would be very pleased if you could support our point of view with publication in the *Congressional Record*; or at least forwarding a copy to Mr. Sundquist.

Thank you for your continuing help to our program.

Sincerely yours,

CLAYTON C. DENMAN,  
President and Co-Director.

SMALL TOWNS ARE THE FUTURE OF AMERICA

(By Clayton C. Denman)

Recent concern with environmental pollution has pointed up crucial reasons for considering small towns an important part of America's future. Those of us who live in rural communities or small cities are relatively free of the problems that come from crowding and overpopulation. We already enjoy life styles much like those which city planners and urban engineers hope to create in the future, perhaps in "new towns" now being proposed as a way of relieving urban population pressures. Small town residents whose communities are in a state of economic decline have a simple problem to alleviate compared to the urban dweller's task of finding solutions to crime, smog, and overpopulation.

Most of the 72 million people now living outside of urban complexes enjoy low crime rates, minimum air and water pollution and less social decay than the majority of Americans living in big cities. We all know that small towns do have serious problems of poverty and unemployment, but these conditions are largely a result of economic pressures and technological change and not the result of overpopulation and lack of rational planning for change. It took protests and even riots before the cities started planning; and then it was through the efforts of private organizations such as Urban America Inc., the National Alliance of Businessmen, and the Urban Coalition that the fight for remedial programs was undertaken as soon as it was.

To the urban planner of today, small towns seem to be existing in a state of apathy regarding their own problems, a view which has led some analysts to suggest that if small towns are to be revitalized, the leadership will have to come from the cities. If these people are right, it will not be because small town leaders are not capable of their own planning, but because they have not organized to make themselves heard in the policy-making centers of this country. In fact, as a group, small town leaders were active in pointing out and solving problems long before urban planners became aware that cities were headed for disaster. The main reason for this is that small towns have retained a sense of community—the essential social ingredient that enables men to work together. This is something that cities have lost, something that they try to re-create in "new towns"; it is also a reason that they are hungrily eyeing our small towns as places to direct their unwanted populations.

Most of us will welcome new members to our communities, especially if they are accompanied by small industries fleeing overcrowding and decay. But I also suggest that we retain control over the process of redevelopment; that we must have funds for retraining and housing, for expanded public and private utilities, for preventing a repetition of pollution that fouls the cities, and for the necessary expansion of educational facilities.

This means that small towns will have to organize, will have to support organizations such as the Small Towns Institute which have their origins and interests in small towns and their goals the economic revitalization and continuity of community functions in the towns they serve. Since its founding over a year ago, the Small Towns Institute has been concerned with developing a more modern economic base for small town life, new ideas for prosperity of the small businessman, the family farm, the retired and the elderly. We have also attempted to develop opportunities for youth in small towns—opportunities leading to the continuity and increased prosperity of institutions that make up the "sense of community."

We have been particularly concerned with developing a program that would encourage small town leaders to guide community af-

fairs and to bring the economic benefits to local institutions. We have not played the role of "big brother" to the small town, opening up new resources for large industries and thereby destroying the right of the small entrepreneur to increased benefits from an expanding economy and population. We have thus forfeited financing and donations from large corporations and investors. It is for these and similar reasons that there are not many small town organizations compared to the proliferating and well-financed urban institutions; for most of these are begun by those already prosperous. But it is untrue that small towns and rural communities are not aware of their problems or are not capable of speaking out and of planning for future prosperity. The only thing lacking is a measure of aid in the form of increased communication among towns and a voice in decision-making processes.

PRESENT CONDITIONS

Many small towns suffer from conditions of economic and population decline—factors which contribute significantly to poverty and decay of housing and business properties, to poor educational and medical facilities, and to continued unemployment. I might point out, however, that these conditions are a result of economic and technological changes created in, and for, urban needs. Agricultural technology is a product of urban industry and city oriented marketing and pricing systems. High paying jobs—the "better opportunities" of educational advertising—are creations of urban demands for goods and services. These and similar conditions have all combined to stimulate out-migrations from small towns and farms, leaving behind people more dedicated to rural life styles than to visions of vast wealth. Some of us are, like yourself, returnees to small towns, some are struggling small town businessmen, some are retired, and many are living in poverty conditions as a result of technological unemployment. All of us, however, have chosen to maintain small town life styles; to save these values we must now adapt them to modern conditions in our society. This should be our job, not that of those who have already failed in the cities.

I would agree that housing in many small towns is in need of replacement, and that incomes, educational facilities, medical services, and public utilities need improvement. But we should not allow city oriented planners to equate rural or small community life styles with poverty, nor to demean the average small town dweller for not having aspirations for a \$450 a month "middle income" apartment.

Small towns are good places to live precisely because they lack the pressures of cities; because they offer a more personal and serene atmosphere; and, I repeat, have a sense of community and cooperation. All citizens benefit from closer association with the elderly, with young people, with farmers, businessmen, with teachers and with one another. These are some of the factors that have attracted the attention of city planners, as well as the more often expressed reason of open space.

In the past, government policy and attention was focused almost exclusively upon the cities. Urban conditions had resulted in riots, rising crime rates, unemployment for minorities; school, housing, employment, and transportation crises; as well as an increasing breakdown of traditional family living and rebellion among youth. No one seemed to realize that a major cause of these urban problems was increasing population pressures on an urban system that was designed for much smaller numbers and for the life styles and technology of the past century.

Increasing urban population was not only a result of a rising birth rate after World War II, but of a massive out-migration of young people, farmers, and especially unskilled minorities from rural areas. Most of this migration was a direct result of change

in technology, but a good proportion of it was in response to a false belief that a better life was to be attained in the cities. We now know that the city offered millions greater hardships than it did answers to dreams. It also left many small towns with decreasing populations; small businesses, schools and town governments with new problems; and a self-fulfilling prophecy that small town and rural America were on the decline.

#### MYTHS AND FACTS ABOUT THE SMALL TOWN

It wasn't too many years ago that small towns were looked upon as the backwaters of America, as places forever alien to the progressive and exciting life in the cities. Small towns have suffered from this mythological image fostered by negative thinking in such novels as Sinclair Lewis' *Main Street* and Edgar Lee Masters' *Spoon River Anthology*, two early twentieth century literary works which presented small towns in a light of "conformity, stupidity, loneliness, and physical ugliness," in addition to ideas about an entrenched elite who ran the community from behind the scenes.

These beliefs were perpetuated by many professional community studies that did not go far enough to understand the diversity that exists in every community. Even Robert Lynd's classic study of *Middletown* in the 1920's and 1930's failed to point out that the economic conditions producing poverty and a confirming class structure had their roots, not in the small town community, but in the reflection of urban conditions on agriculture and small town industry. It was not until the publication of Aaron Wildavsky's book *Leadership in a Small Town* (1964) that even the objective social scientist began to understand the diversity of interest and process in small communities.

In the past ten years, however, these out-of-date myths have rapidly dissolved. Academic researchers are now aware of diversity in small communities, and the average American has come to look with favor upon life in our small towns. A recent study conducted for the National Rural Electric Cooperative Association showed that most Americans think positively toward people in rural communities: 81 per cent think small community dwellers are warm and friendly toward others, and only 7 per cent think city people are this way. Nearly 65 per cent think small town merchants are more honest, and only 6 per cent think city merchants are more honest. When asked about emotional differences, 83 per cent thought that city people were more tense and pressured in their daily lives, and only 5 per cent thought small town and rural residents were more tense and pressured. About 22 per cent of the people surveyed thought there were no differences between urban and rural community life.

In fact, this study indicated that 82 per cent of all Americans would prefer to live in rural communities if they could find suitable employment opportunities. Other studies show similar impressive results. A 1968 Gallup Poll indicated that only 18 per cent of Americans would choose to live in cities, while 56 per cent would prefer to settle in rural areas if the same economic opportunities were available to them as in the city. A study of University of Nebraska graduates in agriculture now working outside of that state showed that sixty per cent desire to return to Nebraska if suitable employment were available.

The prospective of these studies strongly indicates that small towns have been the victims of the urban myth and of an unchallenged faith that technological developments were a contribution to human progress to which men had to adapt their lives even if it meant a change from satisfying social environments to the chaos of the modern city. The desire to return to rural America indicates a shift in our values from a blind faith in technology to a realization that men must live together in a social context before tech-

nological progress can become meaningful. As further proof of the truth of this premise, we are on the threshold of a concern with environmental conditions that will eventually include the quality of living as an integral part of economic profits; and economists are increasingly feeding social costs into cost-benefit formulas.

Our communities will share in this new awakening to the values of quality in both our natural and social environments. We are finally realizing that small towns, even though they have serious problems, represent the basic life styles to which a majority of Americans aspire. Furthermore, most small towns and rural communities exist in more ecologically balanced environments than do cities. If we can come to better understand these conditions and improve upon them where they are headed in undesirable directions, we can proudly present our towns as models which cities have only begun to think about. A small town free from environmental threats and still maintaining its sense of social community will have a prime asset for attracting both population and industry that can no longer tolerate the deterioration of urban services, as well as declining physical and social environments. The people who left the small towns and farms of America in the last two decades are fast discovering that the economic and psychological pressure that led them to the city in a search for greater abundance are melting away before the realities of social and environmental crises.

#### THE SENSE OF COMMUNITY

We have already touched upon some of the important factors which make small towns good places to live today and to build upon for a more livable future.

One of these important features is what I have called the "sense of community," a critical need for human beings living together and sharing even minimum values, goals, and expectations of the good life. In recent years, planners and policy makers alike have discovered that most small towns have never lost this desirable feature, even though many of them have sharply declined in population and economic viability. Heavily funded federal urban programs have many times tried to re-create in cities the social values associated with community. Most of them have failed to reach this goal. In fact, many city programs such as urban renewal, freeways, and public housing, have probably destroyed more functional communities than they have aided. The result is social disorganization seen by all of us as higher crime rates, decreasing respect for schools and other public institutions, juvenile delinquency, drug abuse, and a host of other socially disruptive conditions. We now depend upon formal law enforcement agencies rather than community pressures to hold these disruptions in check.

Without the sense of community, there is no sense of social commitment to fellow citizens, no longer a relationship between people that can be channeled into making our social and physical environments better places in which to live. Small towns still have a sense of community—even if we are sometimes apathetic, we at least know who is active and who is not—and we can use this sense of community as a foundation upon which to build for a more prosperous future.

With an absence of social community in the cities, many human values are no longer transmitted by the group in which growing up takes place. Children tend to learn only the more artificial values of mass media, the schools, and of course the inexperience of their peers. What is missing is not so much abstract truth, but knowledge of how human groups live together; for no longer do the young, the mature, and the aged share common interests.

Thus in cities there is no longer a blend of the enthusiasm and energy of the young, the experience of their parents, the wisdom

of grandparents, all focused into a goal of realizing an "American Dream." Urban life has dispersed this interlinking between these basic assets that all societies—whether primitive hunters or modern industrial—have shared.

It has been these attributes of community and the interlinking of the contributions of young and old that has built our country. Where these tend to break down, as we have seen them do in the cities, our society gives way to despair, lawlessness, splintered family life, and other forms of disorganization. Small towns have not been entirely immune from his process, and they are vulnerable during periods of decline as well as growth. Therefore it will take a measure of vigilance to avoid the loss of community values as towns begin a regrowth in the seventies. Most of us are already familiar with the loss of community solidarity when small towns decline. Signs of a dying community are numerous, and they affect everyone. The loss of economic and social institutions can be the initial cause of decline, eventually leading local residents to become dependent on services from other communities. Young people leave for opportunities elsewhere, small businesses fail to interest fresh management, industries stand still or close, maintenance of stores and houses ceases. Absence of young families means no prosperous schools, so necessary to attract new industry. Even those who choose to retire in such a place find retail facilities closing and community services faltering.

Although the loss of the sense of community in the city leads to crime, poverty, and disorder, it is not as critical for survival there as it is in a small town. A city's services are far more diverse than those of small towns, and citizens can always trade in another district. Public services are always available from a distant governmental source, but in the small town there is little appeal to outside agencies. The solution to the problem is to retain the sense of community, and to maintain the ability and motivation to work together for mutual benefit.

#### TRENDS FOR THE FUTURE

New federal domestic policies are being centered on the basic roots of current national social problems. The major social pressures on the cities are not generated wholly within them, but arise in the imbalance of rural to urban migration of the unskilled and of young people who in past decades would have become the future leaders, businessmen, professional people, and responsible citizens of their home communities.

Even though small towns may be in a process of economic decline, they still provide a basic foundation upon which to build a new and revitalized America of the 1970's. In a nation whose cities have been devastated first by social crises and now by lethal environmental pollution, the small rural community can offer a less encumbered environment where vast expenditures to correct the mistakes of the past will not be necessary.

Many new bills designed to encourage increased settlement of people and development of industry in non-urban places are now before Congress. They range from the long overdue Rural Job Development Act, introduced by Senator James B. Pearson of Kansas, to the recent \$800 million appropriation for the development of sewage treatment facilities.

All of these programs will help ease the transition that will take place when population growth increases in small towns. Before these influxes begin it will be our job, as leaders and planners, to see that change comes in an orderly fashion, preserving the social values of our communities at the same time that we gain economic prosperity. We must be vigilant in seeing that economic prosperity accrues to the people and institutions of our communities and does not arrive in pre-packaged bundles of new industries and new workers who hope to use our

treasured environments for the benefit of only themselves and not the entire community.

When this population reversal occurs, towns must have outside funds to expand sewer and sanitary facilities, education and medical institutions, and highways and transportation without overburdening the retired and the small businessman who has been subsisting for years at the break-even level. Small town residents must learn how to retain the positive features of their life styles and also to adapt to the benefits of a progressing America.

We must now begin to prepare for this future development of our towns. Taking a lesson from the failures of the cities, we should start by planning far reaching local programs designed to assure growth patterns that will maintain or increase the health, aesthetic, social, and educational standards of our communities. Quiet towns with clean water and pure air, adequate sewage and garbage disposal, up-to-date utilities, and social concern for all citizens will draw new industry and new residents far faster than the town that is willing to submit its leadership and integrity to interests that are concerned only with profits and little with community responsibility. The "small town atmosphere," once seen as a sign of being left behind is, in this dawning era of environmental concern, a positive asset upon which to build a prosperous future.

The kinds of people who will be leaving the cities are looking to the small town to provide a more desirable environment than the one they now live in, and it will pay small town leaders to begin thinking about plans to preserve the environment they have enjoyed, to attract newcomers by those virtues, and to improve those desirable features for the future.

#### PLANS FOR ACTION

It is not enough to present facts, praise ideals, and warn of the consequences of inaction in the future if we are really to solve the social, economic, and environmental problems now facing us. We can no longer confront the future merely with plans for studies and research. Social scientists, economists, and small towns themselves have conducted numerous studies and surveys which now lie unused and often unknown to those who are ready for action.

Research is a valuable tool, but it should always be linked to a remedial program if it is to accomplish practical results. This failure to make use of expensive studies is one of the reasons that the Small Towns Institute was organized. We decided that it was now time to make problem-oriented research useful and to reclaim some of the value of past studies by using them to develop practical formulas to alleviate small town problems. What are some of these programs and where do we start?

One of the first places to start a practical revitalization program is with people. "Manpower development" is the technical phrase—but it all boils down to planning a program which will focus upon the present and potential human resources of the community. Manpower is basic because it is one of the essential ingredients in industrial development. People build up the institutions of a town, they sustain small business; and most important, people are the crucial factor in that all important "sense of community" that I previously indicated was an essential virtue of the small town.

Each community needs to look seriously at its efforts to induce young people to become involved in local businesses or to learn skills that are marketable within the community. In many of the towns studied by the Small Towns Institute, we found an overwhelming number of high school seniors who expressed a strong desire to settle in their home communities (or to return there after college or military service), but who have not been encouraged to obtain training in

skills that are locally marketable. Young people are not encouraged to take over businesses whose owners plan retirement and closure. Thus these towns are losing valuable assets—fewer small businesses and a continued out-migration of young people who really would prefer to stay.

Communities also fail to keep track of the skills of those who move away but who would like to return. A program designed to list manpower resources ready to return to a small town would be a crucial factor in persuading an industry to leave the crowded, polluted, violent environment of the city and rebuild in the smaller community.

Meanwhile, the town that retains its small businesses, improves its schools, updates its medical, nursing and hospital facilities, and provides jobs for youth who want to stay, is a community well on the way to revitalization. These improvements require some major effort to bring young people into management levels of business, to introduce locally marketable vocational training into the schools, and to encourage new payrolls based on an extensive listing of skills available from outside the community.

To make these new programs work, there will have to be some changes in small town economic attitudes, for we have encouraged our youth to leave by pointing out that the more lucrative economic opportunities are in the cities, yet we often fear having to pay comparable wages in the small town. We too often expect a new employee to have a college education, yet seldom credit him with any more experience than we allowed an eighth grade graduate fifty years ago. With simple changes like these, we can retain many of the old values that we are concerned about losing. In such cases we must make decisions that lead to survival of the community.

Another place to start is with *environment*, which all of you know is an issue topping the priority lists of most political leaders. I predict that it will soon be of crucial importance to most businesses, and that the relatively unexploited environments of small towns will become assets sought by industries looking for places to expand or to escape from intolerable urban conditions. The town in the best bargaining position will be the one which provides a more desirable environment into which industry can move, not one which allows an industry to merely escape public pressures to clean up the results of years of irresponsibility. The town that makes of itself a haven for deserters from responsibility will soon find that its short term prosperity has shorn it of a future with continued growth based upon solid ecological principles.

The way to attract responsible industry is to have ready the technological tools to supplement the industry's needs. Public funds are becoming increasingly available for these purposes and a community need only have ready a comprehensive plan for ecological balance to favorably impress granting agencies.

Ecology is much more than merely air, water, trees, and waste products. Human resources are a part of the environment also. Adequate sewage and waste disposal, water supplies, and clean air are vitally important to supply industrial requirements; but people planning to move to your town will be concerned about medical facilities, care of the aged, excellent schools, and many other private and public services. An industry will be reluctant to move if its key people will not move, and you will have to sell your town to them as well as to management.

There are of course ways to revitalize a town without attracting basic industries. The most promising of these is the *special image town*, ultimately based upon an influx of visitors. Not every town can develop its own special image, just as not every town will be able to attract industry. But there have been some notable successes where towns have concentrated on converting

themselves into European-styled ski resorts such as the town of Leavenworth, Washington, or Long Grove, Illinois, which has met success as an antique center, offering unique restaurants and afternoon relaxation. Visiting small towns could easily become a new form of excursion for tourists, once they discover that small communities provide contrast with the frustrating experiences of urban living.

*Farming* is not yet a lost cause, even though corporate farms have purchased vast acreages and forced the development of incredibly expensive machinery which stimulates the exodus of farm workers and owners. The farm problem is much too complex to analyze extensively in these brief remarks, but after considering the analysis of such ecologists as Stanford's Paul Ehrlich and John Holdren, it is apparent that family farms will continue to be the more efficient level of land utilization, and may well rise again in number if our population increase is not sufficiently checked in the coming decades.

I will conclude with a note of optimism on the future of small towns in America. We are beginning to move forward out of the patterns of decline so typical of the past two decades. Future prosperity will not come as a gift on the winds of inevitability, but will arise out of sincere efforts directed toward expanding our assets and avoiding the mistakes so vividly pointed up in the urban experiment. Small town leaders must now take the initiative, exchange ideas through their own national organizations, and look to the future.

#### THE MILITARY CONTRIBUTION TO AMERICAN OCEANIC DEVELOPMENT

#### HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. BLANTON. Mr. Speaker, our distinguished colleague from Tennessee (Mr. ANDERSON) is a recognized authority on naval and oceanic matters. His illustrious career in the U.S. Navy, from his graduation from the U.S. Naval Academy in 1942 to his command of the first atomic submarine, the *Nautilus*, gives him excellent credentials to advise us, and the Nation, on oceanic affairs.

Recently, Congressman ANDERSON addressed the Navy League Symposium—"Wealth and the World Oceans," Washington, D.C., February 17. His subject was "The Military Contribution to American Oceanic Development." In these remarks are some observations which I think all of the Members of this great body should give their attention.

I have asked my colleague from Tennessee permission to include his speech in the RECORD for the benefit of Members who may not have had an opportunity to hear or to have read it. I am sure it will be worthwhile for everyone to read:

#### THE MILITARY CONTRIBUTION TO AMERICAN OCEANIC DEVELOPMENT

(By Congressman WILLIAM R. ANDERSON)

From our national infancy—as a long thin coastal confederation of British lineage—we have gone to sea for food and trade, for adventure, for political leverage, and for military advantage. And where oceanic enterprise was concerned there has always been—to turn a fashionably unpopular phrase—a military-commercial complex. The merchants of Salem, Boston and Baltimore did not risk valuable ships and cargoes where maritime law and order could not be en-

forced by friendly navies. Indeed, a fundamental reason-for-being for many navies was the protection of seaborne commerce.

The court of last resort in disputes over fishing rights was, not rarely, naval confrontation. In earlier times the U.S. Navy augmented its combat forces by commissioning "privateers." The readings of Maury's revolutionary ocean maps and charts were taken by commercial vessels, and the information compiled was used by merchant fleets ever after. We know where the current fishing sonar originated. The civil definition of territorial waters was settled by the range of early naval cannon.

Three factors have dictated the profound interdependence of military and commercial activity at sea:

Beyond the narrow territorial seas there is no effective civil authority. Past that invisible line international law operates, but without enforcement by any world body. National naval forces do the job, and their interpretive prerogatives at sea are considerable. Without dependable law enforcement commerce cannot flourish anywhere—at sea this requirement dictates a special relationship between seagoing commerce and the seaborne national military.

Technological innovation in ocean transportation has for hundreds of years involved extremely high cost and risk. Consequently, navies and commercial interests have most often found ways of pooling resources and spreading these risks.

Nations like the United States, Britain and Japan, who cannot project substantial conventional military power abroad except by sea, have never undertaken the expense of keeping full logistic forces at sea during peace time. They have relied upon mobilization of the civil merchant marine in time of crisis.

For these reasons, the military, scientific and commercial establishments share an intimate and working concern with mutual well-being. It is a concert of interest which has been reflected politically in Congress.

Mid-twentieth century history and technology now presents us with what is, in many crucial aspects, a new political and economic ocean. It is hard to avoid the conclusion that this newly dynamic ocean will, for the foreseeable future, feature a vastly increased scope and scale of human economic activity at sea, and markedly increased probabilities of international oceanic conflict. There is every reason to expect that the historic fabric of technological and political relationship within the marine military-commercial complex will and must become more tightly and richly woven.

It has become virtually habitual for us to assume oceanic supremacy. We have based our foreign and defense policies on continuance of that supremacy. The global power balance includes that United States superiority at sea is here to stay—to counter communist advantages in geography, population and capabilities for total mobilization. Not surprisingly, however, as the strategic importance of the oceans have increased, our oceanic supremacy is under perceptive and capable challenge. Neither the stakes at issue in Vietnam nor the race to the moon are comparable in magnitude to those involved in the Soviet effort to neutralize America at Sea.

We have the resources and certainly the technology to reverse this trend, but further delay becomes unnecessarily risky.

We have polluted our oceans with oil and waste and chemicals—but never with defeat. For Americans, the oceans have been friendly—sources of wealth and food, pleasure, buffers from foreign compulsion, symbols of freedom, carriers for our own trade and power abroad, the scene of accomplishment, victory and promise. We must understand that this traditional bright marine horizon is not an act of nature of divine ordinance, but a product of seapower.

The average Britisher, Italian, Frenchman, German, Greek or Norwegian would understand this. The average American—and his elected representatives—do not.

Our salvation—from being shoved into the trap of imbalance of power vis-a-vis Russia—is not technology, not dollars, but to solve the lack of conviction of the citizen of Peoria. He sees quite a few soldiers every day, and quite a few airplanes, but he rarely sees a submarine, an ocean-going freighter, or a destroyer or carrier. His visualization is through "McHale's Navy," "The Caine Mutiny," and "Mr. Roberts."

Someone should set up a new style confrontation—in behalf of the Navy and Merchant Marine—before the leading TV, motion picture, magazine and newspaper people—and ask for equal treatment.

The Navy League is ideally suited to do this.

### VIOLENCE AGAIN SHOCKS AMERICANS

#### HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. GOLDWATER. Mr. Speaker, recently, Americans were again shocked by irresponsible, violent activity some young people perpetrated at a university campus. This time, the once quiet, tranquil campus by the sea, the University of California at Santa Barbara, was rocked by the burning of a bank and other violent activities. Edmund Bunker, the president of KFI radio in Los Angeles, presented a very apropos comment on the violence in an editorial of March 3, 1970. I wish to bring his comments to the attention of fellow House Members:

#### KFI EDITORIAL

The vicious and mindless violence which last week spread from the University of California's Santa Barbara campus and engulfed much of an otherwise quiet community has again pointed up a fact of our time.

Many of those who pretend to protest injustices are themselves quite capable and often quite disposed to perpetrating acts of cruelty and hatred as easily as ugly as that which they protest.

And those who are sincere in seeking reforms are learning the hard way that their first task will be controlling their unruly allies, and disassociating themselves from those who can not or will not be controlled.

Having the Vietnam war defended by the Ku Klux Klan or Hell's Angels is hardly a source of consolation to those who sincerely support participation in that conflict . . . why should earnest opponents of the war feel called upon to defend the action of bank-burners and cop-cripplers?

Young rebels in Westwood and Santa Barbara have chosen to take out their hostilities on branches of The Bank of America . . . which they somehow link with the war, or parental authority, or the capitalistic system . . . whichever they happen to be most upset about at the moment. We can only speculate what motives led the Santa Barbara rioters to destroy a coin-operated public laundry.

The fact remains . . . the actions are criminal. They are none the less criminal because those carrying them out pretend to doing so in a good cause. And the guilt of those involved doesn't disappear simply because they were part of a large group.

K-F-I calls for a new priority of police action . . . identification of those taking part in rioting and mass violence. Take away the safety of being part of an unruly mob . . . perhaps with the use of wide-

angle cameras and portable floodlights . . . to aid in pinpointing the hoodlums who think they can get away with anything if there are enough of them to avoid identification.

The right of peaceful dissent will be destroyed, for all practical purposes, if action isn't taken against the rank-and-file vandals and thugs who hide their hooliganism behind a pretense of protest.

#### MRS. JANET B. KRAMER DELIVERS BLOOMFIELD COLLEGE VALEDICTORY ADDRESS

#### HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. RODINO. Mr. Speaker, recently I had the privilege of participating in the Bloomfield College midwinter commencement exercises. The valedictory address, delivered by Mrs. Janet B. Kramer, perceptively and adeptly comments upon the concerns of the "then," "now," and "tomorrow" student. Her remarks are notable, as follows:

#### THE THEN PEOPLE AND THE NOW PEOPLE

Dr. O'Brien, Congressman Rodino, Distinguished Guests, Ladies and Gentlemen: We graduates feel a sense of accomplishment tonight, but we are well aware that many people have contributed to our achievements. Trustees, administrators, faculty and families have guided us, argued with us, encouraged us and taught us. We owe them a great debt. All of them have our thanks and our deep appreciation.

For most of you it must have been a shock to see a middle aged woman come forward to deliver this particular address. I enrolled at what is now Douglass College about thirty years ago. Halfway through the prescribed program I left to marry. Almost a quarter of a century passed before I found myself back on a college campus here in Bloomfield. My particular experience as a student thirty years ago and today probably provides a good vantage point from which to compare the college student of then and now.

There has undoubtedly always been a difference in perspective between parent and child. Today's college students have named this difference "the generation gap," and, having labelled it, they think they invented it. In fairness it should be noted that while not a new phenomenon the fast pace at which the world moves today has accentuated the differences in viewpoint between the generations.

It is impossible to characterize two generations within a few minutes, but one point seems particularly significant. Both the "then" student and the "now" student have been preoccupied with survival; however, survival means different things at different times.

Material possessions seem to have the most value to those who have been denied them. The "then" people, haunted by the specter of the country's worst depression, were concerned with a very personal kind of survival. Getting a job, supporting a family, saving for the proverbial rainy day were almost universal goals; but they were individual goals.

The "now" people face different problems. They are coming of age in an affluent society, but one where millions still are hungry, badly housed and uneducated. The "now" people breathe air that is polluted and try to swim and fish in water that is poisoned. Over-population is beginning to vie for the very ground they stand upon, while nuclear warfare and atomic fallout threaten their very existence. They search for identity in a

world where computers have changed even their names into numbers.

Unlike the problems we faced then, these are not individual problems: they are group problems. In place of individual survival the "now" people are concerned with social survival. If we abhor the methods they sometimes employ to achieve survival we must still stand in awe of the courage and passionate idealism that causes them to take the risks they do to cure society's ills.

The obvious point seems to be that without society individuals cannot survive, and without individuals there is no society. Survival must be both individual and social.

America needs a new kind of melting pot. In place of our ethnic, racial and religious differences of the past let us put into our pot the experience, the perseverance and the patience of the "then" people. Let's add the courage, the idealism and the vision of a better world of the "now" people. Nourished from such a pot all of us may look forward to a brighter future for the "tomorrow" people.

THE STUDENT IN THE UNIVERSITY AND SOCIETY OF TODAY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. McCLORY. Mr. Speaker, one of the agenda items before the Educational, Scientific, and Cultural Committee of the Interparliamentary Union at its annual spring meeting in Vienna last year was "The Student in the University and Society of Today." This item—and I am quoting now from the official report of the meeting—

Drew five memoranda for the Committee's consideration and engendered comment and speeches from 22 members in a discussion the Chairman declared to be the most "moving" and serious the Committee had ever had. All speakers agreed that the time was most suitable for a review of the student problem, and that the views and the attitudes of the young people in the world today could not be neglected. The problem at hand, it was said, not only affected the present members of society but their successors, and where unrest existed it must be accepted that society itself, and in some places even the power structures themselves, were under critical examination. \* \* \*

In summing up, the Chairman (Mrs. H. Meerman of the Federal Republic of Germany) praised the delegates for their valuable contributions but stated that it would be premature to draft a resolution on the subject. In proposing that no resolution be presented therefor, the Chairman said the subject might better be left for the agenda of the Spring Meeting at Monaco in 1970 and that a rapporteur be appointed to observe continuing world events among students and to review the situation at the 1970 conference.

Accordingly, it was agreed that members of the Committee should submit their information and expressions on the subject to the Japanese delegate (Senator K. Nishimura) who was nominated to prepare a world-wide report on students movements, which would then be considered by the Committee at its sessions in Monaco next year.

Mr. Speaker, I feel privileged to bring this report to the attention of my colleagues in the U.S. Congress and to the American people by inserting the full text in the CONGRESSIONAL RECORD. Parts 1 and 2 are included in today's remarks;

the remaining portion of the report will be inserted in my next remarks on this subject.

Mr. Nishimura has performed a noble labor of collecting, digesting, translating, and summarizing information provided by delegates of the various national groups of the Interparliamentary Union on some of the causes of and attitudes about student unrest in the world today. I hope my colleagues will take time to read this report, and I would be pleased to have their reactions and views on it. I invite the comments, as well, of others in government and in general public, especially the students themselves, who are concerned about the role and problems of the student in the university and society of today.

The report follows:

REPORT ON STUDENT IN THE UNIVERSITY AND SOCIETY OF TODAY

(Presented by Mr. Kanichi Nishimura)

PREFACE

In accordance with the decision taken by the Educational, Scientific and Cultural Committee at the Spring Meeting held in Vienna in April, 1969, I herewith submit a report on "Students in the University and Society Today."

This report was compiled on the basis of the interim report presented by Dr. R. Meinecke (Federal Republic of Germany) to the meeting of the Educational, Scientific and Cultural Committee held during the 57th Inter-Parliamentary Conference in November, 1969, the materials submitted before November, 1969, by various national groups, the materials obtained from UNESCO through the initiative of the Inter-Parliamentary Bureau and others.

I wish to take this opportunity to express my deepest gratitude to the following national groups who took pains to send valuable materials: the United States of America, Australia, Canada, Denmark, Finland, the Federal Republic of Germany, Great Britain, India, Ireland, Israel, Italy, Republic of Korea, Malawi, Rumania, Singapore, and Yugoslavia. I also wish to express my appreciation especially to Mrs. H. Meerman, the Committee Chairman, Dr. R. Meinecke of the Federal Republic of Germany, Mr. R. McClory of the United States of America, and Mr. J. Douglas, the Assistant Secretary General, for being so generous with their assistance in compiling this report.

January, 1970.

KANICHI NISHIMURA,

Member, House of Councillors, Japanese Group of the Inter-Parliamentary Union.

PART 1—STUDENT DEMANDS AND ACTIONS

Tension between students and university authorities began to surface in the advanced countries in the early 1960s. With the disputes at Berkeley in 1964 and at the Free University of Berlin in 1965, student unrest began to spread around the world. The student movement in the early period was strongly influenced by the many kinds of socialism which developed in the newly emerging nations and by the social scientists who were conducting an analytical criticism of the social structure in the capitalistic countries. The later escalation of the Vietnam War, the Great Cultural Revolution in Communist China, and the priority given by states to economic growth as symbolized by the manpower training program acted as catalysts to intensify student unrest rapidly on a global scale.

The student unrest reached its climax in 1968. The material presented below summarizes the information on student demands and actions after 1968.

1. AMERICA (THE UNITED STATES OF)

(1) *Slogans most frequently used by students during disorders*

According to the "Urban Crisis Monitor" (a weekly information service, March 21, 1969) the most frequently articulated demands can be listed for the academic year 1968-69 as follows:

- A. The most frequent demands made by white students:
  - a. University changes in response to black student demands.
  - b. Increased student voice in administrative decisions.
  - c. Student voice in faculty hiring and firing.
  - d. Educational relevance in curriculum and courses.
  - e. Women's liberation.
  - f. End giving academic credit for Reserve Officers Training Corps.
  - g. End university research under defense contracts.
  - h. End campus recruitment efforts by defense-related businesses.

1. End relationships with organizations and business with investments in South Africa.

B. The most frequent demands made by black students:

- a. Increase enrollment of black students.
- b. Increase scholarships for black students.
- c. Create an autonomous black studies department controlled by blacks.
- d. Give black students a voice in selecting the head of the black studies department.
- e. In some cases, limit the enrollment in the black studies department to black students.
- g. Provide financial support for black students.
- g. Provide financial support for black student organizations.
- h. Hire more black faculty members, administrators, and counselors.

(2) *The Views of a Typical Liberal*

Many student activists have their own theories about what is disturbing young people in the United States today. Kenneth Glazier, Jr. was interviewed by U.S. News and World Report. Mr. Glazier is a student at Harvard University, and he participated in the strike at that university during the spring of 1969. Mr. Glazier believes that the current wave of student unrest in the United States is a sign of deeper social ills and he says, "This is our country too and we want to have a voice in seeing that it's the kind of country we want to live in." Although most students, Mr. Glazier says, believe in America and the American ideals they are upset because the American people are not living up to those ideals. Students feel frustrated over the war in Vietnam, the draft and its inequities, the plight of the poor, and the role of the university within the community. These social concerns are compounded by demands for a voice in university affairs, more relevant curriculum, and increased enrollment of minority students. It appears to Mr. Glazier that campus unrest is actually a healthy sign that young people are deeply concerned about their country and many are eager to work to improve and correct its faults. Mr. Glazier concludes the interview with this comment:

"But in the concern over campus disorders there must be a realization that unrest on campus is not an isolated problem. The unrest on campus is only a symptom of the much deeper ills of our society. The only way you're going to solve the problem of campus unrest is to begin to tackle the societal problems which prompted the unrest in the first place."

(3) *The demands and action of the radical minority*

In a Memorandum entitled "The New Left" (prepared for the Subcommittee to Investigate the Administration of the Internal Se-

curity Laws, of the U.S. Senate Committee of the Judiciary, October 9, 1968) such groups as the Student Nonviolent Coordinating Committee, the Youth International Party, the Progressive Labor Party, and the Students for a Democratic Society are discussed. Group leaders such as Mark Rudd, Tom Hayden, and Jerry Rubin are quoted in the Memorandum, as well as statements by J. Edgar Hoover and a number of university professors who have dealt with these groups.

The Memorandum illustrates the type of thinking that the radical students follow.

A. Mark Rudd, leader of the Columbia University student rebellion during the spring of 1968 made a statement agreeing with the view of President Grayson Kirk that the generation gap was both significant and almost impossible to bridge:

"You are quite right in feeling that the situation is 'potentially dangerous.' For if we win, we will take control of your world, your corporation, your university and attempt to mold a world in which we and other people can live as human beings. Your power is directly threatened, since we will have to destroy that power before we take over. We begin by fighting you about your support of the war in Vietnam and American imperialism—IDA (Institute for Defense Analysis) and the School for International Affairs. We will fight you about your control of black people in Morningside Heights, Harlem, and the campus itself. And we will fight you about the type of miseducation you are trying to channel us through. We will have to destroy at times, even violently, in order to end your power and your system . . ."

B. Split of the SDS and the difference between the two factions:

Michael Klonsky, one of the leaders of the SDS group, discussed the organization during a television program, "Face The Nation." During the interview, Mr. Klonsky criticized the United States and advocated student radicals arming themselves. He said,

"I believe we are going to have a revolutionary change in the society."

In describing the SDS, Mr. Klonsky said: "There are differences within SDS. SDS is not some kind of a centralized organization, really. I believe that we have unity, and when these sweeps come down on our people, you will see."

The actual unity of the organization has come under question following the national convention of the Students for a Democratic Society, which opened in Chicago on June 18, 1969. At the conclusion of the conference, the SDS had broken into two factions: the "regulars" or Revolutionary Youth Movement, and the Progressive Labor Party. According to Barry Kalb in "The New Republic" the difference between the two factions lies in the approach to a solution. The Progressive Labor Party states:

"The influence of the university must be destroyed. We cannot do that by opportunistically building the student power illusion that we can reform the university into 'serving the people' under capitalism. That just gives a radical sounding cover for liberal politics."

Mr. Kalb goes on to say that the "regulars" see the situation in another way:

"SDS is, above all, a youth movement, and particularly a youth movement on college campuses . . . (But) for all the talk of a 'student-worker alliance,' we have not even won over a substantial number of students, much less youth generally. By withdrawing into a hardening sectarian shell (ideology of the Progressive Labor Party), we will be well on the way toward losing whatever influence we have exercised in the past on campuses . . ."

#### (4) General trend of student movement

The general trend of the student movement in the United States, including that of the radical groups, can be summed up as follows:

A. The most militant students seem to form a minority of the American student

population. However, the issues that the militants have raised are matters of concern to the majority of students as well.

B. The moderate students have attempted to work within the democratic system to remedy the problems within the colleges and universities. The more radical students, however, believe that the university structure must be entirely rebuilt before any real improvements can be worked.

#### (5) Increased unrest feared in high schools and junior high schools

The US News and World Report predicted in its issue of September 22, 1969 that American high schools and junior high schools may face more trouble than college campuses in the school year ahead. This was the opinion of many educators. Four threats to orderly schools were seen:

A. One growing threat is the risk of racial flare-ups. Incidents between individual students and groups of students tend to increase as more schools are involved with larger mixtures of racial groups.

B. Another threat is posed by outright criminal activity of school dropouts who slip into school buildings and bully students, assault teachers, steal or vandalize property.

C. A third threat is the drive to "politicize" and "radicalize" high school and even junior high school students by groups such as the SDS and the Black Panthers. As early as 1968, SDS leaders were boasting that high schools were their next target.

D. A fourth threat arises from the "youth rebellion" type of activity. This usually centers on student demands for more liberal dress codes, hair styles, smoking rules, "freedom of speech," the "right to self-government" and other issues.

#### 2. AUSTRALIA

##### (1) The main student organizations and their activities

According to the Financial Review (May 13, 1969), the two most representative student organizations in Australia are the Labor Club and the SDS.

##### A. Labor Club

The Labor Clubs, which in several States have been specifically disowned by the Australian Labor Party, are Marxist oriented and typically include student Communists (including children of members of the Communist Party hierarchy), though they are not organs of the Communist Party.

The membership also includes Trotskyites, admirers of Castro's Cuba (which has achieved the status of the Promised Land among some Leftist stalwarts), supporters of Mao Tse-tung's cultural revolution and unattached students attracted to parts of Marxist theory.

In some of the smaller universities, where student politics are less intense, the Labor Club may be a catch-all group containing committed A.L.P. supporters, Fabians and social democrats as well as revolutionaries, but in larger universities (Sydney, Melbourne, Monash) the Labor Club label is a reasonably reliable guide to the Marxist inclinations of the membership.

Labor Club members mostly support socialism and workers control and emphasize cooperation with Leftist elements in the working class.

##### B. SDS

The Students for a Democratic Society, whose name is adopted from a similar development in the United States, are essentially middle class in outlook and tend to regard Marxist theory as irrelevant to the real problems of Australian society.

At a recent meeting of a related group at Queensland University (Society for Democratic Action) a ritual reference to the workers was made at the beginning of a three-hour meeting, and with that out of the way the proletariat was promptly forgotten.

The identifying cry of the SDS members is "participatory democracy," by which is meant

an effort to reduce the influence of pressure groups, lobbyists and the controllers of Australian society, and replace them with a system in which the whole population is directly involved in decision-making process concerning it.

They see the Australian universities as part of an existing power system by which self-chosen elites rule Australia.

Common concerns of both the Labor Club and SDS include the people who live in poverty in Australia, the individual's lack of control over his life, heavy expenditures on defense and lack of student participation in control of universities.

##### (2) Interview between a journalist and student leaders

The Advertiser carried in its issue of May 24, 1969 the following conversations made between Cole-Adams (interviewer) and students playing leading roles in SDS and Labor Club.

COLE-ADAMS. As a starter, could each of you tell me briefly what your grievances are against the universities and Australian society as a whole?

SPIGELMAN. Well, most students are reformers rather than revolutionaries. They are concerned with issues. The list includes race-oriented issues—like the White-Australia policy, the aborigines—New Guinea, civil liberties issues and, to a certain extent, things like conscription and moral concern over Vietnam.

Within the universities, it is basically a question of more student involvement in their own courses and curricula decisions, disciplinary questions and other important issues which affect them directly.

LANGER. I don't think it is so much a question of students wanting a greater say as of students becoming involved in a broader movement to change society.

Universities are institutions geared to provide graduates to manage the various fields of industry and commerce on behalf of a very small ruling class.

Some students don't like being trained to fit into this role. They feel the universities should serve people in Australia and that society as a whole should be geared to the needs of the people who live in it, not the needs of bosses in Australia and the United States.

COLE-ADAMS. But what about your current activities. Are they directed simply at university and social reform? Or are you aiming at the destruction and recreation of Australian society, using the universities as a sort of spring-board?

SPIGELMAN. Quite clearly the former in my case. I am concerned with issues. If the specific changes I want do occur, I would regard that as a fundamental change in society. But I am not waiting for a revolution. I prefer to see single things change over a period of time.

VAN MOORST. Basically, a complete change in society—a change in its values and structure—but I don't like the term "destruction of present society." I think society is already changing and that this change has to be geared to fairly non-violent means.

LANGER. We are not interested, primarily in the university issue or in social reform. We do aim at the destruction of the present social system and its replacement by a socialist one.

However, this is not something that can be achieved by students and not something for which the universities are a springboard. It is something that can only be achieved by the working class and involves students simply as part of a broader socialist movement.

COLE-ADAMS. What about means? What do you regard as the legitimate limits of protest? Do any of you encourage or condone violent demonstrations?

LANGER. I don't think it is a question of protest. It is a question of trying to overthrow the existing social system. And in view of the existence of a powerful army and police force, I do not think this is going to be accomplished peacefully.

But as far as I am concerned there is no need for us to initiate violent pressures. We do not call violent demonstrations. We merely attend them. They are called by the police.

VAN MOORST. I don't think violent demonstrations or confrontations ought to be condoned because they are basically a denial of the rights of the people—either by the police or the protesters. They are simply a reinforcement of existing tendencies towards violence. I don't consider that by violent demonstrations we can create a non-violent society.

COLE-ADAMS. Do you believe a minority of militants have the right to take action—for example, to take over an administration lock—without the approval or even against the wishes, of a majority of students?

OSMOND. Yes, I think small minorities of students, whether they be Right-wing or Left-wing, have a right to take any shocking or dramatic action, regardless of the wishes of the rest of the students.

Clearly, they have to be prepared to take some consequences for themselves and also consequences for other people. That is the only reservation I have on that.

SPIGELMAN. Quite definitely not. A minority group has a right to take action if it is being oppressed. But when you talk of general political issues where the minority is not being directly oppressed it becomes a question of the minority trying to impose its will on other people. That is a blatantly authoritarian attitude.

VAN MOORST. No, I don't think minorities have the right to impose their will—which is exactly what they would be trying to do—upon the majority of students.

Nobody should try to impose their will or manner of life upon anyone else. To attempt to do so is to go against the very values we are trying to create in society.

LANGER. I don't think it is a question of minorities or majorities. It is a question of right or wrong. We are engaged in a struggle to change society—a struggle which requires for its success the support of the majority of people in society.

Now, at a stage when the majority of people are not yet fully politically active, I see nothing wrong with one section of the people taking action to show the way forward. It is not a question of imposing their will upon others but of resisting the imposition of an exploitative society on the majority of people.

COLE-ADAMS. Mr. Langer, you are talking of right and wrong in absolute terms. You are setting yourself up as the judge of what is right and what is wrong.

LANGER. The boot is on the other foot. You are talking in absolute terms about majorities and minorities in the university, which is a fairly meaningless social unit.

The issue is one of right and wrong. The Vietnam war is wrong. And if a majority of students in a university or a majority in any other institution, were to say it was right—or to say that Nazi Germany was right—then they would be wrong. The minority would be quite right in taking action.

SPIGELMAN. I don't enjoy being treated as a moral and political idiot by a self-appointed prophetic minority who think they know what is good.

3. CANADA

(1) Student organization

From the point of view of both organization and activities, the student groups in Canada are highly diversified. The most powerful of these groups, the Canadian Union of Students (C.U.S.) at one time reached a membership of 140,000 students at 33 universities. But as a result of the disorders since 1968, there arose growing criticism of radical activities. An increasing number of students began dropping out and the membership fell to 73,000 at 19 universities.

In September 1969, the Canadian Union of Students held a Congress in Port Arthur.

During the Congress, the C.U.S. dropped its radical slogans in an attempt to regain the support of the mainstream of Canadian university students. However, the radical wing of the C.U.S. was opposed to that accommodationist stand where as a group of liberals proposed a new project of federation.

The radical wing of C.U.S. was disenchanted with the incoming President, Martin Loney, who stated at the Congress that the first order of priority of the Union was to regain a strong base of support at the campus level. Martin Loney added that the C.U.S. was a student organization before it was a radical organization. It was foolhardy, he said, for C.U.S. to declare itself favorable to the Viet Cong guerrilleros as it did in 1968, whereas such a stand would be opposed by the majority of Canadian University students.

On C.U.S. right wing, a group of students, calling themselves liberals or moderates, proposed the abolition of C.U.S. and its replacement with a federation restricted to student issues. However, a majority of both Dalhousie and Toronto Universities opposed the project.

(At the end of October 1969, the Council members of the Canadian Union of Students decided to disband their union at the end of November 1969.)

(2) An example of extreme action by radical students (the Anderson affair)

In February 1968, six students from the West Indies started to think that Mr. Anderson, a professor of biology at the Sir George Williams University, was prejudiced against them.

In April of the same year, they charged Mr. Anderson with racism and incompetence and presented their grievances to the Dean of the Department of Sciences who asked another professor of biology to evaluate the work of these students. In the light of this evaluation, the Dean considered that the students' charges were ill founded and apparently only advised Mr. Anderson of his judgment.

At the end of the summer of 1968, the same group of students stated that the university bureaucracy did not take seriously their complaints.

In December 1968, the six West Indies students demanded that Mr. Anderson be fired immediately by the University. Mr. R. Rae, the rector of the University turned down their request because he refused to fire a professor without enquiry.

A special committee made up of five professors was established to enquire about the behaviour of Mr. Anderson. The Committee included two black professors. However, on January 22, 1969, the two black members resigned from the Committee and were later replaced by two other white professors. The six students charged the University with racism and rejected the new Committee.

At this time, white radicals from Sir George Williams University and students from McGill and Montreal University approved of their refusal and behaviour.

On January 29, a group of white and black students invaded the Computer Center located on the ninth floor of the Hall building of Sir George Williams University and stated that the Computer Center would not be freed unless their demands were accepted by the University.

On the night of February 10, 1969, the students occupying the Computer Center appeared to have lost any hope of seeing the conflict settled without the use of violence. At 4 a.m., on February 11, 1969, they started throwing pieces of furniture down onto the moving staircases and into the elevators to cut the access to the building. The University requested the help of the police. The Computer Center of the University of Sir George Williams was entirely destroyed.

In July 1969, the special Committee of the Sir George Williams University concluded that Mr. Anderson never acted in a prejudiced manner toward the six complainant West Indies students.

(3) A case which was affected by Canada's mixed society

On February 3, 1969, Mr. Gray, a lecturer in political science at the University of McGill, wrote an article in the McGill Daily. In his article, he stated that although it was mostly financed by the Province of Quebec, the McGill University did not fulfill the needs of the Quebec society. He added that the University was controlled by Anglo-American Corporations, precisely those which oppressed the Quebec people.

On February 4, 1969, Stanley Gray received a letter from the administration whereby he was advised that his firing was requested. On the other hand, Stanley Gray was supported by the Radical Students' Alliance which was in open conflict with the administration.

Later on, a special committee of arbitration was established by the Canadian Association of University Teachers. After 38 sittings, the Committee found that Stanley Gray was guilty of having fermented two demonstrations which disquieted and interrupted the sittings of the McGill Senate on January 24, 1969, and of the McGill Board of Governors on January 27, 1969, and of having participated on February 5, 1969, in a demonstration which forced the Senate to adjourn.

Consequently, the firing of Mr. Stanley Gray was confirmed by the University of McGill.

4. DENMARK

Since the spring of 1968, university life in Denmark has been affected by student unrest in various forms.

This unrest may be ascribed not only to unmistakable international inspiration but also to a number of internal factors.

One major factor is overcrowding at universities. A vigorous expansion of education has brought new categories of students into institutes of advanced studies which are often influenced by century-old traditions, and it has not been possible to provide adequate and up-to-date facilities in terms of teaching staff, premises and equipment to cope with the heavy influx into universities and other institutes of advanced education.

The arguments used in student criticism are: inefficient organization of studies, authoritarian and obsolete teaching methods, insufficient elbow-room for individual student initiatives, content and scope of curricula irrelevant in relation to targets, student teacher ratio renders personal contact impracticable, professors autocratic in the general planning studies.

In addition, students have objected to authoritarian forms of university management which allows students and non-professorial teaching staff little or no influence on the academic bodies of educational establishments.

The primary claim of students is for "university democracy" which will give students and non-professorial teachers a controlling influence, not only on the organization of studies in "study (planning) committees" (where professors, other teachers and students jointly prepare study plans), but also on university management through all academic bodies including faculty councils in which students claim 50 per cent representation.

Unrest has been most outspoken in those universities where admission is not restricted, especially in the University of Copenhagen which is the oldest and biggest in Denmark and which has experienced the greatest difficulties in achieving expansions on a scale which is large enough to cope with present-day exigencies.

Unrest began in the spring of 1968 when psychology students occupied the Faculty of Psychology under the motto "Break the Professorial Domination-Influence now" in order to obtain reforms by force. Similar episodes occurred in other faculties in the course of 1968 and the spring of 1969, but the Danish student revolt has, on the whole,

been peaceful and nonviolent, meetings and debates being the most common manifestations. The student movement is divided in two: one group feels that nothing important can be gained by negotiation and employs "extra-parliamentarian" action from time to time, while the other group regards negotiation as the only practicable means today.

There are several reasons for the fact that Danish student revolt has followed a more peaceful course than in most other countries: Students do not live in a "university campus." Student hostels are widely scattered, have a large measure of self-government, and can house only a fraction of the students. Politically, students act through the ordinary political bodies together with other interested youth groups. Another probable reason is that student councils have held an official status for more than a generation and that study (planning) committees were established for several faculties and subjects at an early stage. Although students have had only an advisory status they have been able to exercise more influence than students in countries where unrest has been most conspicuous.

The course of unrest has indubitably also been influenced by the fact that university managements have in no case called in the police to deal with student action; they preferred to solve and did, in fact, resolve the conflicts by negotiation.

The two-fold aim of the University is to carry out research and to provide higher education based on the results of research. Its stated purpose is to train scholars, scientists, public administrators, in academic posts, doctors, school-teachers, clergymen, lawyers, economists, etc. Groups of students have been attacking these aims, and are demanding an education which is relevant not only to the developing society but which at the same time is critical of the Establishment—thus forming a preparation for the changes in the existing state of society. Some groups—admittedly only representing a small sector of the students—believe that this can only be achieved through a revolution.

#### 5. FINLAND

In 1968 the Autumn Congress of the National Union of Finnish Students accepted a program for the democratization of higher education. In this program a demand is expressed that university administration has to be based upon general and equal suffrage.

In the beginning of 1969 when the universities of Helsinki and Tampere and the Technical University made propositions in order to change the acts and statutes concerning these universities, the question of the international administration became of great actuality.

The local student unions and the National Union of Students then demanded that the university administration has to be based on the principle of "one man—one vote." In addition to these demands the local student unions prepared detailed and thorough propositions for the administrative model of their university.

#### 6. THE FEDERAL REPUBLIC OF GERMANY

##### (1) The situation in 1968

##### A. Vietnam Congress

Since the end of 1967, disturbances became a permanent feature: in various cities students demonstrated against the Vietnam war, against the political conditions in Greece and against the Springer newspaper combine. The culminating event was a Vietnam congress in Berlin on February 17th and 18th, when 10,000 people demonstrated. In the churches in Berlin, Hamburg, Münster and Bonn, Christmas services were disturbed and interrupted by Vietnam demonstrations. At many universities the holding of lectures and courses was interfered with; in the Land Baden-Württemberg the students left the lectures and went on strike.

#### B. Dutschke and Springer Affairs

The murderous assault on student Rudi Dutschke on April 11th, 1968, produced a second wave of solidarity among the students and meant the beginning of the Easter riots 1968. Students reacted spontaneously on this criminal attack and organized demonstrations in Berlin, Frankfurt, Bremen, Düsseldorf, Freiburg, Ulm, Dortmund and Bonn, among other places. The Easter riots which followed these spontaneous actions had been staged by the radical leading group among the student protest movement, the "Socialist German Students' Association" ("Sozialistischer Deutscher Studentenbund" SDS); they took place in numerous cities, from Hamburg as far as Munich, and were once again directed against the "Springer" press combine. Delivery of Springer newspapers partly was prevented by means of force, and in Munich it happened at such an occasion that two onlookers were killed.

#### C. Emergency Legislation

On May 1st, 1968, numerous manifestations of the so-called "Extra Parliamentary Opposition" ("Ausserparlamentarische Opposition"—APO) were being held: in Berlin, 40,000 people took part in them. A campaign against the "emergency legislation" passed by the government was the outstanding feature during the period between 8th and 30th of May. There were 30,000 participants in a well organized and disciplined anti-emergency legislation march on Bonn. Protests and strikes, occupation of universities or university institutes as well as interruptions of theater performances in many cities of the Federal Republic were the consequences of the second and third reading of the emergency bills.

#### D. Court Trials

The disturbances were continued during summer and fall of 1968, but they were confined mainly to the university areas. However, in a number of cases court trials against participants of earlier actions were taken as a reason for new public actions. Heavy fights with the police took place on November 4 in Berlin, on the occasion of the proceedings at the Court of Honour against the lawyer Mr. Mahler who had advocated for the students.

##### (2) The situation in 1969

#### A. University Disorders Intensify in January

From the beginning of January 1969 on, student disturbances were moving towards a further climax. A university building in Frankfurt was occupied, with the student leader Cohn-Bendit as instigator, who had been expelled from France and sent back to Germany, after he had played a leading part in the French May riots. On January 7, 1969, at the university of Frankfurt, the minister of education of the Federal Land of Hesse was attacked and pelted with water and mustard and was prevented from leaving the building. In Berlin, the obstruction of university life in general led to the closing down of the law department. Severe fighting between policemen and students on January 10, 1969, resulted from the arrest of five students in Heidelberg, who were accused of breach of public peace and breach of domestic peace. These riots were followed by serious disturbances of university lectures and courses, occupation of rectorates and a wave of actions of solidarity at almost all the German universities. At a number of universities, and particularly in Berlin, certain departments and institutes had finally to be closed because of continuous interruptions of teaching and ravages in the buildings.

#### B. Street Action in January-February and Its Relation to International Problems

At the end of January and the beginning of February 1969, a further spreading and an increase of the disturbances could be noted: in several cities, acts of violence and

fightings with the police occurred. The state of martial law in Spain, the situation in Greece as well as political verdicts in Iran and in Turkey were shown as being paralleled by conditions in the Federal Republic and gave rise to joint actions between German students and foreign citizens: the outrages were mainly directed against foreign consulates. The temporary arrest of the student leader Krahl because of the occupation of a university institute in Frankfurt and his trial before a court of law (February 5, 1969) was the signal for increased agitation and new riots. Once against university buildings were demolished and in repeated cases had to be cleared by the police force. Public political meetings were interrupted by riots. The middle of February 1969 brought a slight decrease of actions of violence, which was due to stronger and more flexible police interventions and to the university vacations: only some sporadic minor attempts of demonstrations and protests could be registered.

From the middle of February onward, student protests concentrated more and more against draft university legislation. Apart from these protests, and in a few cases only, there were riots which were directed against compulsory military service and against the Federal armed forces.

#### C. Change of Strategy After February

The following period was characterized by protests against university policy in general and by activities of merely local significance (changes of street names, pamphlet actions, encouragement of conscientious objections). In May, June and July 1969, protest demonstrations instigated by the SDS were held in Bremen, Hannover, Heidelberg, and Saarbrücken, as well as actions which resulted in a paralysation of all public means of transport in these cities, owing to the raise of fares for high school and university students; to a certain degree, the general public that was also interested, joined in with these actions.

#### D. Elections and Student Activities

In the electoral contest of 1969, the Communist-steered "Actions Democratic Progress" ("Aktion Demokratischer Fortschritt"—ADF) was supported in the first place, and several cases of grave disturbances of CDU/CSU and SPD party meetings took place. Demonstrations and counter manifestations along with almost all meetings held by the NPD were organized, in the course of which a considerable number of people suffered injuries.

#### 7. BRITAIN

##### (1) Demands of National Union of Students

The National Union of Students of Britain submitted the following 10 demands to the Committee of Vice-Chancellors for its consideration on June 13, 1968.

A. Effective presence on all relevant college committees.

B. Staff/student control of discipline.

C. Student control of own organizations (Unions).

D. Staff/student discussion of course content and teaching methods.

E. Better careers advice.

F. Abolition of outdated rules and regulations.

G. Better facilities in Further Education sector.

H. Government and authorities to ensure that all students have equal opportunities of getting jobs.

I. Immediate reform of examination system.

J. Votes for all young people, including students, at the age of 18.

##### (2) Examples of Recent University Disputes

Nov. 1968, Oxford University, University Reforms, etc. More than 100 Oxford Revolutionary Socialist Students clashed with University officials when they tried to force their way into a meeting of Congregation at Con-

vocation House. Three students were invited by the proctors to state their business after they were told they had no constitutional right to attend the Convocation meeting.

Nov. 1968, City University. Student grievances. More than 1,000 students boycotted lectures to discuss their grievances at huge Students' Union meeting.

Nov. 1968, Reading University. Student representation, etc. About 250 students sat down in the women's hall and refused to leave, mainly members of the new movement called Action for a Free University.

Nov. 1968, Salford University. Student representation and inadequate facilities. Protest by about 600 students to greet the arrival of Duke of Edinburgh on the occasion of his visit to the University.

Nov. 1968, Birmingham University. Student representation and their role in the university. "Sit-in" by 500 students or more in the administrative building. Students gain access to secret files and documents. Disciplinary action threatened by University officials on December 5, and on the same day the "sit-in" ended. It had commenced on November 28. After the "sit-in" ended, students and senior academic staff were to discuss demands for more active student participation in university government.

Dec. 1968, Bristol University. University's failure to meet student demands that all Bristol students should be able to use University Students' Union Building. Commencement of "sit-in" on December 6. Students occupied Senate House. University staff were locked out and scuffles broke out. Later on staff and police were allowed in. The Vice-Chancellor Professor Roderick Collar issued a writ claiming damages for the unlawful occupation of the building. Four students promised a High Court judge that they would not enter the University's Senate House without permission. The "sit-in" was called off on December 16.

Jan. 1969, London (L.S.E.) University. Suggestion of L.S.E. links with Rhodesia and South Africa (Investments and holdings). Students sat down outside Dr. Adams' office to force him to discuss their demands on these topics. When they found he had left, they occupied the senior common room instead. Later, at a teach-in on Rhodesia scuffles broke out between students and supporters of the National Front. Police waiting outside the building were not called in.

Jan. 1969, Essex University. Protest over the sending down of Mr. Raphael Halberstadt, a language student. About 50 left-wing students started a sit-in at the university's computer center. The sit-in ended 24 hours later. The students demanded his reinstatement and that university discipline should not be administered solely by the Vice-Chancellor, Dean or "hierarchically constituted authorities."

#### 8. IRELAND

A recurrent theme was the need for recognition by State and college authorities of the Union of Students in Ireland as an organ of student opinion. The Union, in its second submission, stated that students must participate in their society by way of their local and national organization, but that student organizations on the local (i.e., college) level are inadequately provided for in the statutes of their colleges; it recommended that student unions be given responsibility for a union building in each college, which they should be free to organize and administer, and that unions should be allowed to send their representatives to committees or governing bodies to express student views. The Union also proposed that, in all matters affecting the body of students, it should be officially recognized by the government as the organization that represents students and their views; that the Union's right to be consulted should be recognized by the Department of Education; and that this recognition should be implemented by invitation to the Union to nominate official representatives to

all advisory bodies constituted by the government in regard to higher education. The Union rejected as an "unfortunate myth" the notion that students are immature and that their capacity for responsibility is, therefore, open to doubt; even if the charge could be sustained, it had to be borne in mind that students had not been given the opportunity of showing that they could act with maturity and responsibility. As earlier indicated, the Union's first submission regarding its recognition was supported in submissions from student councils and associations in the various institutions.

The Union also called for a regular annual capital expenditure of 250,000 from public sources on the provision of hostels for students, which, they estimated, would provide residential places at the rate of nearly 150 a year; in addition, they proposed that provision should be made on an adequate basis for student centers in the colleges. As regards the use of vacations by students, the Union pointed out that the growing practice of holding examinations in autumn—which the Union had no objection on academic grounds—placed additional expenditure on students and their parents and deprived poorer students of the means of earning money during vacations. Nevertheless, the Union felt that students should not be forced to take up employment during vacations.

The Students' Representative Council of University College, Galway, endorsed generally the submission of the Union of Students in Ireland, but differed from it on the question of hostel accommodation; available moneys, they said, should be used to improve teaching accommodation and facilities, and the State should not undertake a hostel building programme in the near future at least. The Council also made proposals for the development of physical education in the schools and for the training of teachers of physical education. It further pointed out that none of the university colleges employed a physical education instructor of any kind, and drew the Commission's attention to "the disgraceful and primitive gym facilities (due to lack of finance and appreciation) in U.C.G. and U.C.C."

#### 9. JAPAN

##### (1) General trend

The biggest feature of student disorders in Japan is the fact that they have been influenced by the social and economic energy of the country which aimed at the establishment of democratic institutions and rapid economic growth following World War II. Japan's democratic systems, especially her system of parliamentary democracy, have undergone many trials during the past 20 years with the sharp confrontation between the ruling conservative party and the opposition reformist parties always in the background. It was because of this background of social tension that the student movement in Japan assumed a generally strong political coloration.

Japan's rapid economic growth, unequalled by any other country in the world, enabled engineering students and youths with creativity to obtain good positions in society. The emphasis placed on economy gave rise to a situation where students faced a future in which their social and economic status would differ widely. This growing status gap caused resentment to breed. This became one of the important factors which drove students in the humanities and social sciences to engage in anti-capitalistic political activities.

The second feature of the student movement in Japan is the diversity of radical organizations and the similarity of the actions resorted to by these diverse organizations. At the time of the Tokyo International Air Port Incident of 1968, the radical groups which were known as the anti-Yoyogi or anti-Communist Party Zengakuren went under the name of Sampa (three faction) Zengakuren. Subsequently, this split into five factions and 13 branches, later into

six factions and 16 branches and still later into nine factions and 18 branches. At present these student groups can be divided broadly into three factions from the point of view of their theoretical tendencies—the Trotskyists, the Marxist-Leninists (Mao Tse-tung followers), and the structural reformers.

Despite this diversity and despite the furious struggle among the various factions, all radical student groups follow the same action pattern in general.

A very simple example of this is the world famous trademarks of Japanese radical students—helmets, staves, and scrum demonstration. It has been pointed out that the cohabitation of existentialism and romantic idealism is one of the factors which gave birth to this similarity in action pattern. However, it should also be pointed out, at the same time, that the various groups share a common strategic outlook. They want, through their own actions, to make adults conscious always that today's society contains a structural aspect which is strongly technological.

##### (2) Main incidents of recent months

The most dramatic recent incidents involving students occurred in January 1969, on October 21, 1969 and on November 16, 1969. In the first incident, the All Japan Joint Struggle Student Committee occupied the Yasuda Auditorium of Tokyo University and clashed violently with the Metropolitan Police Department's riot squad which was called in by the university authorities to oust the students. In the second incident, massive demonstrations were held to mark Anti-War Day. In the third incident, action was taken in an effort to prevent Prime Minister Sato from making a trip to the United States. In the latter two incidents, minority radicals resorted to extreme guerrilla tactics. There was a conspicuous difference between the Tokyo University affair and the other two incidents. In the Tokyo University affair, a large number of ordinary students supported the All Japan Joint Struggle Student Committee. But in the October and November protest movements, which had strong political colorings, the ordinary students did not back up the radical student minority. Instead, there appeared a new trend of the radical students joining hands with a small number of young workers with radical tendencies.

The important factors which caused the big upsurge in the student struggle at Tokyo University were as follows:

A. The aggressive participation by graduate students, who adopted the social reform theories of the SDS which were spreading throughout the world and who made the regular students conscious of wide-ranging problems, including the need for university reform;

B. The participation of young assistant professors who provided intellectual leadership which made possible a unique struggle which went beyond the pale of traditional Zengakuren strategies and ideals;

C. The sudden coming to a head of the students' criticisms of the university and society. This is a marked contrast to the cases in other countries, for example, the case of the Free University of Berlin where the SDS had theoretical dispute with the university authority for several years.

D. The clumsy response of the university authorities which caused students to feel an extraordinary sense of crisis.

A new source of apprehension in Japan is the recent increase in the number of disputes in high schools and in the number of high school students taking part in street demonstrations. It is not clear to what extent the activists leading the high school radicals were influenced by the theories and tactics taught them by activists among university students. Strong interest is held by all circles in Japan on the future trend among high school students.

## 10. YUGOSLAVIA

## (1) Main student problems

## A. General Situation

At the beginning of June 1968, student demonstrations took place, first at the Belgrade University, and later on, to a limited extent, in some other Yugoslav university centers. The demonstrations lasted a few days and resulted in the intensified dynamics on the general political plane within the country.

Of course, it is not possible to establish with absolute accuracy all the elements underlying the outbreak of the dissatisfaction of the Yugoslav intellectual youth in such an energetic manner. However, the main elements had been known long before the unrest took place.

The direct motive was a clash in Belgrade between a group of students and a group of participants in a youth voluntary action in connection with a minor performance organized there and, on that occasion, neither side did actually want a conflict; the political elements especially were irrelevant.

The intervention of the organs of public order for the purpose of preventing physical encounters and appeasing the situation, as well as the panicky, but groundless rumors about the alleged victims of the intervention, were a direct motive for a large number of students, concentrated in the student settlement at Novi Beograd (New Belgrade), to get excited to a considerable degree. All this led, the next day, to an organized protest which developed into demonstrations and a political action of students. Later on, followed new interventions of the organs of public order and on that occasion there were injured people on both sides.

## B. Student Dissatisfaction

Although it is not possible to establish with precision all the elements in the background of the student demonstrations, it is incontestable that the main sources of dissatisfaction were as follows:

a. Dissatisfaction with the material position of the students studying at institutions of higher education;

b. The unsatisfactory degree of self-management at the universities, with special emphasis on the participation of students in the self-management structures at universities and schools of higher education;

c. Some general political elements of the situation in the country such as dissatisfaction with the pace of the implementation of the social and economic reforms; differences in social position; slow solving of the unemployment problem; slow process of democratization of the society and a number of similar factors.

## (2) Student demands and settlement of dispute

At the joint meeting of the University Committee of the Union of Students, the University Committee of the League of Communists and of representatives of action committees from all faculties, schools of higher education and academies in Belgrade, held on 5 June 1969, the programme of political action constituting the platform of the student action was adopted.

The programme in the interest of "more accelerated and efficient solving of the central problems of our socialist society as a community of free and equal people and nationalities based on self-management" called for:

Urgent measures for diminishing of social differences; consistent application of the socialist principle of distribution according to work performance; abolishment of privileges; more efficient solving of the unemployment problem, especially of young graduated students; measures for the elimination of bureaucratic forces and a more rapid pace of the establishment of relations in the whole society based on self-management.

Greater responsibility on the plane of implementation of social tasks at all levels, including the personal responsibility of the public functionaries;

More rapid and thorough democratization of all social and political organizations in accordance with the development of relations based on self-management and, in this context, the realization of freedoms and rights of the citizens provided for by the Constitution;

Reform of the educational system with a view to bringing it into line with the requirements of the economy, culture and relations based on self-management;

Organization of the university as an institution based on self-management at which the progressive and critical thought can freely develop; improvement of the material position of the university; participation of students in self-management;

Improvement of the material position of students; intensified construction of institutions for students and their handing over to students for management;

System of re-election of all functions at the university;

Abolishment of fees in all educational institutions.

Within the framework of their action, the students occupied faculties and held meetings there. On the other hand, they were in constant touch with the Government and other political factors of the Socialist Republic of Serbia.

In addition to the direct conflict with the organs of public order on the first day in Belgrade, there were no other conflicts of this type or disorder in general. The students maintained order themselves at their meetings as long as they held the faculty buildings. In some other towns there were also physical clashes between the students and the organs of public order. They were however on a small-scale and not as those in Belgrade.

After the speech of the President of the Republic of 9 June 1968, in which he spoke of these events, the students stopped their action, left the occupied buildings and the situation at universities was normalized.

## PART 2—CAUSES AND BACKGROUND OF STUDENT UNREST

As mentioned in Part One, the modern student has grasped with great sensitivity the structural characteristics of the rapidly changing society of today and has turned sharply critical eyes toward the activities of various social influences which play important roles in today's changing society. Further, the similarities in the forms of student protest in all parts of the world and the similarities in the symptoms of discontinuity between adults and youths, including students, have surfaced as a global cultural phenomenon common to both capitalist and socialist countries.

Furthermore, these social and cultural problems posed by the students reflect changes in the development of information and management techniques in modern society and in the self-consciousness of the human being. They also reflect changes in the role and the position of youth in this society and the trend of the knowledge industry to shift from an individual to a collective merit basis. Thus, these problems could develop into issues of increasing importance in the 1970s. In Part Two, we will take up, in main, the opinions and the writings of specialists on the student and the university problem and of experts on social analysis and cultural phenomenon, while giving due recognition to the characteristics of present-day student unrest as outlined in Part One.

(In this Part, there will be passages written by foreign authors and quoted by Japanese sources, which may differ from the original as a result of retranslation back into English from the Japanese translation.)

## 1. SOCIAL AND CULTURAL CAUSES

Extensive research is being undertaken on the characteristics of modern society which forms the background of today's world-wide student unrest from the standpoint of cultural theories and analysis of social structures. This research can be divided into four general categories according to fields of study.

## (1) Technological society, management society, information society

The first field in which research is being undertaken is that which deals principally with the social significance and the characteristics of the technologies created and developed by mankind and the knowledge and information accumulated by human society. This field is known as the field of the technological society, the management society, the knowledge society and in information society. The importance of the work done in this field by Dr. Daniel Bell, Professor of Columbia University, as represented in his theory of the Post-Industrial Society, is widely acknowledged. Professor Bell contends that the Post Industrial Society has five different aspects, as follows:

- A. The development of a service economy.
- B. The emergence of specialists and technical experts as a distinct social class.
- C. The key role played by the theoretical knowledge as the fountainhead of policymaking and social innovation.
- D. The possibility of achieving self-conscious and planned technological advances.
- E. The creation of new knowledge techniques.

As for the development of the service economy, scholars estimate that over 60 per cent of the work force of the United States will be engaged in the service industries in the 1970s. Even in Japan, 50 per cent of the work force is expected to be employed in the tertiary industry. This development is expected to create a wide range of problems both from a political and a practical point of view.

As for the emergence of specialists and technicians as a separate social class, the 1970s will bring an increasing need for men with university educations. The important reason why the decade of the 1970s is regarded as the decade for reforms in higher education is because of the belief that the need for people with university education will spread to every field of social activity, not only in industry, but also in politics and in creative activity.

As for such aspects as the importance of theoretical knowledge, the development of planned and self-conscious technological advances and the creation of new knowledge techniques, research in these fields is principally concerned with knowledge, information and technology. However, active discussion is now being continued on these three aspects of the Post-Industrial Society, because of the anticipated growth of the technological society, the information society and the knowledge society at an increasingly accelerated pace. For example, a large number of scholars believe that social development in the 1960s had as its background the East-West technological race, typified by U.S.-Soviet competition in space, armaments and in industrial output. However, in the 1970s, these scholars believe, social progress will be promoted by the transformation of this relationship of East-West competition to one of global cooperation through the development of social information systems. In other words, society will produce large volumes of all kinds of information and in the process of processing this information society will see the accelerated production of new knowledge and techniques, and, as a result, both the individual and society itself will be forced to adopt setups or systems capable of coping with these rapid changes. This, in turn, will greatly increase the importance of

society having a high degree of ability to make selections from multiple values. In other words, there will be a need for a "high-selectivity society." It will make social safety valves necessary that will enable the dissipation of irrational desires, in other words, it will call for "static spaces in a kinetic society." It will also increase the importance of a total system approach to society capable of adjusting the unbalanced social growth. It will, furthermore, require a flexible social attitude that will permit the adoption of suitable countermeasures to cope with these developments.

The study of the urbanization of society forms an important theme in this field. We need not refer anew to the inter-relationship between the development of the information society and the technological society and the concentration of population in urban centers. The problem rather lies in the consequences of this urbanization—the emergence of the technocrat as a new social class and as the nexus of the great urban and metropolitan centers. It lies in this study of the composition of his ideology, his ability to reform society and in the manner in which the reform is carried out. It lies in the study of his social and political impact and the extent of that impact.

### (2) *The mass society, the consumer society*

The second field in which research being pursued is that of the individual consciousness of the people who compose society and the trends of specific groups of individuals. The most important themes now being studied in this field are the theories of the mass society and the consumer society.

A. The study of the mass society constitutes an importance not only for political parties, bureaucrats and industry, but also for student groups, intent on bringing about social reforms. The principal aims of this research into the mass society lies, it goes without saying, in ascertaining the class structure of those employed in supporting social development through their productive efforts, in determining the trend of consciousness of each group and in grasping their ability to act, their power of influence and the direction of their consumer desires.

Further, important subjects for study in this field are the qualitative differences between the mass movements of the past and the citizens movements now being launched by residents of housing projects, the growing importance of the public responsibilities now borne by labor unions and management and the inter-relationship between the civil movements of small groups in modern society, which are now tending to grow in size as a result of, for example, the rise of protest movements against the war in Vietnam.

B. We must not overlook the research being undertaken in this field on the intensification of the student dispute.

Take the example of Paul Sivadon, Professor of the University of Brussels and President of the European League for Mental Health.

Marcel Hicter in his essay, "The Angry Generation" (The UNESCO Courier, April, 1969) writes:

"Paul Sivadon, . . . (in his) contribution to the study of youth, points out that the period of adolescence is growing longer, not shorter. Formerly, the transition from childhood to adulthood took place in a few months: it now takes 10 years. While this prolonged adolescence may enable youngsters to compare and experiment with different and often contradictory standards of conduct before working out their own moral code, it also prolongs the period of no-decision-taking and the inclination to live in a dream world of unreality.

Young people are now biologically mature earlier than their predecessors but it takes them longer to achieve social independence.

"There have always been conflict between the generations,' student revolts and violent youth groups, Professor Sivadon has written, 'but the difference is that today the student is no longer the exception, but the rule.'

"When the youth population becomes as big as the adult population, youngsters are no longer just potential adults, and if grown-ups are not careful, they will quickly find themselves outdated and on the sidelines. It is even possible that, in the not-too-distant future, society will be faced with the problem of maladjusted adults, not maladjusted youth."

C. In contrast to this approach to the study of the mass society, which emphasizes group phenomena, the study of the consumer society requires a more delicate approach, since the problem involves a man's humaneness.

Already at the level of studies in the technological society the domination of technology and the escape of the human being from it had been an important theme in the past. However, thanks to the high state of development of today's industrial society and the progress made in techniques of market surveys, the techniques of predicting consumer demands has become so advanced that even the hidden desires of the consumer can be grasped accurately. In fact, industry has reached the stage it can even manipulate by various means the direction of consumer tastes. For this reason, the problem has come to assume grave importance.

This "industrial conditioning" of the mind is taken up by H. Magnus Eisensberger in his book, "Culture ou Mise en Conditions," ("Culture or Conditioning").

Hicter, in his article "The Angry Generation," contends that everyone should read Eisensberger's book, particularly his analysis of the industrial shaping of minds, a phenomenon which has known an extraordinary development in the last hundred years.

Hicter then quotes the following highly interesting passage from Eisensberger's book:

"While people passionately argue about the new technical media, radio, cinema, TV, the record industry, propaganda, advertising, and public relations as separate entities, the industry of mind fashioning seen as a whole is actually neglected . . . We do not seem to realize that mind conditioning has not yet reached its peak development, that it has yet to gain control of its most important medium, i.e. education.

"The industrialization of education is a very recent phenomenon which has barely begun. While we continue to discuss such things as class schedules, school systems, the shortage of teachers and maximum use of school space, the new technical media which make nonsense of any debate on educational reform are already on our doorstep.

"Industrial mind conditioning is as prevalent in capitalist as in communist countries. It makes little difference whether it operates under State, public or private control. Everywhere its aim is to perpetuate the existing patterns, inculcate a certain way of thinking, and then to manipulate and exploit it. The exploitation of minds, either overt or subconscious, serves as a smoke screen for physical exploitation, resulting in spiritual degradation, a loss of political faculties and the subjection of the masses to the ever-powerful control of the few.

"The rapid development of industrial mind-conditioning and its integration into the very fabric of modern society is transforming the role of the intellectual. The intellectual now finds himself exposed to new dangers, and a totally new and subtle type of corruption and blackmail. Voluntarily or not, consciously or unconsciously, he is becoming the accomplice of an industry which needs him for survival just as he now needs it, but whose purposes (the consolidation of established authority) are incompatible with his

own. Here we are at the threshold, if not at the heart of a world of psychological violence."

### (3) *Mass culture and cultural criticism*

The third field of research is that which delves into the kind of manipulation of human beings by other human beings, as pointed out above by Professor Eisensberger from the standpoint of cultural theories. The main themes of study in this field are, first, the role played by mass media in the formation of mass culture and, secondly, critical analysis of modern industrial society, such as those of Herbert Marcuse, Professor of the University of California.

A. On the role played by mass media in modern society, Hicter, in his "Angry Generation," writes:

"The world-wide extension of information has gone hand in hand with the acceleration of communications. This is the age of mass communications and mass culture, where the youngsters of today are the first generation that has grown up with the TV screen from early childhood.

"Since infancy, the young generation has been bombarded by a stream of images and sounds from their television sets with one piece of information very rapidly replaced by still newer information, fragmented, in bits and snippets and unconnected. There is no opportunity for analysis or calm reasoning on the part of the young TV viewer.

"An important book has just been published by A. Moles, entitled *Socio-dynamique de la Culture*, which paints an alarming picture of contemporary man (and youth) subjected to mass communications. Moles shows how man has abandoned the hierarchical structures that permitted him to classify newly-acquired knowledge, and sees the brain reduced to a felt-like substance held together only by the compression of many loose, interlocking fibres arranged in a helter-skelter jumble of total disorder.

"Since 1962 Professor Marshall McLuhan of the University of Toronto has thrown a bombshell into our thinking about society with his book 'The Gutenberg Galaxy,' followed in 1964 by his 'Understanding Media' and 1967 by 'The Medium is the Massage.' McLuhan maintains that our society, based on linear forms of print, shaped a culture of the eye and of reason (man saw life as he saw print—as a continuity which enabled him to arrange his ideas and think in isolation). But the environment that man creates becomes his medium for defining his role in it. With the advent of the 'electric technology' of mass communication and especially television, we are leaving the age of reason to enter a new moral age with the world transformed into 'a global village' of retribalized life."

B. It is well known that the theories of Professor Marcuse appear frequently among the utterance of student activists, granted they are interpreted and quoted in many different ways. The principal reason for this lies in the fact that Professor Marcuse's criticism of modern civilization highlight in uniquely compelling language the characteristics of present-day society, in particular, the highly industrialized aspects of modern society. Thus, Professor Marcuse has succeeded in wrapping up in an apt manner the problems of modern society as seen by social students, who played the leading roles in the student demonstrations of the United States.

Hicter in his article, "The Angry Generation," deals at some length with Marcuse's critical analysis of modern industrial civilization, "One-Dimensional Man," and writes:

"He (Professor Marcuse) sees society dominated by technology which he describes as a power in itself, all the more to be feared since it acts in and against man to make him a mutilated, one-dimensional being.

"If the purpose of the social apparatus is

'to create a human existence on the basis of a humanized nature,' then it defeats its purpose, Marcuse writes, for 'we live and die rationally and productively.' It is this which mutilates our liberties and satisfactions.

"Bureaucrats, administrators, planners and party officials are all obsessed now by one thing: the absolute priority they give to production. Pots are made to put soup in and soup is made to fill the pots, as Marcuse expresses it. It is quantity not quality that is now the overriding preoccupation of life and human welfare. And what counts in the industrial society is to have more rather than to be more, the standard of living rather than the art of living. In all systems, socialist or capitalist, there exists, says Marcuse, the same 'collusion of modern society and power.'

"Man is now only an instrument. The administration of things has replaced government of people, and we reach the surrealist limit of both rationality and absurdity when we sell 'luxury fall-out shelters' equipped with every modern convenience.

"We must rediscover the art of living, Marcuse asserts, and rebel against the totalitarianism of technocratic reasoning. We must rediscover flowers and love. We must reject psycho-sociology that aims at providing treatment for the individual so that he may continue to function as part of a sick civilization, and which 'transforms our hysterical misery into banal unhappiness,' as Freud put it.

"The tyranny suffered by man in our industrial society which we call democratic is as total, alienating and dehumanizing as the worst dictatorship. Social science students have popularized these ideas; they refuse to be treated as things or objects, and proclaim their determination not to be integrated in a society where they would become the massifiers and the massified, the manipulators and the manipulated."

#### (4) Questions of policy

The fourth field deals with methods of approach to the student problem from the standpoint of realistic policies based on the social analyses of the experts cited above. Data on research in this field is extremely limited. This is no doubt, due to the fact that this is an area which the governments of various countries and international organs are still studying or intend to take up in the future. From this standpoint, we believe that the study, entitled, "Student Unrest: Impact on Educational Systems, the Economy and Society in General," prepared by George S. Papadopoulos, Head of the Educational Development Division in the OECD Directorate for Scientific Affairs, (OECD Observer, No. 37, December, 1968) offers a number of interesting suggestions and an excellent insight into the problem.

A. Papadopoulos first lists the causes of the student unrest under three broad headings:

a. Uncertainty as to the permanent aims of society beyond material satisfaction, and student desire to participate as adults in shaping the destiny of the university and of a new society;

b. Student preoccupation with professional and career prospects after graduation, particularly in the professionally unanchored disciplines;

c. Dissatisfaction with, and in many cases utter rejection of, the existing internal structure, organization, content and methods of the educational system. He also offers realistic measures to cope with these dissatisfactions.

B. However, Papadopoulos first characterizes student unrest as "the price of economic growth," and adds:

"There is strong reaction among a great number of people, particularly the younger,

against the very narrow and materialistic objectives of modern highly technological societies. This "growthmanship" or "index-economics" objective, because of the very clarity of its definition and purport, has tended to overshadow, even vitiate, the broader goals of society and to inculcate a view of the individual human being as merely a productive unit . . ."

He continues:

"In this sense, the student rebellion is primarily directed against the consumer view of society; it has focused attention on the fact that economic euphoria is not an end in itself and that, together with its close companion, technology, it carries with it unintended consequences which add new problems to those it attempts to solve. These problems are no longer ideological but technical, in the broadest sense. Yet existing political parties are still based on out-dated concepts of irrelevant ideology with a consequent decrease of idealism and a corresponding growth of cynicism."

C. Papadopoulos then takes up the first cause of student unrest, student "participation" in the "decision-making process in the university," as part and parcel of a problem that involves the social composition and management technique of today's technological society.

He writes:

"The problem of participation has in any case to be seen as part of the wider issue of the more pluralistic nature of highly technological societies in which the decision-making process at all level can no longer be manipulated by centralised procedures. Behind this lies the thesis that the old management-worker dichotomy in which participation was difficult to envisage is rapidly giving way to a more articulated "techno-structure" involving more subtle relationships in decision-making.

"As far as the university is concerned, the quest for participation is probably the hub of the current problem: the fundamental demand of the students is that they be given a voice in all the essential aspects of the life of their institutions which is meaningful and commensurate with their newly-realised identities as mature people . . ."

" . . . The rapid transitions in modern societies have occurred in spheres, such as technology and mass-media, in which the younger generation participates, or anticipates entering, to a higher degree. In this sense, students may be made aware of changes in society and their consequences than the older generations. The very term "generation" today takes on a new meaning in the context of scientific and technological change."

D. As for the second and third causes of student unrest, Papadopoulos lumps them together and writes:

"In essence, the occupational problem is one of the integration of students into society on completion of their studies which is stultified by society falling or refusing to create enough jobs at the graduates' level of qualifications . . . Obviously a great deal can be done to alleviate the imbalances between choice of studies and job prospects, but it is doubtful whether any such measures can overcome the inherent problem of social or individual demand as the determining factor of the distribution of students over the educational physiognomy.

"If this is recognised, it could then be argued that the problem for the future is how to devise an occupational structure better attuned to this educational output, on the over-riding assumption, however, that adequate flexibility is ensured in the latter to enable it to adapt easily to changing demands; hence the importance of more integrated courses, more general educational background at all levels and deferring of specialisation to the latest stage possible, and of continuing education. It is through such

means, as is clearly shown by the educational policy and planning experience of the more advanced OECD countries, that the apparent contradiction between the 'manpower' approach and the 'social demand' approach to education is being resolved.

"For this to be done, drastic changes would have to be effected in the structure, content, methods and organisation of teaching, not only at university level but throughout the cycle. The total educational experience of students before they come to university sets the stage for the explosive expression of student's discontent with formal educational procedure and the content of education as well as the social context and the 'rules' within which this education takes place.

"Though this pre-university experience results in a student group increasingly more sophisticated than former generations of students, it does not adequately or evenly prepare them for the disciplined perspectives of the adult world which they face on entering university; this is all the more so because of the growing "democratisation" of education which brings together into the educational establishment a variegated social clientele who may be successfully trained to pass entrance examinations and courses but find themselves under strain, inadequate, frustrated and uncertain in the face of a more or less monolithic system of higher education, out of joint with the world around it, still elitist in its concepts and highly competitive in its methods.

"Moreover, the position of formal education in the total educational experience is becoming increasingly marginal as the power of other sources of information grows. Educational institutions have failed to redefine their role in terms of this new situation, and there is a galloping tendency for them to become irrelevant. In this, the obsolescence of the university merges into the antiquated concepts governing all aspects of the educational system and, beyond that, the rebellious students would claim, of society as a whole."

E. Finally, Papadopoulos presents his overall conclusions:

"If the above analysis is corrected and on the assumption that the problem of student unrest has come to stay, the first conclusion to be drawn is the need to ensure a constructive outlet for it and to absorb it into the framework of social, political and educational structures. The second conclusion is that much greater understanding of social and behavioural processes is required, and this understanding will not come from the natural scientists and the engineers for whom modern industrial society shows an infinite appetite for absorption. It must come in the first place from social and behaviour scientists, who are not easily absorbed by modern society and who have not had the research support needed, so that they have been forced to concentrate on secondary problems instead of the large-scale inquiries necessary in relation to important social problems.

"A similar problem faces the humanities, which are supposed to make more meaningful and enjoyable the 'good life' which people nowadays can afford because of the technologically advanced society. Thus the real problem for the universities is not primarily one of science and engineering education, though much remains to be done here in the way of 'humanizing' it, but how to transform the frustrated intellectual and professional potential of the social sciences and humanities into a force in our society of equal weight to that of science and engineering. Such transformation imposes new and heavy tasks for the universities which would have to rethink the essence of their purpose and functions and spell it out clearly before the much discussed problem of their diversification can begin to be considered in practical terms."

## 2. THE PROBLEM OF REFORM OF INSTITUTES OF HIGHER EDUCATION

### (1) Tension between university authorities and students

The question of the reform of institutes of higher learning was the most direct cause of student unrest during the 1960s. For example, the students of the Free University of Berlin, as early as 1960, stressed the necessity of university reforms and began criticizing the authoritarianism of the university authorities. Their criticisms, in particular, were aimed at the bureaucratic authoritarianism of the university, symbolized by the hierarchical position of the president of the university and the feudalistic absolutism of lecturers in the field of academic pedagogy. Tension between the administration and the students gradually mounted and developed, as is well known, into an open clash in 1965. On the other hand, it was in 1962 when the Students for a Democratic Society (SDS) issued its manifesto, "The Port Huron Statement," in Port Huron, Michigan. The SDS of that period was more liberal than radical and their advocacies included such demands for greater creativity and social responsibility in education and greater emphasis on individual ethics, as are now supported by the general public. However, in both instances, in West Germany and in the United States, the response of the university authorities was negative. Indeed, it was not until 1964-1965 that the conflict between the university authorities and the student became more complex and the resultant atmosphere of tension began to attract the attention of public opinion. This heightened clash was the result of the emergence of the reform of the selection systems of students based upon national needs.

### (2) Efforts at reform

On the other hand, the universities, on their part, did not remain idle during this period. From about 1963, many universities and educational authorities began actively tackling the university problem, in order to cope with student demands and the demands of the nation and society for higher education. For example, the pioneering efforts of the Assembly of European Rectors and Vice-Chancellors (September, 1964) and the "Colloque de Caen," or the Caen University Roundtable (November, 1966) and the plans they produced for reform of institutes of higher education deserve high praise. Further, specialists also began studies of the student problem, with Clark Carr coming up in 1963 with his "multiversity" proposal and his contentions for the need of establishing functional relations between the federal government and universities and the systematic expansion of international educational organizations. In 1968, James A. Perkins announced the results of his studies in internal reforms of university administrations, the problem of decision-making and the development of university curricula over a wide field. Further, in 1967, Eric Ashby, in his "Ivory Towers in Tomorrow's World," described the university of the future; while F. Keppel expounded his theory of the need for harmonizing values in education, such as "competitive value" versus "cooperative value." (He emphasized the need for the ability to pass correct judgments of moral acts and public issues and the need for mutual cooperation in a complex society, with its racial and class tensions.) Further, many constructive suggestions and ideas were put forward on the question of reuniting research and education. In 1967, J. H. Simmons proposed the establishment of a "graduate college of scholarships," while many groups of specialists engaged themselves in research on new types of universities. For example, one of these studies was the Conference of the Cluster College Concept.

In the field of general university educa-

tion, Daniel Bell had emphasized the need for reforms in 1966 in his "Reforming of General Education." However, in the same year, Earl J. McGrath, in his "The Liberal Arts College and the Emergent Caste System," outlined the need for a switch from an educational system, emphasizing the creation of a small elite, to an educational system, emphasizing the creation of many kinds of elites in diverse fields and the need for developing greater egalitarianism as a prerequisite to political and social stability. Further, a large number of concrete proposals were made, incorporating these various ideas and contentions. "The Report of the Committee on Academic Innovation and Development," submitted to the Academic Senate of the University of California at Berkeley in November, 1967, may be regarded as representative of these proposals. This report proposed the establishment of a council on educational development and the appointment of campus grievance officers to deal with student grievances. The report also proposed a re-examination of the methods of production and transmission of knowledge and information, the constant incorporation of new cultural and social problems into the university curriculum, increased educational counselling and the promotion of "interdisciplinary" research.

### (3) Recent efforts at reform

Beginning in 1968, efforts at reform were pursued vigorously by a wide range of people and organizations. First, we have the theoretical studies undertaken by such specialists as David Riesman. Secondly, we have the university authorities of various countries, who felt most directly the effects of the student unrest, engaged in university reforms, or, in the case of the United States, the university authorities and the local societies joining forces in undertaking innovations. Thirdly, we have national governments launching reforms of higher education, as a part of their program of revising national educational policies. Examples are: one, the adoption of new legislation, such as the Faure Law in France, the New University Law in Italy and the university laws passed by the federal states of West Germany; two, the recommendations and proposals made by government advisory organs, such as the Japan's Central Educational Council and West Germany's "Wissenschaftsrat"; and, three, the research in various countries on new types of universities, such as universities of the air, cluster universities and specialized universities. Fourthly, we have the co-operative efforts of international regional organizations, such as the Nordic Cultural Committee.

### (4) Difficulties faced by reform efforts

Despite the fact that efforts are being made over a wide range and by many sources, as described above, it is felt that definitive reforms of higher education systems will remain a continuing problem in the 1970s. The chief reason for this lies, as is self-evident, in the fact that higher education has two dimensions. In the past, the problem of the duality of higher education was approached from three angles—education versus research, general education versus specialized education and basic research versus applied research—and discussion revolved around the issue of whether these two dimensions should be coordinated or remain differentiated. However, beginning in the latter half of the 1960s, emphasis has shifted to such problems as: one, the balance between a system capable of coping with the rapid changes and developments of a dynamic society and a system in which stabilized research can be continued in the static areas of society; two, the fluid changes in the position and the role of universities in society's general knowledge production systems, such as research institutes, industrial research

and development and the data processing of government offices; three, the conflict between the need for greater efficiency in the physical facilities of universities as a result of increases in student population and the need for the continued inefficiency latent in the character-building functions of universities; and, four, changes in the content of educational concepts and theories as a result of the increasingly greater role played by mass media in the transmission of knowledge and by industry in conditioning the quest for knowledge and in supplying knowledge to society in general. Indeed, the problem of educational reforms has now gone beyond the simple realm of reform of university systems. It now embraces issues involving society as a whole.

## 3. THE PROBLEMS OF STUDENT CULTURE AND THE GENERATION

Beginning in 1968, when student unrest rose to new peaks throughout the world, interest intensified in the peculiar characteristics of student cultures and in various cultural phenomena common to the younger generation.

Paradoxically, the student problem is essentially a cultural problem and, because of this, it has historic universality and global scope. Further, it contains elements which make for its constant and unending recurrence in the future. This is the reason given by certain scholars in stressing the importance of research in student problems.

Scholarly works devoted to this problem are exceedingly numerous. However, we are limiting our examination here to the relation between professors and students on the campus.

Let me introduce at this point the gists of the ideas advanced by David Riesman; by Samuel P. Huntington, who took up the counterculture of the students at Harvard University; Lewis S. Feuer, who takes up the question of the generation gap from a psychological standpoint; Richard E. Peterson, Kenneth Keniston and Frank A. Pinner, who undertook empirical studies of types of student activists;

### (1) Student cultures

A. Riesman, in his "The Academic Revolution," undertakes an analysis of the various cultural strata existing in society and empirical study of the various problems inherent in student cultures. His study contains, as one of its themes, the increasing gap between the culture of the youth and the culture of the adult in university life. Riesman focussed his attention on the attitude and conduct of professors as one of the background factors contributing to the development by a few leaders of the feeling of resistance to authoritarianism into an effective student movement. Riesman cites as glaring examples of shortcomings of professors: one, the tendency of professors to place research above everything to monopolize information and to neglect their duty of building the moral character of students; two, the tendency of professors to regard the average student as expendable, to avoid contact with students and to concentrate on mass instruction with only efficiency in mind; and, three, the tendency of professors to emphasize compulsory regulations in the maintenance of peace and order on the campuses.

A small minority of students, most sensitive to these trends, succeeded, by resisting the existence of everything authoritarian in campus life, in arousing the interest of the general student and in winning their sympathy and support. However, the professors, engrossed in ethical considerations aimed at achieving a highly organized society, are helpless before the widening gap between the adult culture that lives at the basis of their way of thinking and the student culture which feeds and grows on unrealistic possibilities.

Riesman not only focussed his attention on the existence and role of graduate students, caught in this gap between the two cultures, who lead the student unrest and strove to justify the student movement; but also emphasized the fact that the student representatives participating in the university administration are thought of "their" representatives but not "ours."

B. Professor Huntington says there are three student cultures at Harvard University. One is the academic culture, whose prime concern is intellectual competition. The second is the "clubby culture," which involves "the old-style gentlemanly values: good manners and good breeding." The third is a counterculture which, Huntington says, combines:

"... commitments to expressionism, participation, passion, feeling, subjectivism, relevance, and commitment. It is essentially a (capital R) Romantic culture. It seems to oppose any distinctions among people. Thus there is the assault on the institutions which separate men from women—dress styles, hair styles, living arrangements—as well as those practices inherent in the academic culture which separate the scholarly from the non-scholarly: grade, honors, specialization. The counterculture is, in this sense, culture of homogenization."

As a result of the counterculture, Huntington adds:

"Faculty members cannot help but be somewhat wary of students, and it is not because we think they may disrupt our classes or burn our files. The cause is much more fundamental. It is because of the consensus which did prevail on the purposes of the university community is now breaking up. It is because students and faculty increasingly tend to worship at different altars and to judge by different codes."

#### (2) The generation gap

On the other hand, Lewis S. Feuer, Professor of Sociology at the University of Toronto, approaches the problem of the generation gap from a psychological standpoint in his article; "Conflict of Generations."

Feuer contends that student political movements, or, to use his words, "the generational struggle in politics" is "a universal theme in human history" and has as its common denominator the desire to return to the people.

He cites as an example the Russian revolutionary student movement in 1870s which was inspired by feelings of guilt and responsibility for the backward people embarked on their "back-to-people" movement. It was a collective act of selfless idealism.

Another example of the "back-to-the-people" student movement, according to Feuer, was the Parisian student movement of the 1830s, described by Victor Hugo in his novel, "Les Misérables," with particular reference to the duality of nature and motivation of the student leaders, Enjolras—"pontifical and warlike," "a churchman and a militant," "a soldier of democracy" and "a priest of the ideal."

Feuer also calls Saint-Just, the "enfant terrible" of the French Revolution, "the precursor of the revolutionary student leader, and the 'Young Italy' movement of Giuseppe Mazzini in which 'the student movement was impelled to superimpose the irrational pattern on its general revolt' on Italy's independence movement.

Finally, Feuer links all these student movements of the past with the student movement in the University of California at Berkeley in 1964.

As for the duality of the student movement, namely its propensity for reforms and, at the same for destruction, Feuer says:

"... the duality of motivation which has spurred student movements has always borne its duality of consequence. On the one hand, student movements during the past

150 years have been the bearers of a higher ethic for social reconstruction, of altruism, and of generous emotion. On the other hand, with all the uniformity of a sociological law, they have imposed on the political process a choice of means that are destructive both of self and of the goals which presumably were sought. Suicidalism and terrorism have both been invariably present in student movements."

Feuer calls this duality a Hamlet-Don Quixote complex, citing Ivan Turgenev's essay, "Hamlet and Don Quixote." The student, he says, is "a complex of urges—altruism, idealism, revolt, self-sacrifice and self-destruction," and adds: "nihilism has tended to become the philosophy of student movements not only because it constitutes a negative critique society but because it is also a self-critique moved by an impulse toward self-annihilation."

By way of conclusion, Feuer says:

"A student movement, moreover, tends to arise where political apathy or a sense of helplessness prevails among the people. The young feel that the political initiative is theirs, especially in countries where the people are illiterate."

"This brings us to what is most significant for the theory of social change namely, the consequences of the super-imposition of a student movement on a nationalistic, peasant, or labor movement. Every student movement tries to attach itself to a 'carrier' movement of much more major proportions—such as a peasant, labor, nationalist, racial, or anti-colonial movement. We may call the latter the 'carrier' movements, analogous to the harmonic waves superimposed on the carrier wave in physics. But the superimposition of waves of social movements differs in one basic respect from that of physical movement."

He adds:

"The student movement gives a new qualitative character and direction to social change. It imparts to the carrier movement a quality of emotion, dualities of feeling, which would otherwise have been lacking. Emotions issuing from the students' unconscious, and deriving from the conflict of generations, impose or attach themselves to the underlying political carrier movement and channel it in strange directions. Given a set of alternative paths—rational or irrational—for realizing a social goal, the direction of a student movement will tend toward the most irrational means to achieve the end."

We should mention also Feuer's contention that the universality of the student movement is bolstered by "the principle of the universality of ideologies," the "principle of the maximum expandability of cultures and the phenomenon of" the world-wide acceptance of knowledge fashions among the student generation.

#### (3) Student stereotypes

A. Richard E. Peterson in his essay, "The Student Left in American Higher Education ("Daedalus," Winter, 1968 issue) undertakes a unique empirical study of student stereotypes. Peterson attempts to classify students on the basis of their concepts of values as revealed in replies to a questionnaire "administered" to over 120,000 students in some 250 universities and colleges in the United States.

Peterson classifies his students according to their political activities. He calls his classification the "typology" of American college students and posits "eight student types distinguishable in terms of their dominant value commitment." He arranges his types "on a continuum of degrees of acceptance-rejection of prevailing American institutions" as follows:

##### a. Vocationalists:

Of this group, Peterson says:

"The basic commitment of the vocationally oriented college student is to the train-

ing he is receiving for a specific occupational career. He views his college education chiefly in instrumental terms—as a means of acquiring a skill that will ensure the occupational security and social prestige that his family has lacked. Vocationalists are predominantly from working-class backgrounds... In college, they specialize in engineering, education, business, or other technical specialties... The vocationalist, in sum, is preparing himself to 'make it' within the American system, which he accepts uncritically."

##### b. Professionalist:

"This type," Peterson says, "(is from the) upper-middle-class and professional parents. He (this category is practically all male) aspired to much the same life pattern as his highly successful father—achievement, expertise, 'noblesse oblige'."

"Well-endowed intellectually, the professionalist was strongly motivated to succeed in secondary school (often one of the best), and in college he is bent on continuing his record of outstanding academic achievement toward early enrollment in a postgraduate professional school (law, medicine, business, government, and so forth)... The general political outlook of the professionalist is conservative to middle-of-the-road, and oriented toward the status quo."

##### c. Collegiates:

"The collegiate commitment," Peterson says, "is to popularity, play, and sex, as these proclivities may be realized through the various formalized extracurricular activities as well as informal off-campus events, such as spring-vacation congregations at beach resorts of fraternity weekends in the mountains, that define 'college life.'"

"Collegiates are from the middle classes. They are attracted to the relatively unselective public colleges and universities... the strongholds of big-time football and the national Greek-letter fraternities and sororities. Anti-intellectual, the collegiate's course work tends to center in fields that make relatively few intellectual demands..."

##### d. Ritualists:

Of this type, Peterson says:

"The distinguishing attribute of the ritualist... is his lack of commitment to anything. Possibly of less than average academic aptitude and usually from lower socio-economic strata, he has in a sense been swept into college by forces beyond his control—parental prodding, friends going on to college, a college within easy driving distance with admissions standards that can be met... the ritualistic type (is) more strongly oriented toward home than the university, as preferring solitary rather than social activity, and as uninterested in either the academic or the collegiate environment. For the ritualist (as an ideal type), lack of commitment is total. He is apolitical, having no beliefs one way or another about the efficacy of American institutions."

##### e. Academics:

"The fundamental commitment of the academic type," Peterson says, "is the scholarly achievement within a specific subject field or academic discipline. Academics are concentrated in the selective and prestigious colleges and universities. They plan to go on to graduate school, a Ph. D., and a career of research and scholarship... (and) are broadly middle class in background and have relatively well-educated parents. In high school, by self-report, they studied extensively, received recognition course work in the natural sciences... The academic type tends to score above the norm. We would infer that as an analytic type, the academic is slightly left of center in his politics. By nature and because of the pressure of other commitments, he is not an activist; he would, however, be a sympathizer and possibly even a participant in some future, broadly-based radical student movement."

##### f. Intellectuals:

"Whereas the academic pursues knowledge

within the confines of a specific academic discipline" says Peterson, "the intellectual, as a type, is oriented toward ideas and networks of ideas irrespective of the curriculum..."

"These students tend to come from middle- and upper-class families, to be highly individualistic, liberal in their political outlook (but rather cool or unemotional about it), and aesthetically sensitive. Motivation for grades, a mark of the academic type, is not noticeable in the intellectual..."

g. Left-activists:

"The basic commitment of the left-activist, dues-paying and otherwise," says Peterson, "is to personal involvement in action directed at reforming some facet of American life—be it political, economic, or cultural. His parents are prosperous and liberal in outlook. Highly intelligent, activists are found for the most part in the most selective and best-known colleges and universities, where their non-career-oriented academic interests center in the social sciences and humanities. Activists share many of the personality traits of the intellectual, although the radical activists are characterized by a more passionate sense of outrage at perceived hypocrisy, injustice, and wrong-doing, and they have the courage to act."

h. Hippies:

"Of the eight types," Peterson says, "the hippie's estrangement from American values and institutions is the most thoroughgoing. Unlike the left-activist who hopes for radical reform through political action, the hippie is pessimistically apolitical. The hippies who are enrolled in college would reject most of the usual student roles..."

B. In 1966, Kenneth Keniston in his "The Faces in the Lecture Room," made the observation that the faces in the lecture room reflected the modern age. In particular, he selects from these faces the minorities and divides them into the activists, the isolationists and the "hippies." According to Keniston, the "left-activist" is self-assertive and, above-average in intelligence and in studiousness and, despite the fact that he has the same essential sense of values as his parents, differs from his parents in actual methodology.

C. C. Frank A. Pinner, Professor of Political Science, Michigan State University, in his "Tradition and Transgression: Western European Students in the Postwar World," ("Daedalus", Winter, 1968, issue), takes up the question of how a small but organized minority of activists is able to mobilize the general student body and approaches this important theme from an empirical standpoint.

Activists, naturally, need slogans, such as on intramural issues or extramural political, social or economic issues, in order to rally students to their standard. They must, of course, have appropriate issues to take up in rousing the general student body. Pinner, first of all, divides students into two types, the "traditional" student, who "prepares himself to occupy a position in society," and the "transgressional" student, who "commits himself to a restructuring of society that would make new roles and new positions available." He then divides the activities of the "transgressional" student into two categories.

(a) First is the "ideological protest movement." This is the type of movement represented by the Sozialistische Deutsche Studentendbund (SDS), a movement that has no "hope for success in the present or the immediate future" and, therefore, "will look forward to a total destruction of the social fabric." In this movement, Pinner says, "the only payoff in the present will be the stubborn and self-reinforcing hope for the 'dies irae.' It may adopt conspiratorial attitudes and practices and thus accentuate its separateness from society." Thus, under revolutionary conditions, this movement can

exercise strong leadership, but in normal times, its efforts tend to become spasmodic and ineffective and end up in a great waste of energy.

(b) The second is the "role-seeking movement," as typified in the Union Nationale des Etudiants de France (UNEF), which "de-emphasizes ideological divisions and stresses the values that unite its members and followers." Thus, it is possible for this movement to ally itself with progressive forces critical of the status quo and to seek a responsible role and active participation in the policy-making processes of existing society.

Further, Pinner points out that "role-seeking movements are frequently alliances of dissidents from established parent organizations" and that they tend to be more leftist than the parent bodies. He cites the cases of the Jeunesse Etudiante Chrétienne (JEC) and the Union des Etudiants Communistes (UEC). As reasons for dissidents breaking away from parent organizations, Pinner lists resistance to the lack of autonomy in their beliefs, actions and alliances and the ineffective role given to student movements within the parent organization.

For this reason, ground is being lost by the optimistic view that the radical student's rejection of the reformist approach to problems, as well as the principle of structural reforms, derives simply from tactical differences in weighing values. This is giving way to the view that the radicalism of the New Left is a completely new type of anarchism of completely modern content that seeks to destroy even the socialist system itself.

Studies of the ideological background of the activism of the New Left has generally paid attention to the analyses of "neocapitalism" made by the SDS of West Germany and by the SDS of the United States prior to 1967. The studies tended to give high marks to the recurring motif of the conquest of scientific socialism appearing in those analyses. However, although the activists of that period, Rudi Dutschke, Louis Lefèvre, Daniel Cohn-Bendit and Yoshitaka Yamamoto, recognized the fact that modern capitalism was quickly transforming itself into a new society of a type which Marx had failed to anticipate, these activists adopted guerrilla tactics in leading the students.

Furthermore, most of these student activities collapsed in face of the flexible tactical reaction of the Establishment. If we were to jump to the conclusion that this impulsiveness of youth presages one aspect of the society of the future, we can only conclude that the problem of ideologies, as the background to the student unrest, will not have any great significance in the near future. This is because there is in the impulsiveness of the young intellectual a desire to escape from ideologies, as a natural reaction to his resistance to established ideologies.

At the same time, the young intellectual disguises this subjective consciousness, as an individual seeking to recover his human qualities, with an anti-intellectualism and consciously flaunts this disguise. Furthermore, it is recognized that if social progress in the 1970s is to develop along constructive lines, it must start by intellectually challenging the very problems that brought about the collapse of the radical student movement.

4. IDEOLOGICAL BACKGROUND AND VIOLENCE

(1) *The ideological characteristics of the radical student*

The fact that the so-called New Left has social and cultural motifs that do not fit into the framework of either the theories or party platforms of established socialist parties is one of the points viewed as being most important in the ideological background of radical students. In general, there is tendency among the general public to regard Maoists and Castroites, such as are found in

France and among the Zengakuren in Japan, as representative of the extreme or radical left. However, as a matter of reality, Maoists do not believe that orthodox Marx-Leninism or the type of thinking represented in the Chinese Cultural Revolution provides the only basis for their actions. Rather it would be more correct to say that these factions of radical students have chosen for themselves the most attractive of the many established theories out of a common feeling that they have certain pioneering missions to perform. This feeling is derived from their acquaintanceship with the romanticism associated with the Che Guevara or from the Marcuse School of social analysis. The frequency with which factions of the New Left keep splitting up and then merging together again substantiates this fact.

Further, the sense of existentialist self-negation which permeates the New Left boils down, in the last analysis, to either an emotional choice between suicide and compromise or the practice of self-righteously demanding self-negation from others. He rejects, without exception, adults who try to understand him or hope for the birth of new constructive and creative energies from this agonizing of the radical student. The fact that the radical student gave the widest berth to the so-called dove faction of left-wing intellectuals and progressive liberals, even during the heights of the student unrest after 1968, attests to this fact. Curiously enough, similar phenomena are to be found in many other countries, besides France and Japan.

Let us now turn to the socialist view of the radical student. Rossana Rossanda, Member of the Central Committee of the Italian Communist Party (CPI), has written a book on students, entitled: "T'Anno degli Studenti" (The Year of the Student), (Donato, Bari, 1968). An extract from this book, with the title: "Les Etudiants Comme Sujet Politique;" (Students as a Political Subject), was published in the August of 1968 issue of Les Temps Modernes magazine.

A. Rossanda writes on the tactical gap that has arisen between students and socialists in their ideological characteristics as follows:

"The (student) movement does not, thus, consider itself in any way as being an affiliation, even a heretical affiliation, of any one of these forces (the Italian Communist Party, C.P.I., and the Italian Socialist Party of Proletarian Unity, P.S.I.U.P.). It is, in effect, the only grand political body of youths, of the masses, formed neither by a party nor by secession. This originality of organization (of the movement) has, in itself, produced, first of all, a solid suspicion toward the structures and proceedings of parties. The egalitarianism of the students is opposed to the vertical and rigid centralization of these (established parties). On this point, the students have come up against an unforeseen obstacle and are unable to surmount it..."

She adds:

"... The contradictory character of students does not concede any intermediate stage. Experience has taught them that any confrontation with authoritarianism rapidly transforms itself into a direct conflict with the State... At the same time, the student movement refuses to identify itself with all positions of the left or of the extreme left, seemingly corresponding to the position of the students themselves, and even with those ideological positions which seem to offer the student movement the basis of their expressed criticism..."

B. As for the relationship between students and workers, she writes from the standpoint of workers as follows:

"The same rapport with the working class turned out, thus, difficult to establish, in view of the objective situation—the prejudices and the very origin of the movement. In actual fact, the student movement can

either conceive itself as being a new party, or assign itself the role of a 'detonator' of other social explosions, or choose to play the role of a pressure group within political forces through direct confrontation on the very field of battle (first of all within the labor union). However, the successive failures of all its experiences rest in the impossibility of remaining alone in the vacuity of visionary declarations of its availability and readiness for revolution, while constantly accusing each and everybody of not being sufficiently revolutionary. . . ."

C. Rossanda writes as follows on the relation between the student movement, as a new social force, and present society and the socialists:

"... We are faced with the explosion of new social group which is not in any way an aggregation of a number of individuals, but actually a collective body conscious of its privileged status and giving expression to specific needs discovered in its 'misery' and alienation and not borrowed from other dis-inherited peoples through a sense of solidarity with them. . . ."

She adds:

"On the other hand, as a social phenomenon, the students acquired a still greater importance the very moment when society manifested its inability to integrate them. This explains their radicalism and the position they have taken, which are direct expressions, contrary to appearances, of their 'materialistic' malaise in society. Thus, a social-democratic current does not and cannot exist within the bosom of this movement (which is extreme-left, with the exception of an extreme-right fringe,) and, thus also, the radical opposition of the student movement to reformism, from whence it came. . . ."

#### (2) *The actual and tactical use of violence*

The fact that many radical students are in favor of the use of violence to achieve their aims is well known. The optimistic view that social development and technological progress will eliminate violence belongs, in this present day and age, to the realm of fantasy. Rather, technological progress is spawning new means and methods of violence.

Hicter refers to the "world of violence" around us, in his "Angry Generation," (UNESCO Courier, *ibid*), and writes:

"The violence which surrounds us is a cause for real alarm, for it represents a challenge to civilization itself.

"The Center for the Study of Contemporary Civilization, at the University of Nice, has just published the proceedings of a symposium on 'Violence in the Present-Day World,' (Descleé de Brouwer, Publishers, 1968), the table of contents of which makes grim reading: tensions and distortions in contemporary humanism, violence and immorality, terrorism and psychological violence, violence in the theatre, literature, cinema, television; violence and social conflict; violence in the Third World; violence and the American Negro; World War II, nuclear weapons; international violence, etc. . . ."

"I quote a few lines from a text by Jean Onimus who outlines some of the newer facets of contemporary violence: 'Paradoxically, violence has reached such a stage of shocking cynicism and refinement during the past 30 years that the cruelty of the most brutal periods of history pales in comparison: torture, scientifically organized genocide, persecutions of every kind, the mass deportation of populations, the crushing of defenceless victims or entire nations under the heel of oppression, the revival of the most inhuman forms of terrorism, and finally, the threat of atomic war and the so-called balance of terror.'

"Like a giant tide, violence is rising and sweeping towards the horizon of tomorrow, threatening to engulf the benefits of progress in a wave of destruction or total annihilation.

"In fact, as our society has moved toward greater and greater technology, it has given impetus to new forms of physical and moral brutality which now include the invasion of the right to privacy, brain washing, the manipulation of men's minds and all kinds of pressures that bluntly challenge and threaten our freedoms."

#### (3) *The cultural aspects of violence*

Charles W. Anderson, Fred R. Von der Mehden and Crawford Young, members of the International Research Center, University of Wisconsin, have jointly authored a book, "Issues of Development" (New Jersey, 1967), in which they give the results of an empirical study on revolutionary processes in the newly emerging countries. In this book, they cite various cultural theories regarding the true nature of violence. Those are, in brief, as follows:

##### A. The theory of the warrior culture.

This theory says that the culture of certain peoples make them prone to violent acts, with particular reference to the existence of a "warrior culture" or a people with atavistic root of violence.

##### B. The theory of the military elites and the male "sub-culture."

This theory says that "the value system of the military in some states is one which seeks immediate solutions and is incompatible with evolutionary parliamentary processes."

C. The factors or the reasons why individual or groups seek violent political solutions—the "projection of personal conflict onto a public object."

##### a. Romanticism of guerrilla life; boredom and restlessness:

"We have a number of instances, particularly in Southeast Asia, where young men have admitted joining a revolutionary organization because of the boredom of their peasant, urban, or school existence. . . . Particularly in areas suffering from the disruption of war or the struggle for independence, youths may find that life in the village lacks the exhilaration and opportunities that they perceive to be available in guerrilla warfare against authority."

b. Alienation and dissatisfaction with his personal role and a sense of being blocked from improving his situation:

"There is some evidence to show that personal frustration with his status or prospects may lead an individual to seek higher status or an improvement of his prospects through antigovernmental activity. The blocks to individual growth may not be only personal but may relate to his ethnic, religious, or racial background."

c. Reconciliation of a sense of personal inadequacy by projecting the blame on an external object such as the imperialists or capitalists:

"Leading from the factor of personal frustration is the possibility that the affected individual will blame his troubles upon the evil acts of the imperialists or capitalists. These objects of his frustration are perceived as the forces which have led to his present state and, therefore, must be overturned. This conviction may lead to a sense of paranoia—a feeling that his world is inhabited by impersonal, threatening forces, conspiratorial by nature. These possible relations of personal problems and political perceptions do exist, but, given our present information, we have no way of ascertaining the extent to which the relationship is important in orienting an individual to violence and revolution."

d. Loss of existential meaningfulness, the quest for it in political activity, and the acceptance and commitment to an all-explanatory world view:

"In a developing world where old traditions and values are being warped or destroyed, many individuals seek a new meaningful ex-

planation of life or attempt to defend the old ways. To the former, the traditional religion appears inadequate, the advice of the elders not pertinent, and the traditional pattern of values unequal to the task of meeting the modern world. In this period of transition new revolutionary ideologies may appear to provide the needed world view and explanation of how the old ways can be quickly uprooted. . . ."

e. Quest for the heroic act, immortality, or being in tune with the "inevitable force of events":

"The desire to be part of the flow of events, to take part in active politics has been noted as an important aspect of Italian and French Communist membership, at a time when these movements were still committed to direct action including violence. Not only is the flow of events supposedly impossible to stop, but it is exhilarating to take part in the process. . . ."

"Another aspect of this pattern of thought is the 'heroic' or romantic aspect of taking part in revolution or guerrilla activity. In some areas of Southeast Asia young guerrilla revolutionaries have been looked upon as romantic, somewhat swashbuckling heroes. . . . There is a difference between this and the more intellectual attraction to a philosophy of historic inevitability, but both can lead to support for a revolutionary action."

##### f. Revolution as a way of life.

"Persistent instability may foster a situation in which rebellion and revolution are constants. This state of affairs can attract individuals to a revolutionary cause for two reasons. First, as in some nineteenth-century Latin American states, revolution can be the accepted pattern of political change. It can be taken as a more common cause of ameliorating grievances than free elections, and an individual would not need any personal traumas or aberrant experiences to cause him to seek a revolutionary cause. In the second instance, there are states such as Burma and Vietnam where various forms of guerrilla activity have taken place over a generation. The young man growing up in this environment may accept it as the only way of life, because he has experienced no other. War, tension, antigovernment views—all have been part of the 'normal' pattern of existence. In an almost Orwellian world he knows no other way."

g. Simple indignation, frustration or fury at injustice, stupidity and tyranny:

"Unmet demands for agrarian reform, the rape of a daughter by a landlord, peer wages, political oppression or neglect, lack of food for the family, administrative inefficiency, graft or corruption, and a long list of actual or perceived personal injuries can lead an individual to seek redress. If he does not believe that change can be obtained through peaceful evolution, he may turn to violent actions."

h. Terror, the use of force to get individuals to aid movements of violence:

"Finally, a person may use violence out of fear for his own safety under pressure from others who demand his services. . . . This fear may arise out of seeing others punished for serving the government or from direct threats against the villager."

#### (4) *Violence in everyday life*

In the United States, the National Commission on the Causes and Prevention of Violence published a statement on September 23, 1969, after an intensive study of violence on television. Extracts from this statement were published in the U.S. News and World Report (October 6, 1969 Issue), under the head, "TV Violence: 'Appalling.'"

Excerpts follow:

"All surveys indicate that children and adolescents are the heaviest viewers of television. . . ."

"One study of 15 to 17-year-olds found that on Sunday the middle-class youngsters

watch television for four hours, while the low-income youngsters watch it for upward of five to six hours. . . .

"In both 1967 and 1968, approximately 8 out of every 10 dramatic programs contained some violence.

"Cartoon programs comprised only about 10 per cent of the total hours of dramatic programs, but they were almost entirely concentrated in the children's programs on Saturday morning. Almost all the cartoon programs contained violence, and the rate of violent episodes was quite high in both years—more than 20 per hour.

"Three fourths of all violent programs and nearly 9 out of every 10 violent episodes were found in the crime, Western, action-adventure category. . . .

"Those who commit acts of violence more often perceive them to be in their self-interest than in the service of some other cause. Nearly half of all the leading characters who kill and more than half of all leading characters who are violent achieve a clearly happy ending in the programs. To this extent, violence is portrayed as a successful means of attaining a desired end. . . .

"In summary, then, television portrays a world in which 'good guys' and 'bad guys' alike use violence to solve problems and achieve goals. Violence is rarely presented as illegal or socially unacceptable. Indeed, as often as not, it is portrayed as a legitimate means for attaining desired ends. . . .

"We believe it is reasonable to conclude that a constant diet of violent behavior on television has an adverse effect on human character and attitudes. Violence on television encourages violent forms of behavior, and fosters moral and social values about violence in daily life which are unacceptable in a civilized society. . . ."

5. INTERNATIONAL PROBLEMS

We have already referred to the universality of student unrest in a number of preceding passages. In this section we would like to concentrate on three aspects of student movement from an international point of view.

(1) International comparisons of student activity

Seymour Martin Lipset, Professor at Harvard University, in his "Students and Politics in Comparative Perspective," ("Daedalus," Winter, 1968 Issue) points out the following:

A. The world trend is to recognize increasingly the importance of the political role played by students. Lipset writes:

"Ten years ago, hardly anyone devoted himself to research on students and politics. Today hundreds of scholars are analyzing student political movements, behaviors and attitudes. It is evident that student activities and the importance of students in politics long antedates the current interest. . . .

"The important role of students in the movements for national independence in the developing areas also goes back a half a century or more. . . .

"(However,) the greater willingness to recognize the political role of students stems, in part, from the awareness by many on the left that other social forces are not always available for support. The organized workers of the developed countries of Europe and America, for example, have become a conservative force, as C. Wright Mills has pointed out. . . .

"As such, they are not concerned with policies and programs that may upset the political pattern. The orthodox (pro-Russian) Communist Parties in many countries have also become part of the regular system of representation and no longer advocate use of extralegal and extraparliamentary tactics. In Latin America, they oppose the guerrilla tactics fostered by Castroites and Maoists.

"Mills saw in the intellectuals and students a major potential mass base for new revolutionary movements. . . ."

B. In adult society, the poorer classes are, generally, more left-oriented than the rich. However, among students, the opposite is true. Lipset says:

"Students from relatively poor families tend to come from the minority within the lower strata which is strongly oriented toward upward mobility and the values of the privileged. Hence, their parents are often among the more politically conservative of their class. . . .

"In Scandinavia, a student of working-class origins is likely to shift from a Social Democratic family orientation to a conservative one. There is less probability that a student from a conservative middle-class background will shift to left-wing parties. Recent American data suggest the reverse finding. Attendance at university is stronger in pressing well-to-do students to a position to the left of their parents, than in moving those from less-privileged democratic and liberal families to the right. . . ."

C. Student movements in the developed countries, Lipset says; tend toward "non-economic liberalism—support for civil liberties for unpopular minorities, internationalism, and so forth."

"These orientations are generally fostered by the more liberal or leftist campus groups. Matters related to economic class are less salient sources of campus politics than non-economic ones. Students in the United States, for example, are much more concerned with civil rights for Negroes or political rights on campus and in the larger society, than with the power of trade unions or the consequences of different systems of taxation on economic growth."

D. Lipset says:

"Academic ecology, the social environment in which a student happens to find himself by virtue of his choice of university or academic field, tends to be more important than his class background in affecting his opinions. The faculty within which students are enrolled seems more predictive of their political stance than class origins. . . ."

He adds:

"American research findings suggest that there is congruence between the characteristic political orientation of different disciplines and the political beliefs of entering students who plan to major in them. Conservatives are more likely to study engineering or business, and liberals the humanities or social sciences. . . . Leftists, particularly those from well-to-do and well-educated families, are inclined to favor academic fields concerned with social and political issues or careers in the arts, social work, scholarship, and public service."

E. Lipset contends religious background also influences the political stance of the student:

"In the Catholic countries of Latin America and Europe, practicing Catholic students are much more conservative than nonbelievers. Thus, reported differences in family religious practices are highly predictive in this respect. Similar findings have been reported for India. In the United States, Catholics and evangelical Protestants are also among the most conservative groups in the university."

F. Lipset further contends:

"Minority-majority social status also seems more important than economic class background in affecting student propensity for action."

G. The varying demands that universities make on students also affect the possibilities for political participation and the political climate on the campus. The examination system used is a key factor in determining student political activism.

Lipset adds:

"In many countries, it is possible to predict accurately the cycle of student activism on the basis of examination schedules. In India, students do not generally study until a month before the annual examinations. Thus, most students have a very substantial amount of free time during the year. In Latin America, many student leaders are able to maintain their status within the university for years by postponing their examinations and devoting themselves full-time to political activity."

"Entrance requirements to a university may also affect political reactions. The Japanese and American patterns place great emphasis on getting into the best universities and require high-school students to work long hours under considerable psychic pressure. These patterns clearly affect the way some students behave after they are admitted to the university. A great deal of Japanese and American student activism is concentrated in the freshmen and sophomore years. Upperclassmen tend to be more liberal in their attitudes than lower-division groups, but to give less time to politics. . . ."

"The greater activism of lowerclassmen may also reflect the liberating influences of the university. Students often express their newly found freedom by engaging in various forms of "nonconformist" behavior. . . ."

H. Generational conflict is caused, at least in part, by sharp value differences among generations,

says Lipset, and adds,

"Such cleavages—particularly between the better educated (younger on the average) and the uneducated (older)—are great in modernizing societies, but relatively minor in the developed societies."

"Similarly, the difference between the values of the university and those of society is considerable in backward societies and small in developed societies. . . . The tension between university and society will, therefore, be great in authoritarian societies, considerable in emerging and developing nations, which are normally quite particularistic, and relatively small in the democratic societies. . . ."

I. Lipset continues:

". . . as societies "modernize," their universities necessarily move from a diffuse to a specific relationship with both the state and religion. The growth of the scholarly and research function has required universities to separate themselves from the clergy and the politicians. The university must be free to find and teach what is scientifically "true" without concern for the reactions of religious or political establishments. . . ."

He points out, however,

". . . universities in the East, particularly state universities have been expected to be agents of state purposes. . . . Similarly, in many developing countries the national emphasis on economic development and modernization overrides the idea of the completely autonomous university. Various sections of the governing elite. . . believe that the university should serve the national interest of fostering development. . . . The effort to separate the university from extramural influences has been the most successful in the developed countries of Western Europe and the English-speaking world."

J. Lipset also points out:

"Student political patterns are also determined, in part, by variation in political institutions. . . . The lack of political stability in much of Latin America has stimulated student activism, since the possibility of successful agitation has been substantial, and students have occasionally been able to exert political leverage on weak governments. In Scandinavia, on the other hand. . . the stability and legitimacy of the established

political structures have discouraged student activism, and national politics is not generally seen as a legitimate domain of student concern. The same pattern can be seen in other politically stable nations.

"Confrontation politics is characteristic of politics in which students, and other groups as well, lack legitimate channels of communication to authority. Political groups turn to activist demonstrations when they find themselves ignored by the adult power structure.

K. Finally, Lipset lists as other causes of student unrest in many countries the substantial strains caused by rapid expansion of university facilities, the emergence of large student populations on one campus or within given cities, such as Buenos Aires, Mexico City, Berkeley, Calcutta, Tokyo or Paris.

Through this analysis of the role of the student movement in modern society, Lipset emphasizes the need for educational reforms and adds:

"These are some of the issues with which any analysis of the role of students in politics and higher education must deal. The university is premised on the belief that 'knowledge will make man free' and will increase his ability to control and to better his environment. Those interested in the role of students in politics are obligated to avoid using their special competencies and knowledge as weapons in ongoing campus politics. To separate one's role as scholar and citizen is often difficult. In this case, it is almost impossible."

#### (2) International student organizations

Philip G. Altbach, Assistant Professor at the University of Wisconsin, is well known for his bibliography of reference material dealing with the student movement. However, in his "International Student Movement" (United Asia, 1968), and his "Student Politics and Higher Education in the United States" (1968), Altbach makes the following interesting comment:

"A. Since the splitting up of the international student movement into Communist International Union of Students and the non-Communist International Students conference, the international student movement has not been able to free itself from financial and ideological reliance on either the East and West camps. As a result, (he adds), it should be noted that the true student movement has taken place outside the framework of these international student organizations.

"B. This would indicate, (Altbach says), the student movement cannot be manipulated from outside. The student movement has, in the last analysis, refused to identify itself with either left-wing or right-wing ideologies and the students are exchanging information among themselves and working on the government from their own independent standpoints."

In addition, Altbach has made a study of student sub-cultures, their political consciousness, the generation gap and the alienation of the student from his society. However, Altbach points out the need for future in-depth studies of student activist tactics, the reaction of the Establishment and the organizational basis of student activism. At the same time, he emphasizes that the research into student activism is the key for an understanding of the younger generation, and effort should be made to continue the research and use its constructive achievements.

Altbach is also known for dividing the student movement into "norm-oriented movements" and "value-oriented movements."

#### (3) International confederation among student movements

The Times (London) published a series on "Students in Revolt" in its May 27 to June

1 editions. One of the series, written by Richard Davy, was on the international interrelationship of the student protests in various parts of the world. Davy concludes there is mutual inspiration but no international conspiracy in the student movement and adds:

A. There was "no evidence of any organized conspiracy" behind the student movement. He says, however, the students all over the world are, first, affected by the same issues—the war in Vietnam, racial discrimination, "consensus politics" and "overstrained educational systems."

Secondly, he says, "... there is a great deal of cross-pollination, some of it organized and some not."

Then he cites the mutual visits of radical leaders, students and lecturers, exchange of letters, papers and books and the organization of mutual support demonstrations. He also points to the powerful effect of mass communications, bringing news of students movements in other countries almost instantaneously.

B. Davy contends the nearest thing to an international protest organization is the syndicalist movement, which Davy says:

"... started in Europe before the 'new left' in America, but it is now linked with it. The charter of the syndicalist movement was adopted at a meeting of the French National Student Movement in Grenoble in 1946. But it was not very active until 1966 when a French student leader, Peninou, a former Chairman of the French National Student Union U.N.E.F. called a meeting in Geneva."

Davy adds the movement attracted many students, including Communists, "who have influenced the movement but have never managed to control or direct it." He adds the syndicalists are not directing the protest movement. It merely facilitates the exchange of information and contacts.

Countries where the syndicalists are represented or have a following are Belgium, Canada (Quebec), West Germany, Great Britain, Holland, Ireland, Luxembourg, Portugal, Spain, Switzerland and the United States.

Davy then lists as concrete examples of international cooperation between various student movements, such cases are the members of the West Germany SDS playing a leading role in the Grosvenor Square demonstrations in London on March 17, 1968, participation of British and French student representatives in the conference of the West German SDS in Bonn, the participation of British and West German students in the Paris demonstrations... the joint declaration issued by Italian and West German students after a conference in Berlin, in April, 1968, the correspondence between the Sampa Zengakuren of Japan with the student non-violent Coordinating Committee (SNCC) in the United States and the extensive international contacts maintained by the Trotskyist Fourth International of Paris...

Events have not necessarily borne out Davy's predictions. But, it is interesting to note his forecast, written in May, 1968, on future international relations between student movements was as follows:

"It seems likely that international cooperation among students will increase, at any rate so long as there are issues such as Vietnam which bind together otherwise disparate groups. Possibly the momentum is now sufficient to carry the process on even if the Vietnam war ends. Present signs are that the cooperation will be largely confined to the United States and Europe—including gradually more of eastern Europe. There may be some contacts and common causes made with students in other parts of the world, particularly on issues like racial discrimination. Certainly European students will try to get this sort of cooperation going. But progress, if any, is likely to be slow, since most of the third world is wrapped up in itself."

## THE GATES COMMISSION REPORT ON ALL-VOLUNTEER ARMED FORCES—PART II, CHAPTERS 11 AND 12

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, chapter 11 of the Gates Commission report briefly touches on the budgetary implications of an all-volunteer force. Chapter 12 deals with the objections most frequently raised by critics against a volunteer force. The texts of the chapters follow:

### PART II

#### CHAPTER 11—BUDGETARY IMPLICATIONS

A major share of our research has been devoted to estimating the budget increases that will be required to sustain an all-volunteer force. The results of that effort are summarized in tables 11-I and 11-II.

Table 11-I presents our estimates of the additional expenditures that will be required to put our recommendations into effect in FY 1971.

Each of these sources of increased budget expenditures is discussed elsewhere in this report.

Table 11-II summarizes the average budget increases required to sustain all-volunteer forces with the same effective strengths as the 2.0, 2.25, 2.5, and 3.0 million man mixed forces for FY 1977 through FY 1979. We have chosen the period 1977 through 1979 as fairly representing the differences in budget requirements for the mixed and all-volunteer forces, because at that time accession requirements will have stabilized, and most of the savings resulting from an all-volunteer force will have taken effect. All of the comparisons are made in constant 1970 dollars; that is, there is no allowance for inflation. The pay profiles used to compute total pay and allowances are those set forth in chapter 5. For all of the mixed forces, we have used the estimated pay for FY 1970, which includes an across-the-board increase of 8 percent. For the 2.0, 2.25, and 2.5 million man all-volunteer forces, we have used the proposed pay profile shown in table 5-III. The 3.0 million man volunteer force requires a further pay increase both for first term personnel and for those serving beyond the first term. A more detailed discussion of the method used to derive these estimates is set forth in appendix A.

TABLE 11-I.—ADDITIONAL BUDGET EXPENDITURES FOR ALL-VOLUNTEER FORCE FISCAL YEAR 1971

[In billions of dollars]	
	Expenditure
Basic pay increase.....	2.68
Proficiency pay.....	.21
Reserve pay increase.....	.15
Additional Medical Corps expense.....	.12
Recruiting, ROTC, and miscellaneous.....	.08
Total.....	3.24
Less added Federal income tax.....	.54
Net addition to budget.....	2.70

#### CHAPTER 12—OBJECTIONS TO AN ALL-VOLUNTEER FORCE

Critics argue that elimination of the draft will adversely affect our society or our armed forces. Their main objections are: (1) an all-volunteer force will become isolated from society and threaten civilian control; (2) isolation and alienation will erode civilian

respect for the military and hence dilute its quality; (3) an all-volunteer force will be all-black or dominated by servicemen from low-income backgrounds; (4) an all-volunteer force will lead to a decline in patriotism or in popular concern about foreign policy; (5) an all-volunteer force will encourage military adventurism.

There are several compelling reasons why an all-volunteer force will not have the dire consequences some predict.

First, an all-volunteer armed force will not affect the institutional framework within which the Department of Defense and the military services now operate. The system of manpower recruitment is only a small part of that framework. An all-volunteer force does not impinge on the constitutional roles of the President, who will remain Commander-in-Chief; or the civilian service secretaries, who will remain responsible to him; or Congress, which will continue as an independent legislative and budgetary overseer. The change from a mixed volunteer/conscript force to an all-volunteer force maintains intact the legal structures that define the role and status of the military services.

TABLE 11-II.—ADDITIONAL BUDGET EXPENDITURES FOR ALL-VOLUNTEER FORCE, FISCAL YEAR 1977-79 AVERAGE

[In billions of dollars]

	2.0 Force	2.25 Force	2.5 Force	3.0 Force
Basic pay increase.....	1.58	1.86	2.24	5.09
Reserves.....	.13	.17	.24	.44
Proficiency pay.....			.14	.21
Medical.....	.13	.16	.16	.20
Miscellaneous.....	.08	.08	.08	.08
Total.....	1.92	2.27	2.86	6.02
Less turnover-related savings <sup>1</sup> .....	-.16	-.19	-.32	-.50
Total net of turnover-related costs.....	1.76	2.08	2.54	5.52
Less additional Federal income tax <sup>2</sup> .....	-.29	-.34	-.42	-.97
Net budget increase.....	1.47	1.74	2.21	4.55

<sup>1</sup> These are savings from reduced turnover over and above the direct pay and allowance savings that accrue as a result of force reductions.

<sup>2</sup> These are the additional Federal income taxes that will be collected as a result of the increased basic pay and other additional compensation paid to members of the Active Duty and Reserve Forces. They should properly be deducted in calculating the incremental expense for an all-volunteer force.

Second, this structure rests on deeply rooted and widely held values. Americans firmly believe in a clearly defined and limited military role, a belief derived from the Anglo-American heritage of individual freedom and democratic political processes. Defense of personal rights and liberties against all threats, foreign and domestic, has been a constant theme in English and American history. The English established parliamentary control over the military through the Glorious Revolution in 1688. The authors of the United States Constitution recognized that military forces were necessary, but they carefully circumscribed their role. They provided that the President be the Commander-in-Chief of the forces and gave the Congress the power to raise and support armies. Civilian control of the military has concerned every generation of Americans since 1776 and this concern remains high today.

In 1940, when peacetime conscription was first proposed in the United States, Senator Vandenberg reminded the Senate of these long-held attitudes and traditions:

"I am opposed to tearing up one hundred and fifty years of American history and tradition, in which none but volunteers have entered the peacetime Armies and Navies of the United States, unless there is valid rea-

son to believe that this reliance in 1940 has become a broken reed for the first time in a century and a half.

"There must have been sound reasons all down the years why our predecessors in the Congress always consistently and relentlessly shunned this thing which we are now asked to do. These reasons must have been related in some indispensable fashion to the fundamental theory that peacetime military conscription is repugnant to the spirit of democracy and the soul of Republican institutions, and that it leads in dark directions. That certainly is my view."

More recently, President Eisenhower reminded the nation of these considerations in his Farewell Address.

"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

"We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

In short, however the armed forces are recruited, a watchful population will continue to be the strongest force limiting the influence of the military in American society.

Third, there is much evidence that our society has more to gain than to fear from an all-volunteer force. Throughout its history, the United States has relied on volunteer military forces, resorting to conscription only in time of clear danger. Prior to 1948 conscription was abandoned after each major war and voluntary recruitment reinstated. Only in the past twenty years has the United States used the draft to raise a standing military force. During the long periods of entirely voluntary recruitment the United States never experienced a threat to civilian control from the military. These voluntary military forces were able to accomplish successfully the military tasks required of them. The rush of volunteers at the outbreak of every war demonstrates that a voluntary military did not produce a decline in patriotism. Nor is there evidence in our history that voluntary forces encouraged military adventurism. Our national experience strongly indicates that a volunteer force is likely to promote civilian control of the military improve the quality of the armed forces, foster continued patriotism and help avoid military adventurism.

Lastly, the manpower policies of an all-volunteer force will largely maintain the existing qualitative composition of the armed forces. This conclusion is based on an analysis of the main alternatives available to us for recruiting military manpower. We have made projections of two future forces—one a mixed volunteer-conscript force, the other an all-volunteer armed force. In comparing the two alternative forces, we use four categories: the career force, true enlistees in their first tour of duty, draft motivated enlistees in their first tour, and draftees. The career force contains men voluntarily serving beyond any period of obligated service. True enlistees are men who would have joined even if there were no draft. Draft-motivated enlistees are men who say they would probably not have joined if there were no draft. Draftees are, of course, men inducted under Selective Service procedures. Table 12-I shows the number of enlisted men in each of the categories for the two alternative 2.5 million man future forces. The table shows that 83 percent of the mixed force will be serving voluntarily.

TABLE 12-I.—COMPOSITION OF MIXED AND VOLUNTEER FORCES, 1980

[In millions of men]

	Volunteer force		Mixed force	
	Number	Percent	Number	Percent
1st-term force				
Draftees.....	None		0.193	9
Draft-induced				
volunteers.....	None		.182	8
True volunteers.....	1.079	52	.925	43
Career force—volunteers.....	1.010	48	.846	40
Total.....	2.089	100	2.146	100

Since career men and true volunteers in the mixed force will remain in a volunteer force, the potential differences in the two forces are mostly limited to the kind of men who are draft induced volunteers or draftees in the present mixed force.

Draft motivated volunteers are men who object less to military service than the men who are drafted. A potential draftee is presented with a forced choice. He can be drafted into the Army for two years or he can enlist in the service of his choice and get a better chance of serving in the branch and occupation he prefers. Enlistment generally requires additional time in service—one year extra in the Army, two extra years in the Navy and Air Force. Draftees are not willing to serve this extra time. But draft motivated volunteers are willing to trade extra time in uniform for preferred service. These draft motivated volunteers are the type who will find service in an all-volunteer force attractive. Improved compensation and better conditions of service will appeal to the men who would otherwise volunteer to avoid the draft. The major quantitative difference between the projected all-volunteer force and the projected mixed volunteer-conscript force is, therefore, the presence of 193,000 draftees in the latter, nine percent of the enlisted force.

Further, the qualitative standards for entry into the two alternative forces will be the same. Identical mental, physical and moral standards will act to reduce differences in the types of men who man the two forces. Men who will not qualify to enter the mixed force will also not qualify for the all-volunteer force. For example, some 30 percent of America's young men do not presently qualify for military service. A disproportionate share of these men come from a low income environment. These men will continue to be ineligible for military service whether or not they are attracted to military life.

Raising first-term military pay will increase the attractiveness of the military more to young men with higher earnings potential than to young men with lower earnings potential. For those who have very poor civilian alternatives even the present low level of first-term pay is relatively attractive. In either the mixed force or the all-volunteer force, men who have very poor civilian alternatives and who meet the military's standards will be able to enlist and re-enlist. But the low first-term pay of the present mixed force is a real obstacle to recruiting men who have better civilian alternatives. Increasing first-term pay for the all-volunteer force removes this obstacle and should increase the flow of qualified enlistees. In spite of low first-term pay an estimated 140,000 high-school graduates entered the military as true volunteers during 1968. Higher first-term pay certainly would have attracted some of the remaining 1.2-million male high-school graduates who either entered the labor force or continued their education.

The men attracted to an all-volunteer force will not necessarily make military service their career. In fact, about 65 percent of

the men who enter the all-volunteer force will leave after a single tour of duty. We estimate that turnover in the all-volunteer force will be three-quarters of the turnover in a comparable mixed force. As table 12-I shows, 52 percent of the men in the projected volunteer force will be first-termers—only slightly less than the estimated 60 percent in the comparable mixed force.

The all-volunteer force will resemble a mixed volunteer and conscript force in other ways. In the important area of officer recruitment, the majority of new officers in the all-volunteer force will come from ROTC, direct appointments and officer candidate school. Each year the military will continue to draw new leaders into the service from the same sources as it does today. Most of these men will enter at the bottom and advance to higher levels just as officer personnel do today.

Because we do not expect major changes in the composition of the armed forces, we do not expect major changes in the relationship between the armed forces and the rest of society.

Beyond these general considerations, we felt obliged to study several specific questions to insure that our conclusions were valid. Assuming the change to an all-volunteer force might affect the relations between the armed forces and society, would it result in understandable separation? How might the change affect the racial composition of the forces? What might be the consequences of a reduced flow of veterans from the forces into society? How might the end of the draft and reliance on all-volunteer forces affect the foreign policy decision-making process? Much of the opposition to an all-volunteer force arises because such questions have not been carefully explored.

Concerns about the all-volunteer force are often expressed in emotionally charged terms—"mercenaries"—and rely on, leaps of the imagination to close the gaps where evidence is lacking. It is easy to conjure up the threat of a more powerful military establishment which would gain unwarranted influence within the government, until one hears other voices claiming the opposite—namely, that isolation of the military will lead to reduced influence and a less effective force. Through these (and other) objections, runs the assertion that the military and the rest of society will be "alienated."

#### *Isolation and civilian control*

The long-established institutional framework, firm public attitudes, and the similarity of the future forces with or without conscription will help prevent separation between the armed forces and society if the United States adopts an all-volunteer force. Still, critics feel that the high turnover of manpower generated by the Selective Service System is a healthy phenomenon. The flow of men into and out of the armed forces is thought to generate a link between the services and civilian society that will be weakened or lost with an all-volunteer force. It is claimed that the constant inflow of civilian draftees with limited commitment to the military guards against the growth of a separate military ethos. It is further claimed that the constant outflow of veterans to society makes society more informed, more patriotic, and more alert to threats to national life.

Concern about isolation of the military is heightened by the knowledge that the men in an all-volunteer force would be self-selected rather than chosen by their draft boards. The change, some say, will result in an Army composed of undesirable psychological types, men inclined to use force and violence to solve problems. A mercenary army might develop. The men in the military might come to serve the military's interests against society, leading eventually to loss of society's control over the armed forces. Isolation and alienation could also operate on civilian society. As the military grew apart

from the rest of society, interest in military matters would diminish and anti-military attitudes would develop. This would make it difficult to attract high quality men into the armed forces and the military's stature would fall further. A cycle of anti-militarism and falling prestige would ensue. Both the quality of military leadership and the effectiveness of the military as a fighting force would deteriorate. The experience of other nations is sometimes cited to support fears of such undesirable consequences.

We have examined the issues raised by those who fear potential alienation of the armed forces. Some are mutually contradictory. For example, an all-volunteer force cannot both strengthen and weaken the influence of the armed forces. We do not believe that an all-volunteer force such as we recommend will become isolated or alienated from society.

Those who fear greater alienation from voluntary recruiting exaggerate the difference between volunteer and conscripted forces. We have already pointed out that the men in both forces will be largely the same types. Moreover, the turnover of the volunteer force will be three-fourths as large as if conscription is retained. At a force level of 2.5 million men the volunteer force must attract 325,000 men, the conscripted force 440,000 men. Further, the men who join the volunteer force will not all become long service professionals. An estimated 215,000 men will leave after serving a single tour. As a result, about half the men in the volunteer force will be in their first tour of duty. The large infusion of new men will help insure that neither force becomes isolated from society.

The charge that the United States' armed forces will become "mercenaries" is easiest to answer. The term implies a single motive—monetary reward—which precludes patriotism and all other motives for service. It is usually applied to those who serve a foreign power. We simply cannot take the charge seriously. Why should an all-volunteer force be a mercenary force when our local police, F.B.I. agents, and federal marshals, all entirely voluntary, are not? Changes in compensation and conditions of service for the all-volunteer force will enhance the attractiveness of the armed forces for citizens who will serve for a variety of reasons. Many factors affect the choice between military and civilian opportunities, and pay is weighed along with the chance for interesting work, living conditions, travel, opportunities for promotion and others.

To suggest that men who enlist to serve their country do so only for pay is to demean the hundreds of thousands who voluntarily serve today. More than half of all the men in today's forces are true volunteers. This includes one-third of the men with less than four years service. Given today's first-term pay levels, these men must be motivated by other considerations, including a high sense of dedication to their country. Whatever motivates these first-term men will not disappear simply because the draft is no longer used to compel other men to serve and because conditions of service improve. Nor should we expect that the recommended pay increases will diminish the demonstrated dedication of the career force. On the contrary, patriotism is now weakened by the fact that society initially underpays men who volunteer and generally treats military service as an activity which men will undertake only if compelled to do so.

The charge that the all-volunteer force will be manned by "hired killers" obsessed with violence is as empty as the talk of "mercenaries." Such men—assuming they exist in significant numbers—are free to join the present mixed force. If anything, discipline of the violence-prone would be enhanced in a fully professional volunteer force.

As for the feared possibility of military intervention in political matters, this occurs

when civilian political leadership is weak and indecisive or when its legitimacy is called into question. Those nations which have experienced military interference in political affairs suffer ills entirely unrelated to the presence or absence of conscripts in the ranks. Furthermore, such interventions usually arise from the officer corps. In the two major nations which have relied on volunteer forces throughout most of their modern history—the United States and the United Kingdom—it is difficult to find anything remotely resembling military intervention.

The modern history of Europe and Latin America reveals no evidence that all-volunteer forces are more likely to overthrow civilian leadership. But, major direct military interventions in political affairs are not the only concern of those who oppose an all-volunteer force as a threat to civilian control of the military. They also fear that the military will acquire excessive political and social influence. These fears appear groundless. An all-volunteer force will not have any more influence on the President, Congress or the rest of society than the military now possesses. In fact, to the extent size alone matters, the impact of an all-volunteer force will be less since it will be somewhat smaller than a mixed force of equal effectiveness. An all-volunteer force will have a larger budget, but the additional funds will be used for compensation and will not provide more control over real resources.

Elimination of the draft will also reduce somewhat the military's influence over the use of manpower resources in the civilian sector. The Selective Service System frankly acknowledges that it uses the draft to direct potential draftees into activities it regards as vital to the nation:

"The deferment of men from military service to pursue civilian activities in the national interest has always been a function of Selective Service. The prospect of deferment has had the effect of influencing men to pursue such activities.

"The spectrum of skills vital to the nation's capacity to survive has steadily broadened. Its limits cannot be foreseen. It embraces many civilian activities as well as service in uniform. Particularly since the beginning of the "space age" the breadth of the concept of what constitutes "service" in defense has been difficult to fix. But it has been equally apparent that the fullest development and wisest utilization by citizens of their capabilities is vital to the nation."

In making decisions about manpower allocation, the Selective Service System operates independent of any direct Congressional review. This "channeling" process gives deferments for defense related work and not for otherwise similar non-defense work. The return to an all-volunteer force would end this practice, and to that extent limit the military's influence on the setting of social priorities in America.

On balance the elimination of conscription may slightly reduce the influence of the military, but the effect is so small as to be negligible.

Behind fears that the military's political power would be enlarged lies a basic concern that an all-volunteer force would develop its own rigid ethos. Even if the military did not have increased political power, some fear it would use the power it possessed in undesirable ways. Again, this fear assumes a greatly exaggerated difference between an all-volunteer and a mixed force.

The officer corps exercises the dominant influence on military values. Elimination of the draft will not significantly alter its composition. Officers will continue to be recruited from all over the nation and from a variety of socio-economic backgrounds. Further, the change to an all-volunteer force will have no effect on top leadership, since these men have always been professionals. There is little evidence that the views of enlisted men have a

significant impact on their thinking and even less evidence that this impact depends upon how enlisted men are recruited. If there is a separate military ethos, it will persist in a mixed as well as an all-volunteer force.

Moreover, it is by no means clear that a problem exists at all. There is now significant interaction between the military and the rest of society. The military is not isolated from the mass media which permeate all walks of life. Also, the forces contain a wide variety of specialists, not only in air, sea and ground combat, but also in all branches of engineering and science, in computer applications, medicine and dentistry, law, aviation, personnel management, ship building, and others. These men are often in daily contact with their fellow professionals in the civilian sector. Much specialist and officer training takes place in the civilian sector. The Defense Department employs more than one million civilians, and many officers serve tours of duty which require daily contact with the business community, academic institutions, and other civilian organizations.

If the present degree of military and civilian interaction is inadequate, conscription does not solve the problem. The solution lies in taking further steps to reduce the separation between the military and the rest of society. Many of the benefits provided in-kind to military personnel increase that separation. A serviceman can live on a base, shop in the commissary and post exchange, send his children to a school filled with children whose parents are also in the military, and have his family's medical needs attended to in a military hospital. If more military compensation were paid in cash and less of it in-kind, the military might be less isolated from the rest of society. Also, more of the training and education of military personnel could be civilianized; and, as suggested elsewhere in this report, medical services could be civilianized. An aggressive expansion in the use of lateral entry, especially in the officer corps, would provide leaders less identified with any prevailing military ethos. These are some steps which might be taken if the nation desires a closer identification between military and civilian values. However, they may have an adverse effect on morale in the military. By working and living together, servicemen develop a rapport which is very important in combat. One cost of having more civil-military integration may be a less effective defense establishment.

#### *Isolation and military quality*

While some worry that an all-volunteer force will increase the power of the military, others believe it will lead to the deterioration of the military. They see the end of conscription as causing public neglect, significant reductions in the defense budget, a general decline in the prestige of military service, and a reduced quality of military personnel. In fact, the effect of the all-volunteer force should be the reverse of this gloomy picture. As it stands today the draft is a major source of antagonism toward the military, which erodes public support of the armed services. Because the draft is unnecessary, an all-volunteer force offers an obvious opportunity to curb the growth of anti-militaristic sentiment.

Of course, civil-military relations will never be uncontroversial. They have not been so in the past, whether manpower has been raised by conscription or voluntarism. The military have a distinct and separate set of responsibilities of fundamental importance to the survival of American society. Military leaders seek assurance that they will be able to accomplish successfully the tasks they may be called upon to do. Uncertainty about potential threats and our ability to cope with them leads to differing judgments about the size of forces required. These differences bring about conflict between the demands of the military and the demands of other groups in our society and will do so regardless of whether there is a draft.

The resolution of this conflict will vary depending on the public's evaluation of national priorities. During the 1930's defense expenditures averaged one percent of Gross National Product, but from 1955 to 1964 they averaged nine percent of Gross National Product. The strength of our armed forces is based on fundamental public attitudes toward national defense. No doubt the shift to an all-volunteer force will have some effect on those attitudes. Those who no longer face the threat of conscription and those who oppose the draft on moral grounds are likely to feel less hostile toward the military, while those whose taxes are increased may be displeased. On balance, it is difficult to see which of these factors will predominate.

More importantly, it seems clear that neither factor is likely to have very much effect. Since World War II our peacetime armed forces have been consistently supported at levels unparalleled in our history. This can hardly be explained by the fact that we have also had conscription during these years. The public has supported the maintenance of large forces because it has felt that they were essential to national security. The change from a mixed force of volunteers and conscripts to an all-volunteer force will not dramatically change that feeling.

In recent years military service has been scorned and condemned by some Americans. No doubt, the Vietnam War is partly responsible, but the draft has also contributed to the military's unpopularity. Young men are inevitably skeptical about a career in an organization which has to use compulsion to obtain recruits. Moreover, the low pay implies that society places little value on a soldier. The termination of the draft should immediately enhance the prestige of enlisted service. The knowledge that those in the armed forces have freely chosen to serve their country cannot but improve their image—in their own eyes as well as in the eyes of society. Our recommendations regarding military compensation have been discussed earlier. They should also go a long way toward improving the image of a military career and they are aimed at maintaining the quality of military personnel. Many of our recommendations for increasing the efficiency of military personnel management will also enhance the image of military life. Making the terms of obligated service for enlisted men the same as those for officers, vesting retirement benefits, encouraging lateral entry and similar changes will operate to reduce the differences between military and civilian careers. Military careers will become more professional and avoid the stigma of being an unpleasant task that some men must be forced to do temporarily.

The return to an all-volunteer armed force should improve the "quality" of military life. Conscription enables the military to ignore individual dignity and desire, secure in the knowledge that the draft will replace those who do not like the military system. The entire military "atmosphere"—the approach to training, discipline, and treatment of individuals—must be re-examined. In the modern army at most one-third of the men serve in infantry or ground combat units, and the others serve in technical, administrative and logical billets. The appeal and utility of military occupational training can be improved by greater recognition that some individuals do not need the kind of training traditionally given all recruits as potential infantrymen. Assignment policies which minimize family separation and which reduce the frequency of duty changes and moves will also make military life more attractive.

Elimination of conscription will also affect the American officer corps even though its recruits have always been volunteers. The draft induces many men to volunteer for service as officers to avoid being inducted as enlisted men. Thus the prestige of military service has been hurt by the draft even in

the officer corps. Officers as well as enlisted men will benefit from the changes the Commission is recommending. Pay will be increased, particularly for junior officers. Change in conditions of service and in the quality of military life will make military careers more attractive to potential officers.

#### *An army of the black?*

Members of both the white and Negro communities have expressed concern that the all-volunteer force might fill its enlisted ranks with the poor and the black. This concern is linked to the recognition that to move to a voluntary force requires a substantial increase in first-term military pay. Higher pay, it is said, will increase the attractiveness of military service primarily among lower income groups, where the proportion of Negroes is high. A predominantly black enlisted force might develop. This will result, according to some, in the black and the poor bearing a disproportionate share of the burden of defense. Some whites are concerned with the dangers of having in the community a large number of blacks who have had military training. They fear that these men will participate in domestic disorders and riots.

There is no evidence that the black community would be happy with an increase in the number of blacks in the military. Increasing the attractiveness of the military will draw able young males into the services because other job opportunities are denied them. In most black communities there is a need for able young black males to enter civilian careers, work on community projects, and inspire the young. There is strong evidence to suggest that the black community, more than the white, looks at the "male drain" as extremely costly.

Many of these questions and concerns cannot be answered rationally. Racial attitudes and fears are emotionally based. Solid facts and the sound judgments are seldom cures for prejudice. For example, those who fear "domestic disorders" as a result of blacks serving in the military raise such unanswerable questions. To bar blacks from the military because of these fears will not solve the root causes behind domestic disorders. Black participation in the military will neither quiet nor aggravate domestic disorders.

The racial aspects of the relationship between the armed forces and society have been given special consideration by the Commission. We have concluded that the racial composition of the armed forces cannot be fundamentally changed by ending the draft. Even if higher pay appealed only to the "poor," twice as many whites as blacks would be attracted. The proportion of blacks below the poverty line in 1967 was 38 percent while only 11 percent of whites were in the same category. But, in absolute numbers, more than twice as many whites (17.6 million) as blacks (8.3 million) were below the poverty line.

The relevant comparison is between the racial mix of the all-volunteer force and the racial mix of an alternative force of conscripts and volunteers. We conclude that the similar manpower policies of the two forces will result in similar racial composition in the two forces. The mental, physical, and moral standards for enlistment will ensure that neither force recruits an undue proportion from minority groups or the poor. The best estimate of the proportion of blacks in the all-volunteer force is 14.9 percent, compared with 14.1 percent in a mixed force of conscripts and volunteers. In the Army, the proportion of blacks in the volunteer force is 18.8 percent; in the mixed force it is 16.6 percent. At a 2.5 million man force level, only five to ten thousand more blacks will serve in the enlisted component of a volunteer force than in a mixed force.

Our estimates are based on a careful review of all aspects of the racial composition of the armed forces. As a first step, participa-

tion by whites and blacks in the military during the 1960's was examined. Second, the detailed projections of the alternative future forces were analyzed to determine the racial mix of the 2.5 million man force in 1980. The number of blacks in either force depends on the number of young black males in the population, their qualifications for military service, the rate at which the qualified enter the military, and the rate at which they re-enlist. Our analysis of these factors is based on data provided by the Department of Defense and the Census Bureau.

#### Participation of blacks in present forces

Because of racial differences in civilian earnings, even the current levels of military pay are more attractive to blacks than to whites. In 1966, the average annual income of a 24-year old white high school graduate was \$6013, for a black high school graduate the same age average annual income was \$4344. In the military, the earnings of the two men would be nearly the same. In spite of this relative attractiveness, the proportion of blacks in the armed forces has been slightly less than the proportion in the U.S. male population.

During the late 1960's, Negroes constituted from 9.0 to 9.5 percent of the total armed force. In June 1969, two percent of the officers were Negro as were 10.5 percent of the total enlisted force as shown in table 12-II. Both in total and in the enlisted component alone, the proportion of Negroes was somewhat less than their proportion (12 percent) in the young male population. Negro participation in the Army in Southeast Asia (11.4 percent) is slightly less than their percentage in the total Army (11.7 percent).

The forces of the 1960's were, of course, mixed forces of volunteers and conscripts. However, the racial composition of these forces is only partially the result of conscription, since even under the draft a majority of the military are there on a fully voluntary basis. The distinction between the first term force and the career force is helpful in understanding the racial composition of the armed forces. The first term force includes draftees, draft motivated volunteers and true volunteers, men who say they would have volunteered at current pay levels even if there were no draft. The career force includes all men who have voluntarily re-enlisted.

TABLE 12-II.—NEGRO PARTICIPATION IN THE ARMED FORCES, JUNE 30, 1969

	[In percent]			In Southeast Asia
	Officer	Enlisted	Total	
Army.....	3.2	12.8	11.7	11.4
Navy.....	0.4	5.3	4.8	4.5
Marine Corps.....	1.0	11.9	11.0	10.3
Air Force.....	1.8	10.6	9.2	10.5
Total, DOD.....	2.0	10.5	9.5	10.4

The racial mix among true volunteers in the first term of service and in the career force gives some insight into the racial composition of the all-volunteer force. Table 12-III shows that blacks constituted only 12.7 percent of nearly 1.7 million enlisted men serving voluntarily in 1969. Among true volunteers, blacks are now serving in the armed forces almost exactly in proportion to their numbers in the U.S. population. About one-third of the men in the first term of service are true volunteers. Of these men, 11.6 percent are black. The proportion of blacks in the career force is 13.1 percent—only slightly higher than the percent in the U.S. population. The same holds for women in the military who, of course, serve free of the compulsion of the draft. In all cases, the proportion of blacks is highest in the Army and lowest in the Navy. At present, blacks con-

stitute nearly 20 percent of the Army career enlisted force.

These proportions depend on the racial mix among men entering the two force components. The proportion of blacks in the first term true volunteer force depends on the proportion of blacks among true volunteers entering the military. The proportion of blacks in the career force depends on the proportion of re-enlistees who are black. The data in table 12-IV shows blacks as a percent of the men flowing into the career force. (The percentage given in the table should not be confused with re-enlistment rates. Re-enlistment rates are higher for Negroes than for whites, but these depend on the definition of eligibility for re-enlistment. Since eligibility rates are lower for Negroes than for whites, a comparison using re-enlistment rates overstates the proportion of Negroes entering the career force.) The percentage of blacks among those re-enlisting at the end of their first term of service has fallen sharply in recent years. This is largely the result of a sharp decline in the percentage of blacks among first term re-enlistees in the Army. The decline in the percentage of blacks re-enlisting will eventually lead to a decline in the percent of blacks in the Army career force.

TABLE 12-III.—BLACKS, AS A PERCENT OF ENLISTED TRUE VOLUNTEERS IN THE 1969 ARMED FORCES

	Male			Female, total
	1st term	Career	Total	
Army.....	16.4	19.2	17.7	15.4
Navy.....	6.0	7.0	6.5	6.2
Marine Corps.....	11.8	11.9	11.8	15.1
Air Force.....	11.4	12.0	11.8	11.1
DOD total.....	11.6	13.1	12.7	11.0

TABLE 12-IV.—BLACKS AS A PERCENT OF 1ST-TERM REENLISTMENTS<sup>1</sup>

	1965	1966	1967	1968	1969
Army.....	22.3	20.7	19.2	14.3	11.8
Navy.....	6.8	6.4	7.1	6.5	6.8
Marine Corps.....	12.5	11.3	13.4	12.0	12.8
Air Force.....	15.1	10.9	15.1	13.0	14.0
DOD total.....	16.3	14.7	14.6	11.9	11.4

<sup>1</sup> Data for 1965 to 1968 is calendar year. Data for 1969 is fiscal year.

In summary, in today's force blacks do not serve disproportionately to their numbers in the population. This is true for the total force and for the true volunteer component alone. Black participation is highest in the Army, where about one man in five in the career force is Negro.

#### Participation of blacks in future forces

Estimating the participation of blacks in the all-volunteer force or the future mixed volunteer and conscript force requires examination of (1) the projected pool of young white and black men available for military service, (2) the ability of these men to meet the mental and physical standards of the military service, (3) the first term military participation rates among qualified men of both races and (4) the re-enlistment behavior of men in the military. A range of estimates of the proportion of blacks in the armed forces has been developed by varying assumptions about qualifications rates, enlistment rates and re-enlistment rates.

Young men in the 17 to 20 age group are the primary source of initial enlistments. During the 1970's this pool will grow by more than a million men. But, since the white pool will grow at a slower rate than the black pool, the proportion of blacks available for military service will increase, as shown in table 12-V. This trend makes it likely that

the proportion of blacks in either the all-volunteer force or the mixed force will increase during the 1970's from today's 10.6 percent. These proportions of blacks in the military age population provide a standard for evaluating minority group participation in the alternative future forces.

TABLE 12-V.—TRENDS IN THE 17-20 MALE POPULATION

Year	[In thousands]			Percent nonwhite
	Black	White	Total	
1965.....	782	5,726	6,508	12.0
1970.....	998	6,456	7,454	13.4
1975.....	1,159	7,188	8,347	13.9
1980.....	1,297	7,358	8,655	15.0
1985.....	1,195	6,388	7,583	15.8

TABLE 12-VI.—PREINDUCTION EXAMINATION ACCEPTANCE RATES

	[In percent]				
	1964	1965	1966	1967	1968
White.....	52.8	60.3	64.8	60.8	59.7
Black.....	21.7	29.2	42.5	49.9	45.8

It is an unfortunate fact that not all these young men will be qualified for military service. The qualifications for service will be retained at today's level in both the all-volunteer force and the alternative mixed force. To be acceptable for military service, young men must meet certain minimum physical, moral, and mental standards. For example, men who score in the lowest 10 percent on the Armed Forces Qualification Test are exempted from military service. The results of examinations of draftees \* \* \* acceptable for military service in young men for military service. (See table 12-VI). Clearly, the proportion of young black men found acceptable for military service in preinduction examinations is lower than the proportion of young whites found acceptable. But just as clearly, the acceptance rate for young blacks is rising rapidly. Acceptance rates for enlistees are higher than for draftees, running better than 90 percent overall. Combining the results for draftees with the higher acceptance rates for similar examinations for enlistees in all services gives an overall acceptability rate of about 73 percent for whites and 53 percent for blacks based on the recent past. Estimates of the qualified black population have been made based on recent experience (53 percent acceptability), and for improved black acceptance rates (63 percent acceptability) and are shown in table 12-VII. The acceptability of young whites has been held constant at 73 percent. Though the proportion of young blacks in the population is growing, their numbers remain relatively small. This limits the number of blacks who will serve in the armed forces.

TABLE 12-VII.—MALE POPULATION 17 TO 20 QUALIFIED FOR MILITARY SERVICE

Year	Qualified black population based on—		Qualified white population, 73-percent acceptability
	53-percent acceptability	63-percent acceptability	
1970.....	528,490	628,740	4,712,880
1975.....	614,270	770,170	5,247,240
1980.....	684,410	817,110	5,371,340
1985.....	633,350	752,850	4,663,240

The next step in estimating the racial composition of future forces is to determine the number of men of both races who can be expected to participate in the first term force. The all-volunteer force will attract men through higher pay and improved conditions of service. The mixed force would in-

clude draftees, draft induced volunteers and true volunteers. Recent experience has been used to estimate the participation of true volunteers in the armed forces and to show how the participation rate is affected by military pay increases. Table 12-VIII gives true volunteers in the first term of service during 1969 as a percent of the qualified male population, 17 to 20. For example, some 51,200 blacks in the Army in their first term of duty would have enlisted even if there had been no draft. In 1969 the qualified black population was about 512,000, so 10 percent of the qualified men were serving as true volunteers.

TABLE 12-VIII.—TRUE VOLUNTEER PARTICIPATION RATES AT CURRENT LEVELS OF PAY

	White (percent)	Black (percent)
Army.....	5.65	10.00
Navy.....	3.80	2.18
Marine Corps.....	2.47	2.96
Air Force.....	3.46	4.01
DOD total.....	15.38	19.15

The rates in table 12-VIII, and similar participation rates for draft induced volunteers have been used to estimate volunteer participation in the mixed volunteer and conscript forces. The proportion of blacks among draftees in recent years has been higher than their proportions in the qualified population. During the last five years, Negroes constituted only 9.2 percent of the qualified population but were 14.3 percent of the men actually inducted. Estimates of the proportion of blacks among draftees are based on recent experience and, alternatively, on the assumption that blacks are drafted exactly in proportion to their numbers in the qualified population.

Voluntary participation rates depend on the relationship between the military compensation and civilian earnings. If military pay is increased relative to civilian earnings, participation rates should increase. The pay increases recommended in chapter 5 will result in about a 40 percent increase in first term military pay. But the effect of the increase on black participation rates will be smaller than on white participation rates. Because a larger proportion of the qualified black population is willing to serve at today's relative pay level, the 40 percent increase will attract a smaller percentage of additional black entrants. For example, studies of Air Force re-enlistments indicate that a 10 percent increase in relative pay will increase white re-enlistments by 24 percent but black re-enlistments by only 18 percent. Two assumptions were used in estimating the effect of the recommended first term pay increase on participation rates. In one case, the percentage increase in the black participation rate was assumed to be three-quarters of the percentage increase in the white participation rate. In the other case, equal percentage increases were assumed.

Experience during the 1960's has also been used to estimate the racial composition of the career force. For example, blacks constituted 12.7 percent of the true volunteers entering the Air Force between 1963 and 1966. When men who entered the Air Force in this cohort made first term re-enlistment decisions, 14.4 percent of the re-enlistees were black. The ratio of these percentages, 1.134, is applied to the estimated first term black proportion to estimate the proportion of blacks in the career force. Thus, if 11.1 percent of the men in the first term service in the Air Force were black, the percent of blacks in the career force is estimated to be 12.6. The same procedure was used for all services.

These assumptions and estimates yield a variety of estimates of the proportion of

blacks in the two alternative 2.5 million man future forces. For the voluntary force, these estimates range from 12.8 percent to 16.0 percent. For the mixed force of conscripts and volunteers the lowest estimate is 12.1 percent and the highest is 15.1 percent. Tables 12-IX and 12-X give the best estimate of the proportion of blacks in the two forces. For both forces, these estimates assume that the proportion of black males qualified for military service rises to 63 percent. For the mixed force, blacks are assumed to be drafted in proportion to their presence in the qualified population. For the all-volunteer force, the effect of the first term military pay increase is assumed to be smaller for blacks than for whites. Given these assumptions, the proportion of blacks in the two forces is nearly equal. The highest estimate for the proportion of blacks in the all-volunteer force 16.0 percent, occurs when the effect of the pay increase is assumed to be the same for both races. For the mixed force, the highest estimate is 15.1 percent, when blacks are assumed to be drafted in a higher proportion than their numbers in the qualified population, as during the late 1960's.

TABLE 12-IX.—ESTIMATED RACIAL COMPOSITION OF THE ENLISTED MALE ALL-VOLUNTEER FORCE IN 1980

	White	Black	Total	Percent Negro
Army.....	671,250	155,850	827,100	18.8
Navy.....	476,050	42,550	518,600	8.2
Marine Corps.....	155,150	29,650	184,800	16.0
Air Force.....	476,200	82,700	558,900	14.8
DOD total.....	1,778,650	310,750	2,089,400	14.9

TABLE 12-X.—ESTIMATED RACIAL COMPOSITION OF THE ENLISTED MALE MIXED FORCE IN 1980

	White	Black	Total	Percent Negro
Army.....	723,400	144,300	867,700	16.6
Navy.....	483,750	42,850	526,600	8.1
Marine Corps.....	154,250	31,950	186,200	17.1
Air Force.....	481,200	84,200	565,400	14.9
DOD total.....	1,842,600	303,300	2,145,900	14.1

Even if higher estimates were realized, we would not consider asking the government—including the military—to cut back on hiring blacks, or to set quotas. Government service has traditionally been a major source of employment for blacks. This is as true for blacks with the highest skills and degrees as well as for other levels of training and income. The participation of blacks in municipal, state and national government reflects the confidence blacks have in the government as a "hirer of last resort." Discrimination and segregation in other sectors of society traditionally have persisted long after government policy changed to include blacks. Citizens who are concerned with racial imbalance in this or that sector must work to open opportunities for blacks in all occupations. Then, and only then, will the question of "proportionate representation" be fair.

*Veterans in society*

Many Americans are concerned that creation of an all-volunteer force will adversely affect the size and composition of the veteran population. They reason that a system of military recruitment which uses conscription takes many young men from society, exposes them to an important experience, and then rather quickly returns them to civilian life.

Veterans are today a substantial part of American society. In 1968 veterans were 13 percent of the total population, 23 percent of the adult population, and 47 percent of the adult male population. These more than 27 million veterans averaged 44 years in age, and 27 months of active duty. Both their

numbers and their ages make the influence of veterans on American life highly significant.

A volunteer system will take fewer recruits, retain them longer, and return fewer veterans to civilian society. If military experience is beneficial, there would be some loss in the qualities that veterans bring to society—qualities that are attributed to military experience.

Military life is thought to have a discernible and beneficial impact on an individual's capabilities, attitudes, and behavior patterns as they are carried over into the veteran's civilian life. The differences between veterans and non-veterans are described in a variety of ways. Veterans are said to display more patriotism and to be readier to serve our nation. Some argue that veterans are better informed and more concerned about a wide variety of foreign and domestic affairs and, thus, are more alert to threats to the nation. Veterans are alleged to behave differently—to have more self-discipline and to pay greater attention to neatness and hygiene. Veterans are said to do better economically than non-veterans, to participate more in community social and political activities, and, in general, to make better and more productive citizens.

We have studied the effect of an all-volunteer force on the size of the veteran population. In addition, we have examined the effect of military service on men's attitudes toward national security and other contemporary issues to determine whether veterans are different from non-veterans and whether the differences are beneficial.

At any force level, the turnover of military personnel and the consequent annual flow of new veterans will be smaller under an all-volunteer system than under the mixed, conscript-volunteer system. Using an estimate of 15 percent as the enlisted turnover for the volunteer force and 20 percent for the mixed force, about 130,000 fewer veterans would be added annually to the veteran population with the all-volunteer force.

For the next 20 years World War II, Korean War and Vietnam veterans will dominate the veteran population and therefore the short-run impact of ending the draft will be small. Eventually, lower turnover will mean a smaller veteran population. For example, by adding projected new veteran accessions to the existing veteran population and adjusting for mortality, the present system of conscription will generate a veteran population of 26.3 million by the year 2000. For the same effective force, an all-volunteer force adopted in 1971 would generate 3.2 million fewer veterans over the next 30 years. Veterans as a percentage of the total population would decrease from 13 percent today to about 8 percent in the year 2000 under a mixed conscript-volunteer system and to about 7 percent for an all-volunteer force.

Whatever the exact quantitative effect of a return to an all-volunteer force, if military service instills patriotism and greater awareness of national interests, ending the draft would eventually affect public attitudes about foreign policy and national security matters. Alternatively, if military service does not instill different attitudes then the change in method of recruiting will have no effect. To study the influence of military service on public attitudes we used national opinion surveys on a wide variety of domestic, foreign policy and security issues that also had information on the veteran status of respondents. Military experience proved to be a minor factor in explaining opinion differences. Other characteristics—notably occupation, income, region, education, political party, age, race and other sociological attributes—are far better predictors of attitudes than veteran status. Indeed, there is a significant difference between attitudes of veterans and non-veterans—holding other characteristics constant—on only one mat-

ter of contemporary debate—namely, attitudes toward veterans' benefits.

Similarly, the effect of military training on earnings is much more questionable than frequently supposed. Since 1960 over three-quarters of the active military personnel served in jobs that had white-collar or blue-collar civilian counterparts. Yet, only an estimated one-quarter of the men who left the services accepted jobs which they judged to be related to their military service. The figure for the Army, which experiences the highest turnover rate, is 15 percent, the lowest among the services.

As with attitudes, earnings depend on such factors as age, ability, education and race. Gross comparisons of veterans' and non-veterans' incomes are likely to be misleading because men who enter the service are more intelligent, healthier, and have more schooling than those who do not. A meaningful comparison would allow for these factors. Recent studies which have attempted to do this conclude that differences in the earnings between veterans and non-veterans disappear when factors other than military service are considered.

In summary, the belief that two or three years of military service increases earnings or alters opinions is not supported by the evidence. Other experience factors, such as region, education, age, and the more fundamental family and community history, are more significant in shaping a person's earning power and the way he thinks of himself and of his environment. Most of these factors are determined long before military service and are unaffected by it. Whatever qualities veterans bring to their communities—informed judgment or ignorance, patriotism or indifference, self-discipline or personal disarray, community participation or apathy—are qualities that these individuals would probably have displayed without prior military experience.

#### *Effects on foreign policy decision making*

We have heard conflicting concerns about the effect on foreign policy of a return to voluntary recruiting. One view foresees a less militaristic foreign policy as a consequence of the all-volunteer force; the other, more military adventurism.

Those who hold the first opinion believe that an all-volunteer force necessarily will be smaller and less flexible than a force raised by conscription. Therefore the return to voluntary recruiting signals a weakening of the United States' capability to meet its military commitments overseas. The opposing belief is that the greater training and readiness of a volunteer force will offer a tempting military solution to problems which might be better resolved peacefully. Further, those who hold this opinion think that an all-volunteer force would have fewer and weaker links to civilian society, imperiling democratic control of foreign policy decisions. We have considered both of these concerns in the light of our recommendations. Neither provides a valid basis for rejecting the all-volunteer force.

Since World War II, the United States has benefited from an extensive system of defense alliances. Similarly, the security and freedom of our allies depend on United States' military power. Both the resolve and capability of the United States to continue using its power in the defense of freedom help shape the expectations and actions of friendly governments. Our recommendations are designed to insure that an all-volunteer armed force would be fully consistent with the strategic concepts underlying national security policy.

This Commission has not tried to project the armed forces required to carry out the nation's foreign policy after the transition to an all-volunteer force. The determination of these peacetime force requirements is the responsibility of the Department of Defense and the National Security Council. The Commission has relied on a range of estimates of

active duty requirements and developed estimates of the all-volunteer force required to yield the same effective force strength as these equivalent mixed forces of conscripts and volunteers.

In addition to active duty forces, there will be 700,000 to 800,000 trained men in Reserve or National Guard units (assuming a 2.5 million man active duty force). These units furnish a force capable of rapid mobilization, which no draft law can match. Deployment lead times vary from less than a week for some naval units to 6 to 14 weeks for Army units. Under an all-volunteer system, these units will continue to be an important second line of defense. If a crisis situation requires more men than are available in the active and reserve forces, untrained manpower from the civilian pool can be recruited voluntarily or by conscription.

As set forth elsewhere in this report, the Commission recommends that permanent peacetime forces be put on a voluntary basis and that a stand-by draft system be maintained in readiness. We cannot foresee the shape of future threats to the security of the United States, and prudence requires that provision be made for mobilizing civilian manpower by conscription if necessary.

The Commission's recommendations, in summary, provide 1) active duty forces comparable in strength to those currently projected, 2) reserve forces for quick reinforcement of the active forces and 3) a stand-by draft system as a final measure if large-scale mobilization of untrained men is needed. We believe that these provisions constitute an effective and flexible military manpower policy, and will enhance national security during and after the transition to an all-volunteer force.

We have examined how the return to volunteer forces might affect the decision to use U.S. military power. We conclude that the recommended all-volunteer force will actually increase democratic participation in decisions concerning the use of military force. We reject the fear of increased military aggressiveness or reduced civilian concern following the return to an all-volunteer force.

A decision to use the all-volunteer force will be made according to the same criteria as the decision to use a mixed force of conscripts and volunteers because the size and readiness of the two forces will be quite similar. These military factors are key determinants in any decision to commit forces. Beyond initial commitment, the policy choice between expanding our forces by conscription or by voluntary enlistment is the same for both the all-volunteer force and a mixed force of conscripts and volunteers. The important difference between the two forces lies in the necessity for political debate before returning to conscription. Voluntary enlistments in both alternative forces can be increased by enhancing the attractiveness of military service. If either force is expanded by making military service more attractive, civilian participation obviously will be increased in the process. Increased pay and added fringe benefits will be borne by the general taxpayers, a far more inclusive group than potential draftees and their families. If tax increases are needed or military spending claims priority over other public spending, a broad public debate is likely. Recent history suggests that increased taxes generate far more public discussion than increased draft calls.

With the all-volunteer force, the President can seek authorization to activate the stand-by draft, but Congress must give its consent. With the mixed system, draft calls can be increased by the President. The difference between the two alternatives is crucial. The former will generate public discussion of the use of the draft to fight a war, the latter can be done without such public discussion. If the need for conscription is not clear, such discussion will clarify the issue, and the draft will be used only if public support is widespread.

The claim is made that the ranks of the public attentive to foreign policy are swelled significantly by those citizens touched by the draft. It is a doubtful notion. The corollary—that public interest in foreign affairs will decrease significantly if voluntarism is adopted—is also doubtful. Volunteers have as many concerned relatives and friends as men who are drafted. Higher educational levels, the diffusion of modern mass communications, and the newsworthiness of compelling national security events assure that foreign affairs will hold the attention of a substantial and growing public, regardless of the method used for procuring military manpower.

When a minority is selected to fight a long and unpopular war, the draft is inevitably a focal point for dissent. Voluntarism would be expected to decrease dissent stemming from the issue of conscription. However, popular dissent usually arises from many issues and reaches the Government along many channels. Ending conscription will close off one of the channels, but it will not end dissent.

Because conscription is a tax in kind, part of the cost of armed forces is hidden when there is a draft. The explicit costs of using military forces are underestimated, with the result that decisions to use the armed forces are made which perhaps would not be made if the true costs were known. The all-volunteer force, by making economic and political costs explicit, should lead to more rational and democratic decisions about the use of military force.

Finally, there is the allegation that political leaders will be more inclined to military adventures if the armed forces are composed entirely of volunteers. This argument is based on three important inferences: (1) an all-volunteer force will be more aggressive than a mixed force; (2) the nation's civilian and military leaders will risk the lives of volunteers with less concern than those of conscripts and (3) a doubtful foreign commitment could be undertaken and sustained with less popular dissent than if conscripts were used.

Decisions by a government to use force or to threaten the use of force during crises are extremely difficult. Presidents have arrived at such decisions only after consulting a broad range of informed and responsible interests. The high cost of military resources, the moral burden of risking human lives, political costs at home and overseas, and the overshadowing risk of nuclear confrontation—these and others factors enter into such decisions. It is absurd to argue that issues of such importance would be ignored and the decision for war made on the basis of whether our first-term forces were entirely voluntary or mixed.

As discussed earlier in this report, an all-volunteer military is not expected to differ significantly from the present mixed force in its size, composition, and relations with civilian society. Its subordination to the nation's political leaders will change not at all. The belief that volunteers will be more aggressive, will have greater autonomy from the civilian leadership and will exploit international tensions to their own advantage springs, not from any rational evidence, but from an irrational fear of relying on the neglected mechanism of freedom to preserve and protect our nation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

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

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

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

**EQUAL RIGHTS FOR MEN AND WOMEN**

**HON. JOHN J. RHODES**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. RHODES. Mr. Speaker, last month the Citizens' Advisory Council on the Status of Women endorsed the enactment of a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. The Council's press release follows:

**CITIZENS' ADVISORY COUNCIL ENDORSES EQUAL RIGHTS AMENDMENT**

"President Nixon certainly appointed an action-oriented Council," said Mrs. Jacqueline Gutwillig, Chairman, when announcing that the Council had endorsed the equal rights amendment at its meeting on February 7, 1970.

The Council concluded that ratification of the equal rights amendment is the most effective and expeditious method of securing equal protection of the laws for women, who lag 40 years behind minority groups in achieving Constitutional protections. Passage by the Congress of the joint resolution in 1970, would be a most appropriate commemoration of the fiftieth anniversary of the suffrage amendment.

Adoption of the equal rights amendment would mean that women could no longer be required to meet higher standards than men in admission to State educational institutions. State laws could not require longer prison sentences for women than for men for the same offense or otherwise discriminate against women in the criminal law. Women could not be denied by so-called State protective labor laws the same rights to choose jobs that men have always had.

Mrs. Gutwillig emphasized that the amendment is really an equal rights and responsibilities amendment. Often overlooked is the fact that it would result in greater equity for men in alimony and custody of children disputes in many States. She also emphasized that the amendment would equalize the responsibilities for military service and jury service.

Joint resolutions proposing that the equal rights amendment be submitted to the States for ratification have been introduced in each house of the Congress for almost half a century. Seventy-two Senators and 220 Members of the House of Representatives are currently sponsoring the joint resolutions. Ratification would require a 2/3 vote of both houses of Congress and approval of 3/4 of the State legislatures.

A project group established at the Council's first meeting in November and chaired by Miss Sarah Jane Cunningham of McCook, Nebraska, proposed the resolution adopted by the Council:

"The Citizens' Advisory Council on the Status of Women endorses the proposed Equal Rights Amendment to the United States Constitution and recommends that the interdepartmental Committee on the Status of Women urge the President to immediately request the passage of the proposed Equal Rights Amendment by the Congress of the United States."

Other members of the Council working on the project are: Miss Virginia R. Allan, Michigan; Mrs. Lorraine L. Blair, Illinois; Miss Rachel E. Scott, Maryland; Mrs. Irene Wischer, Texas. The project group is preparing a comprehensive paper on the equal rights amendment which will be available in about two weeks.

The Council also voted to send a letter to the President including the following paragraphs concerning the Council on Environmental Quality:

"The members of the Citizens' Advisory Council on the Status of Women are pleased with your emphasis on environmental improvement. The end to solve problems of pollution are of high priority and the need for a national population policy is a pressing one, and one in which this Council has particular interest.

"We are concerned, however, that no woman was named to the Council on Environmental Quality. We feel a qualified woman could make substantial contributions on such a Council."

**HENRY B. GONZALEZ—FOE OF RACISM**

**HON. JACK BROOKS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. BROOKS. Mr. Speaker, racism is the problem that is most discussed throughout the news media. This stigma is not limited to southern whites or to the establishment.

Daily we see many examples of deep-seated prejudice in minority groups against other minorities and against the majority. An editorial which appeared in the March 3, 1970, edition of the San Antonio Express demonstrates the unfairness of racism, even when that prejudice arises from within a minority.

Our colleague, HENRY B. GONZALEZ, was the subject of such activity on the part of a few militant Mexican-Americans. The editorial comments on their efforts to attack and embarrass the gentleman from San Antonio—one whose record on behalf of justice, fairness, and equality is unsurpassed.

It is reassuring to see this able and dedicated Congressman stand up and overwhelm those who would perpetrate injustice in the form of thinly veiled racism. It is heartening to note further that many minority leaders are willing to speak out for fairness, not only for themselves, but for everyone.

So that my colleagues may read what the San Antonio Express thinks of their Congressman's actions, the text of the editorial follows:

[From the San Antonio Express, Mar. 3, 1970]  
**HENRY B. HANDLES HECKLERS FROM BASE OF SOLID VOTER SUPPORT**

The frustrations of certain West Side splinter groups are beginning to reveal themselves.

They can't get Congressman Henry B. Gonzalez to dance to their racist tune. They can't control him. Worse, they can't even get a sacrificial lamb to run against him because they know that the people of his district believe in him and will support him.

They know that his support is broad and cuts across party, ethnic, social and economic lines. But because he has exposed the racist pretensions of certain elements and eroded

the financial underpinning of others he has been marked for a campaign of harassment.

There is a handful on the West Side who cannot abide a Mexican-American politician who refuses to make his ethnic background a profession in itself.

That is what happened Friday night when a group of 25 to 30 staged a noisy, prearranged walkout when the congressman was to speak at St. Mary's University.

A few of the demonstrators had the honesty to admit that the walkout was planned ahead of time. One even was candid enough to say that he left when the congressman opened his remarks by saying that he appeared as a representative of all his constituents and not just as a Mexican-American.

We applaud the congressman's position. He was fighting racism before most of those who walked out were born—and he has shown himself just as quick to oppose Mexican-American racism as he has been to oppose Anglo racism.

He deserves the support of the entire community for his courage and with the exception of a few on both sides of the political spectrum he has support.

He has no opponent this year. Two years ago when he last ran for reelection he scored his largest majorities since taking office. None of the so-called militants who snipe at him—and this includes County Com. Albert Pena—has the courage to put their names on the ballot and let the voters decide.

The really serious opponents of the congressman could hold their meetings on a Transit Co. bus and have a few seats open.

Henry Barbosa Gonzalez is still king of the hill. Nobody likes Henry B. but the voters.

**STRATEGIES FOR SURVIVAL**

**HON. FRANK E. EVANS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. EVANS of Colorado. Mr. Speaker, with the thousands of problems, both large and small, that we here in the House have brought to our attention each year, it becomes very difficult for most of us to be able to step back from our busy lives and the multitude of problems in order to gain perspective and in so doing better our judgment.

However, I recently received a copy of a speech made by Prof. Richard C. Bradley of Colorado College in Colorado Springs, Colo., which he gave at Mesa College in Grand Junction, Colo., on February 16, 1970. In his speech he discusses three major problems of mankind: First, how the nations of this earth can learn to live under law; second, the crisis of the population explosion, and third, the preservation of our environment. His speech was done with such good organization, clarity, and gift of expression that I found that it provided the means to me of stepping back from our forest of problems and gaining some much needed perspective.

It is, for this reason, that I submit the text of Professor Bradley's speech for the RECORD in order that my colleagues may have a similar experience:

**STRATEGIES FOR SURVIVAL**

(By Richard C. Bradley)

Your week-long symposium on "Survival" could scarcely be more timely. The question "Can Man Survive?"—which was the topic

of a similar symposium we held at Colorado College last month—is surely the most important question we can ask ourselves as we enter the new decade.

Personally, I think the answer to the question is: Yes, man *can* survive—but only if he makes a monumental effort in the next few years, and then only if he is lucky. John Platt, writing in a recent issue of *Science* magazine, likens our present predicament to that of a miner caught inside a mine in which the walls are caving in. Off in the distance is a ray of sunlight, and a chance for escape. If the miner stays where he is, he is doomed, but if he struggles toward the light, he might get out.

And so it is with us. If we stay where we are—or rather if we keep doing what we are doing now—we are surely doomed. You tell me the rate of population growth today, and I'll tell you the year we will have a layer of people on the earth's surface one mile thick. You tell me what the chance is of surviving a single game of Russian Roulette played with thermonuclear weapons, and I'll tell you how many games we can expect to play before the odds turn against us. You tell me the rate at which marine plant life is dying as a result of pesticide poisoning, and I'll tell you the year the oceans will be as dead as Lake Erie.

We simply must change our ways of doing things, and soon. The span of your lifetime and mine—indeed, just the next 30 years—appear to be especially critical. If we can make it through to the year 2000 in some sort of reasonable shape, then I think man's survival is assured, for by that very achievement we shall have found the way out of the trap that is closing in behind us.

And so today I ask your help in a great and universal cause, the cause suggested by the title of your symposium—survival. It seems to me we are already in an emergency situation, and will need all the energy and enthusiasm and idealism of young people like yourselves, applied in many different areas, plus the wisdom and experience of certain older people (some of whom I shall mention in the course of this talk), just to bring us through these next stormy 30 years.

What are the major threats to our survival, and how can we cope with them?

I see three major threats: full-scale thermonuclear war, runaway population growth, and environmental destruction (or pollution). War is probably the most *immediate* threat, overpopulation the most *basic* threat, and pollution the most *obvious* threat. They are all bound together of course. Overpopulation brings both environmental destruction and war, and war brings further environmental destruction.

Environmental destruction, being the most obvious threat, may ultimately turn out to be a blessing in disguise, for it will force us to think seriously about the reasons for it, and this will bring us face to face with the other two threats. It is hard for any of us who live in peaceful uncrowded mountain valleys to be too much concerned about war and overpopulation. On the other hand, it is easy to see the dirty brown pall hanging over Denver every day, and to smell the foul odor emanating from the once clear South Platte River, and to realize that all is not well. And then if we think about it a little while, we must surely realize we cannot possibly have clean air and water if all the world become a Manhattan or an India, no matter how many conservation societies we support; nor can we expect clean air and water if we once start exploding hydrogen bombs all over the place in an effort to resolve some border dispute. Concern over the environment is becoming world wide, and my hope is that this concern will galvanize us into international efforts to protect the ecosystem which supports us, stop the population boom, bring man back into some kind of long term bal-

ance with nature, and work out a more sensible way of settling a border dispute than by spraying the world with radioactive strontium.

Let us look briefly at these three threats: war, overpopulation, and pollution.

I have said I consider full-scale thermonuclear war the most immediate threat. If this symposium had been held 10 years ago, war likely would have been regarded the *only* threat—except by those who feared even more the possibility of being taken over by international Communism. Those were the days of the first Russian Sputniks and the Cuban arms buildup, and both had us very much on edge. Now, ten years later, we have come to fear Russia less, feeling that she wants war no more than we do; but in the meantime another great power, China, has acquired the bomb, and very soon Israel will probably have it also. Thus, we still live very much in the shadow of the mushroom cloud.

At the moment, the great danger is not so much that one of the nuclear powers will suddenly decide to incinerate us, but rather that a small war somewhere will develop into a big one. Every time there is a crisis anywhere in the world—whether it be in Vietnam, Korea, Cuba, the Gulf of Aqaba, Berlin, Czechoslovakia, Hungary, or wherever—we come face to face with catastrophe. But crises in the form of revolutions and civil wars are bound to occur in the developing nations, and in some cases we might even be persuaded they are desirable. The trouble is, every single one of them is a major threat to world stability, out of all proportion to the magnitude of the crisis. At the moment we seem to have no satisfactory way of dealing with any of them. What happens, typically, is that one of the super-powers jumps in on one side of the fray, rattling its nuclear armaments, while the other one stands a little distance back and makes similar threatening noises. Sooner or later one of these insane exercises will prove fatal! Russian Roulette always does.

I recently asked a colleague in our Political Science Department what he thought the chance was of having a nuclear war in the year 1970, realizing, of course, that the question can not be answered precisely, for there is no way to determine that chance. But he made a guess anyway: 2%. If those are really the odds, and if they get no worse, then we have only a 50-50 chance of making it to the year 2000. If the odds are 5%, we always only a 50-50 chance of making it to 1984. Whatever the odds are, they aren't good enough to add up to a sensible foreign policy.

Is there not another way?

Of course there is! We use it every day at every level of our society except the international level, and with a fair amount of success. We call it "law." Man has known for centuries that, people being what they are, the only viable alternative to the rule of force is the rule of law, and every United States president since Herbert Hoover has said that the ultimate goal of American foreign policy must be a world under law.

Now of course the concept of law and order has become somewhat tainted in recent years, owing to certain egregious abuses of it, and of course law has not stopped all crime everywhere. But can you imagine what your life and mine would be like if we handled the domestic affairs of this country the way we handle the foreign ones? If a Grand Junction man were to murder the son of Denver's mayor, Denver might very well bomb Grand Junction (that's more or less the way World War I began). And if Arizona were to steal California's share of the Colorado River, California would probably defoliate Arizona. Our homes would be armed fortresses, surrounded by moats, our cars General Sherman tanks. Who among us would dare venture into downtown New York without a bazooka over his shoulder and an army at his back? Well, our country is an armed fortress surrounded

by moats, and the bazookas are the Polaris Missiles, the Intercontinental Ballistic Missiles, the Strategic Air Force, and the naval armadas.

And so I suggest that the first order of business in foreign relations should be, not the thickening of the Safeguard ABM System, as Mr. Nixon now proposes doing, but the fashioning of the instruments of peace that would make it possible for all nations to dismantle all their war-making machinery in safety. As Supreme Court Justice William O. Douglas said recently, we should be calling for summit conference after summit conference with all the other great powers in order to hammer out a workable legal framework for keeping the peace, a framework which would allow, for instance, a world society to apprehend a lunatic like Hitler before he does his mischief, instead of forcing that society to burn down an entire nation to destroy one rat; a framework that would not only make our military involvement in Vietnam impossible, but also unnecessary (if it ever was necessary).

People always ask, wouldn't this mean giving up a slice of our national sovereignty? Of course it would. But the idea is that by giving up some sovereignty, we would gain much more security in return. Look at our situation today. We have never had a more devastating arsenal of weapons at our disposal, yet we have never been more vulnerable. The Defense Department tells us that in an all-out ICBM attack we must expect initial losses to be at least 30 million people, even with an ABM System, and that figure doesn't include the deaths that would follow due to starvation, poison, disease, and pestilence. That's the price our nation, or any nation, must be prepared to accept if it continues to insist on being above the law. How much more sensible it would be if all nations gave up their sovereign right to wage war, and turned over to a higher authority the responsibility for keeping the peace. In that case everyone would benefit.

We have already given up national sovereignty in smaller ways, and found it beneficial. For example, we gave up some national sovereignty when we joined the International Postal Union, and again when we helped establish the present elaborate worldwide transportation system. I give up sovereignty every time I drive up to a stoplight, yet who would deny I am better off for having to do so?

Is a world order with powers sufficient to maintain the peace a hopelessly idealistic prospect? I would put the question the other way around: Is a foreign policy based on an obsession with the machines of mass death likely to promote world stability and peace? I doubt it; weapons are built to be used, and sooner or later someone will use them.

World order may be an idealistic prospect, but it is not out of the question. We already have the United Nations and the International Court of Justice. We should now be doing everything in our power to give these agencies the capability, and the tradition, of settling international disputes by peaceful means. That is why we created them in the first place.

Now I would not have the slightest hope that we could make much progress in this direction at this time if it were not for two things: first, we are a war weary nation, sick of our involvement in Vietnam, knowing we cannot possibly police the whole world, and yet feeling that it is in our own self-interest to have the world policed; and second, there is the growing concern over pollution that I mentioned earlier, and the realization that pollution is a global problem.

I keep thinking about that beautiful image of the earth, brought home by the astronauts: one blue-green world floating in the vast sea of space, the only patch of soil and air and water within trillions of miles, the only place we shall ever know where one can

plant a seed and it grows. We are one world, physically, geographically, economically, and ecologically. The question is, shall we get together and take care of what we have, or shall we destroy its precious life-giving capacity by our foolish bickerings? If we are going to get together, we should do it soon, for the threat of war will rise as food shortages and population pressures become acute, perhaps within the next decade but surely within the decade after that.

And this brings me to the second aspect of our problem of survival: the threat posed by the world's cancerous population growth.

This is the most basic threat we face, and potentially every bit as dangerous as the threat of war. In a way, it will be an even harder problem to cope with than war, because it deals with one of our strongest built-in drives, the drive to have children. This drive served man well a million years ago when he was eking out an uncertain existence in a perilous world, and those of his relatives who lacked that drive left no descendants among us now. Would that they had, for at this moment we could use their quality of restraint!

Harrison Brown at Cal Tech has said that one of man's greatest tragedies has been his inability to comprehend the exponential curve of population growth. This curve is also called the compound interest curve or the doubling curve, this last because it is a characteristic of the exponential that the item in question keeps doubling itself in equal time intervals.

What is really remarkable about such a growth rate is that for a long time nothing much seems to be happening, and then, all of a sudden, there is an explosion. I can illustrate this with a piece of paper. If I fold it in the middle, I double its thickness. If I fold it again, I double its thickness again. Each time I fold it, I double its thickness. Now let us suppose I can double its thickness an indefinite number of times (in practice the paper gets hard to fold after about 7 times). After 10 folds it is still only a few inches thick, but after 40 more folds it reaches from here to the Sun!

David Brower of the John Muir Institute, speaking at our symposium, gave another graphic example of the exponential. Imagine you are on a highway, going 1 mile an hour, with instructions to double your speed every minute. At the end of the first minute you accelerate to 2 m.p.h., and at the end of the second minute you accelerate to 4 m.p.h. Then 8 m.p.h., 16 m.p.h., and 32 m.p.h. By modern standards you are still going quite slowly after 5 minutes; many animals can run this fast. At 6 minutes you are driving 64 miles an hour, which is too fast for almost any animal, but still no problem for you in your automobile; you probably drive this fast most of the time. But on the next doubling you are up to 128 m.p.h. and in real trouble. At this speed, it takes all your effort and concentration to keep yourself on the road. Perhaps there is a flashing red light in your rearview mirror to add to your predicament. In any case, on the very next doubling, the game is over. So for 6 minutes, you had everything under good control, in the 7th minute things got tough, and in the 8th minute you were off the road.

And so it is with population growth—except even more so, for the population doubling time has not stayed constant but has gotten progressively shorter and shorter, thus bringing matters to a head all the more suddenly. A million years ago the population doubling time was perhaps a million years. Two thousand years ago the doubling time was about a thousand years. After the industrial revolution really got going, the doubling time dropped to about a hundred years, and now it is something like 30 years—more in some countries, less in others. The mathematical equation that fits the popula-

tion curve in the period since the birth of Christ predicts an infinite population in the year 2026. That cannot happen of course, for it would mean a universe entirely filled with people; but it does illustrate how abruptly things are coming to a head. We have had our easy 6 minutes of driving, are now well into the difficult 7th minute, and wondering if the 8th will throw us into the ditch.

Just in the time I have been talking, the number of passengers on our planet has increased by 3,000. There are 200,000 more than there were at this time yesterday, over a million more than we had last week, and 70 million more than last year. And all of them want food, shelter, and space. Can we provide it?

We lose ground every day. In the years immediately following World War II, we were able to keep up pretty well. The increase in food pretty well matched the increase in people. But around 1958 "the stork passed the plow", as the saying goes, and since that time the race has become progressively more hopeless. In 1970 half the people of the world are undernourished, and about 15 million of them will starve to death by next January, most of them children. Despite this fact, certain myopic Chambers of Commerce still speak brightly about another doubling by the year 2000!

It is too late to avoid the tragic consequences of this runaway situation. The people who are doomed to starve in the most massive famine ever experienced by mankind have already been born. According to Paul Ehrlich, Stanford biologist who wrote *The Population Bomb*, this famine will take place within the next 10 years.

What the implications are for the United States are not clear. In 10 years we shall probably be sitting on the only food surplus in the world, and it will not be large. At best, we shall have to watch helplessly while people in the undeveloped countries die by the hundreds of millions. At worst, we shall be the target of a world revolution.

There is considerable danger that as the crisis becomes acute, the industrial nations, in an attempt to find short term remedies, will precipitate long term ecological disasters. For example, it would seemingly be the most humane act imaginable to sponsor the massive use of pesticides and chemical fertilizers in the underdeveloped countries in an effort to help them raise their food production, yet if we should do that we might very well kill the oceans. We have known for two years that the present level of DDT in the oceans is slowing down photosynthesis in the marine plant life upon which all other ocean life ultimately depends. If photosynthesis were to stop, the entire food chain would be wiped out. Nobody knows how much DDT or other biologically active material would be needed to do this, but it is not hard to imagine the disastrous consequences if it ever should happen.

So what are we to do?

Paul Ehrlich suggests a course of action which might carry us through. It would not be pleasant, but at least it would preserve the life support system of the planet. The key lies with the United States.

First, we in the United States must get our runaway population under control, for only by doing that can we expect to bargain effectively at the international level. When the time comes to help other nations, we must be able to say to them "Do as I do", rather than "Do as I say." This means we must bring our growth rate to zero, or even reverse it; we must have no more births than deaths. How hard a job this will be to accomplish I cannot say, but if we could at least prevent all unwanted births, either by contraception or abortion, that in itself would cut the birth rate by nearly 40%, and bring it down somewhere reasonably close to the death rate. So as a starter, we should

remove all legal and financial impediments to birth control. Contraceptive information and devices, sterilization operations, abortions—all these things should be free and readily available upon request. (State Representative Richard Lamm, a pioneer in liberalizing state abortion laws, predicts that 10 years from now we shall look back and regard as barbaric the present practice of forcing a pregnant woman to bear an unwanted child.) Simultaneously, the federal government should sponsor an enormous research program directed toward finding and producing better methods of birth control, a better contraceptive pill, a better abortion pill, and perhaps developing ways to control the sex of the offspring, so that couples desiring a boy won't have to beget five girls before giving up. If such measures as these prove inadequate to bring the growth rate to zero, then we must consider other less appealing alternatives, but if we must we must, for it is still survival we are talking about.

The second part of Ehrlich's blueprint for survival involves our aid abroad. In 10 years we shall be in something of the position of the lone medic on the battlefield, surveying the wounded and wondering whom to help. Knowing he cannot possibly help everyone, he avoids those who are certain to get well without his help, and those who are certain to die even with his help, and concentrates his attention only on those who would die without his help but who might live if they receive it.

Similarly, the United States, once it has shown by example that it really means business about population control, should offer its limited aid only to those countries which, like Pakistan, have a reasonable chance of becoming self sufficient if we help them; and it should withhold its aid from those other countries that can either get along without it, or cannot possibly achieve stability with it. In the latter case, we shall have no choice but to wait until the famine brings the numbers down to a manageable level.

It all sounds terribly grim, and if this is what must now be done to stabilize world population, think how tragic it is we didn't get moving in massive birth control programs 20 years ago when we have a chance of feeding everybody! Harrison Brown is right: not enough people understood the exponential curve.

The third major threat to our survival, environmental destruction, is receiving great attention these days, and that is a hopeful sign. As someone remarked recently, this has been the year when people started listening to the ecologists. Up until now, we as a nation have been avid fans of engineers and developers, the people who move scenery around, dam rivers, blast canals, and so forth; but have dismissed as impractical dogooders the biologists and ecologists who have warned of possible adverse effects of these actions. Rachel Carson started the present trend with her best-seller *Silent Spring*; but it took yet another decade before environment became a major election issue, and it will probably take several more years before we have a federal Department of Environment, staffed by ecologists.

One of the most important lessons the ecologists teach us is that everything is related to everything else. John Muir once put it: "When we try to take anything out by itself, we find it hitched to everything else in the universe." DDT is an example of this. We spray farms and forests with DDT to eradicate certain insects, but wind up killing birds and fish besides, which we had no intention of doing, and reducing photosynthesis in the sea. This last not only affects all sea life, it may also cut down on our own oxygen supply in the atmosphere.

Another example is the government proposal to create a sea-level canal through

Central America, parallel to the Panama Canal. From an engineering standpoint, there is no doubt it can be done. But *should* it? Lamont Cole, one of the foremost ecologists of the day, warns of far-reaching consequences. The Pacific Ocean is several feet higher than the Caribbean Sea in the vicinity of Central America, and is cold whereas the Caribbean is warm. A sea-level canal would bring a steady stream of cold water into the Caribbean, which would not only affect the fishing industry there, but might even change the flow of the Gulf Stream and the climate of Europe. To make matters worse, the engineers propose to dig the canal by nuclear explosions, thus producing an enormous amount of radioactive caesium vapor to be carried out to sea by the prevailing winds. Caesium behaves like sodium or potassium in biological systems, and would spread rapidly among living things, carrying its lethal radioactivity with it. It is a pity that a person like Lamont Cole, who after all speaks for all humanity, cannot argue with the engineers on equal terms.

But enough of this. It must surely be apparent we face some appalling problems, and that there is much to be done. And that brings me now to you. What role can you, or I, play in the unfolding drama to ensure that man and his planet will survive until the year 2000?

First and most importantly, it is imperative that all of us stop thinking of politics as a dirty word. We must all take an active part in getting the kinds of people elected and the kinds of laws passed that will help see us through. We must work for candidates, or for people already in office; or we must work on specific issues. But work we must. This means writing letters, hundreds of them, expressing support for good things, dismay at bad things. Every proposed bill should be judged by such simple criteria as: Does it promote stability or does it promote uncontrolled growth? Does it promote international law or does it further the arms race? Does it favor a long term balance or does it lead to short term exploitation? (By these criteria the proposed Timber Supply Act, which would allow lumber industries to overcut the national forests, is a bad bill; and the Lamm bill, which would provide financial advantages to couples having small families, is a good bill.) Candidates for public office should also be judged by these criteria.

We can be effective as individuals; Ralph Nader and Rachel Carson have shown that. And as individuals we should write letters, articles, talk to people, appear at hearings, etc. But we can be even more effective if we organize into action groups. *Ecology Action* is just such a group. It was organized shortly after our symposium, and partly because of it, and now has well over 1000 students from several colleges and universities over on the east slope. One week ago, this group held a cocktail party for state senators and legislators near the State Capitol, and sold "Stamp Out Pollution" buttons to help defray expenses. Several ecologists and government officials gave short talks. But the really exciting thing about this affair was that 60 State Senators and Representatives felt the meeting was important enough for them to attend, far more than anyone had expected. Last Wednesday, a large group of these same students attended a hearing at the State Capitol on a proposed birth control bill, and several of them testified. A short time before that they got a full page spread in the *Denver Post* by taking out truckloads of junk and debris from along the South Platte River in Denver. *Ecology Action* in just three weeks has become a major political force.

It is this kind of activity that gives me the courage to say to you today: Yes, man can survive, and he will. Now let us go to work and make it come true.

DON JOHNSON SPEAKS ON AMERICAN LEGION'S NATIONAL REHABILITATION COMMISSION MEETING

HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. SCHWENDEL. Mr. Speaker, on March 4, the Administrator of Veterans' Affairs, Don Johnson, spoke at the 47th Annual National Rehabilitation Conference of the American Legion.

Mr. Johnson's remarks constitute a clear and concise statement of the service goals of the Veterans' Administration.

His speech should calm the feelings of those who have been expressing concern about the quality of care at the veterans hospitals. Under Don Johnson's leadership, I am confident that the Veterans' Administration is doing an excellent job in caring for the health and other needs of our veterans.

At this point, I would like to submit Don Johnson's statement for the RECORD:

REMARKS BY HON. DONALD E. JOHNSON

Chairman Lenker . . . distinguished members and guests of the American Legion's National Rehabilitation Commission . . . and my fellow-Legionnaires:

As always . . . it is a great personal pleasure for me to meet with you Legionnaires. However . . . this 47th annual National Rehabilitation Conference is especially meaningful to me.

Although I had the privilege of extending brief greetings to the Legion National Convention in Atlanta last August . . . this is my first opportunity . . . as Administrator of Veterans Affairs . . . to report to a National American Legion meeting.

I know that Dr. Jim Musser, Olney Owen . . . and their associates in the Veterans Administration's Department of Medicine and Surgery . . . and Veterans Benefits . . . have answered . . . as fully and frankly as possible . . . the many serious, thought-provoking questions which you submitted for this Conference.

I can add little to the detailed, technical information which they provide. Let me say here and now . . . however . . . that the door to my office is open . . . and it will always be open . . . so that any or all of you can come in to discuss those matters which you sincerely believe require my personal attention.

I come before you today . . . not as a Past National Commander of the American Legion . . . because . . . while I am proud of this title . . . and grateful for the many Legionnaires I am privileged to call friends . . . I realize full well that there is nothing so past as a Past National Commander.

Rather . . . I am here today as Administrator of Veterans Affairs . . . to give you some of the impressions I have formed after a little more than eight months in office . . . and to report on what is being done to achieve the mutual goal of the Veterans Administration and the American Legion.

This goal . . . of course . . . is service to those who served . . . and to their dependents and survivors . . . the delivery of a broad range of veteran benefits . . . when these benefits are needed . . . where they are needed . . . and in the amount needed.

One of my first and strongest impressions is that my concept of the service mission of the Veterans Administration is shared fully and enthusiastically by the VA's 170,000 able and dedicated employees.

With you Legionnaires . . . and with me . . . they believe that they have not only the responsibility . . . but the opportunity and the privilege . . . to provide:

Unsurpassed service to those who served . . . and to their dependents and survivors . . . and compassionate service . . . that goes far beyond the bounds of what they are required to do.

It is a matter of record that . . . until just a few years ago . . . the Veterans Administration operated on the premise that it existed to make available to veterans and their families the benefits provided by Congress . . . but it was up to them to learn about these benefits . . . establish their entitlement . . . and take the initiative in obtaining the benefits to which they were entitled.

There has been a revolutionary change in the veteran benefits philosophy of the Veterans Administration. As far as I am concerned . . . this change is not only welcome . . . but long overdue.

Now . . . the Veterans Administration operates on the premise that veterans and their families not only have a right to know about the benefits to which they are entitled . . . but must know about them if they are to take advantage of the benefits which a grateful nation has provided . . . and wants them to use.

The result of this change is the Veterans Administration's Out Reach program . . . a program with which you are very familiar . . . more than this . . . one to which the American Legion and our other national service organizations have made . . . and are continuing to make . . . such an indispensable contribution.

Because of your interest and involvement in Out Reach . . . I would like to review quickly today some of the activities and accomplishments of this vital and . . . I sincerely believe . . . most successful program.

Without question . . . the most dramatic chapter of the Out Reach story has been written on the battlefields of Vietnam.

For the first time in American military history . . . Veterans Administration representatives have been giving our combat troops overseas information and counseling on their veteran benefits.

In the past three years . . . more than 1 million 140 thousand G.I.'s have been briefed by Veterans Administration representatives in Vietnam. A total of 54 VA Contact Officers . . . including nine now stationed there . . . have served average tours of six months in Vietnam. Two have given their lives in this important work.

I am sure you realize that all of these representatives have volunteered for Vietnam duty.

Less dramatic perhaps . . . but no less important . . . has been the Veterans Administration's program of counseling sick and disabled servicemen in stateside military hospitals . . . and those at separation points awaiting discharge.

Since this phase of the overall Out Reach effort began, . . . more than 1.7 million G.I.'s in these hospitals and separation points have been briefed on their veteran benefits. Many of them . . . especially hospitalized servicemen . . . have been given in-depth interviews at their bedsides . . . and assisted in applying for disability compensation, vocational rehabilitation training, and other benefits.

The Out Reach battle has been . . . and is being . . . fought on many fronts. One of the most strategic . . . and one to which the resources, experience and know-how of the American Legion have been committed so effectively . . . is our United States Veterans Assistance Center program.

Launched just two years ago . . . this Out Reach campaign has resulted in 600,000 Vietnam veterans being interviewed . . . as-

sisted in applying for education and training . . . or helped in finding jobs.

Every veteran benefit is important. And every effort of the Veterans Administration . . . the American Legion . . . and our other service organizations . . . to assure maximum use of each benefit . . . is essential.

I think we can agree here today . . . however . . . that no single benefit will contribute more to the welfare of our Vietnam veterans . . . and to the welfare of America . . . than the Vietnam G.I. Bill education and training program.

It follows . . . of course . . . that the Out Reach efforts to contact our returning Vietnam veterans . . . and to convince them that they should use their education and training entitlement . . . are especially significant.

Let me emphasize that the Vietnam G.I. Bill cannot be considered completely successful until every eligible veteran has been contacted . . . and at least been made aware of . . . and fully assisted in applying for . . . his education and training entitlement.

This is especially true of the Vietnam veteran who did not complete high school before entering service . . . and who is considered to be educationally disadvantaged.

Nonetheless . . . I believe we can be encouraged by the increasing rate of participation of Vietnam veterans in the G.I. Bill education and training program.

Let me give you a quick "for instance." We expect the peak enrollment in education and training this spring to top 810,000 . . . or about 35 percent more than the number of veterans and servicemen enrolled in training last spring.

Enrollment in college level training will hold at or near the 60 percent of total enrollment which has obtained from the outset of the Vietnam G.I. Bill . . . and which has been much higher than under the World War II and Korean programs.

I think we can safely say that because of these tremendous Out Reach efforts that our Vietnam era veterans are better informed about their benefits than have been the veterans of any of our earlier conflicts. To me this is the more satisfying, for certainly they have had to fight America's loneliest war as far as national solidarity is concerned.

Judging from my mail, however, I would say there are many Americans sincerely concerned because of recent publicity about the VA's capacity to provide medical care for these younger veterans.

I have seized every opportunity to give assurance that the VA does now, and will continue to provide care for these veterans just as we have for our older veterans. During the past fiscal year only some 44,000—or slightly over five-percent—of the total VA patients treated were Vietnam veterans, and it looks now as though their numbers will increase to only about 60,000 in this fiscal year. The numbers will grow, of course, just as has VA's ability to treat more and more veterans each year.

I don't need to tell this audience that there have been many news stories and newscasts in recent months about the VA medical program.

I do want to tell you, though, that I do not for one minute question either the propriety or the sincerity of the Congressional committees in bringing this matter to the attention of the public. Furthermore, I accept as well-intentioned the criticisms that have been voiced by the many critics in or out of government.

Nor do I discount in any degree the earnest belief by our VA hospital directors that they could effectively use more funds and staff, for I am sure this belief has prevailed for many years.

Without at this time entering into the controversy about VA medical care, I would like—in fairness to the army of dedicated

employees now providing care in our 166 hospitals—to emphasize some of the "positives"; some of the progress that is being made in this vitally important field.

First, the matter of money.

The President on November 26, 1969, approved the F.Y. 1969, VA budget which included nearly 1-billion, 542-million dollars for medical care. This was the amount recommended by the outgoing Chief Executive and by Congress, and represented the most money ever appropriated for this purpose. And all of these monies have been made available to the agency.

Then, just about one month ago, the President submitted to Congress for F.Y. 1971 a budget that included 1-billion, 702-million dollars for VA medical care—another record sum.

To the 1-billion, 542-million dollars already appropriated for this fiscal year will be added another 91-million dollars to help cover salary increases.

On top of this, the VA received approval—just today—to ask Congress for still another 15-million dollars to become available this year in the quarter starting next April first.

Let me tell you some of the things this extra money will permit us to do.

Some 9.8-million dollars will be earmarked for our dental outpatient program. We will be able to complete 50,000 additional free examinations, and 45,000 more treatment cases, thus reducing the workload to a normal operating level considering the present, unprecedented demands.

Another 3-million dollars will go for specialized medical services. In a word, this means that 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 an extra blind clinic, an epilepsy center, and another spinal cord injury center . . . plus more than 600 coronary and intensive care beds.

Some 200-thousand dollars will help us beef up the staffs at our six existing spinal cord injury units by 71 full-time employees . . . 1-million dollars will go into the home dialysis program . . . and another 1-million will help meet increased demands for drugs and medicines.

We are today treating more sick and disabled veterans than ever before in the history of the Veterans Administration.

This fiscal year we expect to treat in our own hospitals an all-time high of more than 780,000 veteran patients. Next year this figure should go up to about 875,000.

To really evaluate this remarkable accomplishment we need to go back a few years. Back to 1958, for instance, when VA was able to treat only 608-thousand patients—172-thousand less than we will care for this year. Or even back to the mid-1960s when we were treating about 50,000 fewer patients.

It is worthy of note, I believe, to point out that in 1958—when we were treating 172-thousand fewer patients—VA was operating 121-thousand, 200 hospital beds, which is over 19-thousand more than are in operation today.

What I am pointing out is that how effectively beds are used is more important than sheer numbers of beds. The number of operating beds necessary to do the job has been declining steadily for many years. In F.Y. 1969 VA operated some 107-thousand beds; this year the number required has been a bit more than 100-thousand, and the estimate for Fiscal Year 1971 is 95-thousand-plus—and yet we have or will be treating more patients in each of these years.

I purposely stressed the word "estimate" in talking about the 1971 figure by way of clarification. Although VA estimated when the budget was prepared some months ago

that we would need to operate some 5-thousand fewer beds in 1971, there is nothing sacred or binding about that estimate. If actual experience indicates more beds are needed—then I assure you we will place more beds in operation.

Although the estimate right now for hospital beds is down in the next fiscal year . . . we will have a 28-percent increase in nursing beds in VA hospitals . . . going from the present 4,000 beds to 5,155.

Another improvement I would mention concerns the staffing of our hospitals.

Just six months ago—at a time when he was reducing employment elsewhere in the government by about 50-thousand jobs—the President authorized a VA increase of 1,500 employees, with the vast majority of the increase ticketed for the medical program.

The new budget for the next fiscal year calls for another increase of 2,150 medical employees.

The ratio of hospital staffs to patients has increased steadily . . . from 146.2 employees per 100 general hospital patients last year to 150.2 this year, and this will go up to 156.8 next year.

Hopefully indicative of VA's ability to recruit physicians is the fact that as of the last reporting date there were 5,137 full-time doctors on the rolls, including 800 scarce-category psychiatrists. This is 373 more doctors than we had nine months earlier, including 26 more psychiatrists.

The outlook for hospital construction constitutes another "positive". Following on the heels of an appropriation of less than 8-million dollars in Fiscal Year 1969, the government-wide moratorium on most construction projects this year . . . we have asked for 59-million dollars for construction in the next fiscal year. This will be the largest volume of construction placed under contract in 21 years.

The fact that VA is treating ever-more patients has, of course, had an impact on hospital waiting lists. The records reveal there were more than 25,000 on the waiting list in 1958, and the number was nearly 17,000 in 1964. Today the list numbers only 2,700 nonservice-connected veterans in the continental United States.

Medical research funds have grown from an appropriation of 48-million dollars in F.Y. 1969 to 57.6 million dollars this year . . . and we are asking for 59.2-million dollars in the new budget.

I have not cited these few examples of progress with the intention of rebutting any of the VA critics, for I realize full well that there will always be differences among sincere and reasonable men in a field as difficult to measure as medicine.

Instead, I have spoken out in the belief that all of us need to remind ourselves—as well as the thousands of veterans who will be VA patients in the days ahead—that there is much that is good about the VA medical program.

I am well aware of the adage that the mind can absorb only as much as the seat can endure.

Despite that awareness, I am moved to tax your patience with one more observation.

Although I have been Administrator of Veterans Affairs for only a little more than eight months, I learned early on the job that a considerable amount of criticism—from a wide variety of sources covering a broad range of subjects—is part and parcel of the position I hold.

Mind you, I am not complaining. I appreciate that any operation as mammoth and complex as the Veterans Administration is bound to have lots of critics. And I think this is as it should be, for constructive criticism not only is welcome, but enables us to do a better job.

Although I like to think that I do a pretty good job of maintaining my "cool," I must confess to you that I was hurt by that portion of your National Commander's statement yesterday morning before the House Committee on Veterans Affairs in which he linked my name with some mysterious, long-range program to phase out the medical and hospital program of the Veterans Administration.

To you, Commander Patrick, and to all my other friends in the great American Legion let me make this point absolutely clear.

I speak for the President of the United States as well as Don Johnson when I tell you that there is no program—long-range, short-range or intermediate-range—to phase out, or in any manner diminish VA hospital and medical care.

It strikes me, as a matter of fact, that providing more funds, and treating more sick and disabled veterans than ever before in the history of our nation is an odd way to go about phasing out a program.

I yield to no man in this audience, including your present National Commander, in my determination to maintain—and to strengthen the great VA medical program—as a separate entity as it is now constituted.

Should there ever be at any time in the future . . . any attempt . . . by anyone in or out of the government . . . to phase out, destroy, or in any way lessen the importance of the VA medical program . . . let me assure you of one thing.

The first person they will have to deal with is Don Johnson.

And those of you who remember the fight I led in 1965 against the VA hospital closings decreed by the former President might agree, I believe, that Don Johnson can battle pretty effectively when veteran programs are threatened.

I am the same Don Johnson. My title may have changed, but certainly not my regard for veterans, nor my concern for their welfare.

Again . . . I apologize for taking so much of your valuable time.

However . . . I want you to know how grateful I am for the opportunity you have given me to join once again a gathering of this body of great Americans.

There have been times in the past . . . as there will be in the future . . . when the American Legion and the Veterans Administration don't see eye to eye.

There has never been a time . . . however . . . and I know that there never will be . . . when we shall seriously question the other's honor and integrity and dedication to the welfare of America's veterans, their dependents and survivors.

This is all any of us could ever ask.

This is all America's veterans will ever need.

Thank you.

## THE HUMAN SIDE OF OCCUPATIONAL SAFETY AND HEALTH

**HON. JAMES G. O'HARA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. O'HARA. Mr. Speaker, the human side of occupational hazards is seldom understood or reported.

The United Auto Workers monthly newspaper, *Solidarity*, goes to 1.8 million union homes. The recent February and March issues of *Solidarity* carried a series of articles on occupational safety

and health describing in human terms what happens when death or injuries on the job reaches into a worker's home.

The Congress is still trying to write legislation which will prevent thousands of deaths and many thousands more injuries. The Select Subcommittee on Labor, under the vigorous leadership of its chairman, the Honorable DOMINICK DANIELS, has completed hearings. One of our difficulties is the lack of public understanding or sense of urgency about the problem of occupational safety and health. The UAW articles help make people realize that the need for legislation to protect 80 million working Americans, white and blue collar alike, because, as the article states:

Studies show that occupational harm and ailments are like icebergs. Beneath the surface effects of a broken bone, blackened lung or other condition lie massive, unforeseen forces that can plummet a wage-earner from middle income to poverty.

They are forces which can spark an emotional illness out of a physical injury, ruin a worker's ability to go hunting or engage in other recreation, disrupt marriages or doom a person to a kind of half-life of idleness or unsatisfying work.

Mr. Speaker, it is my earnest hope that the second session of the 91st Congress will see the approval of a strong, comprehensive bill to protect workers from death and injury on the job. To appreciate and feel the human side of the problem, I insert at this point in the RECORD two articles "American Tragedy" and "Factory Fumes" from the February and March 1970 issues of UAW *Solidarity*, as prepared by Karl Mantyla:

[From UAW *Solidarity*, February 1970]

### AMERICAN TRAGEDY: FACTORY ACCIDENTS CLAIM MORE LIVES THAN THE VIETNAM WAR (By Karl Mantyla)

Hotter than a meteor, a golden river of molten iron flows along a trough from a foundry blast furnace.

The metallic liquid courses at a temperature of 2700 degrees past a UAW member—a cupola operator who runs the furnace.

Within the time it takes to wipe sweat and dirt off his face, the worker could be burned alive or maimed by an explosion.

His job has a built-in danger: without warning, the flow of iron could become clogged and shift silently into another trough filled with water and designed to carry away the slag or impurities.

"When you run iron onto water you get a near-nuclear explosion," says a veteran foundry worker who recently saw an explosion kill a cupola operator. "There is a terrific explosion that just about blows out every window in the plant."

The job is one among the thousands in which industrial workers are exposed daily to perils—hazards that could sever an arm or leg, fill lungs with death-inducing fumes and grit, cripple backs, destroy eyesight, hammer the vibrancy out of eardrums, crush bodies or sear skin.

The causes represent a chamber of horrors: presses which can crush a hand with seven tons of weight; gaping holes leading to scrap chutes; faulty machines being run at top speed to maintain production quotas; overtime work that tires workers and impairs their alertness; unventilated fumes from welders' torches; lack of safety instruction, oil-slick floors and others.

Each year, 14,000 American workers are killed on the job. This toll is greater than

that of the Vietnam battlefields, and on-the-job deaths have increased alarmingly in recent years.

Eighty million persons work for a living in the United States. The U.S. Dept. of Labor says 2,200,000 disabling work injuries occurred among the labor force in 1968, the most recent year for which statistics are available.

World War II killed 300,000 Americans and wounded 700,000. But in the 25 years since then, jobs, machines and equipment—almost like sinister snipers—have claimed the lives of 400,000 Americans and disabled almost 50 million.

The UAW is urging the current session of Congress to enact a Federal occupational safety and health law giving the Secretary of Labor power to order any hazardous work practice or condition halted immediately until a hearing board rules on the matter.

#### SAFETY "MAGNA CARTA"

Appearing recently before the House Labor subcommittee, UAW officials called for a "worker's occupational Magna Carta, assuring him that he has a right to a safe and healthful job." Lloyd D. Utter, UAW safety director, and Franklin Wallick, legislative representative, in presenting the union's position, emphasized that the law should provide money for massive research on health and safety and for the hiring of inspectors and other personnel to make sure it is enforced.

"Too many employers think they have done their duty by displaying warnings, making workers wear safety glasses and hard hats and putting up safety posters," the UAW statement pointed out. It urged that employers be forced to prove that a machine or work practice is safe, rather than putting the burden of proof on the accuser.

"A technological genie has unlocked thousands of miraculous but oftentimes dangerous chemicals. They present both a danger and a boon to the American economy," UAW said in calling for a full-scale research effort.

"We know very little about the dangerous and deadly effects of 6,000 toxic substances which workers use on their jobs. These substances are introduced into industry at the rate of about 600 new chemical processes a year."

#### BUILT-IN DELAYS

Wallick criticized a bill by the Nixon Administration, which calls for a five-member hearing board which could set penalties. He said it contains "built-in delays for reaching decisions which are critical to the life or death of millions of workers. And there is no assurance that the proposed board would be free of political or commercial influence, nor that it would guarantee professional competence . . ." Two other major bills before Congress would focus responsibility for occupational health and safety on the Secretary of Labor.

Nobody is sure of the extent of occupational disease and injury.

Costs of occupational disease and injuries are staggering: \$5.75 billion alone from the lost time amounting to 250 million man-days in 1968, plus \$7.9 billion in compensation, insurance and fire damages that year. Equipment and plant losses haven't even been calculated.

#### NO PRICE TAG ON LIFE

Greater than the economic loss is the human suffering, in which the damage lies in the hearts and distraught lives of widows, of sons and daughters robbed of parents and of workers cheated of chances to live satisfying, productive lives.

"There's no price for his life," says Mrs. Lola Stallard, the widow of Furl Stallard.

Tears spill from her eyes as Mrs. Stallard recalls the night of Aug. 16, 1967, when a cupola explosion killed her 35-year-old husband at the General Motors Central Foundry in Defiance, Ohio.

Less than a year later at the same blast furnace, another iron-water explosion fatally burned Stallard's one-time boyhood chum and closest friend, Doyle E. Price, 36.

Today, Mrs. Stallard, 40, and Price's widow, Clara, 34, grapple alone with the tasks of raising a total of five children scarred emotionally by their fathers' deaths. The youngsters range in age from 9 through 17.

At the foundry, workers call the furnace "The Jinx of Plant No. 2."

What really killed Stallard and Price and perhaps thousands of other industrial workers?

Some say the lethal agent is a timeworn method of "trial and error." Only by trial and error, once a man is injured or killed on a job is the cause studied and a safeguard engineered. Only after men lost fingers and hands did two-hand controls appear on punch presses. Only after pallets of steel parts fell on lift truck drivers did steel guard rails surround the drivers seat.

#### "SOLUTION" DIDN'T WORK

At the Defiance foundry, union safety men and management officials thought the hazard at the cupola was solved after Stallard's death when GM lowered the height of a dam which separates the pure molten iron from the slag.

Clogging of the dam and diversion of the 2700-degree iron into the water killed Price. This time, management—pressured by union officials for a positive safeguard—installed a slag diverter which can be used to dump the slag trough into a safe place in case molten iron flows into the wrong channel.

"There's no question that the slag diverter has prevented other explosions," says Kenneth Blosser, Local 211 shop committee chairman at the foundry.

The cost of the slag diverter: less than \$2,000.

The cost of Price's and Stallard's deaths: \$38,000 in compensation to the widows and children, plus insurance death benefits—and seven lifetimes of ruptured hopes, dreams and realities.

#### FOUNDRIES HIGH ON INJURY LIST

In any list of the most dangerous places to work, foundries rank high.

The government says foundries—heart of the automotive industry with their engine castings—create the third worst environments for disabling injuries of any type of work in the nation. Only coal mining and the lumber industry produce more frequent injuries.

Foundries yielded 30 disabling injuries for every million man-hours of work in 1967. At the same time, the average for the transportation equipment industry as a whole, including autos, trucks and aerospace, was 7.1 lost-time mishaps for every million man-hours. The average for all types of work throughout the nation in 1967 was 14.0.

Officials note a rise in the frequency of disabling accidents in the transportation equipment field where most UAW members earn their livelihoods—up from 7.1 in 1967 to 7.3 lost-time accidents per million man-hours in 1968. In 1958, the disabling accident frequency was 6.0.

#### CANADIANS MORE ACCURATE

Canadian industries show even higher figures on the frequency of disabling accidents, possibly through more accurate reporting of mishaps. In the province of Ontario, where most heavy manufacturing is located, the auto industry reported in 1968 a frequency of 20.5 lost-time mishaps for every million man-hours of work, compared with a general industrial average of 25.5 and an aerospace industry total of 13.4.

Though virtually all victims of work accidents are nonsupervisory personnel management is not immune from either physical

hazards or health conditions. In December, a foreman at the Ford Motor Co. plant in Louisville, Ky., climbed atop a load in a brand-new automatic stacking machine controlled by a computer.

An automatic shutoff device failed, and the foreman was crushed between the ceiling and the load as the uncontrolled machine continued its stacking.

#### INTENSIVE SAFETY DRIVE

"Safety is the last thing to be checked," asserts Ray Berndt, director of UAW Region 3 in which the Ford plant is located. "They wanted to see if that new machine would stack, but they weren't interested in whether it would shut off."

Last June, alarmed by a rash of deaths and injuries in his region, Berndt launched a tough safety campaign.

He issued a proclamation naming June as "Industrial Safety Month" throughout the region which has 130,000 UAW members in 225 plants. Berndt called on the full membership "to bring to the attention of their respective union representative every possible industrial safety and occupational disease hazard in the plant."

Then he instructed all union officers "to see that the complaints on safety conditions lead to corrective action," notifying him of any problems. Leaflets and safety posters went out to every union local.

But Berndt says no campaign will be fully effective until in-plant safety inspectors gain the "right to red-tag a machine and shut it down if it is hazardous."

The UAW's strongest alternative, in cases where bargaining on safety conditions fails, is the strike.

But while officials are exhausting the grievance procedures, the dangerous conditions continue unchecked.

The Federal government's role in safeguarding workers has been stymied by archaic laws, red tape and insufficient funds.

Eugene Newman, chief of contract safety for the Labor Dept., says he needs "300 to 400 inspectors to do the job right" in enforcing the 30-year-old Walsh-Healy Public Contracts Act.

#### TOO FEW INSPECTORS

Newman says there are only 27 inspectors and five field hygienists available to police the health and safety provisions of the law which affects 27 million workers in plants performing government work. Inspectors are unable to visit more than two or three per cent of the plants.

The Labor Dept.'s only weapon to force improvement is a blacklist, in which firms that refuse to correct violations of safety and health standards can be declared by the Secretary of Labor as ineligible to deal with the government for three years.

Newman says five small firms are on the blacklist currently.

His bureau's budget for safeguarding the 27 million workers in 75,000 plants doing government work: \$530,000.

#### [From UAW Solidarity, March 1970]

FACTORY FUMES: THEY CAN BE DEADLIER ON THE INSIDE THAN ON THE OUTSIDE

(By Karl Mantyla)

Until the grim evening of Oct. 24, 1969, LeRoy W. Frederick had "never missed a day of work in my life, due to a cold or flu or anything."

Then, in a brief span of 90 minutes that night, the 50-year-old electrician from Muldrow, Okla., became a statistic: one of the more than two million workers disabled each year by accidents on their jobs in the United States. Whether he will be forced to join the 90,000 permanently disabled each year is yet to be known.

The plight of Frederick—a UAW worker so badly poisoned by smoke and chemical fumes

at the General Electric plant in Fort Smith, Ark., that it plunged him into a ten-day coma—illustrates the financial and physical hardships awaiting a worker who is stricken by injury or disease on his job.

#### INJURY'S CHAIN REACTION

Studies show that occupational harm and ailments are like icebergs. Beneath the surface effects of a broken bone, blackened lung or other condition lie massive, unforeseen forces that can plummet a wage-earner from middle income to poverty.

They are forces which can spark an emotional illness out of a physical injury, ruin a worker's ability to go hunting or engage in other recreation, disrupt marriages or doom a person to a kind of half-life of idleness or unsatisfying work.

In virtually every disability case, state workmen's compensation payments fall far below the dollar needs of the worker and his family. Because of varying state laws, a disabled worker in one state will be worse off than his counterpart in another state. In Texas, the most a worker can get if a machine rips off his right hand is \$4,900. In Michigan, he may receive as much as \$21,070 for loss of the hand.

The doors of employment no longer open readily to workers with handicaps, and a man who has lost one hand, surveys show, can quickly exhaust compensation payments.

#### UNCERTAIN FUTURE

Like most disabled workers, Frederick faces a darkly clouded future.

A divorcee who is sole supporter of his six children ranging in age from 11 through 20, Frederick was stricken while working on faulty exhaust fans at a furnace which "paints" Teflon chemical coatings on GE frying pans. In a series of production-line events, thick smoke and fumes billowed throughout the plant.

"It was so smoky in there I couldn't see," he recalls. "The assistant plant manager sent the workers home, but I stayed to set up exhaust fans because I was the electrician and that was my job."

By 8 p.m. Frederick was "getting sicker and sicker" with nausea, dizziness and headaches. "We have no first-aid nurses at night," he says, "so I got a slip from the plant guard to go home."

On the 23-mile drive to his home across the Arkansas-Oklahoma state line, he said, "I lost consciousness, almost hit a bridge and ended up on the median." He vomited alongside the auto and regained his senses enough to make it home. A day and a half later, after alternating periods of semiconsciousness, Frederick blacked out completely and his oldest daughter called an ambulance.

"According to all the information I've received they thought I was dead when I got to the hospital," Frederick said. "A doctor and a nurse revived me but I had not been revived very long when I lost consciousness again. I had to be revived with heart massage." Then he slipped into the comatose state from which he emerged 10 days later.

After 11 weeks, Frederick was released by the hospital, a once-energetic man turned frail by the ailment which cost him 24 pounds and dropped his weight to 146 pounds on his 5-foot-11 frame.

"I'm awfully weak," he says. "I still have dizziness when I bend over and I shake like a leaf."

UAW officials are pressing a claim against GE for compensation with the State of Arkansas.

Meanwhile, Frederick says he has lost a normal income of \$300 a week and his part-time electrical contracting business is near collapse.

"I had to dig into my savings by better than \$4,000 while I was in the hospital, in just keeping my six children going," he says. Hospital and medical bills totaling some \$10,-

000 are unsettled, with the UAW seeking to force payment of them by GE.

Union representatives say doctors diagnosed Frederick's illness as hydrocarbon poisoning, with evidence of a chronic condition, after exposure to nitric and sulfuric acids.

#### PERMANENT HEART DAMAGE

"There is definite heart damage, or a scar, that the doctor says I will have the rest of my life," Frederick says.

Interviews by *Solidarity* and professional research studies indicate many disabled workers face bleak prospects.

An intensive study of 485 disabled workers by the Survey Research Center of the University of Michigan revealed:

"Of those who settled (their compensation claims), 31 per cent were back at work even before they settled, 24 per cent were back after the settlement, while the remaining 45 per cent were not back a year and a half later, nor were they very hopeful about their futures."

Between 12 and 25 per cent of the disabled were dissatisfied with medical care necessary for their rehabilitation. "This was particularly true of services provided by company doctors or plant first-aid stations, and of care secured in contested cases in the absence of help from the insurance company or employer."

The disabled "frequently could not live on the payments" under weekly compensation benefits.

"Workers appear to have very little knowledge of their rights, and very little genuinely free choice as to method of settlement (lump sum versus weekly payments)."

#### OBSTACLES TO CLAIMS

The study, published in 1959, found that compensation procedures in Michigan—one of the better states in providing for disabled workers—were "cumbersome, expensive and difficult emotionally for the workers. The long delays, uncertainty, the contingent fees charged by lawyers all have served to push the worker toward a settlement at a time when his own financial needs were most pressing." The research unveiled undue pressures on the workers even by doctors.

Older workers suffer greater difficulties in returning to work than younger persons, the study found. And, "Sometimes the employer or the insurance company regarded the worker as a bad risk for future employment, particularly in back injury cases."

The hodge-podge of state compensation laws have one basic effect: a worker's life or health may hardly be worth a dime in one geographic location while the same worker is valued more highly in another area.

The State of Georgia puts a maximum of \$5,000 on medical payments under its compensation law—small consolation to the worker suffering a major injury or occupational disease requiring long-term medical care.

In Texas, a foundry worker suffering the dreaded silicosis may be treated medically for only 91 days before his state-allowed medical benefits run out. And, in Texas, the weekly maximum payments of \$49 for a permanent total disability will continue for only 401 weeks. In Michigan the maximum such payment is \$98 a week as long as the disability continues, and medical treatment is fully paid.

#### AILMENTS COMPOUNDED

Experts, including those in the UAW Compensation and Safety Department, say many industrial injuries and diseases become compounded by leading to other ailments.

In one Midwestern state last year, a young foundry worker's left leg was crushed by a hi-lo truck. Doctors amputated the limb four inches below the knee. The worker, a UAW member in his 20s, went home to his wife and child to recover.

Within a month he had entered a mental hospital for treatment of a severe emotional disturbance that arose from the loss of his leg.

Chances are, experts say, such a worker will be haunted the rest of his life by the intertwined difficulties of maintaining employment despite a major physical handicap and regaining his emotional health under the most trying of circumstances.

"You're the scapegoat," says Marcel Lauriault, a 40-year-old inspector who slipped on an oily floor and suffered a back injury at Chrysler Corp.'s engine plant in Windsor, Ont. "You can be replaced any day, any second, by the company."

Lauriault says his only medical examination was from a plant doctor who "told me the muscles in my back were retracted and bruised. He gave me a couple of pills and told me to use a lot of heat."

No X-rays were taken, Lauriault said, adding bitterly: "If they find something wrong, let's face it, they do not want a man to get compensation."

#### NO MORE SPORTS

A wiry, dark-haired man, Lauriault's hobbies had been dancing and bowling. Now he can do neither. He had been planning to get married soon, but now he says, "I don't want to get married and have to put up a sign saying, 'Do Not Disturb.'"

Five nights a week, Joe Charron, 34, an assembler at the Windsor engine plant, walks into a doctor's office for heat and therapy treatments. He suffered broken blood vessels and muscle spasms in his back when he fell after losing his balance attempting to lift an oily flywheel stuck against two other flywheels.

Once an avid weight lifter and ice skater who played hockey with a team, Charron has been forced to abandon his recreations. He received compensation payments of \$98 a week from Oct. 27-Jan. 5, returning to work despite the pain because he was falling into debt.

The biggest single percentage—27 per cent—of the 2,200,000 disabling work injuries which occurred in 1968 involved the trunk of the human body, mainly in back injuries.

Such injuries also can be among the most long-lasting.

For nearly 10 years, Gladstone "Jack" Goins of Van Wert, Ohio, has been bearing a burden of financial and physical distress caused by a back injury. He was leaning over a guard rail, hoisting a 50-pound load of steel with a rope to a work area when "I felt a snap and I went to my knees and I hollered."

A company doctor at GM's Central Foundry in Defiance gave him pain pills and sent him home, says the 54-year-old Goins, a father of five who supports his wife and a 16-year-old son. A month later, X-rays were taken and revealed two chipped vertebrae and one cracked vertebrae.

#### SPENT ALL SAVINGS

Through the UAW, Goins won a compensation claim for 33½ per cent disability but "I spent all my savings, around \$3,000." Because of continuing back trouble that limits his ability to work as a millwright, "I've lost half of the wages I could be getting—at least \$5,000-\$6,000 a year. I used to hunt all the time. I can't hunt any more. I can't even shovel snow."

"Accidents Can Be Prevented." So say the signs at thousands of plants across the nation.

The signs are belied by the fact that within the same corporation some plants have local managements known to be responsive to union safety suggestions while others balk at improvements to guarantee the health and safety of workers.

## THE EMPLOYEE BENEFITS PROTECTION ACT

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. AYRES. Mr. Speaker, on behalf of the administration, I am today introducing the Employee Benefits Protection Act. This act amends the Welfare and Pension Plans Disclosure Act and is designed to broaden and strengthen the existing law governing employee welfare-pension funds. The administration's proposal will serve to assure the working men and women of this country that the assets of welfare and pension funds, established for their benefit, will be managed prudently, and that the individual entitlement to welfare and pension benefits will be disclosed in clear, understandable fashion.

Specifically, the Employee Benefits Protection Act proposes new and important Federal safeguards with respect to the administration of employee benefit funds. Fiduciary responsibilities, in particular a prudent man standard, are imposed upon those who occupy a relationship of confidence or trust with respect to such funds. The act would also bar from fiduciary position all persons convicted of certain enumerated criminal offenses for a period of 5 years. The cumulative effect of these two provisions is to insure that the fruits of a man's labor will not be lost in maladministration of employee benefit funds.

In other respects, the act serves to strengthen the disclosure and reporting requirements pertaining to such funds as well as to broaden the legal remedies available for the effective enforcement of the duties imposed upon fund fiduciaries. In particular, fund fiduciaries would be required to give a detailed accounting of their stewardship, and employees upon request would be entitled to receive a description of benefits that have accrued in their favor as well as an explanation of the procedure that must be followed to obtain benefits on the distribution date.

In sum, the act would provide a national fiduciary standard for the governance of welfare-pension funds and a more effective system of disclosure and reporting, on both of which the happiness and well-being of many depend.

Mr. Speaker, I believe the administration's bill represents a sound and constructive step, and I hope it will have early consideration in the Congress.

Mr. Speaker, I include in the RECORD a section-by-section analysis, an explanatory statement, and a comparison print showing how the bill would amend the Welfare and Pension Plans Disclosure Act:

#### SECTION-BY-SECTION ANALYSIS OF AMENDMENTS TO THE WELFARE AND PENSION PLAN DISCLOSURE ACT

##### TITLE

The amendment changes the title of the Act from "Welfare and Pension Plans Disclosure Act" to "Employee Benefits Protection Act." The underlying purpose of the Act has always been the protection of the

benefit plan interests of employees and the newly added fiduciary responsibility provisions will broaden the scope of this protection, making the use of the word in the title appropriate. The descriptive title is amended to read simply "An act to amend the Welfare and Pension Plans Disclosure Act."

TABLE OF CONTENTS

The table of contents reflects the addition of the two wholly new sections; section 14, entitled "Fiduciary Responsibility" and section 15, entitled "Prohibition Against Certain Persons Holding Office." It also reflects the change in the title of section 2 from "Findings of Policy" to "Findings and Declaration of Policy."

SHORT TITLE—SECTION 1

Section 1 provides that the Act may be cited as the Employee Benefits Protection Act.

FINDINGS AND DECLARATION OF POLICY—SECTION 2

Section 2, presently titled "Findings and Policy" has been retitled "Findings and Declaration of Policy." Language has been added to subsection (a) in recognition of the increasing impact of employee benefit plans on interstate commerce and to stress the intent of the amendments to provide greater safeguards in the protection of participants' and beneficiaries' rights under employee benefit plans. Subsection (b) contains a new clause reflecting the broadened policies of the Act.

DEFINITIONS—SECTION 3

The definitions of "employee welfare benefit plan" and "employee pension benefit plan" have been modified to make it clear that a plan will fall within the definition not only if it is established by an employer or an employee organization, but also when it is maintained by such an entity.

The definition of "party in interest" has been broadened and the definition of "administrator" has been removed from section 5 and added, in changed form, to section 3. Definitions of the following words and terms have also been included: relative, employee benefit plan, employee benefit fund, separate account, adequate consideration, nonforfeitable pension benefit, accrued benefit, security, fiduciary and market value.

Since the term "employee benefit plan", which means either a plan providing pension benefits or a plan providing welfare benefits or a plan providing both, has been added to the definition section, the term "employee welfare or pension benefit plan", and the term "employee welfare benefit plan or employee pension benefit plan" have been deleted from the Act wherever feasible and the term "employee benefit plan" has been substituted. These changes are not referred to elsewhere in this analysis.

COVERAGE—SECTION 4

Subsection (a) no longer contains the words "or employers" and "or organizations." There is no change in substance, since the singular is read to include the plural. 1 U.S.C. § 1.

Paragraph (3) of subsection (b) now contains subparagraph headings (A) and (B) and the words "order or association" have been added to subparagraph (A) and to the proviso. The word "or" has been substituted for the word "and" in subparagraph (B) for the sake of clarity. The changes conform the language more closely to the Internal Revenue Code to which the language refers.

Paragraph (4) of subsection (b) specifies that participants or beneficiaries of plans covering less than 26 participants may bring actions to recover benefits or to protect a contingent interest in benefits, even though the plan is not otherwise covered by the Act.

DUTY OF DISCLOSURE AND REPORTING—SECTION 5

The second sentence of subsection (a) has been changed slightly to achieve greater clarity.

The definition of the term "administrator" has been changed and added, as noted above, to section 3. Subsection (b) authorizes the Secretary to require special terminal reports. Subsection (c) contains a simplified and more flexible version of an exemption power than the "variation" power currently in subsection (a).

DESCRIPTION OF THE PLAN—SECTION 6

Subsection (a) has been undated. Subsection (b) has been modified to require that the plan description include an easily understood explanation of any plan provisions dealing with nonforfeitable pension benefits or a statement, if applicable, that the plan does not provide such benefits. The current requirement that all plan description changes be filed within 60 days has been modified to allow flexibility in accordance with the Secretary's regulations. Subsection (b) has also been modified to eliminate the requirement that the bargaining agreement, trust agreement, contract or other instrument under which the plan was established or is operated be included in the plan description; such full documents are made available for inspection by a participant or his representative, or he may obtain copies of such documents upon request and payment of reasonable charges pursuant to section 8(c).

ANNUAL REPORTS—SECTION 7

Section 7 has been rearranged and broadened. Paragraph (1) of subsection (a) sets forth the basic reporting requirements for all plans. Notice and opportunity to be heard, rather than an investigation, is now the prerequisite to the Secretary's requiring a report from a covered plan with less than 100 participants. Paragraph (2) requires the carrier, in the case of an insured plan, to certify necessary information to the plan administrator within 120 days after the end of the plan year, and is identical to section 7(g) of the present Act. Paragraph (3) requires each plan to be audited annually by an independent accountant and the auditor's report with respect to financial information required to be filed under section 7 must accompany the plan's annual report. An exemption is included for the books of banks and insurance companies, if subject to periodic examination by Federal or State agencies.

Subsection (b) sets forth the kinds of information and transactions which must be reported by all plans, save those which are unfunded. Paragraph (1) covers general information, and requires identification of all fiduciaries. Paragraph (2) calls for data concerning all plan investments and paragraph (3) requires information with respect to transactions in securities. Paragraph (4) deals with transactions involving property other than securities. Loans are covered in paragraph (5) and leases in paragraph (6). Paragraph (7) calls for a list of all party in interest transactions. Paragraph (8) contains special instructions where plan assets are held in a common or collective trust or in a separate account by an insurance carrier and allows the Secretary to prescribe rules for reporting in such situations. Paragraph (9) permits the administrator to furnish additional investment information if he desires to do so.

Subsection (c) deals with unfinished plans—plans in which the benefits are paid out of the general assets of the employer or the employee organization.

Subsection (d) sets forth the reporting requirements for insured plans and is identical to section 7(d)(1) and (2) of the present Act.

Subsection (e) elicits actuarial information, to the extent applicable, from all plans.

PUBLICATION—SECTION 8

Subsections (a) and (b) provide for the preparation of forms for plan descriptions and annual reports by the Secretary and for inspection of completed descriptions and reports in the public document room of the Department of Labor.

Subsection (c) restates the current requirements of disclosure to participants copies of the plan description and most recent annual report and the bargaining agreement, trust agreement, contract, or instrument under which the plan is established or maintained must be made available for examination by participants and beneficiaries at the administrator's principal office and a summary of the annual report must be furnished to any participant or beneficiary so requesting in writing. Copies of the plan description or annual report or agreement or instrument under which the plan is established must be furnished on request but a reasonable charge may be made to cover the cost.

Subsection (d) provides that upon written request, the administrator must furnish to a participant or beneficiary a statement of information concerning nonforfeitable pension benefits accrued, and total accrued pension benefits.

Subsection (e) provides that upon termination of service, each participant or his surviving beneficiary is entitled to receive a statement of his rights and privileges under the plan. The Secretary is authorized to prescribe the manner in which the statement must be furnished, its form, and its content beyond the mandatory content requirements stated in the subsection. Such statement is prima facie evidence of the facts, rights and privileges set forth therein.

ENFORCEMENT—SECTION 9

Subsection (a) restates the current criminal penalty for willful violations of sections 5 through 13 of the Act.

Subsection (b) provides for liability, in the court's discretion, of up to \$50 a day in the event of an administrator's failure or refusal to comply with the written request of a participant or beneficiary for a plan description, annual report, statement of accrued benefits (section 8(d)) or the bargaining agreement, trust agreement or contract under which the plan was established and is operated.

Subsection (c) gives the Secretary authority to investigate when he believes it necessary to determine whether any person has violated or is about to violate the Act. Subsection (d) incorporates the subpoena provisions of the Federal Trade Commission Act and makes them applicable in an investigation by the Secretary.

Subsection (e) deals with civil actions. Suits may be brought by participants and beneficiaries individually for (1) the relief provided for in subsection (b), (2) to recover benefits due or clarify his rights to future benefits and (3) as representatives of a class to redress a breach of fiduciary duty. The Secretary may sue to enjoin any act which violates the Act and to redress a fiduciary breach.

Subsection (f) allows participants and beneficiaries to bring any action authorized in subsection (e) in any court of competent jurisdiction, State or Federal. Authorization for broad service of process is provided for suits in Federal district courts by participants and beneficiaries to recover benefits due or clarify his rights to future benefits and by participants and beneficiaries or the Secretary to redress a fiduciary breach. The

Secretary is allowed to bring any other action authorized in subsection (e) in the proper Federal district court.

Subsection (g) vests Federal district courts with jurisdiction in any action brought by the Secretary to grant any of the relief provided for in subsection (e) without respect to the amount in controversy or the citizenship of the parties. Actions brought by participants or beneficiaries must meet the jurisdictional amount requirement applicable to the Federal district courts.

Subsection (h) gives the court discretion to allow reasonable attorney's fees and costs to any party and also gives the court discretion to require the posting of security by the plaintiff for those fees and costs. A copy of the complaint must be sent to the Secretary.

Subsection (i) prohibits the Secretary from interfering with the management of or otherwise regulating any plan, except as authorized in the Act.

Subsection (j) authorizes the Secretary to make arrangements with other government agencies, State or Federal, for cooperation in performing his functions under the Act. Provision is made for the transmission of evidence from the Secretary to the Attorney General in cases of criminal violations of the Act.

#### REPORTS MADE PUBLIC INFORMATION— SECTION 10

Remains identical in substance and form to present Act.

#### RETENTION OF RECORDS—SECTION 11

Remains identical in substance and form to present Act.

#### RELIANCE ON ADMINISTRATIVE INTERPRETATIONS AND FORMS—SECTION 12

Remains identical in substance and form to present Act.

#### BONDING—SECTION 13

Remains identical in substance to present Act.

#### FIDUCIARY RESPONSIBILITY—SECTION 14

This section is entirely new. Subsection (a) states that all employee benefit funds shall be deemed trust funds which may be used only to provide benefits and defray reasonable administrative costs.

Subsection (b) sets forth a non-inclusive list of fiduciary responsibilities and proscriptions. The listed responsibilities relate to the fiduciary's duties. They must be discharged solely in the interest of the participants and beneficiaries, as a prudent man under like circumstances would do and in accordance with the documents governing the plan insofar as they are consistent with the Act. The listed proscriptions provide that a fiduciary may not lease or knowingly sell fund property to a party in interest, lease or knowingly purchase property on behalf of the fund from a party in interest, deal with the fund on his own account, represent another party dealing with the fund or act on behalf of a party adverse to the fund or the interests of the participants or beneficiaries, receive consideration from a party dealing with the fund in connection with a transaction involving the fund, loan fund assets to any party in interest, furnish goods, services or facilities to any party in interest, or permit transfer of property of the fund to a party in interest, or permit its use for his benefit. The Secretary is authorized to exempt from any or all of the listed proscriptions, individually or by class, such fiduciaries or transactions as he finds to be sufficiently regulated by State or Federal authorities to effectuate the purposes of section 14.

Subsection (c) lists transactions in which fiduciaries may not be barred from engaging: receiving benefits as a participant or beneficiary of the plan, receiving reasonable compensation or reimbursement for services

performed with respect to his duties in connection with the fund, serving as a fiduciary in addition to being a party in interest, purchasing on behalf of the fund securities issued by the employer of employees who are plan participants up to a 10% limit, purchasing or selling securities on behalf of the fund to a party in interest under certain conditions, lending to participants or beneficiaries on a non-discriminatory basis, making arrangements for office space with a party in interest, or following directions in a trust instrument insofar as they are consistent with the prohibitions listed in section 14 (b) (2). Subsection (c) also provides that a fiduciary is not barred from taking action pursuant to an authorization in the trust instrument if such action is consistent with subsection 14(b).

Subsection (d) provides that a fiduciary shall be personally liable to make good to the fund for any loss due to his breach of any responsibility imposed by the Act and must pay over to the fund any profit he makes through use of fund assets.

Subsection (e) sets out the rules for fiduciaries acting jointly. Under subsection (f), each plan is required to make provision for disposition of fund assets upon termination of the plan. All liabilities and obligations must be satisfied with respect to participants and beneficiaries before any party who has contributed to a pension plan can partake.

Subsection (g) makes exculpatory provisions void as against public policy insofar as such provisions purport to relieve from obligations under the Act and subsection (h) contains a statute of limitations for suits to redress fiduciary breaches. Subsection (i) provides that a fiduciary shall only be liable for violations committed while he is a fiduciary.

#### PROHIBITION AGAINST CERTAIN PERSONS HOLDING OFFICE—SECTION 15

This new section, which bars persons convicted of certain crimes from holding administrative or fiduciary positions in connection with employee benefit plans is modeled after a similar provision in the Labor-Management Reporting and Disclosure (Landrum-Griffin) Act of 1959.

Subsection (a) lists the crimes conviction of which shall constitute a bar. Included within the bar are conspiracies or attempts to commit the crimes, as well as crimes in which any of the listed crimes is an element. Persons so convicted are barred for a period of five years from the date of conviction or the end of a period of imprisonment for such a conviction from serving in any fiduciary position, including but not limited to an administrator, officer, trustee, custodian, counsel, agent or employee of an employee benefit plan or a consultant to such a plan. Persons performing exclusively janitorial or clerical duties are exempted, as are persons whose citizenship rights have been fully restored and persons whose service in connection with the plan has been determined by the Parole Board of the Department of Justice not to be contrary to the purposes of the Act.

Subsection (b) states the criminal penalty for violation of the section. Subsection (c) clarifies the meaning of "convicted" for purposes of determining the beginning of the five year period and subsection (d) defines the word "consultant."

#### ADVISORY COUNCIL—SECTION 16

This section is virtually identical to the corresponding section, section 14, in the present Act. Subsection (b) of the amendment provides that the Secretary's report to Congress of his activities under the Act shall be based on the past fiscal, rather than calendar, year. Subsection (d) changes the rate of compensation of Advisory Council members from \$50 per diem, to the maximum per diem rate for consultants authorized by

the Department of Labor Appropriations Act. Subsection (e) has been rendered obsolete by changes in Title 18, United States Code and has therefore been deleted.

#### ADMINISTRATION—SECTION 17

Subsection (a) now includes the citation of the United States Code for the Administrative Procedure Act and provides that the Secretary or his delegate in consultation with the Secretary of the Treasury or his delegate shall have the authority to prescribe rules and regulations necessary for the administration and enforcement. All rules and regulations issued under section 14 are to be prescribed by the Secretary in concurrence with the Secretary of the Treasury.

Subsections (c) and (d) are no longer applicable and have been deleted.

#### EFFECT OF OTHER LAWS—SECTION 18

Section 18 designates the Act as the exclusive form of regulation for employee benefit plans within the areas covered, but provides that State laws which otherwise regulate insurance, banking or securities shall remain operative. It provides further that States may require the filing with State agencies of reports required by the Act to be filed with the Secretary.

#### SEPARABILITY OF PROVISIONS—SECTION 19

Remains identical in substance and form to the corresponding section, section 17, of the present Act.

#### EFFECTIVE DATE—SECTION 20

Subsection (a) provides that the provision of paragraph (b) (3) of section 7 shall become effective two years after enactment. Subsection (b) provides that amendments to the reporting requirement of the WPPDA shall be effective upon promulgation of revised reporting forms by the Secretary. Subsection (c) makes all other provisions effective 30 days after enactment.

Subsection (d) permits a fiduciary to take up to a year after enactment to dispose of prohibited investments. A longer period may be allowed by the Secretary by rule or regulation.

#### AMENDMENTS TO TITLE 18, UNITED STATES CODE

The language of sections 664, 1027, and 1954 of Title 18, United States Code, which set forth penalties for criminal offenses involving embezzlement, false statements, and bribery and kickbacks in connection with employee benefit plans, has been changed where necessary to conform to the amendments made by the Act. No substantive changes have been made in these sections.

#### EXPLANATORY STATEMENT OF AMENDMENTS TO THE WELFARE AND PENSION PLANS DIS- CLOSURE ACT

The fundamental purpose of the proposed amendments to the Welfare and Pension Plans Disclosure Act is the broadening and strengthening of the protection of rights and interests of participants and beneficiaries of employee welfare and pension benefit plans. This aim is accomplished in three ways. First, by the addition of two new sections: one setting forth responsibilities and proscriptions applicable to persons occupying a fiduciary relationship to employee benefit plans, including a "prudent man" standard for evaluating the conduct of all fiduciaries; the other barring from responsible fiduciary positions in such plans for a period of five years all persons convicted of certain listed criminal offenses. Second, by additions to and changes in the reporting requirements designed to disclose more significant information about plans and the transactions engaged in by those controlling plan operations and to provide specific data to participants and beneficiaries concerning the rights and the benefits they are entitled to under their plans. Third, by pro-

viding remedies through either State or Federal courts to insure that the protections provided by the Act can be effectively enforced.

#### I. FIDUCIARY RESPONSIBILITY

A fiduciary is one who occupies a position of confidence or trust. As defined by the amendments a fiduciary is a person who exercises any power of control, management or disposition with respect to monies or other property of an employee benefit fund, or who has authority or responsibility to do so. The fiduciary responsibility section, in essence, codifies and makes applicable to these fiduciaries certain principles developed in the evolution of the law of trusts. The section was deemed necessary for several reasons.

First, a number of plans are structured in such a way that it is unclear whether the traditional law of trusts is applicable. Predominantly, these are plans, such as insured plans, which do not use the trust form as their mode of funding. Administrators and others exercising control functions in such plans under the present Act are subject only to minimal restrictions and the applicability of present State law to employee benefit plans is sometimes unclear. Second, even where the funding mechanism of the plan is in the form of a trust, reliance on conventional trust law often is insufficient to adequately protect the interests of plan participants and beneficiaries. This is because trust law had developed in the context of testamentary and inter vivos trusts (usually designed to pass designated property to an individual or small group of persons) with an attendant emphasis on the carrying out of the instructions of the settlor. Thus, if the settlor includes in the trust document an exculpatory clause under which the trustee is relieved from liability for certain actions which would otherwise constitute a breach of duty, or if the settlor specifies that the trustee shall be allowed to make investments which might otherwise be considered imprudent, the trust law in many States will be interpreted to allow the deviation. In the absence of a fiduciary responsibility section in the present Act, courts applying trust law to employee benefit plans have allowed the same kinds of deviations, even though the typical employee benefit plan, covering hundreds or even thousands of participants, is quite different from the testamentary trust both in purpose and in nature.

Third, even assuming that the law of trusts is applicable, without provision (lacking in the present Act) allowing ready access to both detailed information about the plan and to the courts, and without standards by which a participant can measure the fiduciary's conduct (also lacking in the present Act), he is not equipped to safeguard either his own rights or the plan assets. Furthermore, a fiduciary standard embodied in Federal legislation is considered desirable because it will bring a measure of uniformity in an area where decisions under the same set of facts may differ from State to State. It is expected that courts will interpret the prudent man rule and other fiduciary standards bearing in mind the special nature and purposes of employee benefit plans intended to be effectuated by the Act.

Finally, it is evident that the operations of employee benefit plans are increasingly interstate. The uniformity of decision which the Act is designed to foster will help administrators, fiduciaries and participants to predict the legality of proposed actions without the necessity of reference to varying State laws.

Section 14(a), when read in connection with the definition of the term "employee benefit fund," makes it clear that the fiduciary responsibility provisions apply only to those plans which have assets at risk. Thus an unfunded plan, such as one in which the only assets from which benefits are paid

are the general assets of the employer, is not covered. However, if the plan does have assets at risk, the form in which those assets are held is deemed to be a trust, whether or not a trust agreement exists, and the trust assets may be used only for the two stated purposes: providing benefits for participants and defraying reasonable administrative expenses.

The next two subsections (14(b) and (c)) incorporate the core principles of fiduciary conduct as adopted from existing trust law, but with modifications appropriate for employee benefit plans. These salient principles place a twofold duty on every fiduciary: to act in his relationship to the plan's fund as a prudent man in a similar situation and under like conditions would act, and to act solely in the interest of the participants and beneficiaries of the plan; that is, to refrain from involving himself in situations or transactions where his personal interests might conflict with the interests of the participants and beneficiaries for whom the fund was established. Thus, section 14(b)(1) sets out the prudent man standard and the attendant affirmative duties to discharge responsibilities in conformance with instructions (as set out in the governing plan documents) and solely in the interest of the plan's participants and beneficiaries.

There follows a list of proscriptions (section 14(b)(2)) which represent the most serious type of fiduciary misconduct which in one way or another has occurred in connection with some welfare or pension plans. Some of these situations have been found in the administration of the WPPDA. Others have been discovered by congressional investigations, newspaper reporters, audits, and miscellaneous sources. While the magnitude of these improper practices is small in relation to the total number of plans in existence, the seriousness of the improper practices disclosed indicates the need for additional precautions to insure that these specific examples do not become general conditions. The list of proscriptions is intended to provide this essential protection.

The exemption provision which follows the listed proscriptions has been included in recognition of established business practices, particularly of certain institutions, such as commercial banks, trust companies and insurance companies which often perform fiduciary functions in connection with employee benefit plans. The Secretary will provide, by individual or class exemptions, exceptions so that the established practices of these institutions and others are not unduly disrupted, so long as they are consistent with the purposes of the Act.

Next, there are listed transactions in which fiduciaries are expressly allowed to engage. This listing is necessary for reasons similar to those which required inclusion of the exemption provision. That is, the breadth of the proscriptions, while considered necessary for the reasons stated above, would operate in some cases to prohibit transactions which are deemed desirable to the sound, efficient functioning of employee benefit plans. It was therefore necessary to specify that certain transactions, likely to be engaged in by fiduciaries of virtually all plans, will be allowed notwithstanding the proscriptions.

It is emphasized, however, that even with respect to the transactions expressly allowed, the fiduciary's conduct must be consistent with the prudent man standard unless the trust instrument specifically directs investments.

Especially significant among the expressly allowed transactions is that which permits in most types of plans, investment of up to ten percent of the fund assets in securities issued by the employer of employees who are participants in the plan. Since such an employer will often be an administrator of his plan, or will function as a trustee or in some other fiduciary capacity, this provision

creates a limited exception to the listed proscription against self-dealing. The exception is made in recognition of the symbiotic relationship existing between the employer and the plan covering his employees. Such investments are commonly made under provisions in a trust agreement expressly allowing them. The ten percent limitation is prospective only, and does not require divestiture by funds already holding more than that percentage. Furthermore, the limitation does not apply to profit-sharing plans, which, by their very nature, require greater investment in the employer's securities. Subsection 14(c) also recognizes the practice of including in trust instruments various authorizations governing the handling of the fund. Many such authorizations have been inserted by legal draftsmen because of questions in their judgment as to authority and are generally recognized as appropriate.

The next two subsections (14(d) and (e)) are intended to codify, with respect to employee benefit fund fiduciaries, rules developed under the law of trusts. Thus a fiduciary is made personally liable for his breach of any responsibility, duty or obligation owed to the fund, and must reimburse the fund for any loss resulting from such a breach. He must also pay over to the fund any personal profit realized through use of fund assets.

Where two or more fiduciaries manage a fund, each must use care to prevent a co-fiduciary from committing a breach or to compel a co-fiduciary to redress a breach. Plan business is to be conducted by joint fiduciaries in accordance with the governing instruments of the plan, or in the absence of such provisions, majority of fiduciaries and a fiduciary who objects in writing to a specific action and files a copy of his objection with the Secretary is not liable for the consequences of such action.

The requirement (subsection 14(f)) that every plan contain specific provisions for the disposition of fund assets upon termination is necessary to avoid confusion on the part of fiduciaries and participants and beneficiaries alike as to the proper disposition of the fund assets upon termination of the plan. It is essential at such a time that the plan administrator (who is still, notwithstanding the termination, a fiduciary subject to the Act) know how assets remaining in the plan's fund must be distributed and it is important that the distribution plan be specified so that participants and beneficiaries can assess the propriety of the fiduciary's actions when the plan terminates. The requirement that liabilities to participants and beneficiaries be satisfied before claims on the fund by contributing parties will be heard is inserted to insure that the interests of participants and beneficiaries will be fully protected.

Exculpatory and similar clauses which purport to relieve a fiduciary from any responsibility, obligation or duty when under the Act are expressly prohibited and made void as against public policy. Whatever the validity such provisions might have with respect to testamentary trusts, they are inappropriate in the case of employee benefit plans. The large numbers of people and enormous amounts of money involved in such plans coupled with the public interest in their financial soundness, as expressed in the Act, require that no such exculpatory provision be permitted.

It is noted that the basic three year statute of limitations (subsection 14(h)) for suits to enforce the fiduciary provisions or redress a fiduciary's breach may be extended up to an additional three years where the breach is not discovered earlier. In no event can a suit be maintained more than six years after the violation occurred. Where there has been a willfully false or fraudulent misstatement or concealment of a material fact, an

action may be brought any time within ten years after the violation occurs.

Finally, by subsection (1) a fiduciary is specifically made not liable for violations committed before he became or after he ceased to be a fiduciary.

The second all new section, section 15, prohibits persons convicted of certain listed crimes from serving, for a period of five years after conviction or the end of imprisonment for such conviction, in a responsible position in connection with an employee benefit plan. The prohibition is considered necessary because of the large funds involved and the attendant great risk of a loss affecting a large number of persons. Section 15 is modeled after section 504 of the Labor-Management Reporting and Disclosure Act (LMRDA) which bars persons convicted of certain crimes from serving as union officers. The presence of the LMRDA prohibition is another reason for including a similar provision in the Protection Act. Without such a provision, persons barred from serving as union officers might take positions with employee benefit plans. The danger inherent in such a transfer is especially great where elements of organized crime are involved.

The crimes listed have been chosen with reference to three kinds of criminal activity. These are (1) activities which involve a wrongful taking of property, (2) activities which are related to, and often occur in connection with the efforts of organized crime elements in the labor-management and securities fields, and (3) activities of a nature so vicious that involvement in them casts grave doubt on the individual's responsibility. Thus, in addition to the specifically named crimes the list includes crimes described in section 9(a) (1) of the Investment Company Act of 1940 (involving misconduct in the securities field), violations of section 302 of the Labor-Management Relations (Taft-Hartley) Act, certain violations of the LMRDA, violations of chapter 63 of Title 18, United States Code (mail fraud) and violation of sections 874 (kickbacks from public works employees), 1027 (false statements in documents required by the Welfare and Pension Plans Disclosure Act), 1954 (offer, acceptance or solicitation to influence operations of employee benefit plan), 1503 (jury tampering), 1505 (obstruction of government agency proceedings), 1506 (theft or alteration of court record or process; false bail), 1510 (obstructor of criminal investigations) and 1951 (interference with commerce by threats or violence) of Title 18, United States Code. The section contains its own criminal penalty, with a higher fine than that provided for other criminal violations of the Act. It is the same penalty as that specified in section 504, LMRDA.

#### II. REPORTING AND DISCLOSURE

The underlying theory of the Welfare and Pension Plans Disclosure Act to date has been that reporting of generalized information concerning plan operations to plan participants and beneficiaries and to the public in general would, by subjecting the dealings of persons controlling employee benefit plans to the light of public scrutiny, insure that the plan would be operated according to instructions and in the best interests of the participants and beneficiaries. The Secretary's role in this scheme was minimal. Disclosure has been seen as a device to impart to participants and beneficiaries sufficient information to enable them to know whether the plan was financially sound and being administered as intended.

It was expected that the knowledge thus disseminated would enable participants to police their plans. But, experience has shown that the limited data available under the present Act is insufficient even though the burden of enforcement has been partly assumed by the Secretary. The Amendments therefore are designed to increase the data

required in the reports, both in scope and in detail. Experience has also demonstrated a need for a more particularized form of reporting, so that the individual participant knows exactly where he stands with respect to his plan—what benefits he is entitled to and what steps he must follow to secure his benefits. Moreover, the addition of fiduciary responsibilities provisions has increased the need for both generalized and particularized data. On one hand, participants will be able to ascertain whether the plan's fiduciaries are observing the rules set out in the fiduciary responsibility section only if they have access to sufficient data about plan transactions. On the other hand, the prophylactic effect of the fiduciary responsibility section will operate efficiently only if fiduciaries are aware that the details of their dealings will be open to inspection, and that individual participants and beneficiaries will be armed with enough information to enforce their own rights as well as the obligations owed by the fiduciary to the plan in general.

There are three significant changes designed to impart more information about the plan and its operations in general. First, the annual report must include the opinion of an independent accountant based upon the results of an annual audit. Such information will allow better assessment of the plan's financial soundness by administrators and participants alike (the exemption for the books of institutions providing investment, insurance and related functions and subject to periodic examination by a government agency will prevent duplicative audit examinations of these institutions). Second, plans except those which are unfunded must include in their reports information pertaining to leases, party in interest transactions and investment assets other than securities in addition to information about securities, investments and loans. Finally, actuarial information is now required so that participants and beneficiaries can judge the progress of the plan's funding scheme and its overall financial soundness.

Amendments to provide particularized information to individual participants and beneficiaries are found in section 8. In addition to the obligation to make available copies of the plan description and latest annual report, the administrator will be required to furnish to a participant or beneficiary so requesting in writing a fair summary of the annual report or a statement of what benefits (including nonforfeitable benefits, if any) have accrued in his favor or both. This will enable a participant to find out where he stands with respect to the plan at any given time. The statement which must be supplied to a participant (or his survivor) having a right to a pension benefit upon his termination of service under the plan, is designed to insure that the participant or survivor will know exactly what procedures must be followed to secure his benefits.

Further, the administrator must furnish to participants and beneficiaries upon request copies of the plan description, annual report, or bargaining agreement, trust agreement, contract or instrument under which the plan is established and operated. He may make a reasonable charge to cover the cost of such copies.

#### III. ENFORCEMENT

The changes in the enforcement provisions have been made so that the rights given to participants and beneficiaries elsewhere in the Act will be enforceable in an appropriate forum. The enforcement section reflects the addition of the fiduciary responsibility provisions and provides remedies of two kinds; those designed to rectify fiduciary breaches and those to insure that participants and beneficiaries, and the Secretary, will receive the information required by the reporting and disclosure provisions. Suits to

redress breaches of duty by a fiduciary may be brought by a participant or beneficiary only as a representative in a class action. Certification by an accountant as a prerequisite to the Secretary's investigation is no longer necessary because the annual audit requirement allows an assumption that the plan report is accurate.

Participants and beneficiaries may sue in any State court of competent jurisdiction.

For actions in Federal courts, nationwide service of process is provided in order to remove a possible procedural obstacle to having all proper parties before the court. Federal and State courts are given discretion to award attorney's fees and court costs to any party in actions brought by a participant or a beneficiary. The court also has discretion to require the plaintiff to post security for court costs and reasonable attorney's fees.

Fiduciary breaches may be rectified through civil suits only. Criminal penalties for such breaches are inconsistent with the principles established under the common law of trusts. However, criminal penalties remain available in cases of reporting violations, and, under Title 18, United States Code, in cases of embezzlement, false statements, bribery and kickbacks in connection with employee benefit plans.

#### IV. EFFECT OF OTHER LAWS

The Act provides for a uniform source of law for evaluating the fiduciary conduct of persons acting on behalf of employee benefit plans and a singular reporting and disclosure system in lieu of burdensome multiple reports. States may require the filing with a State agency of copies of reports required under the Act. State courts as well as Federal courts are available to provide remedies under the Act. Furthermore, the Act expressly authorizes cooperative arrangements with State agencies as well as other Federal agencies and provides that State laws regulating banking, insurance and securities remain unimpaired.

#### EMPLOYEE BENEFITS PROTECTION ACT

[Ramseyer print showing how the proposed bill would amend the Welfare and Pension Plans Disclosure Act]

An act [to provide for registration, reporting, and disclosure of employee welfare and pension benefit plans] To amend the Welfare and Pension Plans Disclosure Act

[Existing law proposed to be deleted is bracketed; proposed new matter is italicized.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. [That this Act may be cited as the "Welfare and Pension Plans Disclosure Act."] That, in order to strengthen and improve the protection of the interests of participants in and beneficiaries of employee welfare and pension benefit plans, under the Welfare and Pension Plans Disclosure Act of August 28, 1958, as amended (72 Stat. 997), such Act is amended as follows:

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*Short title*

*Sec. 1. This Act may be cited as the "Employee Benefits Protection Act."*

[FINDINGS-AND-POLICY]

FINDINGS AND DECLARATION OF POLICY

Sec. 2. (a) The Congress finds that the growth in size, scope and numbers of employee welfare-and-pension benefit plans in recent years has been rapid and substantial; that the operational scope and economic impact of such plans is increasingly interstate; that the continued well-being and security of millions of employees and their dependents are directly affected by these plans; that they are affected with a national public interest; that they have become an important factor affecting the stability of employment and the successful development of industrial relations; that they have become an important factor in commerce because of the interstate character of their activities, and of the activities of their participants, and the employers, employee organization, and other entities by which they are established or maintained; that owing to the lack of employee information and adequate safeguards concerning their operation, it is desirable in the interests of employees and their beneficiaries, and to provide for the general welfare and the free flow of commerce, that disclosure be made and safeguards be provided with respect to the operation and administration of such plans.

(b) It is hereby declared to be the policy of this Act to protect interstate commerce and the interests of participants in employee welfare and pension benefit plans and their beneficiaries, by requiring the disclosure and reporting to participants and beneficiaries of financial and other information with respect thereto, by establishing fiduciary standards of conduct, responsibility and obligation upon all persons who exercise any powers of control, management or disposition with respect to employee benefit funds or have authority or responsibility to do so, and by providing for appropriate remedies and ready access to the federal court.

DEFINITIONS

Sec. 3. When used in this Act—

[1] (a) The term "employee welfare benefit plan" means any plan, fund, or program which is communicated or its benefits described in writing to the employees, and which was heretofore or is hereafter established or maintained by an employer or by an employee organization, or by both, for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment.

[2] (b) The term "employee pension benefit plan" means any plan, fund, or program which is communicated or its benefits described in writing to the employees, and which was heretofore or is hereafter established or maintained by an employer or by an employee organization, or by both, for the purpose of providing for its participants or their beneficiaries, by the purchase of insurance or annuity contracts or otherwise, retirement benefits, and includes any profit-sharing plan which provides benefits at or after retirement.

[3] (c) The term "employee organization" means any labor union or any organization of any kind, or any agency or employee representation committee, association, group, or plan, in which employees participate and which exists for the purpose in whole or in part, of dealing with employers concerning an employee [welfare or pension] benefit plan, or other matters incidental to

employment relationships; or any employees' beneficiary association organized for the purpose, in whole or in part, of establishing such a plan.

[4] (d) The term "employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to an employee [welfare or pension] benefit plan, and includes a group or association of employers acting for an employer in such capacity.

[5] (e) The term "employee" means any individual employed by an employer.

[6] (f) The term "participant" means any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from an employee [welfare or pension] benefit plan, or whose beneficiaries may be eligible to receive such benefits.

[7] (g) The term "beneficiary" means a person designated by a participant or by the terms of an employee [welfare or pension] benefit plan who is or may become entitled to a benefit thereunder.

[8] (h) The term "person" means an individual partnership, corporation, mutual company, joint-stock company, trust, unincorporated organization, association, or employee organization.

[9] (i) The term "State" includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343).

[10] (j) The term "commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place outside thereof.

[11] (k) The term "industry or activity affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

[12] (l) The term "Secretary" means the Secretary of Labor.

[13] (m) The term "party in interest" means any administrator, officer, trustee, custodian, counsel, or employee of any employee welfare benefit plan [or employee pension benefit plan], or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or any person controlling, controlled by, or under common control with, such employer or officer or employee or agent of such employer or such person, or an employee organization having members covered by such plan, or an officer or employee or agent of such an employee organization having members covered by such plan, or a relative, partner or joint venturer of any of the above described persons.

(n) The term "relative" means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

(o) The term "administrator" means—  
(1) the person specifically so designated by the terms of the plan, collective bargaining agreement, trust agreement, contract, or other instrument, under which the plan is operated; or

(2) in the absence of such designation, (A) the employer in the case of an employee benefit plan established or maintained by a single employer, (B) the employee organization in the case of a plan established or maintained by an employee organization, or (C) the association, committee, joint board

of trustees, or other similar group of representatives of the parties who established or maintain the plan, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

(p) The term "employee benefit plan" or "plan" means an employee welfare benefit plan or an employee pension benefit plan or a plan providing both welfare and pension benefits.

(q) The term "employee benefit fund" or "fund" means a fund of money or other assets maintained pursuant to or in connection with an employee benefit plan and includes employee contributions withheld but not yet paid to the plan by the employer. The term does not include: (1) any assets of an investment company subject to regulation under the Investment Company Act of 1940; (2) premiums, subscription charges, or deposits received and retained by an insurance carrier or service or other organization, except for any separate account established or maintained by an insurance carrier.

(r) The term "separate account" means an account established or maintained by an insurance company under which income, gains, and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company.

(s) The term "adequate consideration," when used in section 14 means either (1) at the price of the security prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (2) if the security is not traded on such a national securities exchange, at a price not less favorable to the fund than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer.

(t) The term "nonforfeitable pension benefit" means an immediate or deferred pension or other benefit which a participant or his beneficiary would upon proper application be entitled to receive under the provisions of the plan if at the time in question he had terminated his employment, irrespective of any conditions subsequent which could affect receipt of such benefit.

(u) The term "accrued benefit" means that benefit which, irrespective of whether such benefit is nonforfeitable, is equal to: (1) in the case of a profit sharing or money purchase type pension plan, the total amount credited to the account of a participant; (2) in the case of a unit benefit type pension plan, the benefit units credited to a participant; or (3) in the case of other types of pension plans that portion of the prospective benefit of a participant of the plan as the Secretary may by rule or regulation provide constitutes the participant's accrued benefit under the plan.

(v) The term "security" has the same meaning as in the Securities Act of 1933, 15 U.S.C. § 77 (a) et seq.

(w) The term "fiduciary" means any person who exercises any power of control, management or disposition with respect to any moneys or other property of an employee benefit fund, or has authority or responsibility to do so.

(x) The term "market value" or "value" when used in this Act means fair market values where available, and otherwise the fair value as determined in good faith by the administrator.

Sec. 4. (a) Except as provided in subsection (b), this Act shall apply to any employee [welfare or pension] benefit plan if it is established or maintained by any employer or [employers] engaged in commerce or in any industry or activity affecting commerce or by any employee organization [or organizations] representing employees en-

gaged in commerce or in any industry or activity affecting commerce or by both.

(b) This Act shall not apply to an employee [welfare or pension] benefit plan if—

(1) such plan is administered by the Federal Government or by the government of a State, by a political subdivision of a State, or by an agency or instrumentality of any of the foregoing;

(2) such plan was established and is maintained [solely] for the purpose of complying with applicable workmen's compensation laws or unemployment compensation disability insurance laws;

(3) such plan is administered by an organization which is exempt from taxation under the provisions of section 501(a) of the Internal Revenue Code of 1954 and is administered (A) as a corollary to membership in a fraternal benefit society, order or association described in section 501(c) (8) of such Code or (B) by organizations described in sections 501(c) (3) [and] or 501(c) (4) of such Code; *Provided* That the provisions of this paragraph shall not exempt any plan administered by a fraternal benefit society, order, association or organization which represents its members for purposes of collective bargaining; or

(4) such plan covers not more than twenty-five participants, *except that participants and beneficiaries of such a plan shall be entitled to maintain an action to recover benefits or to clarify their rights to future benefits as provided in section 9(e) (1) (B).*

#### DUTY OF DISCLOSURE AND REPORTING

SEC. 5. (a) The administrator of an employee [welfare] benefit plan [or an employee pension benefit plan] shall [publish] cause to be published in accordance with section 8 to each participant or beneficiary covered thereunder (1) a description of the plan and (2) an annual financial report. Such description and such report shall contain the information required by sections 6 and 7 of this Act in such form and detail as the Secretary shall [by regulations] prescribe and [copies thereof] shall be executed, published, and filed in accordance with the provisions of this Act and [the Secretary's] regulations [thereunder] of the Secretary. [No regulation shall be issued under the preceding sentence which relieves any administrator of the obligation to include in such description or report any information relative to his plan which is required by section 6 or 7. Notwithstanding the foregoing, if the Secretary finds, on the record after giving interested persons an opportunity to be heard, that specific information on plans of certain kinds or on any class or classes of benefits described in section 3(1) and 3(2) which are provided by such plans cannot, in the normal method of operation of such plan, be practically ascertained or made available for publication in the manner or for the period prescribed in any provision of this Act, or that the information if published in such manner or for such period would be duplicative or uninformative, the Secretary may by regulations prescribe such other manner or such other period for the publication of such information as he may determine to be necessary and appropriate to carry out the purposes of this Act.

(b) The term "administrator" whenever used in this Act, refers to—

(1) the person or persons designated by the terms of the plan or the collective bargaining agreement with responsibility for the ultimate control, disposition, or management of the money received or contributed; or

(2) in the absence of such designation, the person or persons actually responsible for the control, disposition, or management of the money received or contributed, irrespective of whether such control, disposition, or management is exercised directly or through an agent or trustee designated by such person or persons.]

(b) *The Secretary may require the filing of special terminal reports on behalf of an employee benefit plan which is winding up its affairs, so long as moneys or other assets remain in the plan. Such reports may be required to be filed regardless of the number of participants remaining in the plan and shall be on such forms and filed in such manner as the Secretary may by regulation prescribe.*

(c) *The Secretary may by regulation provide for the exemption from all or part of the reporting and disclosure requirements of this Act of any class or type of employee benefit plans, if the Secretary finds that the application of such requirements to such plans is not required in order to effectuate the purposes of this Act.*

#### DESCRIPTION OF THE PLAN

SEC. 6. (a) [Except as provided in section 4, the] A description of any employee [welfare or pension] benefit plan shall be published as required herein within ninety days [of the effective date of this Act or within ninety days] after the establishment of such plan or when such plan becomes subject to the Act [whichever is later].

(b) [The description of the plan shall be published, signed, and sworn to by the person or persons defined as the "administrator" in section 5, and shall include their names and addresses, their official positions with respect to the plan, and their relationship, if any, to the employer or to any employee organization, and any other offices, positions, or employment held by them.] *The description of the plan shall be comprehensive and shall include the name [address and description of the plan], and the type of administration of the plan; the name and address of the administrator; the schedule of benefits; a description of the provisions providing for nonforfeitable pension benefits (if the plan so provides) written in a manner calculated to be understood by the average participant, and if the plan does not provide such benefits, a statement to this effect; [the names, titles and addresses of any trustee or trustees (if such persons are different from those persons defined as the "administrator"); whether the plan is mentioned in a collective bargaining agreement; copies of the plan or of the bargaining agreement, trust agreement, contract, or other instrument, if any, under which the plan was established and is operated;] the source of the financing of the plan and the identity of any organization through which benefits are provided; whether the records of the plan are kept on a calendar year basis, or on a policy or other fiscal year basis, and if on the latter basis, the date of the end of such policy or fiscal year; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part. Amendments to the plan reflecting changes in the data and information included in the original plan, other than data and information also required to be included in annual reports under section 7, shall be included in the description on and after the effective date of such amendments. Any change in the information required by this subsection shall be reported [to the Secretary within sixty days after the change has been effectuated] in accordance with regulation prescribed by the Secretary.*

(NOTE.—Section 7, dealing with annual reporting requirements, has been rearranged to effect a more rational structure. Thus, sec. 7(a) now sets out the general requirements for all plans with respect to the manner of reporting and secs. 7 (b), (c), (d), and (e) state requirements for the content of annual reports. Sec. 7(b) gives the requirements applicable to all plans except those which are unfunded, sec. 7(c) deals with unfunded plans, sec. 7(d) with additional requirements

for insured plans, and sec. 7(e) with additional requirements for all pension plans, whether insured or trustee. Due to this rearrangement and because of the addition of new material, it was not possible in every case to set amended provisions next to the WPPDA provisions from which they were derived. To aid in comparison, however, marginal cross-references have been included.)

#### ANNUAL REPORTS

SEC. 7. (a) (1) [The administrator of any employee welfare or pension benefit plan a description of which is required to be published under section 6 shall also publish an annual report with respect to such plan.] *An annual report shall be published with respect to any employee benefit plan if the plan provides for an employee benefit fund subject to section 14 of this Act or if it covers one hundred or more participants. However, the Secretary after [investigation] notice and opportunity to be heard, may require the administrator of any plans otherwise covered by the Act to publish such report when necessary and appropriate to carry out the purposes of the Act. Such report shall be published as required under section 8, within one hundred and fifty days after the end of the calendar, policy or fiscal year on which [year (or if)] the records of the plan are kept [on a policy or other fiscal year basis within one hundred and fifty days after the end of such policy or fiscal year].*

(2) *If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, such reasonable information determined by the Secretary to be necessary to enable such administrator to comply with the requirements of this Act.*

(3) *The administrator of an employee benefit plan shall cause an audit to be made annually of the employee benefit fund established in connection with or pursuant to the provisions of the plan. Such audit shall be conducted in accordance with accepted standards of auditing by an independent certified or licensed public accountant, but nothing herein shall be construed to require such an audit of the books or records of any bank, insurance company, or other institution providing an insurance, investment, or related function for the plan, if such books or records are subject to periodic examination by an agency of the Federal Government or the government of any State. The auditor's opinion and comments with respect to the financial information required to be furnished in the annual report by the plan administrator shall form a part of such report.*

(b) A report under this section shall [be signed by the administrator and such report shall] include [the following]:

(1) [T]he amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employees covered; a statement of assets, [specifying the total amount in each of the following types of assets: cash, Government bonds, non-Government bonds and debentures, common stocks, preferred stocks, common trust funds, real estate loans and mortgages, operated real estate, other real estate, and other assets: a statement of,] liabilities, receipts, and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to whom paid, in what amount, and for what purposes; [The Secretary, when he has determined that an investigation is necessary in accordance with section 9(d) of this Act, may require the filing of supporting schedules of assets and liabilities. The information required by this section shall be sworn to by the administrator, or certified to by an independent certified or licensed public ac-

countant, based upon a comprehensive audit conducted in accordance with accepted standards of auditing, but nothing herein shall be construed to require such an audit of the books or records of any bank, insurance company, or other institution providing an insurance, investment, or related function for the plan, if such books or records are subject to examination by an agency of the Federal Government or the government of any State. In the case of reports sworn to, but not certified, the Secretary, when he determines that it may be necessary to investigate the plan in accordance with section 9(d) of this Act, shall, prior to investigation by the Department of Labor, require certification of the report by an independent certified or licensed public accountant.] *the name and address of each fiduciary, his official position with respect to the plan, his relationship to the employer of the employees covered by the plan, or the employee organization, and any other office, position or employment he holds with any party in interest;*

(2) A schedule of all investments of the fund showing as of the end of the fiscal year:

(A) The aggregate cost and aggregate value of each security, by issuer;

(B) The aggregate cost and aggregate value, by type or category, of all other investments,

and separately identify (i) each investment the value of which exceeds \$100,000 or three percent (3%) of the value of the fund and (ii) each investment in securities or properties of any person known to be a party in interest.

(3) a schedule showing the aggregate amount, by type of security, of all purchases, sales, redemptions and exchanges of securities made during the reporting period; a list of the issuers of such securities; and in addition a schedule showing, as to each separate transaction with or with respect to securities issued by any person known to be a party in interest, the issuer, the type and class of security, the quantity involved in the transaction, the gross purchase price, and, in the case of a sale, redemption or exchange, the gross and net proceeds (including a description and the value of any consideration other than money) and the net gain or loss.

(4) A schedule of purchases, sales or exchanges during the year covered by the report of investment assets other than securities:

(A) by type or category of asset the aggregate amount of purchases, sales, and exchanges; the aggregate expenses incurred in connection therewith; and the aggregate net gain (or loss) on sales, and

(B) for each transaction involving a person known to be party in interest and for each transaction involving over \$100,000 or three percent (3%) of the fund, and indication of each asset purchased, sold or exchanged (and, in the case of fixed assets such as land, buildings, and leasehold, the location of the asset); the purchase or selling price; expenses incurred in connection with the purchase, sale or exchange; the cost of the asset and the net gain (or loss) on each sale; the identity of the seller in the case of a purchase, or the identity of the purchaser in the case of a sale, and his relationship to the plan, the employer, or any employee organization.

(5) A schedule of all loans made from the fund during the reporting year or outstanding at the end of the year, and a schedule of principal and interest payments received by the fund during the reporting year, aggregated in each case by type of loan, and in addition a separate schedule showing as to each loan which

(A) was made to a party in interest, or

(B) was in default or

(C) was written off during the year as uncollectible, or

(D) exceeded \$100,000 or three percent (3%) of the value of the fund

*the original principal amount of the loan, the amount of principal and interest received during the reporting year, the unpaid balance, the identity and address of the obligor, a detailed description of the loan (including date of making and maturity, interest rate, the type and value of collateral and other material terms), the amount of principal and interest overdue (if any) and as to loans written off as uncollectible an explanation thereof.*

(6) A list of all leases with

(A) persons other than parties in interest who are in default, and

(B) any party in interest,

*including information as to the type of property leased (and, in the case of fixed assets such as land, buildings, leasehold, etc., the location of the property), the identity of the lessor or lessee from or to whom the plan is leasing, the relationship of such lessors and lessees, if any, to the plan, the employer, employee organization, or any other party in interest, the terms of the lease regarding rent, taxes, insurance, repairs, expenses and renewal options; if property is leased from persons described in (B) the amount of rental and other expenses paid during the reporting year; and if property is leased to persons described in (A) or (B), the date the leased property was purchased and its cost, date the property was leased and its approximate value at such date, the gross rental receipts during the reporting period, expenses paid for the leased property during the reporting period, the net receipts from the lease, and with respect to any such leases in arrears, their identity, the amounts in arrears, and a statement as to what steps have been taken to collect amounts due or otherwise remedy the default;*

(7) a detailed list of purchases, sales, exchanges or any other transactions with any party in interest made during the year, including information as to the asset involved, the price, any expenses connected with the transaction, the cost of the asset, the proceeds, the net gain or loss, the identity of the other party to the transaction and his relationship to the plan;

(8) If some or all of the assets of a plan or plans are held in a common or collective trust maintained by a bank or similar institution or in a separate account maintained by an insurance carrier, the report shall include a statement of assets and liabilities and a statement of receipts and disbursements of such common or collective trust or separate account and such of the information required under section 7(b) (2), (3), (4), (5), (6), and (7) with respect to such common or collective trust or separate account as the Secretary may determine appropriate by regulation. In such case the bank or similar institution or insurance carrier shall certify to the administrator of such plan or plans, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, the information determined by the Secretary to be necessary to enable the plan administrator to comply with the requirements of this Act.

(9) In addition to reporting the information called for by this subsection 7(b), the administrator may elect to furnish other information as to investment and reinvestment of the fund as additional disclosures to the Secretary.

(c) [If the plan is unfunded, the report shall include only the total benefits paid and the average number of employees eligible for participation, during the past five years, broken down by years, and a statement, if applicable, that the only assets from which claims against the plan may be paid are the general assets of the employer] *If the only assets from which claims against an employee benefit plan may be paid are*

*the general assets of the employer or the employee organization, the report shall include (for each of the past five years) the benefits paid and the average number of employees eligible for participation.*

(d) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization such report shall include with respect to such plan (in addition to the information required by subsection (b)) the following:

(1) [T]he premium rate or subscription charge and the total premium or subscription charges paid to each such carrier or organization and the approximate number of persons covered by each class of such benefits;

(2) [T]he total amount of premium received, the approximate number of persons covered by each class of benefits, and the total claims paid by such carrier or other organization; dividends or retroactive rate adjustments, commissions, and administrative service or other fees or other specific acquisition costs, paid by such carrier or other organization; any amounts held to provide benefits after retirement; the remainder of such premiums; and the names and addresses of the brokers, agents, or other persons to whom commissions or fees were paid, the amount paid to each, and for what purpose: Provided, That if any such carrier or other organization does not maintain separate experience records covering the specific groups it serves, the report shall include in lieu of the information required by the foregoing provisions of this paragraph (A) a statement as to the basis of its premium rate or subscription charge, the total amount of premiums or subscription charges received from the plan, and a copy of the financial report of the carrier or other organization and (B). If such carrier or organization incurs specific costs in connection with the acquisition or retention of any particular plan or plans, a detailed statement of such costs.

(e) [Detail relative to the manner in which any funds held by an employee welfare benefit plan are held or invested shall be reported as provided under paragraphs (B), (G), and (D) of subsection (f) (1)] *Every employee pension benefit plan shall include with its annual report (to the extent applicable) the following information:*

(1) the type and basis of funding,

(2) the number of participants, both retired and nonretired, covered by the plan,

(3) the amount of all reserves or net assets accumulated under the plan,

(4) the present value of all liabilities for all nonforfeitable pension benefits and the present value of all other accrued liabilities,

(5) the ratios of the market value of the reserves and assets described in (3) above to the liabilities described in (4) above,

(6) a copy of the most recent actuarial report, and

(A) (i) the actuarial assumptions used in computing the contributions to a trust or payments under an insurance contract, (ii) the actuarial assumptions used in determining the level of benefits, and (iii) the actuarial assumptions used in connection with the other information required to be furnished under this section 7(e), insofar as any such actuarial assumptions are not included in the most recent actuarial report,

(B) (i) if there is no such report, or (ii) if any of the actuarial assumptions employed in the annual report differ from those in the most recent actuarial report, or (iii) if different actuarial assumptions are used for computing contributions or payments than are used for any other purpose, a statement explaining same.

(7) a statement showing the number of participants who terminated service under the plan during the year, whether or not they retain any nonforfeitable rights, their length of service by category, the present value of the total accrued benefits of said

participants and the present value of such benefits forfeited, and,

(8) such other information pertinent to disclosure under this section 7(e) as the Secretary may by regulation prescribe.

[(f) Reports on employee pension benefits plans shall include in addition to the applicable information required by the foregoing provisions of this section, the following:

[(1) If the plan is funded through the medium of a trust, the report shall include—

[(A) the type and basis of funding, actuarial assumptions used, the amount of current and past service liabilities, and the number of employees, both retired and non-retired covered by the plan;

[(B) a statement showing the assets of the fund as required by section 7(b). Such assets shall be valued on the basis regularly used in valuing investments held in the fund and reported to the United States Treasury Department; or shall be valued at their aggregate cost of present value, whichever is lower, if such a statement is not so required to be filed with the United States Treasury Department;

[(C) a detailed list, including information as to cost, present value, and percentage of total funds, of all investments in securities or properties of the employer or employee organization, or any other party in interest, but the identity of all securities and the detail of brokerage fees and commissions incidental to the purchase or sale of such securities need not be revealed if such securities are listed and traded on an exchange subject to regulation by the Securities and Exchange Commission or securities in an investment company registered under the Investment Company Act of 1940, or securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935, and the statement of assets contains a statement of the total investments in common stock, preferred stocks, bonds and debentures, respectively, valued as provided in subparagraph (B).

[(D) a detailed list of all loans made to the employer, employee organization, or other party in interest, including the terms and conditions of the loan and the name and address of the borrower: *Provided*, That if the plan is funded through the medium of a trust invested in whole or in part, in one or more insurance or annuity contracts with an insurance carrier, the report shall include, as to the portion of the funds so invested, only the information required by paragraph (2) below.

[(2) If the plan is funded through the medium of a contract with an insurance carrier, the report shall include—

[(A) the type and basis of funding, actuarial assumptions used in determining the payments under the contract, and the number of employees, both retired and non-retired, covered by the contract; and

[(B) except for benefits completely guaranteed by the carrier, the amount of current and past service liabilities, based on these assumptions, and the amount of all reserves accumulated under the plan.

[(3) If the plan is unfunded, the report shall include the total benefits paid to retired employees for the past five years, broken down by year.

[(g) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, such reasonable information determined by the Secretary to be necessary to enable such administrator to comply with the requirements of this Act.

[(h) The Secretary shall prescribe by general rule simplified reports for plans which he finds that by virtue of their size or otherwise a detailed report would be unduly bur-

densome, but the Secretary may revoke such provisions for simplified forms for any plan if the purposes of the Act would be served thereby.]

#### PUBLICATION

SEC. 8. [(a) Publication of the description of the plan and the latest annual report required under this Act shall be made to the participants and the beneficiaries covered by the particular plan as follows:

[(1) The administrator shall make copies of such description of the plan (including all amendments or modifications thereto upon their effective date) and of the latest annual report available for examination by any participant or beneficiary in the principal office of the plan.

[(2) The administrator shall deliver upon written request to such participant or beneficiary a copy of the description of the plan (including all amendments or modifications thereto upon their effective date) and an adequate summary of the latest annual report, by mailing such documents to the last known address of the participant or beneficiary making such request.

[(b) The administrator of any plan subject to the provisions of this Act shall file with the Secretary two copies of the description of the plan and each annual report thereon. The Secretary shall make available for examination in the public document room of the Department of Labor copies of descriptions of plans and annual reports filed under this subsection.]

[(e) (a) The Secretary shall prepare forms for the plan descriptions [of plans] and [the] annual reports required by the provisions of this Act, and shall make such forms available to the administrators of such plans on request.

(b) *The administrator of any employee benefit plan subject to this Act shall file with the Secretary a copy of the plan description and each annual report. The Secretary shall make copies of such descriptions and annual reports available for inspection in the public document room of the Department of Labor.*

(c) *Publication of the plan descriptions and annual reports required by this Act shall be made to participants and beneficiaries of the particular plan as follows:*

(1) *the administrator shall make copies of the plan description (including all amendments or modifications thereto) and the latest annual report and the bargaining agreement, trust agreement, contract, or other instrument under which the plan was established and is operated available for examination by any plan participant or beneficiary in the principal office of the administrator;*

(2) *the administrator shall furnish to any plan participant or beneficiary so requesting in writing a fair summary of the latest annual report;*

(3) *the administrator shall furnish to any plan participant or beneficiary so requesting in writing a complete copy of the plan description (including all amendments or modifications thereto) or a complete copy of the latest annual report, or both. He shall in the same way furnish a complete copy of the bargaining agreement, trust agreement, contract, or other instrument under which the plan is established and operated. In accordance with regulations of the Secretary, an administrator may make a reasonable charge to cover the cost of furnishing such complete copies.*

(d) *The administrator of an employee pension benefit plan shall furnish to any plan participant or beneficiary so requesting in writing a statement indicating (1) whether or not such person has a nonforfeitable right to pension benefits, (2) the nonforfeitable pension benefits, if any, which have accrued or the earliest date on which benefits will become nonforfeitable and (3) the total pension benefits accrued.*

(e) *Upon the termination of service under the plan of a participant having a right to a benefit payable at a later date, the plan administrator shall furnish to the participant or his surviving beneficiary a statement setting forth his rights and privileges under the plan. The statement shall be in such form, be furnished and filed in such manner, and shall contain such information, including but not limited to the nature and amount of benefits to which he is entitled, the name and address of the entity responsible for payment, the date when payment shall begin and the procedure for filing his claim, as the Secretary may by regulation prescribe. The statement furnished to the participant or his surviving beneficiary, or a true copy, shall be prima facie evidence of the facts, rights and privileges set forth therein.*

#### ENFORCEMENT

SEC. 9. (a) Any person who willfully violates any provision of sections 5 through 13 of this Act shall be fined not more than \$1,000, or imprisoned not more than six months, or both.

[(b) Any administrator of a plan who fails or refuses, upon the written request of a participant or beneficiary covered by such plan, to make publication to him within thirty days of such request, in accordance with the provisions of section 8, of a description of the plan or an annual report containing the information required by sections 6 and 7, may in the court's discretion become liable to any such participant or beneficiary making such request in the amount of \$50 a day from the date of such failure or refusal.

[(c) Action to recover such liability may be maintained in any court of competent jurisdiction by any participant or beneficiary. The court in such action may in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

[(d) The Secretary may, after first requiring certification in accordance with section 7(b), upon complaint of violation not satisfied by such certification, or on his own motion, when he continues to have reasonable cause to believe investigation may disclose violations of this Act, make such investigations as he deems necessary, and may require or permit any person to file with him a statement in writing, under oath or otherwise, as to all the facts and circumstances concerning the matter to be investigated.

[(e) For the purposes of any investigation provided for this Act, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, records, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

[(f) Whenever it shall appear to the Secretary that any person is engaged in any violation of the provisions of this Act, he may in his discretion bring an action in the proper district court of the United States or United States court of any place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted.

[(g) The United States district courts and the United States courts of any place subject to the jurisdiction of the United States shall have jurisdiction, for cause shown, to restrain violations of this Act.

[(h) Nothing contained in this Act shall be so construed or applied as to authorize the Secretary to regulate, or interfere in the management of, any employee welfare or pension benefit plan, except that the Secretary may inquire into the existence and amount of investments, actuarial assumptions, or accounting practices only when it

has been determined that investigation is required in accordance with section 9(d) of this Act.

(1) The Secretary shall immediately forward to the Attorney General or his representative any information coming to his attention in the course of the administration of this Act which may warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.]

(b) Any plan administrator who fails or refuses to comply with a request as provided in section 8 within thirty days (unless such failure or refusal results from matters reasonably beyond the control of the administrator) by mailing the material requested to the last known address of the requesting participant or beneficiary may in the court's discretion be personally liable to such participant or beneficiary in the amount of up to \$50 a day from the date of such failure or refusal, and the court may in its discretion order such other relief as it deems proper.

(c) The Secretary shall have power, when he believes it necessary in order to determine whether any person has violated or is about to violate any provision of this Act, to make an investigation and in connection therewith he may require the filing of supporting schedules of the financial information required to be furnished under section 7 of this Act and may enter such places, inspect such records and accounts, and question such persons as he may deem necessary to enable him to determine the facts relative to such investigation. The Secretary may report to interested persons or officials concerning the reasons for failure or refusal to file such a report or any other matter which he deems to be appropriate as a result of such an investigation.

(d) For the purposes of any investigation provided for in this Act, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, records, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

(e) Civil actions under this Act may be brought:

(1) by a participant or beneficiary—  
(A) for the relief provided for in section 9(b), or

(B) to recover benefits due him under the terms of his plan or to clarify his rights to future benefits under the terms of the plan;

(2) by the Secretary, or by a participant or beneficiary (as a representative party on behalf of all participants or beneficiaries similarly situated where the requirements for maintaining a class action are met) for appropriate relief, legal or equitable, to redress a breach of any responsibility, obligation or duty of a fiduciary, including the removal of a fiduciary who has failed to carry out his duties or who is serving in violation of section 15 of this Act; or

(3) by the Secretary, to enjoin any act or practice which appears to him to violate any provision of this Act.

(f) (1) Civil actions under this Act brought by a participant or beneficiary may be brought in any court of competent jurisdiction, state or federal.

(2) Where such an action is brought in a district court of the United States, it may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found.

(3) Notwithstanding any other law, the Secretary shall have the right to remove an action from a State court to a district court of the United States, if the action is one seeking relief of the kind the Secretary is authorized to sue for herein. Any such re-

moval shall be prior to the trial of the action and shall be to a district court where the Secretary could have initiated such an action.

(g) The district courts of the United States shall have jurisdiction, without respect to the amount in controversy to grant the relief provided for in section 9(e) (2) and (3) in any action brought by the Secretary. In any action brought under section 9(e) by a participant or beneficiary, the jurisdiction of the district court shall be subject to the requirements contained in 28 U.S.C. 1331.

(h) (1) In any action by a participant or beneficiary, the court in its discretion may—  
(A) allow a reasonable attorney's fee and costs of the action to any party;

(B) require the plaintiff to post security for payment of costs of the action and reasonable attorney's fees. (2) A copy of the complaint in any action by a participant or beneficiary shall be served upon the Secretary by certified mail who shall have the right, in his discretion, to intervene in the action.

(i) In any civil action authorized to be brought by the Secretary by this Act, or to enjoin any act or practice, or to collect any penalty assessed by the Secretary, the Attorney General shall represent the Secretary, unless the Attorney General delegates all or part of this authorization to the Secretary.

(j) except as provided in this Act, nothing contained herein shall be construed or applied to authorize the Secretary to regulate, or interfere in the management of, any employee welfare or pension benefit plan.

(k) In order to avoid unnecessary expense and duplication of functions among Government agencies, the Secretary shall make such arrangements or agreements for cooperation or mutual assistance in the performance of his functions under this Act and the functions of any such agency as he may find to be practicable and consistent with law. The Secretary may utilize the facilities or services of any department, agency, or establishment of the United States or of any State or political subdivision of a State, including the services of any of its employees, with the lawful consent of such department, agency, or establishment; and each department agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such information and facilities as he may request for his assistance in the performance of his functions under this Act. The Secretary shall immediately forward to the Attorney General or his representative any information coming to his attention in the course of the administration of this Act which may warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.

REPORTS MADE PUBLIC INFORMATION

SEC. 10. The contents of the descriptions and regular annual reports filed with the Secretary pursuant to this Act shall be public information, and the Secretary, where to do so would protect the interests of participants or beneficiaries of a plan, may publish any such information and data. The Secretary may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based thereon as he may deem appropriate.

RETENTION OF RECORDS

SEC. 11. Every person required to file any description or report or to certify any information therefor under this Act shall maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and date from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, work-

sheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

RELIANCE ON ADMINISTRATIVE INTERPRETATIONS AND FORMS

SEC. 12. In any action or proceeding based on any act or omission in alleged violation of this Act, no person shall be subject to any liability or punishment for or on account of the failure of such person to (1) comply with any provision of this Act if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Secretary, or (2) publish and file any information required by any provision of this Act if he pleads and proves that he published and filed such information in good faith, on the description and annual report forms prepared by the Secretary and in conformity with the instructions of the Secretary issued under this Act regarding the filing of such forms. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publications or filings is determined by judicial authority not to be in conformity with the requirements of this Act.

BONDING

SEC. 13. (a) Every administrator, officer, and employee of any employee benefit plan subject to this Act who handles funds or other property of such plan shall be bonded as herein provided; except that, where such plan is one under which the only assets from which benefits are paid are the general assets of a union or of an employer, the administrator, officers and employees of such plan shall be exempt from the bonding requirements of this section. The amount of such bond shall be fixed at the beginning of each calendar, policy, or other fiscal year, as the case may be, which constitutes the reporting year of such plan. Such amount shall be not less than 10 per centum of the amount of funds handled, determined as herein provided, except that any such bond shall be in at least the amount of \$1,000 and no such bond shall be required in an amount in excess of \$500,000; Provided, That the Secretary, after due notice and opportunity for hearing to all interested parties, and after consideration of the record, may prescribe an amount in excess of \$500,000, which in no event shall exceed 10 per centum of the funds handled. For purposes of fixing the amount of such bond, the amount of funds handled shall be determined by the funds handled by the person, group, or class to be covered by such bond and by their predecessor or predecessors, if any, during the preceding reporting year, or if the plan has no preceding reporting year, the amount of funds to be handled during the current reporting year by such person, group, or class, estimated as provided in regulations of the Secretary. Such bond shall provide protection to the plan against loss by reason of acts of fraud or dishonesty on the part of such administrator, officer, or employee, directly or through connivance with others. Any bond shall have as surety thereon a corporate surety company which is an acceptable surety on Federal bonds under authority granted by the Secretary of the Treasury pursuant to the Act of July 30, 1947 (6 U.S.C. 6-13). Any bond shall be in a form or of a type approved by the Secretary, including individual bonds or schedule or blanket forms of bonds which cover a group or class.

(b) It shall be unlawful for any administrator, officer, or employee to whom subsec-

tion (a) applies, to receive, handle, disburse, or otherwise exercise custody or control of any of the funds or other property of any employee benefit plan, without being bonded as required by subsection (a) and it shall be unlawful for any administrator, officer, or employee of such plan, or any other person having authority to direct the performance of such functions, to permit such functions, or any of them, to be performed by any such person, with respect to whom the requirements of subsection (a) have not been met.

(c) It shall be unlawful for any person to procure any bond required by subsection (a) from any surety or other company through any agent or broker in whose business operations such plan or any party in interest in such plan as any significant control or financial interest, direct or indirect.

(d) Nothing in any other provision of law shall require any person, required to be bonded as provided in subsection (a) because he handles funds or other property of an employee [welfare-benefit plan or of an employee pension] benefit plan, to be bonded insofar as the handling by such person of the funds or other property of such plan is concerned.

(e) The Secretary shall from time to time issue such regulations as may be necessary to carry out the provisions of this section. When, in the opinion of the Secretary, the administrator of a plan offers adequate evidence of the financial responsibility of the plan, or that other bonding requirements would provide adequate protection of the beneficiaries and participants, he may exempt such plan from the requirements of this section.

#### FIDUCIARY RESPONSIBILITY

Sec. 14. (a) Every employee benefit fund shall be deemed to be a trust and shall be held for the exclusive purpose of (1) providing benefits to participants in the plan and their beneficiaries and (2) defraying reasonable expenses of administering the plan.

(b) (1) A fiduciary shall discharge his duties with respect to the fund—

(A) solely in the interests of the participants and their beneficiaries;

(B) with the care under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and

(C) in accordance with the documents and instruments governing the fund insofar as is consistent with this Act.

(2) Except as permitted hereunder, a fiduciary shall not—

(A) lease or sell property of the fund to any person known to be a party in interest;

(B) lease or purchase on behalf of the fund any property known to be property of any party in interest;

(C) deal with such fund in his own interest or for his own account;

(D) represent any other party dealing with such fund, or in any way act on behalf of a party adverse to the fund or to the interests of its participants or beneficiaries;

(E) receive any consideration from any party dealing with such fund in connection with a transaction involving the fund;

(F) loan money or other assets of the fund to any person known to be a party in interest;

(G) furnish goods, service or facilities to any person known to be a party in interest, or

(H) permit the transfer of any property of the fund to, or its use by, or for the benefit of any person known to be a party in interest.

The Secretary may by rule or regulation provide for the exemption of any fiduciary or transaction from all or part of the proscrip-

tions contained in this subsection 14(b) (2), when the Secretary finds that to do so is consistent with the purposes of this Act and in the interest of the fund and its participants and beneficiaries; Provided, however, that any such exemption shall not relieve a fiduciary from any other applicable provisions of this Act.

(c) Nothing in this section shall be construed to prohibit any fiduciary from:

(1) receiving any benefit to which he may be entitled as a participant or beneficiary in the plan under which the fund was established;

(2) receiving any reasonable compensation for services rendered, or for the reimbursement of expenses properly and actually incurred, in the performance of his duties with the fund; provided that no person so serving who already receives full-time pay from an employer or an association of employers, whose employees are participants in the plan under which the fund was established, or from an employee organization whose members are participants in such plan shall receive compensation from such fund, except for reimbursement of expenses properly and actually incurred and not otherwise reimbursed;

(3) serving in such position in addition to being an officer, employee, agent or other representative of a party in interest;

(4) engaging in the following transactions:

(A) purchasing on behalf of the fund any security which has been issued by an employer whose employees are participants in the plan under which the fund was established, or a corporation controlling, controlled by, or under common control with such employer; Provided that the purchase of any security is for no more than adequate consideration in money or money's worth; provided, further, that if an employee benefit fund is one which provides primarily for benefits of a stated amount, or an amount determined by an employee's compensation, an employee's period of service, or a combination of both, or money purchase type benefits based on fixed contributions which are not geared to the employer's profits, no investment shall be made subsequent to the enactment of this amendment by a fiduciary of such a fund in securities of such an employer or of a corporation controlling, controlled by, or under common control with such employer, if such investment, when added to such securities already held, exceeds 10 per cent of the fair market value of the assets of the fund. Notwithstanding the foregoing, such 10 per cent limitation shall not apply to profit sharing plans, nor to stock bonus, thrift and savings or other similar plans which have the requirement that some or all of the plan funds shall be invested in securities of such employer;

(B) purchasing on behalf of the fund any security other than one described in (A) immediately above, or selling on behalf of the fund any security which is acquired or held by the fund, to a party in interest, Provided (i) that the security is listed and traded on an exchange subject to regulation by the Securities and Exchange Commission, (ii) that no brokerage commission, fee (except for customary transfer fees), or other remuneration is paid in connection with such transactions and (iii) that adequate consideration is paid;

(5) making any loan to participants or beneficiaries of the plan under which the fund was established where such loans are available to all participants or beneficiaries on a non-discriminatory basis and are made in accordance with specific provisions regarding such loans set forth in the plan;

(6) contracting or making reasonable arrangements with a party in interest for office space and other services necessary for the operation of the plan and paying reasonable compensation therefor.

(7) following the direction in the trust instrument or other document governing the fund insofar as consistent with the specific prohibitions listed in subsection 14(b) (2);

(8) taking action pursuant to an authorization in the trust instrument or other document governing the fund, provided such action is consistent with the provisions of subsection 14(b).

(d) Any fiduciary who breaches any of the responsibilities, obligations or duties imposed upon fiduciaries by this Act shall be personally liable to make good to such fund any losses to the fund resulting from such breach, and to restore to such fund any profits of such fiduciary which have been made through use of assets of the fund by the fiduciary.

(e) When two or more fiduciaries undertake jointly the performance of a duty or the exercise of a power or where two or more fiduciaries are required by any instrument governing the fund to undertake jointly the performance of a duty or the exercise of a power, but not otherwise, each of such fiduciaries shall have the duty to prevent any other such co-fiduciary from committing a breach of a responsibility, obligation or duty of a fiduciary or to compel such other co-fiduciary to redress such a breach; Provided that no fiduciary shall be liable for any consequence of any act or failure to act of a co-fiduciary who is undertaking or is required to undertake jointly any duty or power if he shall object in writing to the specific action and promptly file a copy of his objection with the Secretary.

(f) Each employee benefit plan shall contain specific provisions for the disposition of its fund assets upon termination. In the event of termination, whether under the express terms of the plan or otherwise, such fund, or any part thereof, shall not be expended, transferred or otherwise disposed of, except for the exclusive benefit of the plan participants and their beneficiaries. Notwithstanding the foregoing, after the satisfaction of all liabilities with respect to the participants and their beneficiaries under an employee pension benefit plan in accordance with the Internal Revenue Code and regulations promulgated thereunder, any remaining fund assets may be returned to any person who has a legal or equitable interest in such assets by reason of such person or his predecessor having made financial contribution thereto.

(g) No fiduciary may be relieved from any responsibility, obligation or duty under this Act by agreement or otherwise. Nothing herein shall preclude any agreement allocating specific duties or responsibilities among fiduciaries, or bar any agreement of insurance coverage or indemnification affecting fiduciaries, but no such agreement shall restrict the obligations of any fiduciary to a plan or to any participant or beneficiary.

(h) No action, suit, or proceeding based on a violation of this section shall be maintained unless it be commenced within three years after the filing with the Secretary of a report, statement or schedule with respect to any matter disclosed by such report, statement or schedule, or, with respect to any matter not so disclosed, within three years after the complainant otherwise has notice of the facts constituting such violation, whichever is later, provided, however, that no such action, suit or proceeding shall be commenced more than six years after the violation occurred. In the case of a willfully false or fraudulent statement or representation of a material fact or the willful concealment of, or willful failure to disclose, a material fact required by this Act to be disclosed, a proceeding in court may be brought at any time within ten years after such violation occurs.

(i) A fiduciary shall not be liable for a violation of this Act committed before he became a fiduciary or after he ceased to be a fiduciary.

PROHIBITION AGAINST CERTAIN PERSONS HOLDING OFFICE

Sec. 15. (a) No person who has been convicted of, or has been imprisoned as a result of his conviction of: robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, kidnapping, perjury, assault with intent to kill, assault which inflicts grievous bodily injury, any crime described in section 9(a)(1), of the Investment Company Act of 1940, 15 U.S.C. 80a-9(a)(1), or a violation of any provision of this Act, or a violation of section 302 of the Labor Management Relations Act of 1947, 61 Stat. 157, as amended, 29 U.S.C. 186, or a violation of Chapter 63 of Title 18, United States Code, or a violation of section 874, 1027, 1503, 1505, 1506, 1510, 1951, or 1954 of Title 18, United States Code, or a violation of the Labor-Management Reporting and Disclosure Act of 1959, 73 Stat. 519, as amended, 29 U.S.C. 401, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve—

(1) as an administrator, officer, trustee, custodian, counsel, agent, employee (other than as an employee performing exclusively clerical or janitorial duties) or other fiduciary position of any employee welfare or pension benefit plan or

(2) as a consultant to any employee benefit plan, during or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such person's service in any capacity referred to (B) the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. Prior to making any such determination the Board shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the State, County, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Board's determination in any such proceeding shall be final. No person shall knowingly permit any other person to serve in any capacity referred to in clause (1) or (2) in violation of this subsection.

(b) Any person who willfully violates this section shall be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(c) For the purposes of this section, any person shall be deemed to have been "convicted" and under the disability of "conviction" from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this section.

(d) For the purposes of this section, the term "consultant" means any person who, for compensation, advises or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

ADVISORY COUNCIL

SEC. [14.] 16. (a) There is hereby established an Advisory Council on Employee Welfare and Pension Benefit Plans (hereinafter referred to as the "Council") which shall consist of thirteen members to be appointed in the following manner: One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all appointed by the Secretary from among persons recommended by organizations in the respective groups; and three representatives of the general public appointed by the Secretary.

(b) It shall be the duty of the Council to advise the Secretary with respect to the carrying out of his functions under this Act, and to submit to the Secretary recommendations with respect thereto. The Council shall meet at least twice each year and at such other times as the Secretary requests. At the beginning of each regular session of the Congress, the Secretary shall transmit to the Senate and House of Representatives each recommendation which he has received from the Council during the preceding calendar year and a report covering his activities under the Act for [such] the preceding [calendar] fiscal year, including full information as to the number of plans and their size, the results of any studies he may have made of such plans and the Act's operation and such other information and data as he may deem desirable in connection with employee welfare and pension benefit plans.

(c) The Secretary shall furnish to the Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business. The Secretary may call upon other agencies of the Government for statistical data, reports, and other information which will assist the Council in the performance of its duties.

(d) Appointed members of the Council shall be paid compensation at the [rate of \$50 per diem] maximum per diem rate authorized in the current Department of Labor Appropriation Act for consultants and experts when such members are engaged in the work of the Council, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. [73b-2] 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(e) (1) Any member of the Council is hereby exempted, with respect to such appointment, from the operation of sections 281, 283, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U.S.C. 99), except as otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(A) to the receipt or payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

(B) during the period of such appointment, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.]

ADMINISTRATION

SEC. [15.] 17. (a) The provisions of the Administrative Procedure Act, 5 U.S.C. sec. 551 et seq., shall be applicable to this Act. The Secretary, or his delegate, in consultation with the Secretary of the Treasury or his delegate, shall prescribe all necessary rules and regulations for the administration and enforcement of this Act, except that all rules and regulations issued with respect to Section 14 shall be prescribed by the Secretary of Labor or his delegate with the concurrence of the Secretary of Treasury or his delegate.

(b) No employee of the Department of Labor shall administer or enforce this Act with respect to any employee organization of which he is a member or employer organization in which he has an interest.

(c) No more than 260 employees shall be employed by the Department of Labor to administer or enforce this Act for the first two years after the enactment of the Welfare and Pension Plans Disclosure Act Amendments of 1962.

(d) No more than two million two hundred thousand dollars per year is authorized to be appropriated for the administration and enforcement of this Act for the first two years after the enactment of the Welfare and Pension Plans Disclosure Act Amendments of 1962.]

EFFECT OF OTHER LAWS

SEC. [16.] 81. (a) In the case of an employee welfare or pension benefit plan providing benefits to employees employed in two or more States, no person shall be required by reason of any law of any such State to file with any State agency (other than an agency of the State on which such plan has its principal office) any information included within a description of the plan or an annual report published and filed pursuant to the provisions of this Act if copies of such description of the plan and of such annual report are filed with the State agency, and if copies of such portion of the description of the plan and annual report, as may be required by the State agency, are distributed to participants and beneficiaries in accordance with the requirements of such State law with respect to scope of distribution. Nothing contained in this subsection shall be construed to prevent any State from obtaining such additional information relating to any such plans as it may desire, or from otherwise regulating such plan.

(b) The provisions of this Act, except subsection (a) of this section and section 13, and any action taken hereunder, shall not be held to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of the United States or of any State effecting the operation or administration of employee welfare or pension benefit plans, or in any manner to authorize the operation or administration of any such plan contrary to any such law.] It is hereby declared to be the express intent of Congress that except for actions authorized by section 9(e)(1)(B) of this Act, the provisions of this Act shall supersede any and all laws of the States and of political subdivisions thereof insofar as they may now or hereafter related to the fiduciary, reporting and disclosure responsibilities of persons acting on behalf of employee benefit plans provided that nothing herein shall be construed to exempt or relieve any person from any law of any State which regulates insurance, banking or securities or to prohibit a State from requiring that there be filed with a State agency copies of reports required by this Act to be filed with the Secretary. Nothing herein shall be construed to alter, amend, modify, invalidate, impair or supersede any law of the United States (other than the Welfare and Pension Plans Disclosure Act of 1958 as amended (92 Stat. 994) or any rule or regulation issued under any such law.

SEPARABILITY OF PROVISIONS

SEC. [17.] 19. If any provision of this Act or the application of such provision to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

EFFECTIVE DATE

SEC. [18.] 20. [The provisions of this Act shall become effective January 1, 1959.] Sec. 20(a) The provisions of paragraph (b) (3), (4) and (5) of section 7 relating to the aggregation of items reported shall become effective two years after enactment hereof.

(b) The amendments made by this Act to the reporting requirements of the Welfare and Pension Plan Disclosure Act shall become effective upon the promulgation of revised report forms by the Secretary.

(c) All other provisions of this Act shall become effective thirty days after enactment hereof.

(d) In order to provide for an orderly disposition of any investment, the retention of which would be deemed to be prohibited by this Act, and in order to protect the interest of the fund and its participants and its beneficiaries, the fiduciary may in his discretion effect the disposition of such investment within three years after the date of enactment of this Act or within such additional time as the Secretary may by rule or regulation allow, and such action shall be deemed to be in compliance with this Act.

## EDUCATION EXPERT ASSAILS NIXON POLICY

**HON. WILLIAM D. FORD**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, I was pleased to see Douglass Cater speak out against the Nixon administration's education strategy. Mr. Cater is one who worked most closely with the Education and Labor Committee in developing the historic Elementary and Secondary Act and who worked with great dedication to assure the act's passage by the 89th Congress in 1965. This is the act of which President Johnson said:

I believe deeply no law I have signed or ever will sign will mean more to the future of America.

Mr. Cater is well qualified by both experience and ability on matters of education and his views should merit close attention. I insert at this point in the RECORD his article on the new stalemate on education which appeared in the Washington Post on March 15, 1970:

BACK TO A STALEMATE IN EDUCATION  
(By Douglass Cater)

(NOTE.—Mr. Cater was a special assistant to President Johnson and worked on the Johnson education programs.)

A few days ago, the Lockheed Corporation was reported to be in serious financial trouble. Promptly, Deputy Defense Secretary Packard hastened to Congress to explore ways to bail out this great manufacturer of aircraft and missiles. Regularly, we learn of cost overruns in the defense industry totaling billions of dollars. Tanks, planes and missiles not only cost much more than estimated but perform below expectations. Our defense policy is to grime and bear it, recognizing that weapons production is a complicated business.

To educate a child is more complicated than to construct a plane or missile, especially if that child suffers from the ugly blight euphemistically called "disadvantage."

Yet, President Nixon means to apply the policy of a prudent investor in education. "As we get more education for the dollar, we will ask Congress to supply more dollars for education," he has declared in his Message on Education Reform earlier this month. Knowing why education works and what makes it fail, he argues, must "precede" any rational attempt to provide every student with the best possible education.

Lockheed would go bankrupt if such a policy were applied to defense. It may have less dramatic but no less destructive impact on the national education. For the Nixon budget makes explicit what his message only hints at: The federal commitment to education is being reduced. Support for higher education has received an even more severe

cutback than the elementary and secondary programs. I find it hard not to conclude that Nixon policy is designed to achieve the stalemate that was the longtime condition of federal aid to education.

It may be useful to review the federal role and how we got where we are today. Since 1946, at least a dozen presidential commissions have called urgently for federal aid to education. These included the one appointed by President Eisenhower in 1954 and headed by Neil McElroy, who is now being summoned to study the subject still another time. As a result, beginnings were made in higher education. Yet, there were roadblocks to federal assistance at the lower level—segregation, church-state separation distribution formulas—which produced 20 years of stalemate.

Finally, Congress cleared away or bypassed the roadblocks. A successful formula was worked out assigning first priority to the needs of the disadvantaged student. This formula became Title I of the Elementary and Secondary Education Act of 1965—a major breakthrough.

There is abundant evidence that ESEA not only was good politics; it was good policy. Over the past two decades, there has been an explosion in the nation's education system. Middle-class America was moving to the suburbs and spending great sums for new school plants, teachers, etc. Overall statistics reveal this growth. But it doesn't take a statistician to measure what has been happening to the metropolitan school systems as well as many rural ones. Most have been caught in a desperate budget squeeze.

### HAS TITLE I FAILED?

Can anyone dispute the logic of ESEA's Title I that disadvantaged students have a severe impact on schools? The sad question, as we witness the desperate floundering of city school systems where the influx of disadvantaged students has been heaviest, is why government did not anticipate this impact 20 years earlier and help the schools prepare for it.

Has Title I failed? Commissioner Allen points out that many school systems have diverted Title I funds to other purposes. This is grievous folly on their part and points to a lack of controls in the federal system. It won't be corrected by President Nixon's promise of revenue sharing with the states.

President Nixon's aides have cited the Coleman Report to prove that the size of classes don't have a measurable effect on learning achievement. They come precariously close to arguing that dollars don't make a difference in education.

To anyone who has watched a child in school, the Coleman findings are not that surprising. While learning cannot be measured by student-teacher ratio, learning does depend on student-teacher relations. Even in the age of technology, the best kind of education may still be "Mark Hopkins on one end of a log and a student on the other." You can't buy inspired teachers like Mark Hopkins with dollars alone. But it takes dollars to expand the Teacher Corps and other programs which offer incentives to attract our best teachers to the hardship posts in education.

Prof. Coleman and others have rightly pointed to the need for basic reforms in the public school systems. But I doubt very much that they meant their words to be seized by the politicians to justify stalemate on federal aid to education. Coleman, for example, calls for increased action to break down *de facto* segregation as the best way to achieve equal educational opportunity. To have the remotest chance of success, this will cost a great many more dollars.

President Nixon's aides mention numerous failures and few successes in programs of compensatory education. They claim that these programs have not paid off in improved

reading norms. Even if this were a fair summary, what does it prove? What would have happened to reading norms in New York or Washington if there had been no attempt to cope with the disadvantaged students crowding into the schools? Perhaps it was an achievement merely to prevent total collapse of the public school system.

But the fact is that there have been notable breakthroughs. The Nixon aides fail to mention the latest Hawkbridge study which cites some of the success stories of Title I. The Kingsbury Center here in Washington has pioneered in overcoming severe learning disabilities, including those of children from the black ghetto. Operating costs run about \$3,500 per student. A fearful cost. Almost as much as it costs to keep a youngster in a reformatory or a mental institution.

We need to know more. That is why President Johnson's first education message in 1965 put such heavy stress on research. Congress multiplied many times the budget for research in the Office of Education. Regional education laboratories have been established in leading universities. But President Nixon is right in saying we need more and better research. I support his proposal to create a National Institute of Education.

But research alone can never provide the answer. It is faulty to use the analogy of the National Institutes of Health. We cannot expect to discover miracle drugs to cure learning disability as we hope to cure cancer. We can't inoculate a kid against ignorance. Our chief frustration today is in transforming what we already know into effective action. It is going to take trial and error, success and failure. To open the mind of a child, especially one scarred by his life outside the classroom, is an independent miracle each time it happens.

Can we prove compensatory education will pay off? Of course not! Can President Nixon prove that putting a \$1,600 floor under income will enable a family to break out of the rut of poverty? Of course he can't! Conceivably, it could lead to an inflation of the ghetto economy that would quickly soak up all the benefits. It may take a floor of \$6,000 or \$8,000 to have a measurable impact in a city like New York, just as it may cost much more than was anticipated to make New York's education programs succeed. But this is no reason to delay the new commitment to welfare. The alternative of standing still is unbearable.

Education, like welfare, is a dynamic enterprise in America. It can't be made to lie dormant while waiting for reform several years in the future. To cripple the momentum of our nation's commitment to equal educational opportunity is a greater gamble than to delay spending billions of dollars on the ABM. For the dangers of the education gap are more clearly demonstrable.

In the struggle over priorities in the federal budget, education has great disadvantage in competing against defense programs. Education has to fight harder for its claim on the federal dollar. If the President tires to whittle away the education budget, if he fails to set clear and purposeful priorities, this fight for dollars could turn into a bitter struggle among vested interest groups. For example, the programs for federally impacted areas, through grossly inequitable, will claim a lion's share no matter what the President says. Strong interest groups will rally selfishly around tax credits for tuitions, costing billions in federal revenue and mainly benefiting the higher income families.

While this savage struggle goes on, the programs to bring equal opportunity could die of neglect, and a great national commitment be forgotten. The Nixon message and the Nixon budget seek to freeze these programs until there is positive proof of "more education for the dollar." If this policy succeeds, the nation's education is in danger.

ARBITRARY LIMITS ON POPULATION

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. BURTON of Utah. Mr. Speaker, the Ogden, Utah, Standard-Examiner, in its lead editorial on Monday evening, March 9, 1970, commented:

When laws are suggested to tell a husband and wife how many children they can have, we run the risk of tampering with a basic human right.

I insert this timely editorial in its entirety for the consideration of my colleagues in the Congress:

ARBITRARY LIMITS ON POPULATION

Dr. Roger O. Egeberg, the nation's "top doctor" as assistant secretary of Health, Education and Welfare, last week said he favors abortion on demand as one method of stabilizing America's population.

Sen. Robert W. Packwood, of Oregon, has introduced a bill limiting personal tax exemptions to three children in any family.

And HEW Secretary Robert H. Finch has said that limiting families to two children is one way Americans can improve their environment.

All in all, despite the recent birth of the quintuplets in New York and the news about the British housewife who hopes to be the first in the world to have a test-tube baby, infants currently aren't considered "in" with those who worry about this old world becoming overpopulated.

They see seven billion people in the world in 30 years, twice as many as now. That would indicate 300 million in the United States, 650 million in Latin America, 4.25 billion on the Asian continent.

And so you get suggestions like the above, and some more extreme—such as, for example, that there may have to be a law limiting families to two children, or whatever number would keep the world's population in balance.

There is a danger in all this. By concentrating too much on limiting births, we might be devoting less effort to improving our environment and adapting it to the number of people we have.

Although they are not perfect examples, consider how Belgium, the Netherlands and Japan have accommodated population densities far greater than America's.

Belgium has 11,781 square miles and 9.63 million people, or 817 per square mile. The Netherlands spaces 810 persons per square mile between dikes and tulips. Japan, another nation which has made land usage a fine art, supports 708 persons per square miles.

The United States, on the other hand, has only 56 people per square mile, hardly elbow to elbow.

Hunger is relatively unknown in Belgium, the Netherlands and Japan. In America, however, undernourished and hungry citizens can be found in numbers, despite the fact that in fiscal 1967-68, the U.S. Department of Agriculture paid \$4.5 billion to farmers (mostly large corporate farms) to help stabilize their incomes, mainly by cutting back on food and fibers. This amount was three times what it is estimated it would have cost the government to feed America's hungry that year.

Congress in that same year appropriated only about one-ninth of needed moneys for the federal food stamp program. The logic of huge subsidies not to grow food at the same time that people are starving escapes many observers.

One can also look at India to witness how predictions of mass starvation because of too many people have never quite turned out so gloomily. Although drought brought hunger to some areas in 1967, a large wheat crop was produced in 1968, and improved grains, fertilization and irrigation are steadily reducing India's previous food storage. Voluntary sterilization by about 3.5 million persons has also helped ease fears.

Certainly, the overpopulation threat cannot be ignored. Man has no right to destroy his individuality and his environment by thoughtless propagation. But when population forecasters move toward putting arbitrary limits on the number of people a nation or a world can hold, or when laws are suggested to tell a husband and wife how many children they can have, we run the risk of tampering with a basic human right while neglecting social and economic means at our disposal.

THE FORGOTTEN SINGLE PERSON

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mrs. GRIFFITHS. Mr. Speaker, in connection with the current Ways and Means discussion of social security amendments, I recently received a letter from a constituent in Detroit urging that the special needs of single persons under the law be given equal consideration. The letter expresses well some of the problems confronting single persons, which too often are overlooked. I insert into the Record the letter for everyone to read:

DETROIT, MICH.

February 23, 1970.

DEAR MRS. GRIFFITHS: Why is it that the widow needs an increase in social security? If they have had any decent sort of husband, there is at least an insurance to help them out. Perhaps a bank account, too. I'm not saying that all are so blessed, but when is the unmarried woman going to be considered? She never had the assistance of a husband. There is no insurance for her and her only bank account is what she was able to save—a few dollars a month. I am speaking from my own experience. Husband or no, I still have to pay all the taxes on property the married couple has to pay. The utility bills are the same, and so is the repair work on a house, to maintain a decent appearance in a respectable neighborhood.

So why all this concern over the widows? Even though I have no children to assist me when I get older (I'm already almost fifty-eight), I assisted my own parents financially. I was happy to do it . . . but where does my help come from? It isn't that I want to deny the widows anything, but if only someone would remember the forgotten woman: the unmarried, the single, the "old maid", or whatever you want to call us. At sixty-five, I'm not going to feel much like battling the weather, transportation (the bus, in my case I have no car), and customers (I'm a salesperson), but that is just what I'm going to have to do to supplement my Social Security, when the next seven years are over. Maybe by then someone will remember that maiden aunt on his mother's side and will include all the other aunts in his or her proposal for a higher S.S. for them.

Sincerely yours,

MISS ANNA KULL.

A CALIFORNIA COASTLINE NATIONAL PARK

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. TUNNEY. Mr. Speaker, the ocean front is the single most valuable natural resource in California. The bulk of the State's population is concentrated within a few miles of the sea, and its impact upon the people's way of life is greater than that of any other geographical entity. But the California coastline is shrinking rapidly as demand for its values increases and as public access to attractive frontage decreases. Undeveloped shoreline, including bays, estuaries, and salt water marshes, can no longer be regarded as ordinary real estate subject to residential or commercial-industrial development. Only prompt and bold action can protect the quality of one of the world's most spectacular shorelines from further deterioration.

Recognizing these facts, I am today introducing legislation to establish a California Coastline National Park to protect the public interest in the scenic, biological, recreational, and economic values of the State's ocean frontage.

The shell of this park would begin with the following coastal regions:

CAMP PENDLETON

The longest section of undeveloped shoreline south of Los Angeles—17½ miles—this area will become increasingly important in the future of a growing southern California. There is a wide, sandy beach, low coastal bluff, and level upland suitable for camping, picnicking, and parking. Along the shoreline are six tidal marshes which provide good habitat for numerous waterfowl and shorebirds. The coast highway—U.S. 101—parallels the shoreline at an average distance of one-half mile inland. The coastal portions of the Marine reservation could be donated to the California Coastal National Park.

CHANNEL ISLANDS

Collectively, the 241 miles of shoreline on the Channel Islands represents the most important undeveloped segment of the Pacific coast, with unique scenic, scientific, and wildlife values, the islands figure to play a key role in the recreational future of California. Santa Barbara and Anacapa Islands are presently under the administration of the Channel Islands National Monument. Santa Cruz and Santa Rosa Islands are privately-owned ranches. San Miguel Island is now under the administrative control of the U.S. Navy. I have introduced a bill to establish a Channel Islands National Park, and welcome the idea of incorporating this region into the larger California Coastline National Park. A mainland unit of the park in the vicinity of Point Conception could serve as a gateway to the Channel Islands. From Vandenberg southeast to U.S. 101 is a prime coastal area, unique in being relatively isolated from major arteries of transportation. Although ownership is in

large private blocks, there is precedent for recreational easements.

#### VANDENBERG AIR FORCE BASE

There are over 20 miles of ocean frontage of varied character with combinations of wind, sandy beaches, reefs, offshore rocks, dunes, and bluffs. The upland is mainly chaparral or grassland and contains unique floral values. Some 25 species of plants occur only in this transition region between the colder northern ocean and warmer southern sea. State Highway 1 parallels the shoreline about 10 miles inland. The coastal portions of this base could be donated to the California Coastline National Park.

#### BIG SUR COAST—WHICH INCLUDES LOS PADRES NATIONAL FOREST

This magnificent coastal reach from San Simeon to Carmel is variously controlled by State, Federal, and private interests. There are presently several outstanding State parks, and Los Padres National Forest has developed its portion of the coast for recreation. There should be more comprehensive protection for one of the West's great scenic attractions, and the California Coastline National Park could become the unifying and coordinating agency. State Highway 1 parallels the coast closely in this region, but numerous canyons provide access to both ocean and upland. Approximately 30 miles of shoreline are involved.

#### POINT REYES

About 45 miles of coast are involved in the complex and beautiful mingling of land and water that is Point Reyes Peninsula. Currently a national seashore, the area could benefit from inclusion in the California Coastline National Park since the latter could have a more lenient conception of private inholding and would permit a possible solution to the difficult land acquisition problems now faced by the national seashore project. There are nine fresh water lakes, Abbotts Lagoon, several fresh and salt water marshes, and a variety of birds, mammals, and plant cover.

Also, the updating of the National Park Service's "Pacific Coast Recreation Area Survey" compiled in 1959 would reveal additional needs and opportunities for shoreline protection.

The proposed California Coastline National Park would not end at the water's edge. Seaward areas, including submerged land, reefs, and islands, would also be protected for present and future generations. The ecologically rich kelp forests, for example, which grow from 100 to 1,000 feet off shore, would become a key part of this party concept. Kelp was once prevalent along the entire California coast, but sewage, pesticides, industrial wastes, and thermal pollution have greatly reduced this forest to a mere 18 square miles. For scientific economic and ecological reasons, as well as scenic and recreational considerations, this remarkable plant must be allowed to make a comeback.

I would like to emphasize that this bill should be considered only a first step—establishing a "shell" or container with but a few core units. Eventually it is my hope that the public stake in the entire California coastline will be recognized

and protected under this proposed national park umbrella. Other segments of ocean frontage should be added after review and interagency agreement. In this sense the new park would function in the manner of the national wilderness preservation system.

It is my hope that when the committee considers this bill it will also consider a new concept in land management; a proposed narrow, chain-like park such as this could take a linear rather than an area approach in land acquisition and control. This concept aims at protecting a kind of environment rather than a block of land. Precedents for such a park exist in the national trails system and the the national wild and scenic rivers system as well as in highway beautification projects. Thus the California Coastline National Park also implies the abandonment of the National Park Services' traditional fee simple—direct ownership—policy in favor of a variety of land management techniques. I believe that existing Federal, State, and county shoreline reserves could retain their autonomy with the new park administration acting as a coordinating agency. Unreserved reaches of coastline, or donated portions, could be administered directly. Since much of the California coastline is in private hands, private ownership might be compatible with the park idea provided the owners complied with park standards of management and access. A model of such a policy exists in Great Britain where national parks operate successfully with farms and towns in their midst.

#### THE WORLD OF LOUIS FIELD

### HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. EDMONDSON. Mr. Speaker, last week Oklahoma lost a great citizen and I lost a close friend with the death of Louis Field, the publisher of the Hominy News in Hominy, Okla.

Louis was an outstanding person and an inspiration to all who had the privilege to know him. When he died at age 44, he had been a quadriplegic for 24 years, the result of a tragic automobile accident when he was 21 years old.

Paralyzed from the neck down, he purchased the newspaper in his hometown of Hominy, and operated it from his bed through a closed-circuit television system. He won a seat on the Hominy City Council, and became a civic leader in every sense of the term. He dedicated himself to his town and its people.

In the course of his publishing career he earned many awards, including the Oklahoma State Fair sweepstakes award for newspapers in his category. He was named an editor of the week by the publication, Publishers Auxiliary. He won local, State, and national awards from the Junior Chamber of Commerce. And somehow he found time to earn a law degree by correspondence.

An editorial in his newspaper, written

by a close friend while Louis was ill but published after his death, tells the story of this valiant man better than I can.

Mr. Speaker, I insert the moving editorial, "The World of Louis Field," in the RECORD.

#### THE WORLD OF LOUIS FIELD

Louis Field, scrappy editor and publisher of The Hominy News, a man who is paralyzed from his neck down, is now undergoing the greatest battle for his life. He is doing it on rawbone courage and his tremendous feeling and desire for living. Balancing on a thin thread of life is nothing new for him. For nearly 24 years he has been under constant harassment from illness that chipped a little here and a little there at the vital organs of his body. Each time he would return to work with greater zest and deeper feeling and understanding for those that came in contact with him.

With the whole community hopefully waiting for a break or a change in his condition, the world of Louis Field is casting a strong impact on anyone that ever knew him. His wide influence and following of people has had a notable effect as far away as Washington, D.C. Family members and friends everywhere have come just a little closer in this hour of crisis. Louis really belongs to everyone.

Fate dealt Louis a cruel blow on August 8, 1946 in a California auto accident. His strong youthful body at age 21 was damaged beyond repair and his spinal cord was completely severed. He spent many months at the brink of death while the stunning paralysis engulfed his system.

Now the die was cast. He had to make a decision. He wondered if he could resign himself to a life of immobility. Maybe he was spared for some unknown good reason. If so, he must set out to discover the answers. Well, they came slow. No one would have condemned him had he quit. For Louis, there was no such word in his vocabulary. He visioned only a bright new future and he saw the sun even when the clouds hid the rays from view. So he set his sights on impossible goals, at least for a man in his condition. Then painstakingly, he moulded each one together until they materialized and his dreams were coming true. His cheerful attitude was as contagious as a fresh spring breeze and the lift it gave was far more enlightening.

Louis was a dedicated public servant and still serves on the present City Council. He has always been the champion of the underdog. He took to heart the problems of the needy and those in trouble. A visit with him changed the course of life in many people. It was like the after effects of medicine and far easier to take. Many a strong man would come away with moistened eyes and straighter shoulders after seeing Louis as he really was and what he stood for.

He was so sincere about wanting to do things for people that he often overlooked his own health trying to come up with just the right solution. He would lie awake far into the night when the stillness helped transform complex problems into workable answers.

His honest desire to make Hominy a better place to live prompted him to buy the Hominy News in 1959 and he used the paper as a sentinel to promote and publicize the community. While serving on the Council he had a hand in shaping many key projects for the benefit of all. He learned a long time ago that you must arm yourself with all the facts and figures on important issues, both pro and con if you were to succeed in making them come through.

Louis Field had a partner that spurred him on in his battle for survival and that would be his 83 year old mother. As fiery as her red hair and as peppery as a General she took

over the job of keeping him alive. This wouldn't be an easy chore. She must call on strength far and above that of human endurance and she talked with God in her conference room often and He reduced her mountainous chore to a gentle slope. She busied herself in scores of little ways and there was a bond between them that kept their hopes and visions alive. They suffered each other's illness and shared the times of happiness.

Although the lights have dimmed some on the world of Louis Field there is a ray of hope that the Man upstairs doesn't want him yet and will let him stay on a little longer to complete his unfinished works upon this earth.

But knowing Louis, and for all the things he stands for, he is more than prepared to go wherever he is needed most and you can bet that when this time arrives, he will be well armed with all the facts and figures—but somehow—we can't help but feel that it would be his easiest battle.

**A COMPASSIONATE DEED ON BEHALF OF BIAFRA**

**HON. LOWELL P. WEICKER, JR.**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. WEICKER. Mr. Speaker, I would like to share with you a compassionate deed which came to my attention several days ago.

Upon learning of the many people in Biafra, in particular, the small children, who were dying every day due to disease, malnutrition and lack of sufficient food, the inmates at Portland Connecticut Correctional Conservation Camp and Osborn Connecticut Correctional Institution organized a vigorous campaign for donations to this worthy cause. Between the two institutions, nearly \$400 was collected to provide adequate food and clothing for Biafran children.

When you realize that most of these inmates earn 25 cents a day, I think that sum represents a significant achievement and a tremendous display of humanitarianism. I applaud these men for their selfless interest in contributing to those less fortunate than themselves.

I am inserting in the RECORD the letters accompanying their checks to the Americans for Biafran Relief so that you may have the opportunity to read firsthand of the great pride these men took in submitting their donation:

ENFIELD, CONN.,  
January 14, 1970.

CHILDREN'S AIR-LIFT FOR BIAFRA,  
c/o Mrs. JORDAN,  
New York, N.Y.

DEAR MRS. JORDAN: This is to inform you that the inmates at the Connecticut Correctional Institution, Osborn, Enfield, Connecticut, have concerned themselves with your plea on behalf of the children of Biafra.

During the past two weeks we have pressed a vigorous campaign for donations to your cause from the inmate population. Considering the fact that there are less than three-hundred of us, and that the majority of us earn but twenty-five cents a day, I am proud to write that a check for \$356.50 is awaiting disposition, according to your wishes.

Please use the following name and address in making contact with me:

CXVI—477—Part 6

Richard D. Meyers, Biafra Committee, c/o Superintendent R. M. Steinert, Box G. Hazardville Station, Enfield, Connecticut 06082.

Hoping to hear from you in the very near future, we, the inmates of C.C.I., Osborn, are anxious to share in your most worthy effort, and we salute your organization for its humanitarian goals.

Sincerely,

RICHARD D. MEYERS.

JANUARY 30, 1970.

Mrs. ROBIN JORDAN,  
Chairman, Americans for Biafran Relief.

DEAR MRS. JORDAN: Received your most welcome letter and it was interesting to know just how very much your organization has helped in relieving the situation that exists in the Biafran Area.

We, here at the Correction Institution, Osborn; are thankful that we have helped someone who is less fortunate than ourselves.

We wish you continued success in your quest for aid for the Biafrans.

Enclosed you will find our check, to your organization, in the amount of \$356.50.

Once again Good Luck.

RICHARD D. MEYERS,  
Biafran Committee, C.C.I., Osborn.

STATE OF CONNECTICUT,  
CORRECTIONAL CONSERVATION CAMP,  
Portland, Conn., February 13, 1970.

Mrs. LIONEL MARTINEZ,  
Program Coordinator,  
New York, N.Y.

DEAR MRS. MARTINEZ: Enclosed please find check totaling forty dollars and twenty five cents contributed to the Biafran Childrens Fund by the inmates and staff here.

This represents a 100% inmate involvement and is especially meaningful when one considers their daily wages are only twenty five cents.

In spite of their meager wages, however, our boys gained much satisfaction in knowing that their contributions will help feed and cloth a Biafran child.

Sincerely,

S. J. FAZIO,  
Director.

**HIGH SCHOOL STUDENTS REFLECT NATIONWIDE TREND**

**HON. LAWRENCE J. HOGAN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. HOGAN. Mr. Speaker, I would like to call the attention of my colleagues to a recent poll conducted among the student body at Potomac Senior High School in Oxon Hill, Md., in my congressional district.

It is interesting to me how closely the results of this high school poll correlate with the results of two questionnaires which I sent to all constituents, including the parents of these students.

Mr. Speaker, I would like, for purposes of comparison, to insert at this point the results of both these polls:

POTOMAC SENIOR HIGH SCHOOL  
OPINION POLL  
VIETNAM

Do you favor immediate withdrawal of all U.S. forces from Vietnam?

	Percent
Yes .....	16
No .....	74
Undecided .....	10

Do you favor gradual withdrawal of U.S. forces from Vietnam?

	Percent
Yes .....	73
No .....	18
Undecided .....	9

Should the U.S. use full military power to defeat the North Vietnamese on the battlefield?

	Percent
Yes .....	37
No .....	40
Undecided .....	33

**THE DRAFT**

Should the U.S. abolish the draft?

	Percent
Yes .....	32
No .....	54
Undecided .....	14

Do you prefer the new lottery system over the system used in the past?

	Percent
Yes .....	62
No .....	17
Undecided .....	21

**CIVIL RIGHTS**

Is violence a satisfactory means for effecting social change?

	Percent
Yes .....	10
No .....	82
Undecided .....	8

Do you favor busing students to enforce integration?

	Percent
Yes .....	11
No .....	79
Undecided .....	10

**DRUGS**

Do you favor legalizing marijuana?

	Percent
Yes .....	27
No .....	61
Undecided .....	12

Are the punishments for drug use too severe?

	Percent
Yes .....	42
No .....	47
Undecided .....	11

**OCTOBER NEWSLETTER**

1. Do you favor a constitutional amendment to permit voluntary nondenominational prayer in public schools?

	Percent
Yes .....	71
No .....	29

2. Do you favor conversion of the Post Office Department into a self-supporting, government-owned corporation?

	Percent
Yes .....	78
No .....	22

3. Do you favor a voluntary army over present draft?

	Percent
Yes .....	61
No .....	39

4. Do you feel we are putting too much of our resources into military spending?

	Percent
Yes .....	65
No .....	35

**NOVEMBER NEWSLETTER**

	Percent
1. I support President Nixon's Viet Nam Plans .....	59
2. I favor immediate unilateral withdrawal of all troops .....	24

NOVEMBER NEWSLETTER—Continued

	Percent
3. I favor an all-out effort to win the war in Viet Nam-----	17
Total -----	100

**MISSISSIPPI LEGISLATURE CALLS FOR RELEASE OF AMERICAN PRISONERS OF WAR IN NORTH VIETNAM**

**HON. CHARLES H. GRIFFIN**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. GRIFFIN. Mr. Speaker, recently the Mississippi House of Representatives adopted a resolution urging the President of the United States to exert every possible effort to assist American prisoners of war in North Vietnam and to take steps to insure their release. The resolution was introduced by Representatives Ferguson, Moss, Massey, Jones—46th, Beach, Stennis, Marks, Owens, Sowell, Mitchell—30th, Lotterhos, Lester, Moore—16th, and Cossar.

This resolution by the Mississippi Legislature is one more expression of outrage at North Vietnam for the withholding of information on American prisoners of war. In violation of all basic tenets of humaneness, North Vietnam continues to refuse information on prisoners as it promised to do when it signed the Geneva Convention.

In my view, the American people are becoming more united behind President Nixon to win an honorable peace in Southeast Asia because of the fact that North Vietnam is mistreating Americans.

On leave to extend my remarks, I include the aforementioned resolution:

HOUSE CONCURRENT RESOLUTION No. 30

Concurrent resolution urging the President of the United States to exert every possible effort to assist American prisoners of war in North Vietnam and to take steps to insure their release

Whereas, more than 1,410 American pilots and servicemen are listed as missing in action or presumed a prisoner of war in North Vietnam, twelve of these being Mississippi citizens; and

Whereas, North Vietnam has persistently refused to adhere to the Geneva Convention requirements that a list of her prisoners be furnished to the United States, that mail be exchanged by prisoners and their families and that prisoners be humanely treated; and

Whereas, the uncertainty as to whether many of these men are dead or alive as well as the lack of communication with those in prisoner of war camps has caused great anguish among their families, and this anguish is shared by the people of Mississippi; and

Whereas, the United States is now engaged in peace conferences with North Vietnam in an effort to bring about a speedy end to hostilities and, as an expression of good faith, is at this time withdrawing a large number of troops from the combat zone:

Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That we do hereby urgently and strongly request in the name of humanity and common decency that the President of the United States

exert every possible effort in the Paris peace negotiations, with the United Nations and with the governments of other nations, to insist that North Vietnam adhere fully to the Geneva Convention requirements for prisoners of war, including furnishing a list of prisoners' names, provisions for an exchange of mail with their families, inspection of prisoner camps by a neutral organization, and delivery of medical aid and food parcels by such neutral organizations.

Be it further resolved, That the House of Representatives, the Senate concurring therein do urgently request the President to take steps to insure that the release of these American pilots and servicemen receives high priority in future plans for withdrawal of American troops from Vietnam.

Be it further resolved, That copies of this resolution be sent to the President of the United States and to the Legislatures of the fifty states with encouragement that they, too, join in a similar appeal and exert all effort to bring the conscience of the world to bear on the plight of these prisoners of war, and further, that a copy of this resolution be presented to the immediate family of each of the Mississippi Prisoners of War in North Vietnam; copies of said resolution be sent to the President of North Vietnam, the Secretary General of the United Nations, and the Foreign Ministers and Ambassadors of USSR, Sweden, Romania and Poland.

**THE NIXON ADMINISTRATION'S FIRST YEAR**

**HON. JOHN BRADEMAs**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. BRADEMAs. Mr. Speaker, evidence of the concern today's youth are devoting to public issues is an impromptu speech delivered by 15-year-old David Van Hoogstraten at the American Legion public speaking contest at Bronxville High School, Bronxville, N.Y., on February 12, 1970. David is the son of Jan Van Hoogstraten, director of the African program for the Church World Service. I am taking this opportunity to insert David's remarks in the RECORD:

REMARKS OF DAVID VAN HOOGSTRATEN

Mr. Chairman, Ladies and Gentlemen. About one year ago, Richard Nixon, the first Republican in eight years became President. Since that time, the administration has pursued with some success its goals in the field of foreign affairs; however, it is regretful that we are moving farther and farther away from the time when we will fulfill the tremendous domestic needs of this country.

President Nixon has only tried a moderate approach toward these mammoth problems. His administration has been unimaginative during a time which seems to cry for innovation. Many of the President's attempts at domestic reform have been equivocal, ineffective, and certainly not encouraging.

First, although President Nixon enforced the desegregation of southern schools as recommended by the Supreme Court, he did so with personal reservations. He has been charged on numerous occasions with slowing the pace of desegregation in the south.

His relations with the blacks of this country have been unforgivable. Such great American Negroes as Ralph Bunche, a Nobel Peace Prize winner, have expressed little confidence in the ability of the administration to advance on the crucial problems of racism and black-white relations. One of

the classic examples is Nixon's proposal to abandon the Voting Rights Act of 1965. Such a proposal is extremely insensitive to any black viewpoint. Last February, Nixon admitted that he was not regarded "as a friend by many of our black citizens." I really don't think he can say anything different this February.

President Nixon's nominees to the Supreme Court have thus far lacked Judicial distinction: first, Judge Haynesworth who was rejected by the Senate, and now Judge Carswell whose credentials are slender and whose decisions, according to Senator Gaylord Nelson of Wisconsin, read like a plumber's manual. Both are examples of the "Southern Strategy" designed to win the votes of the South.

For a man who says he is as interested in the stopping of crime as does Mr. Nixon, it is puzzling to see him force the resignation of Robert Morgenthau as Federal Attorney for the Southern District of New York. Democrat or Republican, he was an excellent crime fighter with one of the most impressive records in the country.

Last January eighth, the President announced he was against an appropriations bill only because it contained too much money for education than should be spent now. Go down and ask the people of New York City if we're spending too much money on education. He has vetoed the bill and after it is hacked away by Congress next year, it may become apparent that he vetoed a better America.

Last year was the most inflationary since 1951. The administration's anti-inflation program is seemingly more effective in slowing down the economy than in stopping retail or wholesale price rises.

If President Nixon is really determined to solve these problems—remember—he has the money and the power to do so. For instance, the cost overruns of defense contracts last year totaled about the same amount that Milton Eisenhower's committee on violence recommended would be needed to remake America.

Hubert Humphrey, looking back on the Nixon administration, remarked "They know how to manage but they have no creativity. They know how to lay bricks but they have no vision of a cathedral."

**THE TOLL OF HUNGER ON A CHILD'S INTELLIGENCE**

**HON. ABNER J. MIKVA**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. MIKVA. Mr. Speaker, scientific evidence continues to mount in support of a proposition which has long seemed to me a matter of commonsense: When a child goes chronically hungry, not only his physical but also his mental well-being suffers.

The latest confirmation of this fact is contained in an article which appeared in the March 1, 1970, edition of the Sunday New York Times' News of the Week in Review. The article describes results of studies which show that children who suffered from severe malnutrition scored lower on IQ tests than their siblings who had not experienced malnutrition. The study is, as the Times said, "one more link in the growing chain of evidence connecting intelligence development with early nutrition."

The findings of this study give added urgency to the expansion of Federal food assistance programs. During the last week in February, our colleagues in the other body finished work on a bill that would increase Federal aid to school lunch programs for needy children to \$817 million, almost double the present sum. This bill, along with related legislation to expand the Federal food stamp program, are now awaiting action in the House Agriculture Committee. The results of studies linking hunger and malnutrition to lowered intelligence make it all the more imperative that this House act on these important programs as early as possible. I urge my colleagues on the Agriculture Committee to resolve whatever differences remain on food stamp and school lunch programs and bring the necessary legislation to the floor without delay. The article follows:

[From the New York Times, Mar. 1, 1970]

THE TOLL OF HUNGER ON A CHILD'S INTELLIGENCE

(By Nancy Hicks)

Doctors last week reported one more link in the growing chain of evidence connecting intelligence development with early nutrition.

The findings were the result of a three-year study of children from a small agricultural Mexican village. Thirty-seven children hospitalized as babies for kwashiorkor, a severe malnutrition disease were tested for I.Q. later in life. They scored lower on these tests than their siblings who had not had the severe disorders.

The study was conducted by Dr. Joaquin Cravioto, director of nutrition at Children's Hospital in Mexico City, and by Dr. Herbert G. Birch, a psychologist and professor of pediatrics at the Albert Einstein College of Medicine in New York. It was part of a larger study of ecological factors in child growth and development that they have been conducting for the last seven years.

Data linking development to early nutrition are not new. For years studies on animals deprived of vital foods in the prenatal stage of life or just after birth have reported that the animals are smaller, have more difficulty learning, and often have smaller brains—up to 10 per cent smaller—than animals given proper nutrition.

Extrapolation to the human state is not necessarily a direct route, although autopsies of children who died from malnutrition reinforce the animal studies. So has earlier work by Dr. Cravioto and Dr. Birch, among others. They have shown a correlation between the nutrition of a population and its average size, between the mother's height and the infant's weight at birth, between the mother's hygiene practices and the child's weight at birth.

In the new study, each child in the experimental group had been hospitalized somewhere between his sixth and 30th month of life with kwashiorkor. Each had recovered and was five years of age when given standard intelligence tests at the Army Hospital in Mexico City.

As a control group, the doctors chose and tested a brother or sister of each experimental group member. Each sibling in the control group was within three years of age of his brother or sister and had never had severe forms of malnutrition.

It is this control group that makes the experiment different. The most difficult part of this kind of study is finding a control group to match the experimental group.

"We chose siblings," Dr. Birch said in an interview, "because even though malnourishment goes with disadvantage and affects in varying degrees many members of the same

society, it is very difficult to match control groups for the exact same socioeconomic factors or child-rearing practices as the experimental group. Within the same family, we thought we would eliminate the problem."

Some results of the tests were these: The average intelligence quotient score of the experimental groups was 68.5. The average for the control group was 81.5. Scores between 95 and 110 are considered normal.

Half of the experimental children scored below 70 on the I.Q. tests, as opposed to about 20 per cent scoring below 70 in the control group.

Only four of the kwashiorkor victims, or 10 per cent, scored above 90, while more than 10 children, or more than one-third of the children who had not suffered from severe malnutrition, scored above 90.

These "insults of environment," Dr. Birch said, are lasting. They affect the child throughout life. And the next generation. . .

ECONOMICS AND CARE OF THE ELDERLY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. OBEY. Mr. Speaker, it was my privilege to cosponsor the resolution to create a Select Committee on Nursing Homes and Homes for the Aged proposed by the gentleman from Arkansas (Mr. PRYOR).

I think my colleague deserves great credit for taking the lead in this area. Creation of a select committee would lead to full exploration of the alternatives and various viewpoints on the care and treatment of America's aged.

Today I should like to insert in the RECORD an editorial from the Christian Science Monitor underscoring some of the problems in our treatment of older folk and lauding the move for a special committee investigation of the nursing-home industry.

I hope that economists especially will pay close attention to the editorial, headed "Aged-Care Study" which follows:

[From the Christian Science Monitor, Feb. 27, 1970]

AGED-CARE STUDY

Providing for the basic needs of the several generations has always been a challenge for society. Until only the most recent of times, the family unit was relied on to house and give a sense of useful activity to older folk. But the basic living pattern has become couple-oriented. Homes are smaller. Dependence on the auto tends to isolate the aged. Many need special care. And the longevity pattern, plus the general increase in the population, points to increasing numbers of older folk for whom right provision must be made.

This social problem has led to rapid growth of the nursing home industry in the United States. And while some of these homes are excellent both in the quality of care and their mental atmosphere, others are shabby and scandalous.

Rep. David A. Pryor (D) of Arkansas has called for a special committee investigation of the nursing-home industry. We believe this is needed. Some \$2 billion a year in tax deductions alone are going into such homes. Nursing home chains—many operated by small-business men such as auto dealers

with no knowledge of aged care or with any interest other than profit—are springing up across the nation. The danger of exploitation is great.

Last summer the Senate looked into the economics of aging in the United States. Nursing homes were among the subjects considered. The Senate found a shortage of trained help. Representative Pryor also has made an issue of the lack of qualified personnel. In personal visits to a number of such homes, in which he acted the part of a volunteer aide, he found many of the basic physical needs of the residents being met by maintenance workers.

Cost also should be investigated. Since more than 90 percent of homes for the aged are profitmaking operations, the public deserves to know whether it's getting its money's worth. Standards of care should be established.

Not all is negative for today's older generation. True, the pace of modern life and the pressure to get ahead have excluded many from their children's lives. But at the same time, social security (slim as its help is) and modest savings enable most to carry on their own households. Many are not, and do not want to be, beholden to others for their basic needs.

Yet for millions of senior Americans special care is needed. And there is evidence the industry for providing such care needs prompt looking into.

LAWYERS REPORT ON NOVEMBER MORATORIUM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. ROSENTHAL. Mr. Speaker, on Saturday, March 14, the Lawyers' Task Force on the November Moratorium issued its report. This task force, chaired by Ramsey Clark, the former Attorney General, Adrian S. Fisher, dean of the Georgetown University Law Center and E. Clinton Bamberger, dean of the Columbus School of Law of Catholic University, based its report on the written observations of over 200 lawyers who observed the moratorium activities in person.

Mr. Speaker, the report contains some highly important conclusions concerning the rights of free speech, public petition and peaceful assembly and the responsibility of those in positions of leadership to preserve, protect and encourage the exercise of these rights. Because of the important nature of its observations and conclusions, I am placing the entire report in the RECORD:

ABOUT THE REPORT

As the time approached for the peace demonstrations scheduled for Washington, D.C. on November 13 through 15, 1969, increasingly strong rumors ran through the city and the nation that violent confrontations would accompany the demonstrations. During the course of a well-publicized impasse over march permits, the Department of Justice predicted "a substantial likelihood of serious violence during the mass march on November 15." This added to widespread fears that the demonstrations might be violent and that the leaders of the New Mobilization Committee to End the War in Vietnam would not or could not control them. As a consequence, many persons apparently decided not to come to Washington to partic-

ipate in the demonstrations because of fear for their personal safety.

It was in this climate that the Lawyers' Task Force was conceived. On Saturday, November 8, a small group of Washington lawyers met to discuss what might be done to assure their fellow citizens the rights of free speech, peaceful assembly and petition; to reduce the risk of violence; and to ameliorate the chilling effect which the threat of violence appeared to be having on those wishing to take part in the Moratorium. The group decided to organize a task force of lawyers to act as neutral observers. The objectives would be to measure the fulfillment of the rights of free speech and assembly, and to enhance the potential for their fulfillment by helping, through the announced presence of the observers, to deter individual acts of violence on the part of either demonstrators or the police.

The lawyers who organized the Task Force represented a broad spectrum of the profession. Most were associates in prestigious Washington law firms. Several were practitioners in new public service organizations. Others were serving on congressional staffs or in Government agencies. The lawyers saw the Task Force less as a device to help a particular group of people express a particular point of view, than as a means to assist large numbers of their fellow citizens to exercise their constitutional rights to speak, to assemble and to petition their government.

To perform their role, the organizers needed to involve a large number of lawyers. Ramsey Clark, formerly Attorney General of the United States, Clinton Bamberger, Dean of the Catholic University Law School, and Adrian Fisher, Dean of the Georgetown Law School, were invited to serve as Chairmen of the Lawyers' Task Force. On the Wednesday evening preceding the march, a public meeting was held at the George Washington University Law School; it drew more than 100 attorneys from Government and private practice. By Saturday, November 15, more than 300 lawyers had joined the Task Force.

The assignment was not an easy one.

The young lawyers\* who participated brought at least three valuable qualifications. They shared a deep concern that the Nation live up to the Constitution by assuring the right of peaceful assembly, and that the ideas of ordinary people with relatively restricted opportunities to communicate might thus be tested in the free marketplace of public opinion. Second, if any among us do, they knew the dimensions of the rights of free speech and petition and assembly and were sensitive to their infringement—whether direct or through subtle intimidation. Finally, they were trained in the difficult art of finding and presenting the facts.

The Task Force was, however, handicapped in many other ways. It was a pioneer venture, hastily organized, with no money, organization, or equipment, and neither experience nor time for training. The Task Force had not been privy to the various negotiations between the authorities and the demonstration planners; it had little personal contact with the leadership of either side.

The handicaps did not prove insurmountable. All parties involved in official demonstrations cooperated with the Task Force. Mayor Walter Washington and Chief of Police Jerry Wilson made it possible for several Task Force members to monitor the city's communications center and to cover the demonstrations in vehicles manned by the police and Mayor's aides. The Attorney General of the United States communicated his approval of the Task Force concept to one of its

\* Although most of the Task Force members were under 40, a not insignificant number were more senior members of the bar.

chairmen, and presumably to Justice Department officials. New mobilization leaders permitted Task Force members to audit the communications center for the Mobilization's own marshals, who were to act as crowd controllers. The National Council of Churches and other concerned local clergy, who independently had decided to provide neutral observers, added their forces to those of the Task Force, thus expanding its capacity, and furnishing it with many of its most useful written reports.

Finally, the Center for Law and Social Policy, a new Washington-based public service organization, provided the indispensable logistical base for the Task Force's organization and functioning, and the Lawyers' Committee for Civil Rights Under Law made available the use of its conveniently located offices on Friday night and Saturday.

The Task Force was able to place clearly identified observers at the scene of all major activities. All lawyers wore light blue tags pinned to their coat pockets, which read "Lawyer Observer." The Task Force observers submitted approximately 200 written reports, describing what they had witnessed. The narration of events which follows was prepared from their written reports. Inevitably, some reports conflict with others with respect to the substance and sequence of events, and our observers were themselves scattered by tear gas and by crowd movement. But from careful analysis of the many reports at hand, a factual outline can be established with reasonable accuracy. A more difficult problem is presented by those observations founded on subjective judgments. It is relatively easy to parse the reports to determine when canisters of tear gas were thrown, or when policemen moved. Changes in the mood of a crowd and the causes are more speculative matters.

The narrative which follows thus draws upon the numerous reported observations, and harmonizes them in an effort to describe what actually happened during the major events of the November demonstrations in Washington. A subsequent section of this report offers conclusions which the chairmen and organizers have drawn from the narration and their own experience. The conclusions rely upon the underlying data provided by the observers. However, the conclusions themselves are solely the responsibility of the Task Force organizers and chairmen, not of all the individual observers who participated.

#### WHAT HAPPENED

##### A. The "March Against Death"

The November demonstrations began with the "March Against Death," an event sponsored by the New Mobilization Committee. The March began on Thursday evening, November 13, and continued around the clock until Saturday morning, November 15. Nearly 40,000 persons walked single file from Arlington Cemetery, past the White House, to the foot of Capitol Hill, despite unusually cold temperatures and one heavy rainfall. Each participant carried a candle and a placard bearing either the name of an American serviceman killed in Vietnam or, in a few instances, of villages allegedly destroyed there. At the end of each marcher's trip, the placards were deposited in wooden caskets, which were later borne at the head of Saturday's massive march down Pennsylvania Avenue.

Only a few mobile observers were placed along the march route; the format seemed sufficient insurance against trouble. No incidents were reported. Observers of the "March Against Death" reported it to be an unusually impressive example of peaceful symbolic protest, which required of the community only the placing of a few policemen at traffic intersections crossed by the marchers.

#### B. Friday at Justice

The next major event<sup>1</sup> was the demonstration organized by a group called "The Committee to Defend the Conspiracy" at the Justice Department. Several thousand persons gathered on the Mall southeast of the Justice Department at noon Friday, some to meet one another, to renew friendships begun at Berkeley, or the Pentagon, or Chicago, and to listen, with varying degrees of inattention, to speeches by Marcus Raskin, Arthur Waskow and others against the war and the then-current trial of the "Chicago Eight." The crowd was peaceful, the police hardly in evidence.

Dr. Benjamin Spock was the last speaker, and the only one to whom the crowd seemed to respond. As scheduled, he led the group in well-ordered double file<sup>2</sup> around the Justice Department to the 10th Street entrance. The marchers there sought an audience with Justice Department officials. The group then returned quietly to the Mall, led by Dr. Spock. Observers characterized the mood of both marchers and police as unusually friendly, reporting good-natured banter between individual marchers and the policemen who were busy photographing them.

At this point, events threatened to spoil what had otherwise been a peaceful demonstration. When the marchers returned to the Mall, journalist Dwight MacDonald took the microphone to announce that he had missed the earlier march and the opportunity it presented to deliver a batch of draft cards to Justice Department officials. He proposed that the group return to the Department so that he could turn in the draft cards. They did and he led an unscheduled and less organized march back to the 10th Street entrance.

After abortive discussions at the entrance, MacDonald left the scene, succeeding in taking only one-third of his followers back to the Mall. The remaining demonstrators continued their rally at Justice, peaceful but without purpose or plan. The marchers simply had no place to go and, at that point, no leadership. The passage of time had eroded some of the good humor which characterized the earlier demonstration.

The crowd—soon dwindled to a few hundred—was urged to disband by persons who claimed to be organizers of a demonstration scheduled that evening at Dupont Circle.<sup>3</sup> They promised excitement at the Circle that night, appealing to the crowd to help "liberate" the South Vietnam Embassy. The recruiters for the Dupont Circle rally distributed literature which included an appeal to support the "provisional Revolutionary Government" in South Vietnam and, more pointedly, a man showing the route from Dupont Circle to the South Vietnamese Embassy.

At 2:40, just as the remaining demonstrators were beginning to disperse, a squad of 20 to 30 policemen marched into position on 10th Street. Apparently they had instructions to disperse the crowd. This show of au-

<sup>1</sup> Throughout the Moratorium period, groups held more specialized events which received little publicity but which appear to have been held without incident. To cite only a few, these included a Memorial Service at National Cathedral on Friday night, attended by several thousand persons; meetings of various professional groups; services at many places of worship; and quite large public meetings at virtually every area university.

<sup>2</sup> Although the Friday rally was not a function of the New Mobilization Committee, it lent many of its marshals to help control the crowd and insure compliance with the rally permit.

<sup>3</sup> The crowd was also urged to disband by the New Mobilization marshals, and others.

thority came at a moment when it was no longer needed. It was followed by the appearance, presumably coincidental, of soldiers in jeeps, who drove past the demonstrators. The presence of the police and the jeeps seemed to create resentment among the demonstrators, who immediately ceased disbanding. Fortunately, a sudden chilling rain sent everybody running for cover, and thus relieved a potentially unpleasant scene.

#### C. Dupont Circle and the march on the embassy

Several groups not part of the New Mobilization Committee (which sponsored the "March Against Death" as well as Saturday's mass march) had come to Washington with plans for two events of their own: the Friday evening rally at Dupont Circle and a Saturday afternoon rally at the Justice Department. Both events were preceded by widespread rumors, given credence in official Justice Department statements and in handbills announcing the rallies, that violence would occur.

Both events did in fact lead to confrontations in which some demonstrators threw objects at the police, who attempted to disperse demonstrators with tear gas, and some retreating demonstrators indulged in window-smashing and other vandalism. Because these were the only events during the weekend to precipitate clashes between demonstrators and police, this Report will discuss them in some detail. It should be noted, however, that these two events involved relatively small numbers of people, were not sponsored by the New Mobilization Committee, and seem vastly less significant in assaying the weekend than the peaceful but less colorful "March Against Death" and the huge Saturday March.

A permit for the Dupont Circle rally had been issued to a number of small groups, who collectively styled themselves the "Revolutionary Contingent in Solidarity with the Vietnamese People." Upon obtaining the permit, the organizers immediately proceeded to advertise their intention not to abide by its restrictions. They indicated that they would expand the rally to include an unsanctioned march from Dupont Circle to the South Vietnamese Embassy, several blocks west of the Circle. Late Friday afternoon, false rumors were current at New Mobilization headquarters—which was openly hostile to the Dupont Circle demonstration—that French students had seized the South Vietnamese Embassy in Paris that day, and that no less would happen in Washington that night.

Demonstrators began to gather at Dupont Circle about 7:45 Friday evening. By 8:15 the crowd had swelled to perhaps 700. Some 200 or so were clustered around red and black flags and a Viet Cong flag, shouting chants and slogans. The powerful lights of the news-media photographers added to the carnival-like quality of the scene.

As the crowd milled, a young man with a bull horn strode about the Circle announcing that the rally would begin shortly and "we'll then be moving out." By 8:25 the crowd exceeded 1,000. No uniformed police were visible in the immediate Circle area, although there were unmarked cars around the Circle, plainclothes police in the Circle, and a number of police vehicles on nearby streets which could not be seen from the Circle.

While the crowd gathered in Dupont Circle, police began mustering their forces at Sheridan Circle, several blocks west of Dupont Circle and in the immediate vicinity of the South Vietnamese Embassy. By 8:00 p.m., some 60 members of the Civil Disturbance Unit (S.D.U.) had been positioned on Massachusetts Avenue just east of Sheridan Circle, with another 15 or 20 officers placed west of the Circle. A spotlight set up below the equestrian statue of General

Sheridan focused a bright light eastward down Massachusetts Avenue toward Dupont Circle. At 8:30, a tight line of police wearing helmets, shields, and gas masks, and holding batons in front of their chest, formed a line three or four deep across Massachusetts Avenue, east of Sheridan Circle.

Perhaps two minutes earlier, the large crowd in Dupont Circle had begun suddenly to move onto Massachusetts Avenue westward toward Sheridan Circle and the Embassy. By 8:37 a group of some 50 to 75 flag-carrying demonstrators had moved through the center of the crowd on Massachusetts Avenue and marched to within about 10 feet of the police line. Perhaps 300 members of the crowd, which by then may have numbered 2,000, began chanting, "Ho, Ho, Ho, Chi Minh, the NLF are gonna win."

At 8:40 an officer requested news photographers to take their lights off the police line because the police could not see. Simultaneously an officer with a bull horn stepped out from the police line and told the crowd that their assembly was illegal. They were told to disperse or face arrest. Crowd noises and the crackling of tear gas generating machines which were being warmed up made it almost impossible even for observers quite near the bull horn to hear the warning.

Seconds after the order to disband, four C.D.U. officers carrying tear gas generators emerged from behind the police line and moved toward demonstrators standing in front of the Irish Embassy on the south side of Massachusetts Avenue. A glass bottle flew over the police line, shattering behind it. Other objects were thrown at police. As the officers approached the crowd, clouds of gas appeared in the space between the police line and the demonstrators. At almost the same time, a demonstrator on the north side of Massachusetts Avenue stepped to within two feet of the police line and began taunting a C.D.U. officer. The officer pushed his challenger away with his left hand, raising his baton with his right. The demonstrator retreated.

Meanwhile, as the officers carrying the tear gas machines moved toward the Irish Embassy, rocks were thrown at the police line, apparently from the midst of the crowd in the middle of Massachusetts Avenue, and the officers began to move diagonally across the avenue. Brisk winds began to sweep the tear gas over the demonstrators jammed in the avenue.

When the demonstrators retreated, the police advanced to Massachusetts Avenue and 22nd Street. The demonstrators then regrouped and reconverged on the new police line, led by young people many of whom wore helmets and some of whom now wore gas masks. One masked demonstrator hurled his own canister of gas or smoke at the police. At this point loud popping sounds indicated the firing of tear gas canisters. Aided by gas, a line of police began to move the crowd back toward Dupont Circle.

The police were able easily to move the crowd, which was soon reduced to a relatively small core of demonstrators, surrounded by much larger number of curious spectators.

But the officers, working in small clusters, seemed to lack any plan as to where to move demonstrators. The Circle was repeatedly allowed to fill with people, who then were dispersed with tear gas, which drove them down the streets feeding into the Circle. When the gas cleared, the Circle would refill, and the cycle would begin again.

As the crowd ebbed and flowed, windows were smashed and vehicles stoned around the Circle and along the feeder streets. Some of the vandalism seemed to be a reaction to what the demonstrators saw as a gross overuse of tear gas. Another contributing factor was easy access to a large pile of rubble on a lot just southwest of the Circle where a building had recently been razed. This lot,

which the police did not guard adequately, provided bricks and stones to a few angry demonstrators throughout the evening.

Much of the window smashing, at least that on streets other than Connecticut Avenue, followed a pattern. As demonstrators retreated south from the Circle down 18th, 19th and 20th Streets, they concentrated on the widows of offices related to financial establishments. No bank, brokerage house, title company, or mortgage lender escaped the stone throwing. Other kinds of businesses, immediately adjacent to financial institutions, generally were untouched.

By now, canisters of gas were being fired indiscriminately into any assemblage of people, including groups of middle-aged spectators watching events from the sidewalk in front of the Riggs Bank north of the Circle. Police officers were seen to arrive at the Circle, discharge their tear gas and retreat with no apparent purpose other than to expend whatever gas remained in their possession.

A substantial part of the vandalism which occurred Friday night can be attributed to the failure of the police to plan ahead, to the irritating way in which gas was used, and to the oversight in allowing angry demonstrators to arm themselves with the rubble from a convenient lot. Careful police planning might have avoided much of the damage to property. On the other hand, it seems clear that at least some of the demonstrators were determined to inflict some damage, and that no simple way of dispersing determined demonstrators so early in the evening may have been available.

As the commotion at Dupont Circle subsided, there was considerable concern that the anger generated there might spread to the George Washington University campus, less than a mile southwest of the Circle, where large student rallies were already in progress. The concern proved unwarranted.

#### D. Saturday's Mass March

The mass march of several hundred thousand people Saturday morning either down Pennsylvania Avenue past the Treasury, or down the Mall, and on to the Monument grounds was so overwhelmingly peaceful that the inclination is to say little about it. But the peacefulness of this major event should not obscure its importance. The Saturday march was the chief event on the Moratorium schedule, the major accomplishment of the New Mobilization Committee, and the magnet which drew most demonstrators to Washington. Its massive dignity made a success of the weekend for all those who wanted a peaceful protest against the war. It was also the largest single political demonstration in our Nation's history—a fact not attested by the inexplicable decision of the television networks not to provide live coverage.

The march started from 4th Street and Pennsylvania Avenue at approximately 10:20. The vanguard reached the intersection of 15th Street and Pennsylvania Avenue, near the Treasury, about 11:00, proceeding from there to the Monument grounds. At 12:30 entry to the march was cut off at 4th Street, without incident, by a line of Mobilization marshals stretched across the street. Those demonstrators unable to march down the Avenue proceeded up the Mall to the Monument. Observer reports were unanimous in describing the march as characterized by goodwill and the absence of unpleasant incidents. This was attributed to three factors.

<sup>4</sup>Police helicopter estimates of the crowd reached 292,000 at 2:30 p.m. Saturday, 232,000 on the Monument grounds and 60,000 on the Mall. Secret Service photographs taken from helicopters and analyzed at the Navy's photo lab placed the crowd size at 320,000 by mid-afternoon.

(1) Thousands of well-organized Mobilization marshals, who were skillful both in containing the enormous number of peaceful demonstrators and in squelching the minor attempts at disruption made by several groups.

(2) The almost total invisibility of the police and the good manners and even graciousness of those police who did have contact with the crowds.

(3) A sea of marchers bent upon peaceful protest who created a spirit of goodwill that discouraged and absorbed disruptive groups.

Thus, one observer reported.

"I was particularly impressed by the tight chain of command and discipline among the [Mobe] marshals. Time and again, the marshals responded quickly and cooperatively when a problem arose. . . . As a result, I sensed that the policemen were willing to leave matters to the marshals unless a situation got out of hand."

Another observer commented:

"As the march began the effectiveness of the marshals became clear. . . . The marshals had lined the sides of the street, locked their arms, and prevented anyone from turning along the route. They would send people who wanted to march back to the Mall with the rest of the group that was waiting there for its turn to march. . . . In addition other marshals lined the side of Pennsylvania Avenue. These people served the double purpose of preventing marchers from leaving the designated route and of preventing observers from breaking the line of march. The overzealous marshals even gave Dr. Spock some difficulty when he tried to leave the parade route to visit the portable toilets which had been placed on the Monument grounds."

Regarding the mood of the crowd, one of the observers wrote that—

"A feeling of cordiality, friendliness and cooperation was marked. For example, I was several times offered coffee and sandwiches by total strangers who asked me if I was cold or if I had brought lunch. If someone bumped into me they apologized effusively. . . . If I were asked to depict one vignette that characterized this march, it would be a young girl of about 22 years, with long blond hair, the color of her cheeks quite pronounced due to the wind and cold, well dressed in slacks and an overcoat, who during the entire time I observed her was smiling quietly and peacefully, and carried a sign that said, 'Love One Another.'"

Another observer described his experiences on Saturday this way:

"As I watched and talked with these young people—the great majority were under 25—I sensed a pervasive feeling of something that can only be described as love. Despite the cold, most were in good humor, bundled together, sharing food, drink and blankets. They wanted to show that they were deeply concerned about what was happening in this country. . . ."

Another observer commented:

"The rapport between police, marshals and marchers was quite evident during our participation. . . . Marchers were observed asking policemen questions typical of curious tourists; the police observed handled these questions and march participants with the utmost courtesy. It is to be noted that participants during this part of the march showed no fear or animosity toward the police. . . . The conduct of police and demonstrators. . . took on an angelic atmosphere not entirely realistic. The deference given law and order and the courtesy observed were to say the least not those observed on the streets during the course of a routine day."

Observers commented most frequently on the sheer size of the march. For more than two hours at 4th Street, marchers—often after waiting in line for over an hour—started ranks abreast, moving at a steady pace that carried thousands from the staging

area down Pennsylvania Avenue and south on 15th Street to the Monument grounds. Yet even this large march accommodated only a small fraction of those who came. The line of march was closed at 4th Street at about 12:30. The remaining would-be marchers simply walked down the Mall toward the Monument grounds, filling the entire width of the Mall for more than an hour. The groups which proceeded down the Mall did not march, nor did they form anything so cohesive as a parade. They walked in small clusters, as couples or individuals. Many walked with placards they had hoped to carry in the march itself. A few seemed disappointed that they had missed the principal march, but most were realistic about the capacities of Pennsylvania Avenue, and followed the route assigned them down the Mall without rancor. As on the march route, souvenir and button hawkers were in abundance, and most marchers bedecked their coats or sweaters with at least one button or another.

Like the marchers along the main route, the Mall crowd was principally young. The large majority were probably under 25; many seemed of college, even high school, age. But middle-aged or older citizens were also present in abundance; they especially seemed, for the most part, to welcome the opportunity to be a part of such a large, young, enthusiastic crowd.

Observers reported but two untoward incidents. The first was an attempt by a group of about 50 to 100 persons to break out of the line of march with the apparent intent of turning up 15th Street towards the White House. This group left the main body of marchers at some point between 6th and 9th Streets and proceeded up the north side of the avenue. They were returned to the main body of march at 15th Street without serious difficulty, although according to at least one report the group did break through the first line of marshals thrown in their path. They were contained only when the marshals regrouped, aided slightly by the police. If this incident was a group effort, the participants were neither well organized nor seriously bent upon creating a major incident.

The second incident involved a small group of counterdemonstrators who left the Washington Hotel about 1:00 to begin a march to Arlington Cemetery where they planned to place a wreath upon the Tomb of the Unknown Soldier. The Mobilization marshals were instrumental in persuading the main body of marchers to tolerate this group and to recognize their right to carry out their own demonstration.

The rally at the Monument grounds was pervaded by a picnic-like atmosphere. There was some waving of Viet Cong flags, and some shouting of obscenities in response to certain speakers. But these were largely ignored by most of the crowd. The almost total absence of policemen at the grounds may have been an important factor in preventing incidents. The only act of civil disobedience observed by any of our Task Force members was committed by one youth who flew a black kite in defiance of the well-known statute making such activities unlawful in the District.

By 3:00 there were steady streams of people leaving the Monument area, moving east on both the Mall and Constitution Avenue and north on most of the numbered streets. People went into the downtown area seeking warmth, food and coffee after the cold and exertion of the march. Some were on their way home; others wandered, sightseeing, before returning to their buses for the trip home. Restaurants were jammed.

During the latter part of the speechmaking at the Monument, a girl had announced: "At five we march on the Department of Justice." Although the Justice Department demonstration was not sponsored by the New Mobilization Committee, no announcement

was made to counter the impression that the mass march leaders were now endorsing the late afternoon rally at Justice. Indeed, David Dellinger later made another reference to the Justice Department demonstration, without drawing any cautionary response.

#### E. The rally at Labor

As the Monument crowd dispersed, a demonstration was visibly in progress at the Department of Labor on Constitution Avenue near 14th Street. It was conducted by members of an SDS faction led by several young men who had set up a portable speaker system on the steps of the entrance to the Department. Speeches focused on the General Electric strike. Listeners were encouraged to assist working people in their "struggle" against capitalism. The crowd, which had been unusually listless and apathetic in the extreme late afternoon cold, was finally stirred to life about 3:25 when a half dozen police motorcycles inexplicably drove single file along the north side of the Avenue, forcing the crowd to split.

At about 4:05, a rock or other missile crashed through a central window over the doorway of the Department. Almost immediately the young men operating the portable speaker announced that they did not want any rocks thrown, that this was not to be a violent demonstration. They asked the crowd to disperse. A sizable number of marshals immediately began to move the crowd across the street and away from the building.

In the midst of this activity, some 30 or more C.D.U. officers emerged from the front entrance of the Department. Deputy Chief Davis used a speaker system to attempt to clear the crowd, at least to the other side of the street. Only two or three of the policemen were wearing gas masks; all, however, were wearing helmets with visors, and all displayed their batons. They ultimately formed a line along the curb edge of the Department of Labor sidewalk. This show of force seemed unnecessary to our observers; the marshals had already succeeded in quieting and moving the crowd, and their efforts at dispersal were made more difficult by the appearance of the C.D.U. men.

#### F. The rally at Justice

At about the time that the street was being cleared in front of the Department of Labor, a group of approximately 2,500 demonstrators gathered just to the west, at Constitution Avenue and 14th Street. A banner reading "Nat Turner Brigade" was prominently displayed, along with three paper mache heads (putatively to resemble Attorney General John Mitchell, Vice President Spiro Agnew and Judge Julius Hoffman) and a huge black judge's gavel.

The closely packed demonstrators crossed the street about 4:20 in a flurry of banners, flags, chants and effigies, and moved smartly—in the half-trot used by Japanese student demonstrators—down the now-cleared Constitution Avenue past Labor towards Justice. At 12th Street an additional group of approximately 500 more demonstrators joined the march. Upon reaching 10th Street, the parade turned north towards Pennsylvania Avenue and began the first of two circles around the Department of Justice. As the march wheeled around the building, the demonstrators were joined by a substantial number of bystanders attracted by the excitement of the marching.

The rally permit called for the marchers to southeast to the Mall after coming down 9th Street to Constitution.<sup>5</sup> The parade, how-

<sup>5</sup> Several observers spoke with police in an effort to learn the nature of the permit. Answers varied, suggesting that no effective effort had been made to apprise police of this important aspect of their duty. One officer declared that he understood the permit to be deliberately ambiguous, so as to enable police to end the demonstration at will.

ever, turned back toward the south side of the Justice Department building, partly because of a police line which inexplicably blocked the route to the Mall.<sup>6</sup> The marchers finally came to rest on Constitution Avenue between 9th and 10th Streets.

Police had earlier formed lines along the north, east, and west sides of the Justice Department building. On the Constitution Avenue or south side, police were deployed across the street from the Department, against the wall of the Museum of Natural History. Despite minor rock throwing, obscene remarks and repeated attempts to lower the flags in front of the Department, those police held their ground and were not drawn into physical contacts with the demonstrators.

Illustrative of police resourcefulness in effectively keeping the peace were the tactics of one police officer in charge of a group of police which responded to several flag-lowering incidents. At 4:35, a group of demonstrators, noticing that the police were on the south side of the street, moved toward a flag pole and lowered the American flag. The officer in charge calmly walked over with a few men and took the flag from the demonstrators, who surrendered it peacefully. He then moved some 30 or 40 feet away and allowed them to raise a Viet Cong flag. When the demonstrators finished this ceremony, the police returned, lowered the Viet Cong flag, reraised the American flag and stationed a man at the flag pole. The same procedure was followed later in the demonstration when the flag on the 9th Street side of the building was lowered.

The demonstration heated up when a few bottles and rocks were thrown at the Justice Department building. In addition, demonstrators—some carrying banners, some carrying Viet Cong flags, some with "This Building is Condemned" posters—ran up to the central door and left their paraphernalia. Some climbed up onto the rail or lamp fixtures. One young girl marched up to the steps and began to cajole the crowd to come forward. Later, a number of demonstrators rushed up to the large steel doors and banged upon them for some five or ten minutes. Amidst the other missiles, several bottles of red paint or ink splattered against the wall, and several red smoke bombs went off near the corner of 9th Street. The papier mache gavel was set aflame in the middle of Constitution Avenue. A motorcycle policeman attempting to ride through the crowd was pelted with sticks, as was a white Hertz rental car carrying police which moved down the Avenue at a dangerous speed. Each event encouraged the next.

From the beginning of the rally, New Mobilization marshals<sup>7</sup> urged bystanders to leave. They warned of violence and tried to inform spectators that the demonstration was not a Mobilization activity. During the circling process and later, the marshals often acted as human buffers between the demonstrators and police. As the crowd grew more excited, a group of marshals, including one stationed near the Museum with a speaker system, attempted to move the crowd away—back towards the Washington Monu-

<sup>6</sup> The line was belatedly removed at the urging of Mel Washington, a Mayor's aide who along with Clint Mitchell, another aide, played an extremely important role throughout the weekend in moderating police conduct and in cooling provocative situations. Attorney Philip Hirschkop, who served as counsel to the New Mobilization and led the New Mobilization's lawyer and law student marshals, played an equally valuable role in helping to avert situations which might otherwise have precipitated clashes between police and demonstrators.

<sup>7</sup> Marshals told observers that their services had been offered the rally sponsors, who declined them. But the marshals came anyway, in an effort to moderate events.

ment. They had only limited success, in part due to loud taunts from some demonstrators that the marshals were really "cops." In addition, the marshals attempted to stop the early rock and bottle throwing by standing near windows across the south side of the Justice building.

The first tear gas was used about 4:48 to sweep 9th Street on the east side of Justice. Some of the demonstrators near 9th Street and Constitution Avenue were moved west along Constitution towards the main body of demonstrators; others were moved south and east towards the Museum of Natural History and the open space east of it. Many who were forced east turned north on 7th Street, then west on Pennsylvania Avenue to observe more of the demonstration at 9th and 10th. There was some window breaking around 8th and D Streets at 5:11. Police discouraged demonstrators from entering the parking lot to the east of the Museum, apparently because its steepening sides could have trapped demonstrators. Tear gas canisters continued to be used intermittently; perhaps a dozen canisters were fired over a 15-minute period. Some 500 demonstrators gathered in the Mall and hesitated between it and Constitution. Firing of tear gas canisters became more rapid, and a small group of police began moving south from Constitution Avenue. A loose line of perhaps 15 police formed at the south of the parking lot. None of these police appeared aggressive: they were not in formation, they did not wear gas masks, they did not swing their clubs. The demonstrators in the Mall were generally moving west, but stayed as close as they could to the police and the activity on Constitution. Canisters were eventually thrown as far as the middle of the Mall, but they were not numerous, and the very brisk wind coming from the south carried the gas away from the demonstrators towards the police.

A large crowd had gathered at 12th Street and the Mall, some of whom threw missiles at vehicles in the 12th Street underpass. About 20 police ultimately swept this crowd back into the Mall.

The police made the first move to clear the crowd from the Constitution Avenue side of the Justice Department building at about 5:05. A line of C.D.U. officers had already pushed people away from 9th Street. Simultaneously, a C.D.U. contingent had barred passage north on 10th Street, while another group nearer Pennsylvania Avenue stopped movement south on 10th Street. In order to avoid physical contact between the crowd and the police moving west on Constitution Avenue, Mobe marshals locked arms and formed a buffer line several feet in front of the police. As before, a number of firecrackers were thrown from the crowd. Some tear gas was used by police. The press of the police, the sound of exploding tear gas canisters and the tear gas itself succeeded in moving the crowd away from the front of the Justice Department. The police pushed the crowd back to the west edge of 10th Street and paused there for some five to ten minutes without attempting to push the crowd further.<sup>8</sup> After more rocks and epithets, the

<sup>8</sup> One lawyer observer did report physical violence at this juncture. He reported seeing an officer on 10th Street clubbing a young girl. He reported also that he himself was hit in the head with a billy club as he ran over to the scene. "I was then struck again in the head, hit on other parts of my body and thrown to the ground and kicked; I attempted to explain that I was a lawyer observer and not a demonstrator but I was merely told something to the effect of 'I don't give a damn who you are buddy, get off the street'—I was grabbed up on my feet by my jacket and arm and thrown against another officer who threw me down the street a bit more and finally I was thrown

police announced that the demonstration had gone on long enough.<sup>9</sup> Mobilization marshals were advised to disband their buffer line and they did so. The police then began to press forward with gas, somewhat hampered by the strong wind, which blew the gas back into police ranks. After a few minutes, the use of gas suddenly mushroomed. Dozens of canisters bombarded the crowd. This was in marked contrast to the earlier, more restrained use of gas. Until then the gas had been used, as at Sheridan Circle the night before, to push the crowd along—i.e., it was discharged at the heels of the crowd in a manner which enabled the group to disperse in a relatively calm and orderly manner. The heavy use of gas late Saturday afternoon caused substantial disorder, since it very quickly covered a wide area. People already moving away were subjected to it. Many were momentarily blinded. Many vomited. Shoppers and employees leaving downtown stores at 5:30 were caught in the windblown gas.

The major tear gas barrage forced demonstrators north on 12th Street toward Washington's downtown business district, farther west on Constitution, or south into the Mall. Window breaking at 12th and Pennsylvania was reported at 5:32, and windows were broken in the post office between Constitution and Pennsylvania Avenues. There were further reports of scattered window breaking in the downtown area throughout the early evening. Many demonstrators wandered the streets and filled downtown restaurants, prevented by the tear gas on Constitution Avenue from returning to buses parked south of the Monument.

The heavy tear gas in the Mall scattered the demonstrators into small groups, some moving east to the railroad station or cars, some moving south to the buses, others moving west to the Monument. One observer returned down 12th Street to Constitution Avenue and found a thin line of demonstrators across Constitution confronting a line of police. The demonstrators were singing, "All we are saying is give peace a chance." The police line was removed, leaving only a few policemen standing on the corners. This apparently was done in the hope that the police withdrawal might encourage the demonstrators to disperse. But the demonstrators stayed and grew in number. The police formed a new line and finally chased the demonstrators away with tear gas.

A barrage of tear gas at 6:00 dispersed not only the demonstrators gathered near the corner of 15th Street and Constitution Avenue, but also a line of marshals and police (who had no gas masks) attempting to direct people onto the Monument grounds. The demonstrators continued to move west, blocking Constitution at 16th Street. Some attempted to build a barricade of police saw horses and picnic tables. The police threw more gas at them and the demonstrators retreated. By 6:45 the area of the Monument had been cleared of demonstrators, although a few police-demonstrator contacts continued to occur west on Constitution toward 17th and 18th Streets.

At 7:00 a lawyer-observer homeward bound from these confrontations was pro-

against the Justice wall; I do not remember how I finally got out. . . ." Our observers also reported receiving several *second-hand* reports of beatings during the weekend.

<sup>9</sup> Many observers complained that the announcement was not heard. A comparison of the 51 reports received reveals that only those observers in the closer sections of the crowd were able to hear the announcement. This was one of the most serious criticisms by our task group, who rather widely felt that a serious announcement of intent to clear the street with gas would have been met with dispersal by most of the crowd, who were largely bystanders.

ceeding north on 20th Street when a group of 30 or 40 demonstrators carrying a Viet Cong flag overtook him at H Street. He followed this group north on 20th Street. Members of the group threw rocks through windows for several blocks undisturbed by police until a squad car pulled up behind them at 20th and N Streets at 7:10 p.m. Rocks were thrown at the police car as it slowed and after it stopped more rocks were thrown. One policeman managed to grab a demonstrator and appeared to be clubbing him. Several rocks were thrown at the two, perhaps to prevent police reinforcement, and the demonstrator broke free. He ran west to New Hampshire Avenue, where he rejoined the group which was scattering north towards Dupont Circle. Two or three police cars followed the two dozen or so demonstrators in the remnants of this group north to Dupont Circle and then down Connecticut Avenue. The demonstrators threw a few more rocks at windows, but few, if any, windows were broken. The police watched but did not make any further attempts to arrest.<sup>10</sup>

#### OUR CONCLUSIONS

The November Moratorium was a profound test of our Nation's willingness and ability to accommodate political dissent on a massive scale. Several hundred thousand Americans came to Washington to participate in meetings, rallies and demonstrations in order to express their views and to petition their government to quickly end the war in Vietnam. Their peaceful Saturday march from the foot of Capitol Hill to the Washington Monument grounds, involving well over a quarter of a million persons, was the largest single political demonstration in our Nation's history.

That a demonstration on so emotionally volatile a public issue and on such a massive scale could take place without significant violence can only be attributable to the goodwill of the vast majority of demonstrators, to careful planning by their leadership, and to the generally high professional performance of Washington's police force.

To many, for a variety of reasons, mass assembly, however peaceful, is distasteful as a means of communication. Some thoughtful persons regret the emotional, conformist pressures which characterize any crowd activity, and the frequently fallacious political inferences which proponents and opponents tend to draw from the very numbers involved. They would prefer what seems to them to be more rational modes of communication. Others fear that demonstrations on a massive scale, or the reactions to them, might spark violence, destroying property and threatening human lives. Still others would simply prefer to avoid the annoyances inevitably associated with concerted action by large numbers of people—whether political dissenters or American Legionnaires in convention. And some, hostile to the views expressed in particular demonstrations, would rather not have them voiced in so dramatic a fashion or, perhaps, at all. A few condone repression.

Every citizen has the right to formulate his own view as to the desirability of massive political demonstrations. But we must recognize that such demonstrations will continue to take place, and that the First Amendment to the Constitution of the United States accords them a protected position in our political life.

There will be more mass demonstrations. We live in a mass culture in which the well-being of every individual is to an unprecedented degree directly and vitally affected

by the conduct and decisions of governmental bodies and of other institutions which seem often insensitive and unresponsive. A foreign policy decision made in the White House sends a Kansas farmboy and a Berkeley student to their deaths in Vietnam. Policies fashioned by the leaders of our political, economic and social life affect the level of our material prosperity, the quality of life in our cities and countryside, and indeed the prospects for the survival of our species in an age darkened by threats of nuclear holocaust and ecological disaster.

We have taught our children that they are the heirs of the American Revolution, that they live in a democratic country, that government is by and with the consent of the governed. Our children have learned these lessons well, perhaps better than did their parents and grandparents. It is not realistic to expect modern-day Americans meekly to surrender their basic rights to speak, petition, and peacefully to assemble.

We not only live in a society where the right to participate in governmental decisions and to protest unwanted ones is deeply ingrained, but also in a time when political response is likely to be massive rather than individual.

There are few ways for the average individual in mass society to effectively communicate alone.

Not every American has the opportunity, available to the President, or Cabinet officers, or celebrities, to call in the news media to communicate his thoughts to millions of television watchers, radio listeners and newspaper readers. But there are ways in which ordinary citizens, who sometimes feel their interests or even their lives in jeopardy, may seize the attention of their fellow citizens. Some resort to letters to the editor, or to signing petitions. Some—if they are old enough—patiently await the periodic opportunity to cast their ballots. Others display the flag, or attach bumper stickers to their automobiles, or wear buttons in their lapels. Still others gather together in large groups to amplify their voices.

Imaginative young Americans beginning with the civil rights movement of the 1950's have invented or rediscovered the sit-in, the teach-in, the freedom ride, and the mass march. It is a major strength of our political system that our government has never responded to expressions of dissent by powerless people by crushing the demonstrators with clubs and tanks, imprisoning their leaders, shouting them down, or subjecting them to ridicule.

This is not to say that concern over the risks of violence, or over the inconveniences and deficiencies of mass demonstrations as measurements of public opinion and influences on public policy, are totally without foundation. There is some risk of violence, and mass protest is often inarticulate. This only means we must develop effective means of preventing violence and expanding the opportunity for clear communication. Because we live in a mass society, where interdependence is so great, and are a people who treasure freedom of speech, petition and assembly, we must learn as a Nation to tolerate, to protect and to effectively facilitate these immense outpourings of attitude and political viewpoint. This we must do whether we like these demonstrations or not, agree or disagree with their purpose, or believe they are too provocative in our turbulent times.

If we fail to deal sensitively with mass protests, if we are unable to assure the fullest exercise of the rights of free speech, petition and assembly, and to protect their exercise against violence from whatever source, we shall offer no way for the desires of millions, however small a minority, to be known. No compassionate society wants to stifle the urgent pleas of part of its people, however insignificant their number and whatever they

seek. A society which offers no way for its voiceless to speak will pay dearly in the loss of their wisdom and in the rage of contained emotion which will not subside.

Measured against this standard, the November demonstrations were only a partial success. The largest single political demonstration in our Nation's history was peaceful, and sensitive local authorities and a usually professional police force were successful in narrowly confining efforts to disrupt. But it cannot be said that our Nation's leaders, or the public at large, reacted to these events with tolerance, with understanding, with a scrupulous regard for what actually took place, or even with a significant awareness that freedom of speech, petition and assembly is the supreme and hallowed law of the land.

It is vital that the lessons which emerge from the November experience be learned by all Americans, for there will undoubtedly be occasions for putting the lessons into practice. And when the next test comes, it is essential for Americans to realize that the demagogue urging repression of political dissent is a greater threat to our liberty and to our safety than is the immature youth throwing a can of paint at a government building or hurling obscenities at the police.

The major lessons are clear.

*First*, peaceful assembly on a massive scale concerning highly emotional issues can be assured in the United States today.

*Second*, although few of those concerned with any major public issue have the personal capacity either to commit, or to motivate others toward violence, those few can always cause some level of disturbance if they wish to do so.

*Third*, professional police action can isolate and contain the level of violence likely to be associated with mass assembly with relatively little risk to persons or property, even with little risk to the participants themselves.

*Fourth*, persons in positions of leadership—organizers of demonstrations, the police, government officials, and those in the news media—have both the duty and the best opportunity to assure that effective communication through peaceful assembly can take place.

#### *I. Peaceful assembly can be assured*

Despite Justice Department predictions of impending holocaust, the post-Moratorium fixation of Administration spokesmen and much of the national news media on the two minor occasions where confrontations occurred, tear gas was used, and some property was damaged, the clear and overriding characteristic of the demonstrations was their peacefulness.

That massive demonstrations on one of the most emotionally volatile issues of the decade can be held in Washington without serious violence ought to encourage those who want to believe that preservation of our First Amendment freedoms is possible. Hundreds of thousands of persons came to Washington that third weekend in November to express their concern over the war in Vietnam and to petition their government with the hope that it would act. As is indicated in the detailed narrative to this Report, they participated in dozens of events. Nearly every area college and university was host to one kind of demonstration or another. Many of our churches and synagogues held special workshop services. Some 40,000 persons participated in the 40-hour "March Against Death," and many times that number marched on Saturday from Capitol Hill to the Washington Monument grounds. At none of these events was property damaged or anyone injured by purposeful conduct. Many of the events required little or no police attention. At most of them, the relationship between the demonstrators and the police can only be described as courteous and friendly. Few gatherings of like num-

<sup>10</sup> Incidents continued after the formal end of the demonstrations. Our observers witnessed several arrests at Dupont Circle late Saturday night where the police showed less restraint than they had the previous evening. One observer reported seeing a policeman club a woman to the ground.

bers of people could take place with less trouble. To those who say that our society is violence-prone or fragile, that our times are too turbulent, to permit large numbers of Americans to exercise their constitutional rights to speech, petition and assembly, the Moratorium weekend provides a resounding answer. Masses of people came to the Nation's capitol to demonstrate on an extremely volatile issue. And they did so in peace.

Only two minor events led to clashes. On Friday evening in the vicinity of Dupont Circle and on Saturday afternoon at the Justice Department there were relatively ugly confrontations between some demonstrators and the police. Bricks and bottles were thrown, and tear gas in excessive quantities was used to disperse the crowds. But these incidents were the work of an extremely small minority among the demonstrators, the confrontations themselves were more theatrical than "violent," and in terms of physical contact between demonstrators and police and damage to store windows, the violence quotient was quite low. Moreover, these incidents not only occurred at minor events which were not sponsored by the New Mobilization leadership, but were clearly opposed by that leadership as by the vast majority of demonstrators, and may well have been intended to embarrass the principle of peaceful protest.

*II. A small minority always has the power to create trouble*

Despite the determination of several hundred thousand people to protest the war in Vietnam peacefully and with dignity, the provision of thousands of trained marshals by the New Mobilization leadership to keep crowds under control and within permit limits, and the efforts of a generally well disciplined police force, a comparatively small group of demonstrators, outnumbered a hundred to one by their peaceful opposites, but bent on disruption and on kindling some form of confrontation was able to provoke two clashes with police and monopolize news coverage.

The weekend demonstrated once again that a handful of people determined to make trouble can do so. All it takes is for someone in the midst of a crowd to throw a bottle at the police, or to ignite a smoke bomb or a tear gas canister, or to smash a window, or set fire to a vehicle. Because it is so easy to create trouble, no one organizing a massive public meeting or assembly can guarantee to his followers, or to society, that there will be no violence. To require such guarantees would be to prohibit all large-scale public meetings.

Even though a small number of confrontation-seeking demonstrators were able to provoke clashes at Dupont Circle and at the Justice Department, they did not succeed in stamping the entire weekend with their handiwork. In one sense, the job was too difficult for them. During the mass march on Saturday, for example, potential trouble-makers were surrounded and absorbed in a veritable sea of marchers who would not countenance violence. Attempts to break through the massive crowds and to break the lines of marshals and police failed. Moreover, these seeking to disrupt faced fiercely determined marshals and well disciplined police. The throwing of objects and epithets did not shake either the police or the marshals, and this kind of violence failed to provoke the head-smashing that a few of the demonstrators may have wanted.

*III. Professional police work can sharply confine disturbances associated with mass political assembly*

Events in Washington in November demonstrate that good police work can sharply reduce the violence potential. From the outset Washington's local government and police officials were determined to enforce the law, not to provoke clashes, and

to avoid insofar as possible any physical contact with demonstrators.

To accomplish these goals, the police employed two principal procedures. First, whenever conditions permitted they adopted a profile of low visibility. Generally, the police were not in evidence. Where feasible, they left crowd control to the New Mobilization's own marshals. Because the crowds were generally good humored, because the marshals were well trained, and because those police who were visible seemed helpful and indeed friendly, this practice was, for the most part, a success. It is, of course, the desired practice in a free society.

Low visibility was abandoned only when the police thought a crisis imminent and a firm hand necessary. One can object to the timing of particular police moves. The show of force at the Justice Department Friday afternoon, just as the crowd was ready to disband, was untimely and counter-productive. The parade of motorcycles at Labor Saturday afternoon turned a languid demonstration into an angry one. The same can be said for the sudden emergence of a line of police at Labor just when the marshals were moving the crowd away from the building.

A more controversial tactic was the heavy use of tear gas for crowd control. In order to avoid the necessity of physical contact between police and demonstrators, and to make unnecessary the use of force, walls of gas were laid between police and demonstrators. As so used, tear gas has both advantages and disadvantages. Tear gas is obviously to be preferred to the more dangerous alternatives available to the police. Gas provided a buffer once trouble arose, and generally made physical contact unnecessary. A few demonstrators appear to have been pushed or clubbed by police, but this was not a significant aspect of what happened in November.

There is a negative side to the use of gas. First, being gassed is a searing and anger-producing experience for anyone—as many of our observers attest. It is particularly terrifying for those trapped in a crowd verging on panic. It is, therefore, not enough that tear gas may have averted the need for more drastic measures. We must also inquire how well the gas was used—whether it was released only when necessary, in only such quantities as were required, whether efforts were made to warn the innocent and provide avenues for escape, and whether the use of tear gas accomplished the broader legitimate goals of the police in crowd control and law enforcement.

There is evidence that these considerations were sometimes slighted. Many peaceful demonstrators, and even some citizens not participating in events at all, were gassed, on several occasions without warning. In some instances, gas fired into the midst of crowds in confined areas created a dangerous risk of panic and injury.

For the most part, this kind of use occurred in the course of efforts to disperse crowds rather than those to prevent contact. Thus the demonstrators who marched from Dupont Circle toward Sheridan Square and the South Vietnamese Embassy Friday night could scarcely profess surprise when they met a carefully arrayed police line ready to repulse their unauthorized advance with gas. But many of those standing in Dupont Circle later that evening were not expecting tear gas. Even less were the bystanders northwest of the Circle, near the Riggs Bank, expecting canisters of gas to explode in their midst. There is no evidence, moreover, that any warnings were given to them by the police.

Police decisions under such circumstances are not easily made. For instance, those who stoned and threw paint at the Justice Department on Saturday might well have become more and more extreme in their conduct had the police taken no action. Some

few members of the crowd visibly craved a clash, would not be satisfied without one, and probably were disappointed that they could provoke no stronger reaction than tear gas.

Most persons at the scene, however, were mere curiosity-seekers, or were actively seeking to moderate the confrontation. To some extent they assumed the risk of staying to see what, if anything, the police would do, despite the entreaties of marshals (who were uninvited guests at the rally) that they leave. But the curious are always with us, taking their chances in some measure but nevertheless entitled to protection and considerate treatment.

There is little evidence on this occasion that the police attempted to distinguish between bottle throwers and bystanders when the tear gas was released. Gas was used both to clear the immediate area of the Justice Department, and in an attempt to disperse the crowd. For the first purpose, tear gas was a success; for the latter, it failed. Gas was used along Constitution Avenue, on 12th Street and upon the Mall with little consideration of where or how fast the crowd was moving. And, as with efforts to disperse crowds on Friday night, no effective warnings were broadcast.

The tactical problems encountered in carrying out the decision to rely upon tear gas suggest several lessons, although admittedly the November experience is much too limited a base upon which to posit any full fledged theory of gas use. First is the need for planning. The police anticipated the Friday night march upon the South Vietnamese Embassy, and responded well. But afterwards there was much random release of gas, driving people repeatedly into and then out of the Circle. On Saturday, little thought appeared to have been given to whether and how to disperse the crowd near Justice. Indeed, gas seems to have prevented many from getting to their buses, which were parked across the Mall from Justice. Sometimes it seems to have been used as a method of summary punishment—an impermissible purpose.

Advance planning, of course, cannot anticipate all contingencies. If tear gas is to be used wisely, provision must be made for responsible decision-making at the scene. The initial decision on when to use tear gas on Saturday was made by the Chief of Police. But it is unclear who made decisions thereafter—unless it was the unusually brisk wind. The kindest hypothesis would be that the overuse of gas, and its repeated discharge into the midst of crowds, was the result of overenthusiasm by individual policemen. Whatever the facts on Moratorium weekend, in future demonstrations provision should be made for responsible officials to decide how much gas should be fired and where—and, especially, in what direction the crowd is ultimately to be moved. Gas should be used only when necessary to enforce the law and where less harmful forms of police action are inadequate—and never in excess of the minimal amount required to accomplish a permissible enforcement policy.

There is also a need for greater effort to warn bystanders that tear gas will be used. One observer noted that the only items of police equipment that failed to function during the demonstrations were their bullhorns. Whether bullhorns were inoperative, not used, or simply not equal to the task is unclear. But it is certain that most of the crowd on Saturday heard no warnings.

The failure or inability of the police to communicate with demonstrators leads to the larger question whether tear gas is an effective tool to disperse as well as to contain crowds. On the latter issue, there is little doubt that tear gas can effectively stop marches and insulate police lines from direct contact with demonstrators. It is much less effective, however, in forcing crowds to

disband. If no avenues for escape are provided, serious harm may occur; if movement away from the gas is possible, the crowd may simply shift place without changing size. Both on Friday night and late Saturday afternoon, wind-swept gas drove angry demonstrators into adjacent business districts, where window smashing and other vandalism occurred.

Tear gas may also be a psychological as well as a physiological irritant when used indiscriminately. Many demonstrators—and spectators—were annoyed and some infuriated by gas—particularly those who felt they had been gassed excessively, and without warning or cause.

In focusing upon the use and misuse of tear gas during the weekend, these comments have embraced the common vice of allowing noteworthy but rare incidents an undeserved prominence over the many, many events about which little can or needs to be said. Any false impressions thereby created should be corrected. The Moratorium was overwhelmingly peaceful.

#### IV. Leadership has a duty to assure the opportunity for peaceful assembly

That the November demonstrations were generally peaceful did not happen by chance. Our observers were virtually unanimous in attributing the peaceful quality of the New Mobilization-sponsored events and the sharply confined level of disturbance even at Dupont Circle and Justice to the goodwill of the vast majority of demonstrators, to careful planning by the New Mobilization leadership, and to the generally sensitive and professional performance by Washington's local government officials and the Police Department. In short, that the weekend was generally peaceful was the clear consequence of the manifest incapacity for violence of most of the participants and the effective and responsible leadership of the New Mobilization, the local government and the Metropolitan Police.

Those who undertake to organize political demonstrations on a mass scale assume a heavy responsibility. This responsibility goes beyond provision against violence. The Moratorium brought hundreds of thousands of persons to Washington. Their health, welfare, and even their safety depended in large part on the thoroughness of the planning which preceded the weekend and the skill with which those plans were executed. Providing transportation, housing, food, first aid, and sanitation for hundreds of thousands of people poses a substantial challenge. Communication among participants and coordination with the necessary government agencies is no easy task. And the weekend showed that marshals by the thousands must be selected and trained if massive numbers of demonstrators are to be guided through a complicated demonstration schedule without serious mishap.

Not only must the demonstrators themselves be planned for, cared for and looked after, but provision must also be made to deal with that minority who might wish to turn a peaceful demonstration into its opposite. Although counter-demonstrators played little part in the November Moratorium, the possibility of concerted action by persons in opposition must likewise be anticipated and provided for. The New Mobilization leadership understood these challenges and met them well. Organizers of future massive demonstrations could profit from studying their techniques and experiences.

Next to the organizers and the participants themselves, local government authorities and the police have the best opportunity and the highest duty, to assure the opportunity and to protect the right of peaceful assembly and to avoid or control the potential for violence inherent in any extremely large gathering of people. The Metropolitan Police Department under Chief of Police

Jerry Wilson, closely supported by Mayor Walter Washington, set a generally high standard of professional performance. This is not to say that every tactical decision, or every action by an individual policeman was the right one, or that individual policemen did not on occasion abuse their power. But over all, and certainly in comparison with police performance elsewhere in similar circumstances, Washington's police force and local government officials met the challenge posed by the Moratorium. They brought to the task a police force whose courtesy and professional competence were usually a high order. In general, the actions of Mayor Washington, Chief Wilson and the police communicated both to the Mobilization leadership and to the demonstrators themselves that they were welcome, that their First Amendment rights would be respected, that they would be protected as far as possible against violence by others, and that the community was mobilized to assure them an opportunity to make their point and return home in safety.

This performance must be contrasted to that of spokesmen for the federal government, and coverage by the news media. While Mayor Washington and the police were striving to assure a peaceful weekend, official statements from the Department of Justice predicted—and tended to incite—violence. As though rumors of violence were something new rather than our uniform experience since before the great rally of August 1963, high federal officials used the latest set of rumors to create an atmosphere of fear. In the days preceding the Moratorium itself, our citizenry were deluged with rumors about visits by FBI agents to bus companies proposing to transport demonstrators to Washington, and with official statements that troublemakers were on their way to Washington to cause violence and bloodshed and that both demonstrators and the Nation's capital could not be assured any degree of safety.

After the event, and contrary to plain fact, official and unofficial spokesmen for the Administration sought to portray the weekend as one characterized generally by violence. Even the spectre of the Russian Revolution was raised to describe what happened here. At the very least, this was a failure of leadership, of understanding. At worse, it was a calculated effort to mislead the public, to stifle dissent and to deny constitutional rights.

The news media did little to counter the mistaken impression thus created. Although the Saturday march was the largest single demonstration in our Nation's history, the broadcast networks for reasons of their own chose to provide no live coverage, and not much of any other kind. Only one month earlier, they had given extensive coverage to pro-war demonstrations involving a few thousand persons. When questioned about their performance during the Moratorium, the networks denied having been intimidated by Vice President Agnew's recent attacks. The fact remains that the story was not told in the most effective way we have—by television. Americans in Columbus, Dubuque, Duluth and Spokane, for example, saw news accounts which focused almost exclusively upon events at Dupont Circle and the Justice Department, neither of which was part of the events sponsored by the New Mobilization.

This was not simply a struggle for public support, or over the pace of withdrawal from Vietnam. At issue was whether thousands of concerned Americans could communicate to their leaders and fellow citizens. This is vastly more important than merely scoring points with this or that bloc of voters. It has to do with whether America will permit ideas to be tested in the marketplace of public opinion. Only a minute fraction of the Nation was able to witness the Moratorium

in person, and few if any were given adequate accounts by the news media. Many Americans formed their impressions of what happened from misleading statements by Administration spokesmen. To the extent that those impressions were erroneous, and based on misleading accounts as to the nature of the assembly and the level of violence, the viability of the First Amendment in our society has been weakened. It would be tragic to so deceive ourselves. If, because of false notions concerning the risks, Americans believe that large numbers of their fellow citizens cannot be permitted to petition and to assemble, those who would repress political dissent will have won a dangerous victory. The next time Americans assemble to exercise their First Amendment rights, they may find fewer persons willing to participate, stiffened opposition to the exercise of their rights, and public hostility to their purpose rooted in a mistaken belief that the First Amendment has become too costly for society to bear.

Those in positions of leadership have a duty not only to refrain from violating the precious rights of free speech, public petition and peaceful assembly, but also the legal and moral obligation to affirmatively enlarge the opportunities of the people to exercise these rights. When government inhibits its citizens in their efforts to speak, it demeans the Constitution and the people.

#### MOPPING UP ON THE MENACE OF MUD

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. GUDE. Mr. Speaker, Montgomery County, Md., has taken the lead among local governments in the establishment of sediment-control regulations affecting the rapidly growing residential construction in this suburban Washington area. Following the county's adoption of a sediment-control ordinance in 1967, the Maryland Legislature in 1969 enacted legislation to encourage other counties to do the same.

A leading force in establishing the guidelines for the antisedimentation program over the years has been the Soil Conservation Service of the U.S. Department of Agriculture.

Mr. Speaker, I insert for my colleagues the following article from Soil Conservation describing Maryland's activity in the rapidly developing areas of the State:

#### MOPPING UP ON THE MENACE OF MUD

(Maryland legislature enacts sediment-control measure for urbanizing area; authorizes county ordinances.)

(By Edward R. Keil, State conservationist, SCS, College Park, Md.)

Builders and developers in the Patuxent River watershed of Maryland, including the expansive "new town" of Columbia and adjacent rapidly urbanizing areas, are subject to sediment-control regulations enacted by the 1969 General Assembly.

Besides the mandatory measures applying specifically to the seven-county Patuxent drainage area, the legislature authorized all counties to enact ordinances aimed directly at the "menace of mud," chief destroyer of water quality, in subdivisions throughout the state.

The Patuxent measure is patterned after the anti-sediment campaign launched ini-

tially in Montgomery County, a suburb of the District of Columbia (Soil Conservation, November 1966).

Four other Maryland counties have adopted similar programs, and three others are considering "stop mud" regulations.

The state's requirements for builders in the Patuxent watershed extend sediment controls beyond subdivisions for housing to include commercial and industrial facilities. The law also embraces highway construction by the state, counties, and municipalities.

Operators must file sediment-prevention plans with local land use agencies and obtain approval of the soil conservation districts involved before building permits are issued. The Patuxent legislation also provides strict controls on sewage pollution to be administered by county health agencies.

Maryland's advances in curbing sediment damage result from a unique melding of rural and urban points of view, plus related know-how. Soil conservation districts and the Soil Conservation Service have long offered skills in agricultural conservation. Enlightened builders and developers have sought damage-abating methods suitable to their operations and the economics of their trade. County planning bodies and governing officials reflect the growing communitywide interests in improved environment for family life.

A sense of responsibility toward vital natural resources has prompted cooperation among Maryland urban and suburban land operators. Home builders' associations have freely endorsed sediment-control practices even in unregulated areas. Trade spokesmen openly voice satisfaction with the more attractive, saleable properties resulting from applied conservation.

Results of the program are visible on hundreds of widely scattered sites—especially along the axis of heaviest construction between Baltimore and Washington. Techniques are adapted to the precise soil and water conditions at each location.

Basic requirements of an effective sediment-control program on building sites include: (1) Saving natural vegetation wherever possible; (2) avoiding unnecessary disturbance of soil; (3) early installation of permanent storm drains and roads; (4) planting of temporary vegetation on denuded soils; (5) installing permanent vegetation speedily after construction; (6) construction of basins to trap sediment onsite; and (7) engineering to take care of marked increases in water runoff that follows development.

Beginning with Montgomery County's pioneer program, the Soil Conservation Service has assisted conservation districts in setting standards and specifications for sediment-control measures. As experience accumulates, these are refined to fit the practicalities of construction as well as improving their effectiveness in preventing resource damages.

Tangible benefits of the effort can already be seen at a number of sites where construction proceeds with reduced problems of mud and dust. Montgomery County leaders point to two new multipurpose lakes in Rock Creek Park completed only after sediment control for the small watershed project was put into effect.

Research now being conducted by the U.S. Geological Survey in Rock Creek and Anacostia River watersheds soon will provide more exact answers as to effectiveness of sediment controls. Other studies are evaluating the effects of individual practices and testing the use of flocculant compounds as a means of desilting water and reducing turbidity in streams.

Interest in sediment control is turning to action in nearly every soil conservation district where urbanization is underway. Marylanders are heartened by the action of the 1969 legislature and in evidence of growing support for making the Patuxent sediment-control requirements statewide.

THE COSTS OF WAR

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. DENT. Mr. Speaker, the Valley Daily News and Daily Dispatch newspapers of New Kensington, Pa., posed a very provocative question in a recent article entitled "The Costs of War." I want to bring this article to the attention of all Members so that they too may stop to consider, "Has a Trillion Dollars Bought Us Security?" Publisher Eugene A. Simon and Editor George D. Stuart are to be congratulated for this timely item.

As I look around the world, I see no signs of peace, or loving hands stretching across the waters or borders of nations holding olive branches of food for the dove of peace.

One wonders whether the President's promise to pull our troops out of Vietnam will be followed by putting the troops into Laos and Thailand. I have not yet seen any troopships loaded to the gun- whales with weary but cheering boys coming home—for good. What I have seen is a growing population of U.S. troops from Vietnam being scattered in handy behind-the-lines hideouts and neighboring areas and intermediate stopping places.

This much I know: the scores of war dollars are drying up and the wars are slowing up. We are on a collision course when we spend roughly 70 percent of our exorbitant Federal tax bite for past, present, and future wars, and in preparation for war. Those of us in Congress need a refresher course every now and then on the economics of war. This is done neatly for us by this fine article.

The article follows:

THE COSTS OF WAR: "HAS A TRILLION DOLLARS BROUGHT US SECURITY?"

WHAT WE'RE SPENDING

Some figures:

Out of every tax dollar in fiscal year 1969, 70 cents went to pay for wars, past and present, as well as preparation for war.

Of this amount, 19 cents went to pay for Vietnam, 35 cents for other current military expenditures, and 16 cents for the cost of past wars.

Every man, woman and child in the U.S. is now spending an average of \$400 a year on the military, an increase of 60 per cent over the last five years.

SANE VIEW

The United States is a big investor in war.

"The U.S. has poured more than one trillion dollars into the military since the end of World War II. One-tenth of this staggering amount was invested in the Vietnam war," says SANE, A Citizens Organization for a Sane World.

In its current newsletter, SANE offers some striking reminders of that huge investment.

It asks what the trillion dollars have bought.

It asks what some of those dollars could have bought, if they hadn't been spent on war.

And it asks, "What can you do about it?"

WHAT COULD IT BUY?

A lesson on priorities emerges from some examples of U.S. military spending, and what the money could buy.

In Vietnam, the U.S. lost 6,000 aircraft valued at \$6 billion, as of Oct. 24, 1969.

Those \$6 billion could buy a fully equipped elementary school for 1,000 children, a fully equipped junior high school for 1,300 and a fully equipped senior high school for 1,500, in each of 250 communities . . . plus a starting salary of \$7,000 for each of 35,714 teachers, one teacher for every 27 children.

The administration has budgeted more money for chemical and biological weapons than it proposes to spend for vocational education.

More will be spent on the antiballistic missile (ABM), taking the military estimate at face value, than will be invested in higher education.

—Five times as much will be spent on a single nuclear aircraft carrier (we already have 15 attack carriers) as will be provided for libraries under the administration's education proposals.

And SANE quotes His Eminence John Cardinal Krol, speaking last year at the national Veterans of Foreign Wars convention in Philadelphia:

"The arms race does not insure a lasting peace. The strategic balance of power or of terror it produces does not eliminate the threat of war. It merely increases the threat of greater and more devastating wars.

"One nuclear exchange between the United States and the Soviet Union would claim as much and possibly more than 120 million American lives. Is the risk of so many lives an adequate provision for common defense?"

WHAT DID IT BUY?

Has the trillion-dollar investment bought us security?

"In 1946, no enemy could reach our shores. Today, the Soviet Union has the destructive power to wipe out much of our society in less than an hour.

"The fact that we can do the same to the Soviet Union, several times over is little consolation.

"Are we more secure than we were a generation ago? Is our nation more united? Are our cities more livable? Have we spent our resources wisely?"

WHAT CAN YOU DO?

SANE advises these as potentially fruitful courses of action open to citizens who find the war investment unacceptable:

Congress holds the purse strings. Let your congressman know how you think the federal government should spend your tax dollars, and keep telling him.

Use the organization's information for educational campaigns ranging from letters to the editor to community forums.

Join peace activities in your community.

LA FAYETTE, THE "MIRAGES" OF YESTERDAY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. FINDLEY. Mr. Speaker, an interesting commentary on the recent experience of French President Pompidou in the United States was published in the March 4 issue of the LeMonde weekly English-language edition.

Writing in his capsule style, "Passing Thoughts," Robert Escarpit had this to say:

PASSING THOUGHTS—LA FAYETTE, NO!

"Pompidou no!" All right: let's admit that Americans who have been sporting this badge have a right to their opinion of a political figure; after all, quite a few French-

men shared their view during the last presidential election. But "La Fayette, yes!" really beats everything.

If the idea is to pass judgment on the French President's motives in the Middle East, then it might be just as well to take a closer look at what was behind French support of the American revolutionaries.

In 1777 the Americas were the developing countries; the thirteen colonies were the Libya of the time, and La Fayette, I regret to say, was the Ancien Regime's version of today's Mirages.

ROBERT ESCARPIT.

#### THE STATE DEPARTMENT AND THE MIDDLE EAST

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on March 9, 1970, I received a letter and a statement from Dr. Abram Bergson, professor of economics, and Dr. Michael Walzer, professor of government, at Harvard University, representing a committee of university people in Cambridge, Mass., who are concerned about the policy of the Department of State toward peace negotiations in the Middle East.

I believe, Mr. Speaker, that this statement documents and demonstrates that if we are to have a lasting peace settlement in the Middle East, the United States must endorse face-to-face negotiations between the parties. This is the only realistic solution to the conflict. To attempt to impose a settlement from the outside, without direct negotiations, is only to increase the possibility that the peace will be broken again.

This statement is a reminder to the administration that the U.S. Government did subscribe to Resolution 242 of the Security Council, which opposes the concept that major powers can impose settlements on smaller countries. It has been and supposedly is the policy of the U.S. Government to encourage and support peaceful and direct negotiations to settle disputes.

Professors Bergson and Walzer and their committee of concerned people believe that the State Department has not honored our Government's commitment. Although the Department says that it is not seeking an imposed settlement in the Middle East, the committee feels, and I agree, that the astonishing detail that appears in the Department's proposals ignores the possibility of negotiations and encourage intransigence on the part of the Arab governments.

It is my opinion that the State Department must reaffirm our commitment to a negotiated peace. It must do all in its power to assure that the parties involved in this Middle East conflict are the ones responsible for the resolution of differences. I commend the statement of Professors Bergson and Walzer to my colleagues. The statement is as follows:

#### THE STATE DEPARTMENT AND THE MIDDLE EAST

We, the undersigned, concerned to vindicate the basic national purposes and interests of the United States, are perplexed by

the position which the Department of State appears recently to have proclaimed in regard to the Middle East. Aware that press reports of the Department's position, which has not been officially disclosed, may be incomplete and that some reports may not be altogether accurate, we recognize abundant possibilities for misunderstanding.

From such reports as have come to our attention, however, we find it hard to see how the Department's position can serve the prime American purposes in the Middle East. We understand these purposes to be to promote the peace, and to keep the region free from domination by any power that might endanger peaceful and productive development in which all may equitably share.

First, we do not understand why the Department of State appears to be adopting a doctrine that two large states—or four—may justifiably impose a settlement of differences between small independent states. Can the Department possibly believe that such a doctrine would promote the interests and purposes of the United States throughout the world?

The procedure followed by the Department in its two-power negotiations with the Soviet Union—and in the more recent four-power negotiations—is quite different from the normal practice of consultation among members of the United Nations. It is plainly at odds with the position of the United Nations Security Council in its Resolution 242 of November 22, 1967, to which the United States fully subscribed. In that Resolution, the UN Security Council, after first setting forth five principles for settlement in the Middle East which would accord with the principles of the UN Charter, requested the Secretary General of the UN to designate a Special Representative "to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles" of the Resolution. (Italics added).

Not only did the United States adhere to this Resolution, but it has supported the same doctrine of agreement among the parties in statements of its own at the highest level. Thus President Nixon (in a news conference, March 4, 1969):

"The Four Powers . . . cannot dictate a settlement in the Middle East. The time has passed in which great nations can dictate to small nations their future where their vital interests are involved."

So also President Johnson (in a speech, September 10, 1968):

"For its part, the United States of America has fully supported the efforts of the United Nations representative, Ambassador Jarring . . . But it is in the parties themselves who must make the major effort to begin seriously this much needed peacemaking process."

"One fact is sure: The process of peacemaking will not begin until the leaders of the Middle East begin exchanging views on the hard issues . . ."

"We are not the ones to say where other nations should draw lines between them that will assure each the greatest security."

The Department is reported to insist that it is not now seeking to impose a settlement. It appears, however, that the Department, going far beyond the broad principles set forth in the UN Security Council Resolution 242 of November 22, 1967, has made proposals in astonishing detail concerning the delineation of frontiers, the structure of government and administration in Jerusalem, and the demographic composition of the population of Israel. (In a marked contrast with the Department of State's proposal, the UN Security Council Resolution 242 of November 22, 1967 has affirmed the principles that "Every State in the area" has the "right to live in peace within secure and recognized boundaries free from threats or acts of

force"; and left the details to be worked out by agreement among the Arab states and Israel, assisted by the mission of the UN's Special Representative, Ambassador Jarring.) In a speech of December 9, 1969, moreover, the Secretary of State is reported to have said that he would not "shrink from advocating necessary compromises, even though they may and probably will be unpalatable to both sides." If the proposals are "unpalatable to both sides", how is agreement to them by the countries directly concerned to be attained, especially since the detailed character of the proposals leaves little for the parties to work out by themselves?

Perhaps the Secretary merely happened to choose an unfortunate word, and we do not wish to make too much of it. But what are we to make of the context in which the proposals were advanced? If the Soviet Union, the United Kingdom, and France were to agree on the proposals, and yet one or another of the state directly concerned were to dare to reject them, where would that state be left? Where especially would Israel be left? With arms flowing in large volume to the Arab states from the Soviet Union, would Israel, blocked by embargos from purchasing arms in Europe, be left uncertain even as to whether she would be permitted to purchase arms from the United States?

An imposed settlement would raise other specters for the United States, even apart from its inconsistency with American interests and policies. Such a settlement would depend for its effectiveness on sustained agreement and harmony in action between the United States and the Soviet Union. Does anything in our experience offer any hope for such a prospect?

Second, in the United Nations Charter, in the Charter of the Organization of American States, and in numerous unilateral pronouncements, the United States has affirmed the principal of "the sovereign equality" of states (Article 2, paragraph 1 of the UN Charter) and the principle of "respect for the personality, sovereignty and independence of states" (Article 5, paragraph b of the Charter of the Organization of American States). Israel is a member of the United Nations. In addition, its statehood and government have been recognized directly and explicitly on a national basis by the United States, the Soviet Union, the United Kingdom, and France, as well as a hundred other states. It would be plainly contrary to the principles, purposes and interests of the United States, and unthinkable as a matter of common decency and common sense, for the United States in any way to deny Israel's right to live as an independent state; and we take it for granted that no responsible officer within the Department of State would for one moment question this elemental fact.

We are therefore at a loss to understand why the Department of State should have proposed—as it is reported to have proposed—that Israel should be obliged either (i) to accept into its tiny population an unlimited number of Arab refugees, however hostile and bent upon her destruction they might be, or (ii) by exercising an uncertain and conditional reserve right to restrict the inflow of refugees, to provide the Arab states with an excuse to torpedo the proposed settlement if and when it might suit their convenience to do so.

Here again, we also do not understand why the Department of State should have moved away from the principles set forth in the UN Security Council Resolution 242 of November 22, 1967. That Resolution affirmed "the necessity . . . (b) For achieving a just settlement of the refugee problem:" It spoke only of "a just settlement" to be worked out by agreement among the parties; and the just settlement was to apply to "the refugee problem" as a whole, not merely the Arab refugees, but including the refugees of Jewish faith who fled the Arab countries by tens of thousands after the wars

of 1956 and 1967 and entered Israel. Israel by herself has been obliged to bear the full burden of receiving, feeding, housing, and rehabilitating these refugees. A kind of impromptu exchange of populations appears to have taken place. In what manner can it be thought to serve basic American principles, purposes, and interests simply to ignore all these complex ramifications?

*Third*, we do not understand the position in which the Department of State seems to have put itself in respect of negotiations with the Soviet Union over the Middle East. From the public record, it seems that the Department of State has allowed itself to fall into the posture of putting forward a proposal; when it is bluntly rejected by the Soviet Union, the Department apparently attempts to put forward another; and when this other proposal is rejected in its turn, the Department apparently tries to advance still another, while the Soviet Union appears to do no more than lead the Department on with vague hints of possible compromises that are subsequently withdrawn. How can this serve the basic purposes and principles of the United States? If this process should by any chance continue up to a point where a proposal of the United States should be acceptable to the Soviet Union and its Arab clients, is it not altogether likely that the Soviet Union would claim and receive full credit from its Arab clients for those features of the proposal deemed desirable by them?

Would it not be better for the United States to rest squarely on the principles and procedures contemplated by the UN Security Council Resolution of November 22, 1967; to continue to support Ambassador Jarring; to discourage any possible suggestion of armed intervention by the Soviet Union; and to refrain from attempting to formulate the detailed terms of a settlement unless and until the Middle Eastern states themselves, both Arab states and Israel, might in time request the United States to use its good offices? Such a posture, it seems to us, would be far more consonant with the dignity and vital interests of the United States as well as the realities of the situation.

**CONCERN OVER AMERICAN PRISONERS IN NORTH VIETNAM ELONGUENTLY EXPRESSED**

**HON. E. ROSS ADAIR**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. ADAIR. Mr. Speaker, one of my constituents, Virgil C. Hornsby, has a brother who is missing in action in North Vietnam. He is not sitting idly by and hoping for his brother's return. He has become a one-man publicity crusade for the cause of his brother and the other men still missing or known to be held by Hanoi. Therefore, I commend a recent letter of his to the attention of my colleagues:

MARCH 7, 1970.

HON. E. ROSS ADAIR,  
U.S. Representative, House Office Building,  
Washington, D.C.

DEAR SIR: One more week has been claimed by father time and my brother is still missing in action in Southeast Asia. This makes 168 weeks or 1,196 days without any indication as to whether he is dead or alive.

There are always many terrible by-products of war, but the fact that North Vietnam refuses to give names of captured U.S.

servicemen, must be the single most horrible by-product any war has ever known.

This Government must do more to free these over 1,400 men. We put a man on the moon, didn't we? Let's bomb hell out of them, if they don't resolve the prisoner issue satisfactorily within 60 days.

Please, sir, do more for these men. I want to see my brother again.

Sincerely,

VIRGIL C. HORNSBY.

**A SENSIBLE ABM DEVELOPMENT**

**HON. WILLIAM L. DICKINSON**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. DICKINSON. Mr. Speaker, President Nixon's crucial responsibility for protecting this Nation against foreign attack causes him to make difficult, sometimes unpopular decisions. A case in point is the current debate over the Safeguard ABM system.

While some idealistic persons wishfully propose that the funds necessary for this project be spent to cure our Nation's domestic ills, the realities of the world situation dictate that we be prepared in our national defense, for the present and for future years, as well.

As an editorial from the Detroit News points out, we must be ready for an eventual nuclear threat from Red China, as well as for the threats that are present today, because "yesterday's plan is useless against tomorrow's potential."

I insert this editorial in the RECORD at this point:

[From the Detroit News, Feb. 3, 1970]

**A SENSIBLE ABM DEVELOPMENT**

It is sensible and inevitable that President Nixon should proceed with further development of the Safeguard ABM system he announced last March. He said at that time he would evaluate annually, which is the only safe way to keep open his options to Communist moves.

Apparently his foreign intelligence advisory board, a nonpartisan group of eminent citizens, has recommended further action. Defense Secretary Melvin Laird last month gave a hint when he revealed the Pentagon had underestimated production of the Soviet SS-9 missile. This is the super intercontinental weapon ranging in power up to 25 megatons which we haven't attempted to match but must counter. Laird believes the Soviet Union has about 300 on hand.

We don't know whether the SS-9 is to be developed with use of a single warhead or three. Multiple warheads (MIRVs) could give the Kremlin the capacity to annihilate our principal deterrent, which is the Minutemen 3 missiles in their underground silos. That would mean the foe had at least the potential of a dreaded first strike capability.

A year ago Mr. Nixon stressed that three considerations would be paramount in his annual review: technical developments, the threat arising to us from them and the progress of the arms control talks. If our intelligence is soundly based, the new threat to our defenses is obvious.

But there is another factor our defense planners dare not ignore. That is a nuclear attack Red China might be able to launch within this decade. We suppose that could be termed a secondary defense precaution.

Whereas Mr. Johnson's Sentinel ABM sys-

tem was primarily aimed at defense of cities against Chinese attack, Mr. Nixon holds that it is not feasible to promise Americans complete protection against a major strike. What he is doing is to use the Johnson hardware but change the concept.

Our primary purpose now is to protect our land-based retaliatory force and, secondarily, to defend people. It is the secondary aim that Mr. Nixon is now also pursuing when he talks of an "area defense." What that means is protecting our bomber bases and command and control posts and also screening densely populated areas, such as Detroit, without basing defense sites in the suburbs.

The state of the nuclear arms art being what it is—nothing ever stands still—defense has to encompass a many-pronged stance in protecting all fields. What Mr. Nixon is doing is to move steadily in anticipation of what the situation may be in 1975 or 1980. Yesterday's plan is useless against tomorrow's potential.

**THE HABIT OF WASTE**

**HON. MORRIS K. UDALL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. UDALL. Mr. Speaker, in an article in the March 2 issue of the Nation, Malcolm Margolin, who has worked in reforestation projects and is now completing a book on the future of American forests, offers a penetrating analysis of timber management in this country. His conclusion:

At the present rate of waste, we shall certainly have a timber crisis by the 1980s. We shall also see a large part of our forests brutalized by 'intensive cultivation.' Everyone will blame the sad state of affairs on overpopulation, but they will be wrong. The real cause of that double disaster . . . will be the current gross mismanagement.

I commend Mr. Margolin's analysis to the Members' attention:

**THE HABIT OF WASTE**

(By Malcolm Margolin)

(Mr. Margolin has worked in reforestation projects and is now completing a book on the future of the American forests.)

"We had better worry about wood," warns *Pulp & Paper*, a trade journal, and statistics from the U.S. Forest Service are certainly ominous. They predict: two and a half times the current demand for pulpwood by 1985; well over twice the demand for all wood products by 2000; and millions fewer forested acres to grow it on.

We could, of course, simply use less wood. We could take advantage of substitute materials for home building—materials not being used because of a reactionary building industry and a jungle of obsolete building codes that only the most preposterous overuse of wood can satisfy. "We're still building houses the same way we did in the 1890s," notes Gov. Daniel Evans of Washington.

Or we could recycle paper, thus eliminating simultaneously a good part of the garbage, air pollution and conservation problems. If *The New York Times* were de-linked and recycled instead of being burned, that would save nearly 36 square miles of mature Canadian forests each year. Add just a few more cities on the East Coast to this recycling plan, and we would save something close to a national park's worth of standing timber a year. Yet a recent conference on recycling attracted what one journal called "widespread disinterest."

It is insane to suppose that if the public sits on its hands long enough, industry will lead the way to conservation of wood. The forest products industry is the fourth largest in America; and, typically American, it thinks only one brute thought: bigger! The very companies that yell "timber shortage" the loudest spend millions of dollars to develop "disposables"—throwaway evening gowns, tuxedos, tablecloths, and the like. For every scientist seeking to save wood, there are a hundred searching for new ways to waste it. Would you believe wooden pipes for conducting liquids underground?

When the Defense Department stops ordering pinewood ammunition cases, the loggers do not rejoice at the salvation of the Southern pine forests; they demand (and get) a House Small Business Committee conference to find out why. And last year when the price of lumber suddenly jumped 30 per cent and plywood nearly 80 per cent, Congress held three separate hearings to discuss, not how to decrease the demand but how to squeeze more timber out of the forests.

Congress might have examined that 1968-69 timber famine more closely. Why, for instance, wasn't the 20 per cent restrictive tariff on plywood imports dropped? Or why, during the crisis, did the industry's profit ratio double, climbing "beyond what should reasonably be expected," according to George Romney.

There were other oddities. The industry unanimously demanded that the National Forest increase the allowable cut on public lands by 10 per cent. At the same time, industry had purchased 26.6 billion board feet of national forest timber which they were not cutting—a backlog equal to twice the annual cut. "It's beginning to look like someone here is pulling our leg," commented Bert Cole, State Land Commissioner of Washington.

Finally there was the puzzling business of exports to Japan—2.23 billion board feet of prime Pacific Northwest logs in 1968, 35 per cent more than was exported in 1967, ten times what was exported in 1960. Fat, healthy logs were jamming the West Coast harbors within view of sawmills that had closed down for lack of supply. Yet Japan was so glutted with wood at this time that companies like Germain Lumber of Pittsburgh were actually forced to import plywood from Japan.

This adds up to something worse than collusion or a deliberate manipulation of the market. (Collusion, if it existed, could have been stopped by already existing laws.) The timber crisis indicated how extensive is the mismanagement and nonmanagement of the timber supply.

Where will the wood come from? Ask a logger or a forester, and you will get a very tempting answer: from intensified forestry. Weyerhaeuser is squeezing 33 per cent more lumber out of its forests by intensive cultivation methods. International Paper, Potlatch Forests, St. Regis and others use fertilizers and genetically improved "supertrees" to get 50 per cent to 60 per cent more wood per acre. And from legislation now being pushed through Congress (The National Forest Conservation and Management Act), the national forests will soon be enjoying intensive cultivation to increase yield by a whopping 66 per cent. It sounds marvelous—until you get out of your car, walk through the gates of Weyerhaeuser, International Paper, or any of the others, and take a look at the "Forests of the Future." The trees are arranged in straight rows precisely the same distance apart. They are all the same species, the same age, the same height and the same shape. They were selected from genetically improved stock to remove any imperfections that might give the trees individuality.

These tree farms are sometimes fertilized, sprayed for insects and fungi, and are regularly thinned. They are wildlife deserts and have no more recreational value than do cornfields. In fact, that is the first association of every one who sees them: "wheat fields," "cornfields." Yet today nearly every logged-over acre of industrial timberland in the South and Northwest is artificially reforested in this manner—more than 1 million acres last year alone, about 1,600 square miles.

If tree farms were as visible as smog there would be an enormous protest; but they are mostly on private land, as far removed from the public eye as logging itself, and they are well padded by public relations lullabies. Except for industry, only the Sierra Club, the Wilderness Society, and a few others are aware of tree farms; and they have been waging an unsuccessful battle to preserve at least the publicly owned land from such a fate.

If this is what threatens America's remaining forests, the first question to ask is: are there alternatives? I have already touched upon a few: use of substitute materials, recycling of paper, stopping exports (which now account for 10 per cent of America's timber production). There are many more. American logging, milling and home-building practices were developed during an age when forests were plentiful, even a nuisance. The attitudes and technologies from this era still cling. In its progress from forest to its ultimate destination—the dump—we find wood outrageously wasted at every step.

To begin at the beginning, logging, especially on the steep slopes of the Northwest, is still exciting; but once the chain saws have stopped whining, the engines have stopped roaring and the donkey whistle is silent, what remains are hillsides littered with slash. Ten to 20 per cent of the volume is left behind, to be burned or buried. It could all be used. Portable chippers, skidding and ballooning (lifting whole trees with balloons as they do in Russia) make it possible and according to a Wilderness Society estimate would increase the national timber supply by 10 per cent.

Next comes the sawmill, where fat logs go in one end and skinny planks emerge from the other. Bark, which is about 10 per cent of the log, is burned or sold as mulch: it could be converted into bark board. Sawdust, which accounts for about 7 per cent of the log, could be halved with thinner blades. New methods and patterns of cutting Southern pine have increased output by another 8 per cent. Few mills have special equipment to process undersized or defective logs. And finally there are the thousands of marginal, small-town sawmills that stink up the air by burning ends, edgings and slabs instead of converting them into fiberboard particle board, or pulp.

What I am describing are ways of applying existing technology. Why haven't they been applied? They are, unfortunately, economically marginal, or worse. Good forestry and good milling are simply not profitable—not when the price of lumber is artificially depressed by overcutting private land and by raiding the national forests. Deliberate action will be needed to bring them into harmony: perhaps a steep price rise, perhaps legislation to promote better practices, or maybe something sweeter like tax relief or subsidies to insure proper treatment of wood.

The next stage on the journey through the sawmill is past the grader. Although devices for grading accurately exist, it is still done haphazardly. A man glances at one side of a passing board and puts on the grade. The standards are set by industry, and they are entirely voluntary. Strong wood is occasionally misgraded (and misused) as weak.

But a recent check by *The Washington Post* found that half the lumber bought from randomly selected dealers was "much weaker" than it was supposed to be. Architects and builders know this, and they automatically compensate, using 2-by-10s instead of 2-by-8s, etc. More accurate grading, the Western Forests Industries Association thinks, could reduce the amount of lumber used in the average house by 15 to 30 per cent. Rep. John Dingell (D., Mich.) thinks that the waste from misgrading "could amount to as much as 25 per cent of the total resource."

Then there is the matter of proper seasoning, to make wood last longer and reduce the rate of replacement. The antiquarian Eric Sloane has compared the suburban house which sags, rots and sports termites after a single generation with the New England barn that lasts centuries—without paint or preservatives. The difference is in the seasoning.

It is impossible to estimate how many Yellowstones could be saved by recycling, using slash and sawmill leftovers, increasing milling efficiency, halting exports, grading properly, seasoning adequately and using alternate materials. Yet there is more to the subject. I have not even touched upon the attacks by hundreds of critics against numberless stupidities: the Jones Act, for example, which in effect forces Alaska to ship nearly all of its lumber to Japan; the telephone poles which devastate forests and scenery at the same time; power transmission lines that destroy more than 30,000 acres of forest a year; flood-control dams in areas where reforestation would not only control floods but would produce commercial timber; failure to use bagasse (sugar refinery refuse) instead of pulp for certain grades of paper; failure to encourage use of groundwood paper (which uses 90 per cent of a log) over finer grades (which convert only 50 per cent).

We steadily reduce our wild varied forests to mono-cultural tree farms; yet we allow 2 million logged-over acres in Southern Florida and millions more in nearly every state to be taken over by brush. If an Oregon landowner wants to strip his land of mature firs, cedars, hemlocks and larches, and replant with colonnades of genetically improved Douglas firs, he will benefit from millions of dollars worth of research, state nurseries, and the visitations of public foresters. But if he wants to rehabilitate his brushland, there is nothing he can do but buy the one book available on the subject. "And if this represents the state of the art," comments one of them, Bruce Starker, "I could have spent my money more effectively on an ax."

At the present rate of waste, we shall certainly have a timber crisis by the 1980s. We shall also see a large part of our forests brutalized by "intensive cultivation." Every one will blame the sad state of affairs on overpopulation, but they will be wrong. The real cause of that double disaster, timber famine and tree farms, will be the current gross mismanagement.

Various solutions have been put forth. They include price rises, price controls, federal or state regulation, tax reforms to promote efficiency, subsidies, and others more radical. Every one who views the situation would like to take the villain by the throat, but he is not to be found. The four largest timber producers combined control less than 10 per cent of the market. There is not one hole in the barrel but a thousand.

Whenever the industry itself speaks of the approaching timber famine, it casts the entire blame on three evils: the refusal of small landowners to let their land be logged; the withdrawal of timberland for national parks and wilderness areas; and the failure of the

government to cultivate the national forests more intensively. In effect they have only one solution: we must cut more, and that is ridiculous.

Many individuals and groups have looked into aspects of the timber situation—they range from the Sierra Club to Ervin Peterson, former Assistant Secretary of Agriculture and now president of Sonic Jet Processes Corp.—and they usually come to the same conclusion. We need, at this moment, a high-level commission, a sort of Hoover Commission, to study the whole seeding-to-dump timber problem, to sort out fact from public relations propaganda, to collect for the first time adequate statistics, and finally to make recommendations.

The call for "more study" always tends to sound pale and timid, yet in this case it is the first and necessary step. Without such an authoritative, comprehensive study, critics of timber mismanagement are left with nothing but the current scatter-gun attack on a gigantic, fragmented industry that doesn't care, that never responds honestly, and that wastes, wastes, wastes the very last of the wild forests.

**SMOG HAS LINK WITH CANCER CELLS SYMPOSIUM TOLD**

**HON. TIM LEE CARTER**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. CARTER. Mr. Speaker, it has been brought out many times before the Subcommittee on Public Health and Welfare that the correlation between air pollution and lung cancer is significant. There are those who would place the cause of lung cancer at the door of only one substance. It becomes increasingly evident as statistics mount that air pollution is closely associated and is a probable cause of lung cancer.

I enclose for the perusal of the Members an article on the remarks of Dr. Joseph F. Boyle at the annual meeting of the California Medical Association:

**SMOG HAS LINK WITH CANCER CELLS SYMPOSIUM TOLD**

SAN FRANCISCO.—Cells that cannot be distinguished from cancer cells can be found in the sputum of emphysema patients during smoggy periods, a Los Angeles chest physician has said.

These cells disappear when the patient is put in a room in which the air has been filtered, Dr. Joseph F. Boyle told a symposium on environmental health at the annual meeting of the California Medical Association here.

His observation seems related to that reported by a Stanford Research Institute (SRI) scientist who said nitrogen dioxide, a component of both smog and tobacco smoke, causes serious changes in lungs of rats.

Dr. Gustav Freeman of SRI said the tiny hairs called cilia, that line the small airways in the lungs, degenerate and finally fall off when the animals breathe concentrations of nitrogen dioxide of 0.8 to two parts per million. The function of cilia is to cleanse the lungs of inhaled particles such as bacteria viruses and other substances that might induce cancer.

Therefore, it is conceivable the cancer-like cells seen by Boyle in emphysema patients may have something to do with the effect nitrogen dioxide in the smog has on the patient's cilia.

**THE HUDSON RIVER ONCE CALLED "THE AMERICAN RHINE"**

**HON. JAMES H. SCHEUER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. SCHEUER. Mr. Speaker, we are just beginning to realize the full extent to which we have abused our environment in the past few decades. In New York State one of the most important rivers in the East—the Hudson—is in grave danger of becoming a lifeless flow of garbage. This river has gone from being "the American Rhine," as it was once called, to the dumping ground for the untreated waste of factories and cities along its banks.

An illuminating article on this subject appeared recently in the Wall Street Journal. I insert it into the RECORD for the benefit of my colleagues:

[From the Wall Street Journal, Dec. 18, 1969]

**MAJESTIC MESS: HUDSON RIVER CLEANUP TURNS OUT TO BE SLOW AND FRUSTRATING TASK—SEWAGE PLANT FUNDS RUN LOW, SOME POLLUTERS DRAG FEET; ALGAE THREAT IS FORESEEN—OIL SLICKS AND BOBBING TRASH**

(By John Barnett)

GLENS FALLS, N.Y.—The view of the Hudson River from the bridge at Glens Falls may not rank among the world's scenic wonders, but it certainly is colorful.

On the left as you face downstream, a bright turquoise-colored fluid spews into the river from a waste outlet at the big Finch-Pruyn & Co. paper mill that stretches for hundreds of yards along the river. At other times, the waste may be almost any other color, depending on what hues the company is dyeing its products on a given day.

To the right, tumbling down a bluff that rises along the opposite bank of the river, is a spillway that carries waste from the Patrician Paper Co. plant high atop the bluff. The spillway channel is deeply stained from the dyes that have coursed through it to the river over the years. It is red in some places, dark blue-green in others.

Paper makers use colors, too, to describe other, less obvious types of effluent that many plants dump into the river. There is, for instance, the "black liquor" that comes from pulp mills—a dark, smelly mixture of acids and residue from the breakdown of wood pulp into paper fibers. And then there's "white water," a discharge containing tiny fibers that escape the machines that press fibers into paper. After they are poured into the river, the waste fibers settle to the bottom and eventually rot into a putrid sludge.

**SING SING AND WEST POINT**

In all, there are some 20 paper plants on the Hudson, and they are far from alone in using the river as a handy means to get rid of their wastes. The New York State Health Department has identified 435 separate polluters just in the lower 150 miles of the river between Troy and New York City—cities, factories, hospitals and other institutions ranging from Sing Sing prison to the U.S. Military Academy at West Point. All together, they dump close to two billion gallons of waste water into the river every day. Most of it is inadequately treated and carries with it a staggering load of chemicals, dyes, acids, oil, silt, soap, detergents and human excrement.

The pollution of the Hudson is so gross, in fact it has made the river something of a symbol to pollution fighters—and it has inspired one of the most ambitious river cleanup efforts ever launched in this country.

But it has also raised some troubling questions among conservationists, scientists and public officials who wonder if even the most ambitious of cleanup campaigns can restore the purity of a river whose ecology has been so drastically altered for so long.

In 1965, New York's Gov. Nelson Rockefeller vowed that if the state's voters would pass a \$1 billion "pure waters" bond issue to help pay for sewage treatment plants throughout the state, cleanup of the Hudson would get first priority. By 1972, he said, the job should be done.

The bond issue passed by a whopping four-to-one margin, and the state plunged into the enormous task of seeing that all of New York's industrial and municipal wastes undergo treatment before they are dumped into the Hudson and the other rivers and lakes in the state. Antipollution laws were strengthened by the state legislature, and a new Pure Waters Division was created in the Health Department with orders to crack down hard on all polluters—public and private.

The state's program was buttressed by Federal programs that set water quality guidelines for the nation's waterways and promised Federal money to subsidize the cost of municipal sewage treatment.

But now, with Gov. Rockefeller's 1972 deadline little more than two years away, it's apparent that there's no chance to meet it. State officials say it will be 1975 or 1976 before all industrial and municipal waste treatment facilities are built—and they may well not be built even by then.

**SMALL FEDERAL PAYOUTS**

One reason: The \$1 billion bond issue simply won't provide enough money to finance the state's share of municipal sewage plant costs. An unexpectedly high rate of inflation has kicked the price up sharply, for one thing, and at the same time Congress has failed to authorize enough money to buy for the promised Federal contribution to the cost. Instead of a minimum of 40%, Federal payouts in New York have been running about 7%—and the state has been obliged to pay the difference.

Industrial cleanup has lagged somewhat, too. Among the worst offenders, state officials say, are a number of paper companies that say they can't—or won't—spend the money needed to process their wastes. Though some—including Finch-Pruyn and Patrician Paper—are going ahead with treatment facilities, others have threatened to close down operations instead.

Still, conservationists and scientists who study the river say they are less worried about the delays in the timetable than about the possibility that the technical knowledge needed to clean up the river simply doesn't exist. They point, for instance, to the inability of even "modern" sewage treatment techniques to remove such nutrient materials as phosphorus and nitrogen from waste water. The nutrients could eventually cause the river to become so choked with algae that it might be far less attractive and far less able to support marine life than it is now.

A recent report by scientists studying the ecology of the Hudson for the Institute of Environmental Medicine, part of the New York University Medical Center, warns that a number of "nuisance" species of algae already exist in the Hudson. Moreover, the report says, nitrate and phosphate are already present in quantities great enough to foster disastrous algae growth under certain conditions.

"The present move to treat sewage so as to provide a liquid effluent . . . could, in fact, worsen the present situation since treated effluents provide nutrients in a more readily available form," the scientists warn.

**DEVELOPING A SCUM**

When explosive algae growth occurs, the water turns green and develops a scum on

the surface. As algae die and rot, they use up oxygen. Eventually, the water is so robbed of dissolved oxygen that it's unable to support normal marine life. The process is known as eutrophication.

Some scientists and conservationists are particularly concerned that eutrophication could be set off in the Haverstraw Bay area about 30 miles north of New York City by a cluster of nuclear power plants being built just north of there. Such plants use millions of gallons of water a minute for cooling and return it to the river some 15 degrees hotter than the normal water temperature. There's a danger, conservationists contend, that the slight resulting rise in overall water temperature could trigger an algae population explosion; algae seem to thrive in warm water.

"All of us are aware that more power plants are going to be built, and most of us don't want to go back to darkness," says Rod Vandivert, executive director of the Scenic Hudson Preservation Conference. "But we're aware that there's a very delicate balance that's in danger of being upset, and there's a hell of a lot of us that don't feel government is doing its job in allowing these plants to be built so close together."

Consolidated Edison Co., which has one nuclear plant unit in operation in the Haverstraw Bay area and plans to build four more within a one-mile stretch, says its discharges comply with state criteria for heat. Moreover, a spokesman says the company's studies indicate that, in the Haverstraw Bay area at least, the resulting water temperature rise isn't likely to cause eutrophication.

#### LACK OF RESEARCH

This difference of opinion points up another problem: A lack of research on aquatic ecology. "The thing that's important and frightening is that we're working on a series of best engineering guesses with no real marine research behind them," says Mr. Vandivert.

Removal of nutrients might be accomplished by so-called tertiary treatment of waste—another step beyond the customary primary and secondary methods of treatment that are included in the sewage plants now being built. But New York State Health Department scientists say no economical and efficient method of tertiary treatment has yet been devised, though the department's research staff is working on what is described as a promising method of chemical treatment of waste water.

Another possibility is the limiting of nutrients by removing them from laundry detergents, which Health Department officials say are the chief source of nitrate and phosphate in the Hudson and many other waterways. Rep. Henry S. Reuss, a Wisconsin Democrat, has introduced a bill in Congress that would ban phosphate from detergents within two years, but its chances of passage seem dim for the present.

Conservationists' concern for the Hudson extends well beyond the question of water quality. They argue that the Hudson Valley possesses unique scenic and historic qualities that are constantly endangered by various development schemes, and they complain that government agencies have failed to move forcefully to clean up the river's often unsightly shores and to protect the natural wonders that remain.

#### ENRAGED GROUPS

Several times in recent years, enraged groups have stepped in to battle what they regarded as threats to the Hudson or its valley. The highly publicized fight to prevent Consolidated Edison from building a pumped-storage hydroelectric plant at Storm King Mountain, for instance, is being waged chiefly by the Scenic Hudson Preservation Conference, an amalgam of individuals and conservation groups that has spent more

than \$500,000 in the past five years fighting the plant. (At the moment, the battle is undecided; Con Ed has agreed to drastically alter its plans, putting the plant underground, but Scenic Hudson is trying to persuade the Federal Power Commission to block it altogether as a general threat to the area's natural environment.)

A particularly difficult problem for those who would improve conditions along the Hudson is the river's relative isolation from the people who live near its banks. Besides the railroad tracks that run up both sides of the river much of the way from New York to Albany, factories and "farms" of oil storage tanks crowd the shores in most built-up areas. Inland from the factories and railroad tracks in many old Hudson towns, moreover, are bands of slums or decaying old commercial buildings.

Altogether, of course, these conditions tend to discourage residents from seeking out the water for recreation—or from taking much interest in whether it's polluted or not. Folk singer Pete Seeger has tried to stir up more interest through a group known as Hudson River Sloop Restoration Inc., which built and sails a sloop of the type that once was common in the Hudson River trade. Mr. Seeger and other entertainers rode their sloop, the Clearwater, up and down the river last summer, stopping to give concerts and exhibit the boat as a means of attracting publicity and getting valley residents concerned about the river.

#### A MASTER PLAN

In 1965, Gov. Rockefeller created the Hudson River Valley Commission to draw up a proposed master plan for the valley and to review all projects along the river with an eye toward protecting the scenic, historic and cultural resources in the area. Conservationists complain that the commission lacks enforcement powers; it can only "recommend" changes in a project. But its persuasive powers have, nonetheless, managed to forestall the building of a nuclear power plant directly across the river from the Saratoga National Historic Park, get another power plant's design changed to meet aesthetic objections and save a row of historic houses that were to be torn down in Albany.

The scenic qualities of the Hudson have inspired travelers on the river for centuries. Early Dutch explorers 300 years ago rhapsodized about the great forests and mountains lining the river, the sweetness of the air, the abundance of game and the fish that teemed in the river. In the 19th century, the Hudson was a fashionable tourist spot—as well as the inspiration for the Hudson River school of painters, the first American artists to devote themselves to landscapes rather than portraits.

Such wonders as the Hudson offers are pressed into a length of merely 315 miles, making it one of the shortest of the nation's major rivers. It starts at Lake Tear of the Clouds, a pond on Mount Marcy in the Adirondack Mountains of upstate New York, and flows southward to empty into the Atlantic at New York Harbor.

#### FAST-FLOWING TROUT STREAM

The upper Hudson is a fast-flowing trout stream that plunges through a deep, forested gorge in the Adirondacks. Not until 150 miles downstream, after it is joined by the Mohawk River just above Troy, does the Hudson begin to resemble the broad, majestic waterway that Henry Hudson named the Great River of the Mountains when he explored its lower half in 1609.

After flowing past the Catskill Mountains to the west, the river enters the Hudson Highlands, narrowing into a gorge flanked by steep mountains with peaks called Storm King, Breakneck Mountain, Bear Mountain, Anthony's Nose and High Tor.

Then, abruptly, it widens to its broadest areas—Haverstraw Bay, some three and one-

half miles across, and the Tappan Zee, almost as wide. A few miles above New York City, the river narrows again and flows past the Fallades—sheer rock cliffs that rise dramatically almost 500 feet above the west bank.

The lower 150 miles of the Hudson actually constitute a largely saltwater estuary of the Atlantic, where tides ebb and flow. Because it is at sea level, with no falls or rapids, and because it's so wide and deep (more than 100 feet in some areas), this stretch of the river is navigable to ocean-going ships all the way to Albany.

#### MAT ON BOTTOM

Significant pollution of the Hudson begins at Corinth, N.Y., some 60 miles above Albany. There, International Paper Co. operates the northernmost of the paper plants on the river. The effect of the plant's waste discharges is evident for miles downstream.

It's possible, for instance, to reach into shallow water along the shore below Corinth and tear chunks of thick, gray, paper-like material from the river bottom. The material is part of a dense mat created by waste fibers that have settled to the bottom.

On hot summer days, when heat speeds up decomposition of the fibers, the placid surface of the river below Corinth, is periodically disrupted by the bursting of giant gas bubbles. The bursting of a bubble is typically followed by the appearance of a great chunk of matted fibers that has been loosened by the decomposition and has risen to the surface, where it bobs off like a tattered raft.

In such areas—which extend for many miles along the river in the paper-making region around Glens Falls—the river cannot support normal aquatic life, scientists say. The matted fibers covering the bottom choke off plant life, and the decomposition of the fibers and other paper mill waste robs the water of dissolved oxygen needed by fish. The only organisms that thrive in those conditions are such creatures as sludge worms and maggots that feed on the decomposing material and seemingly require almost no oxygen.

Once past the paper mills, the river's natural ability to cleanse itself has barely had a chance to function before it hits the Troy-Albany metropolitan complex, where a half-dozen cities, many of them heavily industrialized, cluster along both banks for a 10-mile stretch. This part of the river is known to river experts as the Albany pool—but sanitary engineers wryly refer to it as the "Albany cesspool."

The reason for the nickname is obvious. Scores of cities and industrial concerns dump raw or partially treated sewage into the river within the few miles on either side of Albany. Factories dump acids, drugs, dyes and chemicals. Oil barges, back in the Hudson after delivering oil up the Mohawk, furtively discharge ballast water they had taken on for the return trip down the Mohawk. Because the ballast water has been in the cargo tanks, it carries a residue of oil.

A walk along the river bank in the Troy-Albany area gives some indication of the result. The water is dark and murky-looking, the surface frequently rainbow-hued with oil slicks. Bits of trash bob along the surface, and quiet backwater coves along the shore are jammed with debris—rotting boards, empty steel drums, tires and old shoes. Rocks on the banks are coated with a black, sticky gunk, chiefly oil residue.

#### NOTORIOUS SEWERS

Perhaps the most notorious sewer outflows on the Hudson are at Troy. Like most river towns, Troy is built on hills that slope down to the water. Its sewers simply run under the streets leading to the Hudson. At the base of each street is an outfall—a pipe jutting through the concrete retaining wall along the river.

At low tide, the outfalls are exposed as they dump raw sewage directly into the Hudson. Even at high tide, you can stand on the retaining wall and watch the gray, filth-laden sewage water bubble to the surface.

Between Albany and New York City—a distance of some 150 miles—pollution is relatively light. Scattered towns and factories dump wastes directly into the river, but the Hudson's volume is so great that it's able to absorb them and still cleanse itself to a large extent. Public health authorities permit swimming at Senasqua Park in Croton-on-Hudson, a northern suburb of New York, and fishermen say there's no shortage of fish in the river—though some complain that they taste a bit oily.

But in the New York City area, the river once again becomes an open sewer. Manhattan still dumps practically all its sewage directly into the Hudson and the other waterways that surround the island, and a number of communities across the river in New Jersey also pour waste into the Hudson with little or no treatment. Researchers at the New York State Health Department calculate that 1.6 billion gallons of municipal and industrial waste is dumped into the Hudson daily in the New York area. More than 90% of the industrial waste and close to 70% of the municipal waste has received either no treatment or only minimal treatment.

Because of the tidal nature of the lower Hudson, sewage from New York may actually wash upstream as far as 50 or 60 miles. Then it may slosh back and forth with the tides for weeks before it finally escapes into the Atlantic.

Altogether, the Hudson's pollution load seems gigantic, but state Health Department officials contend that they will be able within the next few years to eliminate the most obvious types of filth. Though the state is running short of money to help municipalities build sewage treatment plants, the priority assigned the Hudson has assured that most sizable cities on the river will get state help nonetheless.

Similarly, officials say they are determined to force industrial concern to clean up their waste. Dwight F. Metzler, the Health Department's deputy commissioner for environmental health services, says: "Industry is told, 'We don't care how you get rid of this. You can have your employees drink it, you can put it into a tank car and ship it to Canada, you can incinerate it—that's up to you. All we care about is what comes out the discharge pipe.'"

As a practical matter, however, solutions aren't likely to be forthcoming quickly. Paper companies say, for instance, that much of the technology for treatment of their wastes is so new that extensive engineering work is necessary before they can determine what equipment is needed.

State Health Department officials contend, however, that at least some of the delays are foot-dragging. Andrew M. Weist, a Health Department water pollution control engineer whose region includes most of the Hudson's paper plants, says some paper companies have managed to postpone commitments for years by pleading that they need more time for study.

#### A "DRASTIC REDUCTION"

"They want six months for this, a year for that—and still nothing gets done or even firmly committed," says Mr. Weist. "You sit there and you just keep pounding your head against the wall."

Not all companies have resisted, to be sure. Finch-Pruyn has already installed some \$6 million worth of new equipment that will make a "drastic reduction" in the black liquor discharge from its pulp mill when the equipment goes into full operation next month, a spokesman says. The company,

meantime, is drawing up plans for cleaning up its other effluent.

Patrician Paper will have cut its effluent 80% by next February, when it's due to complete installation of a new high-efficiency filtration system, a company official says. In April, Patrician is scheduled to submit to the state its plans for processing the remainder of its waste.

International Paper says it's just now beginning work on detailed construction plans for its treatment facilities, estimated to cost \$2.8 million, and a company spokesman says construction won't be completed for close to two years.

But Westvaco Corp., which operates a pulp and paper mill at Mechanicville, between Albany and Glens Falls, still hasn't worked out even a preliminary plan for waste treatment. Company officials complain that full treatment facilities would cost an estimated \$3.5 million, more than the book value of the 80-year-old plant. They add, however, that they expect to meet the current deadline of March 1, 1971, for submission of a final plan.

### GEORGE MYLONAS: THE PRISONER OF AMORGOS

#### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. FRASER. Mr. Speaker, four House Members, JONATHAN BINGHAM, DON EDWARDS, OGDEN K. RED, and myself have recently invited our colleagues to attend a Dutch-treat luncheon Wednesday, March 25, at 12:15 to hear Mr. George Mylonas. Mr. Mylonas' story is a fascinating one. I insert into the RECORD at this point the September 21, 1969, New York Times Magazine article by Nicholas Gage, "The Prisoner of Amorgos," which elevated Mr. Mylonas to international fame, and Mr. Mylonas' subsequent letter to the editor in which he outlines his escape from Amorgos.

The material follows:

[From the New York Times Magazine, Sept. 21, 1969]

#### THE PRISONER OF AMORGOS

(By Nicholas Gage)

(NOTE.—Nicholas Gage is a Greek-born American reporter who formerly wrote for The Wall Street Journal.)

AMORGOS, GREECE.—In summer, this barren, stringbean shaped Greek island at the southern tip of the Cyclades is baked to a deep brick-red by the hot Mediterranean sun. In winter, cold winds whip the Aegean against its rocky cliffs. Hardest hit by both wind and sun is the oldest town on the island, Hora Amorgos, built several centuries ago far inland and high above the sea to guard against pirates.

Near the highest point in the village is a bleak, 100-year-old whitewashed structure of three rooms, inhabited by a thin, gray-haired man who can often be seen sweeping the cement floor or carrying rainwater scooped from a hole in the basement. Every morning at 9 and each afternoon at 6 he goes to the village police station and signs his name. George Mylonas, in the registry.

Four years ago Mylonas was one of the most promising politicians in Greece, holding the key post of Minister to the Prime Minister in George Papandreu's Cabinet. Later, he helped direct a reform of Greece's educational system—perhaps the most notable achievement of the Papandreu Government.

For the past year Mylonas has lived in exile on Amorgos. Though only 50 years old, he has had two heart attacks and suffers from rheumatoid arthritis, and his children fear that he will not survive another year without the medical attention he needs.

George Mylonas is a prisoner of Greece's military regime. But he is not an ordinary one. When the colonels seized power on April 21, 1967 they rounded up some 6,000 suspected Communists and sent them to prisons on the islands of Yiaros and Leros. They later released more than 4,000 of these prisoners and gave the rest the option of obtaining their freedom by signing a promise to avoid all political activity. At the insistence of the Red Cross, the regime also moved the men and women on bleak Yiaros to more habitable prisons on Leros and Crete, and released some of the aged and ill.

But while the junta was responding to international pressures to improve the treatment of these people, it was quietly picking up others, like Mylonas and certain army officers, and dispatching them to isolated villages throughout Greece, where they were put under constant watch.

Although these political prisoners are not kept in cells like those on Leros, their fate in many ways is worse: they do not have the option of securing their freedom by signing a pledge; they do not have the protection of the Red Cross, which considers them out of its jurisdiction because they are not kept in actual prisons; and they do not have the companionship of fellow prisoners.

On Amorgos there is another political exile besides George Mylonas, but the two are not allowed to speak to each other. Mylonas is watched day and night by five policemen and a number of civilian recruits. The conditions in the village where he is kept are so lonely and so primitive that two policemen once assigned to the island suffered nervous breakdowns.

There are 150 Greeks who share the fate of George Mylonas on remote islands and villages throughout Greece. They include men whose political beliefs range from the far left, such as the composer, Mikis Theodorakis, an admitted Marxist, to the far right, such as Maj. Gen. George E. Koumanakos, a hero of the fight against the Communists in the Greek civil war of 1947-49. Hoping to draw attention to the fate of these forgotten men, Mylonas decided to risk his own safety by telling the story of his arrest and captivity.

"The colonels have isolated us because they fear us for reasons that in many cases only they know," he says. "They are going to keep us until we are so helpless they don't have to fear us anymore."

Mylonas has a thin, sensitive face. He is young-looking in spite of his deeply furrowed skin and thick gray hair, which is turning white. His expressive dark eyes are never still, dancing one minute, turning melancholy the next. Beneath them are the dark purple shadows of the insomniac. When he has a visitor he talks animatedly, using his hands, his eyes, his whole body. He can converse in English or French as easily as in Greek.

In the early hours of Aug. 13, 1968, Mylonas was asleep in his home in the fashionable Athens suburb of Psychiko, when he heard footsteps on the gravel outside. "I knew immediately what was happening," he says. "For several days a black Morris had been following my wife and me wherever we went. And the day before, the attempt on [Premier] Papadopoulos's life had taken place. Although I certainly had nothing to do with that, I suspected there might be a general round-up."

He looked out of his window and saw three or four cars and 14 men in plain clothes, some of them jumping over the iron fence. "I knew they were the *asphalia*, the security police, but I decided to play the scene for all it was worth," he says. "I put on all the lights in the yard and ran outside, shouting,

Who dares to break into my garden at this hour of the night? The men were actually put off and informed me apologetically that they had come to arrest me."

Because he knew he had nothing to do with the bomb planted in Papadopoulos's path, Mylonas thought he would not be kept long. "I managed to whisper to my wife, Alex, 'I don't suppose you will see me for 10 days or so.'"

He was taken to the security-police station nearby. Every two or three minutes the door opened and someone new was shown in. There were several other deputies of his party, the Center Union, as well as some royalist military officers, including Maj. Gen. Koumanakos, who had all been picked up that night. "We all tried to sleep on chairs," he recalls. The next morning an officer came in and informed Mylonas that he was being taken to another detention center in the suburb of Maroussi. Other politicians and military officers were there, including Demitris Lourdas, the husband of publisher Helen Vlachos.

On the third morning, Mylonas was summoned before a colonel of the gendarmerie and handed a piece of paper to sign. It said that, because he was a danger to public order, the combined ministries of Justice and Public Order had authorized his exile to the island of Amorgos for up to six months. He was told he would be taken to the island by steamer in three days, and that members of his family, whom he had not been allowed to contact, would be permitted to see him off.

On the appointed day, two plainclothesmen in a blue Vauxhall drove him to the port of Piraeus, where his family was waiting. "Anyone who might have seen me riding through Athens would have thought, 'Oh, George is going down to Glyfada for a swim,'" he says.

At the port, the two plainclothesmen stood discreetly aside while he said good-bye to his wife, his daughter Maria, his son Alexander and his 89-year-old mother. For her, history was repeating itself. Thirty years before, her husband had been sent into exile during the Metaxas dictatorship. "This is the second time this has happened to me," she said as she kissed her son. "I hope I'll live to see you back."

Amorgos, a 12-hour boat ride from Athens, is halfway to Rhodes. Most of it is barren and uninviting, with sheer rock cliffs rising precipitously out of the sea. Mylonas was landed on the island at 4 a.m. It was totally dark because the electricity is always shut off between 1 and 7 in the morning and again between 1 and 5 in the afternoon. Three policemen took him to the village of Hora Amorgos, where some of the houses are so old they still have stone platforms outside the windows which were used to rest the cauldrons of boiling water that was poured down on invading pirates. Above the town is a set of inactive windmills with faded inscriptions like "Long Live the King" and "Long Live the Crown Prince," which were painted in 1962 during a visit by the Greek royal family. The mills command a view of the town and the island all the way to the sea, and it is here that a policeman or a member of the security force's civilian contingent, the TEA, can be seen prowling. "They can see every move we make from there," Mylonas says.

When he was brought to Hora Amorgos, Mylonas's escorts read him the rules that were to govern his life. He was forbidden to leave the boundaries of the village or to talk to foreigners, military officers, journalists or to the other exile in the village. "I raised a question on this last point," he says, "because I remember that my father had been allowed to keep company with his fellow exiles, but the police sergeant repeated that I was not to speak to the other prisoner."

Mylonas's "home" belongs to a native Amorgan who now lives in Athens. Since it stands near the highest point in town, it can

be watched from anywhere. One room of the house is inhabitable and contains a bed, writing table and radio. The second room is used by the house's owner to store cartons and boxes. This is where Mylonas keeps both his precious copies of *Le Monde*, which, with other newspapers, is sent to him occasionally by his brother, and the books which help him pass the time. Most dog-eared are the copies of "The Proud Tower," "Byzantine History," "A History of Cyprus" and "La Republique des Contradictions," which he reads and re-reads. In winter the books become mildewed, and cleaning their pages is a continuous chore.

The third room is also a storeroom. Mylonas calls it "the icebox" because it is so cold that even in summer perishable foods will keep there. In winter the whole house is an icebox. "I always sleep wearing a sweater under four blankets in the winter, but I can still feel the cold," he says. "I have an electric heater which my wife brought, but the electricity is off at night and in the afternoons. Even with the heater on during the day, I wear an overcoat and wrap myself in a blanket sitting at my desk. I only take a hand out to turn the pages of my book."

Mylonas takes the winter weather philosophically. "I say to myself, 'I have been obliged to live under conditions that other people have to live under of their own accord. In that sense, I am not in prison. But at the same time, of course, I am not free.' Oddly enough, I feel better in winter because the weather somehow seems more appropriate to my condition. It is the summer which makes me feel sad."

Theoretically, Mylonas is allowed to speak to the villagers, but all but the most right-wing (and therefore most secure) shy away from being seen speaking to him. Most villagers will say hello as they pass him in the street, and, if the police are far enough away, some address him as "Mr. Minister." But Mylonas knows the town is not hostile to him. A few days after his arrival, the first anonymous gifts began to appear. Everyone can see when he is sitting on the balcony of his house. When he is, he often hears the sound of a stone being thrown against his door, and, at the signal, walks downstairs as if to go to the bathroom. In the doorway he finds figs, grapes, cheese, apricots—all left by nameless friends who move by quickly so as not to be noticed by the guards. One woman even embroidered a tapestry for him. It said, "This, too, shall pass."

The townspeople are wise to avoid being seen in conversation with him. "On Christmas Day, the local priest invited me to his home for dinner," Mr. Mylonas recalls. "I went, and the next day the priest spent most of the morning at the police station, answering questions. He has not spoken to me since."

Occasionally a tourist passes by on the way to the monastery of the Virgin Hozobiotissa, which is a 45-minute walk beyond the town, perched on a ledge 1,000 feet above the sea. Once a party of French tourists stopped in the small village cafe where Mylonas was sitting alone. Without glancing toward him they raised their glasses to each other and said in French, so the police could not understand, "We have heard who you are, and although we cannot talk to you, we wish you all the best. Have patience."

Mylonas's life has evolved into a rigid daily routine. He rises at 7:30 and prepares a breakfast of coffee and toast. At 9 he walks to the police station to sign in, and then returns to the house where he reads and writes until 11, when he usually goes for a walk. At 1 he arrives at the small cafe where he, the other exile and five or six police guards eat. (The cafe owner never had so many customers.) The exiles both receive an allowance of 17 drachmas (57 cents) a day, from which they are supposed to pay for their food and

rent. The menu does not provide much variety—the islands produce a few figs, grapes, tomatoes and some cheese in summer. In the winter there is only cheese. The usual main dish is beans or onion stew. Meat, usually goat, is available about once a week. Because of his heart condition, Mylonas is supposed to be following a strict diet, but of course he cannot. "I take what is available," he says. "The only time I refused to eat the food of the day was when they served goat lung."

In the afternoon he reads and writes and does the necessary chores. The rainwater collected in a primitive cistern in the basement floor is used for bathing every third or fourth day and for shaving every other day. He saves the used water to flush the crude toilet in the basement.

Every 10 days or so the package of newspapers sent by his brother arrives from Athens. Mylonas puts them in order and reads them systematically. His mail is censored and letters from Athens take as long as 60 days to get to him. Telegrams are always delayed so that they will be out of date. Every day he carefully follows the short-wave broadcasts on his radio: 1:45 p.m., London; 2:15, Paris; 9, London again; 9:30, Athens; 9:40, Cologne. At 6 he goes to sign the register again. In the evening he has some tea and a biscuit before going to bed.

Mylonas is allowed to receive visits from members of his immediate family. Though there are two or three boats a week in the summer, there is only one a week in winter, and all sailings are subject to cancellation. Last December, no boat reached the island for 27 days.

Not all the family can make the trip. Mylonas's son, Alexander, is studying in the United States. His older daughter, Maria, has infant children whom she can't leave behind. (Mylonas has never seen his youngest grandchild, born after his exile began.) His younger daughter, Eleni, was in New York when he was arrested, but she has returned to Greece and has visited him twice with her husband. Mylonas was not allowed to attend Eleni's wedding in Athens. His own wedding occurred during his father's exile, but his father was given leave to attend. Since Eleni's wedding, Mylonas has dreamed repeatedly that he is at his own wedding and that his father is there. His other dreams in captivity are always of freedom. "Usually I am in Athens, in my car, driving very fast. When I awake, it always takes me a moment to realize where I am."

His vivacious, dark-haired wife, a well-known sculptress, has visited him five times, once staying a month. "We discussed the possibility of my staying with him permanently," she says, "but we decided that both of us would become half-dead, cut off from the world. By going back and forth, I provide a link with his family, his friends. I tell him everything that's happening back in Athens, and it picks him up a little. But each time, it is so difficult when I leave that I don't know how we can go on this way."

On Amorgos, news is indeed scarce, and some of Mylonas's police guards, who dislike the island as much as their prisoner, ask his wife each time she comes, with a glimmer of hope, "What news of Athens? Any changes?"

Mylonas's family has found that his captivity affects him psychologically, as well as physically. Because his only human contact is with the police who guard him, he becomes obsessed with their moods and their attitude toward him. They are led by a sergeant with a reddish complexion, a stout bull neck and shortcropped blond hair whom Mylonas privately refers to as "the SS." "He is ideologically committed to the junta," says Mylonas. "When someone said to him that the junta is probably temporary, he said, 'What do you mean? These people are going

to last for 20 years.' When I come in to sign the register and the sergeant is there, he does not even look up. Another fellow is sometimes there instead, and he's not so bad."

Mylonas is haunted by the memory of his father, who endured 30 months of exile with his strong nature intact. "My grandfather had not suffered heart attacks when he was exiled," says his daughter, Eleni, "and he survived because he was constantly fighting. He delighted in baiting the police assigned to him. My father is not the same kind of person. He does not like to provoke or cause trouble for anyone. In the summer he'll avoid going swimming because he knows the man assigned to him will have to follow him on the steep, three-hour walk to the beach and back. A run-in with one of the police will send him into a fit of depression for days. The loneliness he suffers is much worse than that of his father, who had other exiles for company."

In spite of his attempts to avoid trouble with the police, Mylonas inadvertently got into a fracas with "the SS." One day when he arrived to sign in at 9 A.M., the man was still asleep and the door to the signing room was locked. Mylonas said to another officer, "I'll just slip in the window and sign so that I don't wake him." After he did so, the sergeant woke up furious. "You may be certain that this will be included in my report on your conduct," he shouted. Mylonas explained that he hadn't meant any harm, that it was only to avoid waking him. "But what if somebody saw you?" the sergeant replied. "How do you think it would look?"

Such an existence is in ironic contrast to the life Mylonas knew before his arrest. He was born in Paris in 1919 while his father was attending the Versailles peace conference as an aide to Greece's Prime Minister, Eleftherios Venizelos. He attended the American sponsored Athens College and the University of Athens, where he earned a law degree. During World War II he served in the Greek Army in Crete, was captured by the Germans and spent four months in a P.O.W. camp. In 1945 he attended the San Francisco Conference of the United Nations as secretary to the Greek delegation, and then returned to practice law in Athens.

Mylonas won a seat in Parliament in 1963 as a member of the Center Union party led by George Papandreou. When Papandreou's son, Andreas, resigned as Minister to the Prime Minister in 1964 under a cloud of never-proved scandal involving a government contract, Mylonas was given the delicate post. "Andreas is a good economist, but not much of an administrator, and he left things in a mess when he quit the ministry," says a former Center Union deputy. "George Mylonas worked like hell to put things in order." Impressed by his performance, Papandreou appointed him Under Secretary of State for Education. Despite the title, he actually headed the ministry since Papandreou held the portfolio himself and Mylonas reported directly to him. He participated in the educational reform that saw the establishment of three new universities in Greece.

He stayed in the post until Papandreou was forced out of office by the Palace in July, 1965. In the political struggle that followed, he apparently tried to steer a middle course, remaining loyal to Papandreou but making repeated efforts to bring about a workable compromise between the Center Union leaders and King Constantine. Although he is considered a member of the left-of-center wing of his party, he was not among the leftist deputies who walked out of a party caucus in January, 1967, in support of Andreas Papandreou's call for a hard line in the dispute with the King.

Mylonas remained free for 15 months after the colonels seized power in April, 1967, despite an earlier attempt by the junta to arrest him. When Constantine attempted his

ill-fated countercoup<sup>1</sup> in December, 1967, police went to Mylonas's house to bring him into custody as part of a general roundup. He wasn't home, and when he learned of the arrest attempt, he went into hiding. He came out a short time later when his name appeared on an amnesty list published by the Government. Why he was arrested eight months later, or why he remains in confinement today, is not clear. Although the regime says simply that he is considered a threat to public order, it doesn't say why. "Most of the exiled prisoners fall into two groups—those who are close associates of Andreas Papandreou, and those who are suspected of being involved in a resistance effort in Greece," says a United States Embassy official in Athens. "Mylonas can't really be put into the first group, so he's got to be in the second."

"I oppose all forms of dictatorship," Mylonas says, "but I hate violence as much as dictatorship. I would not support any movement that would use violence. Everyone who knows me knows that. The junta knows that." His wife believes that he was exiled because he had good relations with all Greek political groups. "The colonels are afraid that if he is free he can help to unite the various groups against them," she says. It is significant that Mylonas has not been subjected to any lengthy interrogations, as have most people suspected of being members of resistance groups. "The junta simply isolated him," says his wife.

For George Mylonas, that could amount to a death sentence. Although there is a doctor on the island, there are no facilities for the regular cardiological examinations and blood tests that he must have. "The only thing he can do is to continue taking the medicines prescribed for him before he was arrested," says his wife. "For example, he takes pills periodically that facilitate blood flow. Without an examination, his doctors in Athens can't tell him when he should start and when he should stop. So he takes them until he starts bleeding from his nose or ears. Then he knows he has taken them too long, and he stops for a while."

Several months after her husband's arrest Mrs. Mylonas petitioned the *asphalia* to allow him to return to Athens for medical attention. Her petition includes an affidavit from his heart specialist saying that Mylonas "must have a general check-up every two months (cardiologic, electrocardiographic and fluoroscopic evaluation) as well as blood tests for an institution of proper treatment." The plea also included a letter from another physician. "Mr. Mylonas," the letter says, "is suffering, addition to his heart disease, from a chronic type of pneumatic arthritis of both shoulder joints, with frequent exacerbations. Mr. Mylonas, therefore, must be under frequent medical and therapeutic supervision, as well as under favorable living conditions (dietary and climatic), which undoubtedly can influence his disease."

A few weeks after she filed the petition, Mrs. Mylonas was called to an *asphalia* office in downtown Athens. "I was taken into the office of a young functionary who asked me why I had filed such a petition when my husband had not done so himself," she says. "I told him my husband doesn't believe it would do any good. I pointed out that a former exile on Amorgos who had only one lung had asked for more medical attention

<sup>1</sup> Constantine had an uneasy relationship with the junta, explaining later that he cooperated with the colonels to avoid a bloody civil war. On Dec. 13, however, after months of seeing democracy chipped away in Greece, he struck back, calling upon the Greek Army and people to rally to his side and unseat the regime. But the countercoup—ineptly planned and executed—was an immediate failure, and the king fled to Rome with his family.

and was called a troublemaker, and transferred to a place even worse than Amorgos. The *asphalia* man then said that if my husband wanted anything, he had to ask for it in writing himself. I cried out that if anything happened to my husband I would hold them directly responsible, and I walked out."

Having failed to get him the medical attention he needs, Mrs. Mylonas tried to find some way to win her husband's release. She went to an American friend of his who in turn went to the United States Embassy, where he had close connections. "Four people from the embassy met with me at our friend's house," Mrs. Mylonas says. "One of the four was someone I had heard was the key C.I.A. man in Athens. He said that nothing could be done through regular political channels for my husband, but other ways might be found, and I shouldn't worry."

A few days after the meeting, Mr. Mylonas went to Amorgos and told her husband of her efforts. "He was furious," she says. "He said he would be grateful for any direct political efforts made by the Americans, but he was not going to allow the kind of indirect pressures he had opposed throughout his political career to be used for him now. I went back and told the people at the embassy, some of whom were upset. One of them suggested that my husband just wants to be a martyr, to use his imprisonment as political capital after the fall of the junta. So that ended that."

(The embassy did help the Mylonases' son, Alexander, get an exit visa in 1968. He had won a scholarship to Florida Presbyterian College. The regime at first refused to let him leave the country, but relented when embassy officials interceded on his behalf. Before leaving for the United States, his mother says, Alexander was called to the *asphalia* office and warned to "keep out of reach of that octopus, Melina Mercouri, whose tentacles are everywhere.")

George Mylonas believes he is going to remain in confinement as long as the junta is in power. And he sees the same fate for most of the other political exiles. "Soon after I was arrested and shipped to Amorgos, Mr. Papadopoulos announced that all the politicians in confinement would be free to vote in the referendum schedule for Sept. 29, 1968," he says. "After the announcement, amid a good deal of publicity, only about seven politicians were released. I suppose on the eve of some future NATO conference or Council of Europe meeting, another handful will be let out. But most of us are going to stay where we are."

There is no evidence to show that Mylonas is just being pessimistic. When he was first sent to Amorgos, it was for a period of "up to six months." When the six months ended, the sentence was extended for three months and then for another six months. He believes that when the present six-month period ends in mid-November, he will receive an even longer extension.

Elias Kulukundis, his daughter Eleni's husband, who has gone to Amorgos with his wife twice, says he finds Mylonas weaker each time they visit him. "The psychological pressures added to his physical condition are just too much," he says. "I don't think he can make it through another year."

Mylonas himself does not like to talk about his health, and becomes irritated when the subject is brought up. "It's pointless to discuss what is going to happen to any of us exiles unless we discuss what is going to happen to the colonels. As long as they are in power, none of our prospects are any good."

What happens to the colonels, he is convinced, depends on the United States. "I am against any politician calling for intervention in his own country," he says, "and I do not call for American intervention in Greece today. On the other hand, I believe every

country must have a foreign policy, and all I ask is that American foreign policy not oppose the forces who want to restore democracy to Greece. The key to power in Greece today is the Greek officers corps who have been brought up to consider themselves NATO officers. A clear statement by the American Government against the junta would cause a serious reconsideration on the part of these officers, whose tacit support allows the junta to remain in power."

Although he feels that his imprisonment will last as long as the junta, Mylonas has not given up all hope of survival. "I've only been away half as long as my father was," he says, "and he managed to survive." In optimistic moments he says he feels that "something will surely happen" before too long. Then suddenly he grows silent and his eyes search the room slowly, wearily. "This is a drafty old house," he murmurs. "I've got to make some repairs if I'm going to make it through another winter."

[From the New York Times Magazine]

LETTERS: FROM THE PRISONER OF AMORGOS  
TO THE EDITOR:

While I was still in exile on the island of Amorgos, I sought to imagine the scene in the little village of Hora the morning after I escaped. On the square below my house, the elders would be having coffee. The cobbler would have opened his doors. Through the baker's windows you would smell the fresh bread.

By 9:30 many villagers would have noticed that I was half an hour late to sign in at the police station. By 10 the police would have sent for the plainclothes informer who usually sits in the middle of the square under a tree bearing the ironic emblem, "Long live the nation." He would say he had not seen me, that I had not appeared on my balcony. They would probably debate whether or not to send for me, and in another half an hour they would surely be at the house, knocking at first in order not to give themselves away if they should find I had innocently overslept, then beating down the door as the truth dawned on them. Within a few moments the whole village would know. I think that was what I enjoyed imagining most—the villagers exchanging silent, knowing glances all day, then, that night, gathering secretly around their short-wave radios.

For most of my first year on Amorgos, my escape was simply a dream. Gradually, I began to formulate a plan, and finally that plan became a reality. The New York Times had something to do with that, for Nicholas Gage's article, "The Prisoner of Amorgos" (Sept. 21), contributed to my final decision to make the attempt. I had given him that interview because I thought it was high time that attention should be called to those of us Greeks who have been dispersed all over the country, living in forlorn little villages, subjected to the ordeal of isolation and constant police surveillance. I believed we would stay in exile as long as the junta stayed in power, and I felt it necessary to strike back—on behalf of all of us—with the only means at my disposal.

At the same time, I was under no illusions as to what countermeasures the regime would take against me. My mail was censored, but it still provided a link—however tenuous—with the outside world. In addition, I was allowed to receive books and newspapers, and, although I had not been specifically granted permission, I listened to the short-wave radio. All these privileges could be denied, but most important of all, the burden of my isolation had been lightened by the visits of members of my family. If these were cut off, my isolation would be complete. That was why I was certain, as soon as I consented to give Nicholas Gage the interview, that I had to escape from Amorgos some time in September, or not at all.

The plan was my own, and I formulated it in cooperation with Greek associates working on my behalf, both within the country and abroad. The main problem was that I was constantly observed by the police or their informants, and after dark there were two or three people watching my house in shifts. But I thought that habitual actions would be the best camouflage. My doctor had suggested that I take long walks, and I had acquired the habit of doing so on the barren footpaths around the village. The police were understandably loathe to follow me, if, for no other reason, in order not to show that they were so concerned. They would simply see me off and wait for me to return, and, in the meantime, they would be content to ask a passing villager the direction in which I had gone.

Near the village of Hora, where I lived, the south coast of Amorgos is a sheer, almost solid piece of rock, dropping over 1,000 feet to the sea. From one point along the top of the cliff, some two miles from the village, you can see a small cove—almost the only cleft in the impenetrable coast—where a launch might possibly be put ashore. It took me about 45 minutes to reach the cliff, where another footpath led down to the sea. I never dared try it for fear of arousing suspicion, but I calculated that it would take me at least half an hour to make my way down. If I left for my walk just after my 6 o'clock sign-in, as I did every evening in the summer, I could be at the shore at roughly 7:15. At about the same, a motor yacht without lights could draw in under the cover of darkness and lower a boat.

My part of the plan depended only on me, and no one on the island was involved in it. But the others working on my behalf had to find a boat with a captain and a group of non-Greeks to pose as tourists on an Aegean holiday. This led to unforeseen eventualities, because the person who put them in touch with the owner of the boat turned out to be an Italian journalist. We had hoped to keep all of the details of the escape secret, not only to protect the people who were involved in it, but also to leave the way open for others to escape. Imagine the effect on the authorities if they should know nothing, if I should simply be there one day and gone the next, to reappear some time later in Western Europe. Imagine the effect on the morale of the other exiles. If it could be done once and the details kept secret, then it could be done again. Suppose exiles began disappearing off the Greek islands one by one. From the point of view of resistance to the junta, the effect would be devastating.

In any case, I am grateful to my Italian friends, for they came along without motive or self-interest and with implicit faith in the direction of my Greek associate. He treated them strictly according to the rules of clandestine activity, and they did not know either his name or mine until we were already out of Greece.

For my part, when I received the signal that the plan was in operation, I did not know what arrangements had been made. When the boat arrived finally, I more or less expected the Greek to be aboard, but as to who the others would be, or even what language they would speak, I had not the faintest idea.

By that time, it was a race between the appearance of Gage's article and the appearance of the boat. To make matters more difficult, I did not have any way of knowing how either one was progressing. I knew the article had not appeared on Sunday, Sept. 14, because I had contact with the outside world after that date and I would have heard about it. As the next Sunday approached, the days became ever more crucial.

By the next Saturday, I was speculating wildly. If the article were to appear the next day, perhaps I still had a few days to go.

Perhaps the consul general in New York, George Vranopoulos, who had the reputation of being the junta's watchdog on the American community, might be out of town. Perhaps, after all, he did not read The New York Times Magazine and would not see the article until someone mentioned it. At that point, I was relying on bureaucratic inefficiency.

The danger was not only that increased restrictions might be imposed and that I might simply be taken for interrogation to the police headquarters in Santorini and thus miss the rendezvous when the boat arrived. The following week, I waited each morning to overhear the villagers talking about the arrival of a yacht in the port below. By this time, I was waking up every morning hoping I would not sleep in Amorgos the following night.

Finally, to my horror, on Saturday, Sept. 27, I heard "The Prisoner of Amorgos" on the Paris radio. Now I had no doubts that the Greek authorities were aware of it. I only wondered what had taken them so long to act. Perhaps the order was already sent to the main headquarters in Santorini and would shortly be relayed to Amorgos. From that day on I could not present myself at the police station to sign the register without apprehension, and I was thankful when the officer at his desk did not lift his head to greet me.

When the day arrived, it almost took me by surprise. On the morning of Oct. 2, I heard no one talking about a yacht. I was even a little late for the rendezvous. It was after 1 o'clock when I walked into the little tavern where I had eaten every mid-day meal since coming to Amorgos over a year before. The tourists were sitting at a table in the middle of the room, three young men and a young lady with long blond hair. We hardly exchanged a glance. I suppose they recognized me from photographs they had seen. I recognized them because, according to our plan, one of them was holding a book with a black jacket. The title, in bright red lettering, which I knew before reading it was, "The Tragedy of Lyndon Johnson."

There was not a word exchanged between us. I ate quickly and went home to put my house in order. I had researched the next few hours so often. I hardly had to think. Before 6 o'clock I signed the police register for the 409th consecutive day, and then set out for my evening walk. After dark the police could see the light in my house, and they probably assumed I had returned by another path. At about 7:20, I stepped aboard the motor yacht and we were underway.

GEORGE MYLONAS.

#### TRUTH AND PERSPECTIVE ON INCIDENTS IN LAMAR, S.C.

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. GRIFFIN. Mr. Speaker, violence in any form is detestable, abhorrent and repulsive to decent persons everywhere.

The truth and extent of violence is most difficult to obtain by the average citizen reading newspapers and listening to news broadcasts. Moreover, we frequently find more truth and perspective on the editorial page under the "letters to the editor" than in editorials.

As an example of the above, I include as a part of my remarks letters to the editor appearing in the Sunday Star, March 15, 1970, responding to a Star editorial on incidents in Lamar, S.C.:

LAMAR, S.C.

SIR: The incident at Lamar, S.C. perpetrated by a group of concerned parents is regrettable, as all violent demonstrations are.

If one is going to be fair in condemning their actions, it should be kept in mind that other groups have used, with success, this same type of civil disobedience in seeking relief from what they, rightfully or wrongfully, considered to be oppressive.

The protesting parents in Lamar feel (1) that they have been saddled with an unfair and outrageous federal law and (2) that their governor, for purely political reasons, has left them in the lurch and capitulated to the oppressor. Under the circumstances it is not too difficult to understand their anger.

They showed no desire to harm the children. Their frustrations were aimed at window smashing and disabling the bus and taking their cause to the street. Which they did.

Before the federal authorities and bleeding hearts zero in on this one incident and make scapegoats out of the protestors, they should ask themselves: Is this any worse than the permissive hell-raising that has been going on all over the country for a long time? Much of it has been far more damaging to the security, economy and moral fiber of America. Everyone must share in the blame, not just 200 disturbed parents in Lamar.

W. A. POWER, Jr.

ADELPHI, MD.

SIR: Was Mary McGrory misinformed or simply trying to change fiction to fact in her column on the Lamar demonstration?

As I understand it, and according to TV coverage, no students were on the buses in South Carolina's little hamlet of Lamar at the time the buses were overturned.

Mrs. BESSIE P. DUBIN.

SPRINGFIELD, VA.

SIR: At 7:30 a.m. on March 7 Station WWDC broadcast an editorial citing overturning of two busloads of children. In my column in The Sunday Star on March 8, 1970, Mary McGrory reported: "Two busloads of black students had been overturned by furious whites in South Carolina."

Earlier in the week TV news reports by all three major networks reported no children in the buses at the time they were overturned.

Somebody is lying. Sock it to 'em, Spiro.

CHARLES A. WALL.

SIR: Your editorial concerning the minor trouble at the would-be integrated school in Lamar, S. C., expressed absurd concern regarding the "blot on the national image." Not since Selma, Little Rock and Old Miss have we seen anything in the press concerning the national image. Are we to infer from this that only activities in the South reflect the national image. If so, then thanks for the unintended compliment.

In the meanwhile, newsreels and TV have shown the world the burning of our capital city, the burning of Detroit, Cleveland, Watts, Trenton and many, many others and the gasoline bombs thrown into the cars of innocent motorists, white men and women dragged from their cars and beaten in the streets and nobody being arrested. This, we understand, is quite permissible and makes no stain on the "national image" because it happens in liberal territory.

The people of South Africa, Rhodesia and South Carolina have viewed with astonishment newsreels of wall-to-wall policemen in the council chambers of Washington, D.C. They have viewed for ten years the "nation's showcase for integration"—the D.C. public school system. Obviously they care not to participate in such absurdities.

We in the Southland have a pretty good idea of what the world (that matters) thinks

of us; but we are deeply concerned about what the world thinks of those outside of the South who allow murder, rape, arson, thievery and every other form of vile lawlessness to prey upon the citizens for the sole and obvious reason that this is the only way they can get the votes to them in office.

"National image" indeed!

H. B. G.

HARRY M. WOODS—A GREAT LOSS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. PHILBIN. Mr. Speaker, I was deeply saddened to learn of the tragic passing of my dear friend of college years, Mr. Harry M. Woods, which occurred in Phoenix, Ariz.

Harry Woods was one of the great, popular songwriters of our time. He was born in North Chelmsford, Mass., and lived in Pembroke, Mass., and attended public schools in Chicago. He also resided in London, Hollywood, New York City and since 1944 in Glendale, Ariz.

His career was a true Horatio Alger story, since Harry worked his way up from the bottom of the ladder to reach the top rung of his profession. He worked his way through Harvard playing the piano, and even in those days he was writing fine songs.

He had to struggle very hard for his education, but he preserved through all the obstacles, and reached his goals.

The immediate success of "When the Red Red Robin comes Bob Bob Bobbin" along lured him from farming on Cape Cod to Tin Pan Alley in New York where he continued his writing in Greenwich Village, New York City, and after many tries, he finally came up with a real, big hit, popularized over the radio by the great Kate Smith—"When the Moon Comes over the Mountain."

In succession, frequently in collaboration with other famous writers, he wrote a large number of song hits spread over a period of more than 30 years.

During the 1930's he spent a great deal of time in London with my dear friend, a very prominent musical leader and songwriter from my home town in Clinton, Mass., the late famous orchestra leader, Mr. Carroll Gibbons of "Garden in the Rain" fame, who also wrote other fine, musical compositions, and served as director of music for the British Broadcasting System. Harry also worked with Gibbons, and other famous songwriters in Hollywood, writing music for some of the great screen productions of the period.

It would be impossible to overstate the truly unbelievable contributions of Harry Woods, his superb natural talents, his irrepressible determination to use them effectively to produce music and lyrics that would appeal to the public, to strive boldly against great odds to reach his goals, and his lovable, personal qualities which endeared him to those who knew him well.

His writing career covered one of the

most colorful, fruitful, artistic periods in the history of popular music, and when the story of this memorable era is told, the name of Harry Woods will occupy a very high place for the many appealing, popular song hits which he wrote, and the people loved so much, as indeed they do, as they well may, in these very days of artistic confusion.

While this gifted, creative genius had not been writing much in recent years, he was living with his lovely, gracious wife, Barbara, and his family in Phoenix, Ariz., and he lost his life in a very tragic automobile accident near his own home.

My heart goes out to his beloved wife, who played such an influential part in the career of Harry Woods, and to his three sons, of whom he was so very proud.

My heart goes out to all of them in the shocking sorrow which so suddenly came to them, and in behalf of my family and myself, I have extended to his dear ones our prayers and most heartfelt sympathy for their irreparable loss.

I sorrowfully join them in mourning an old and beloved friend, whose great talents, perseverance and unflinching courage, after much struggle, hard work, and sacrifice, enabled Harry Woods to reach the topmost rank of creative achievement and worldwide recognition in his chosen field of popular music composition.

The songwriting profession has lost one of its most brilliant members, and the writers themselves, who know better than anyone else the genius, the high quality, and the wonderful success of Harry Woods' works, are the first to recognize the great loss which their profession and the world of popular music has suffered in his passing.

I have lost a dear, esteemed friend, the musical world has lost one of its greatest talents, and the people of the Nation and the world have lost one of their very best creative talents, whose music brightened their days, and brought them memories and inspirations that will long remain with them.

A great, colorful creative artist has gone to his eternal reward. May he live in the House of the Lord forever.

Under unanimous consent to revise and extend my remarks, I include therein articles from the Worcester Telegram, Boston Globe, and the New York Times concerning the great Harry Woods, his illustrious career and a brief enumeration of some of his outstanding songs:

WORKS OF HARRY WOODS

- Just an Echo in the Valley.
- Little Street where Old Friends Meet.
- River Stay way from my Door.
- It looks like Love.
- When the Moon comes over the Mountain.
- Man from the South.
- A little kiss each Morning, a little kiss each Night.
- Heigh Ho, everybody, Heigh Ho.
- My Old Man.
- Since I found You.
- I'm Looking Over a Four Leaf Clover.
- Take in the Sun, Hang Out the Moon.
- Your Flag and My Flag.
- What's a Fella Gonna Do.
- Where is My Old Girl Tonight.
- Paddlin'.
- Oh, how she can love.
- Spread a little Sunshine as you Go.
- Who'd be Blue.
- Tentin Down in Tennessee.

You're so Easy to Remember.  
That lovely little Bluebird.  
Darlin, Hang out the Stars in Indiana.  
Loveable.  
The Voice in the Old Village Choir.  
I nearly let Love Go Slippin through my  
Fingers.  
I just have Eyes for Susy.  
Poor Papa.  
The Whistling Waltz.  
Side by Side.  
I Hear Bluebirds.  
We just couldn't say Good-bye.  
Me, Too.  
I'll Never Say Never Again.

[From the Boston Globe, Jan. 15, 1970]

HE WROTE "FOUR LEAF CLOVER"—HIT SONGS  
WRITER HARRY WOODS DIES

Private funeral services will be held tomorrow in Phoenix, Ariz. for Harry MacGregor Woods, 74, a native of Pembroke and the composer of some of the biggest hit songs of America's most innocent years.

He was struck and killed by a car outside his Phoenix home Tuesday night. Police said the driver, Kenneth Olsen, 39, of Phoenix, was not held.

Mr. Woods wrote many of the most popular songs of the 1920s, 1930s and 1940s. Among them were "When the Moon Comes Over the Mountain," "I'm Looking Over a Four Leaf Clover," "When the Red Red Robin Comes Bob, Bob Bobbin' Along," "Side by Side," "River Stay 'Way From My Door," and "Paddlin' Madelyn Home." During his career Mr. Woods wrote more than 360 songs.

He grew up in Pembroke and attended public school there. His father, George H. Woods, was supervisor of music in the Abington public schools.

Mr. Woods worked his way through Harvard College by playing the piano at the Mayflower Grove movie theater in Boston for \$1.50 a week. He graduated from Harvard in 1921.

For a short time after graduation Mr. Woods resided in Pembroke and worked sanding cranberry bogs. He soon moved to New York city and began his song writing career. This first song he wrote was "Going South," which was popularized by Al Jolson.

In 1932 Mr. Woods moved to England, where he spent seven years writing songs for five British films and a musical show. He returned to New York in 1939, shortly after the outbreak of World War II.

Mr. Woods once said he lived every song he wrote. He said the song "Side By Side" was written about one year after he and his wife Barbara were married. He had sold several songs but the money had not yet started to come in.

"We were selling empty bottles to get bread and cigarette money," he once told a reporter. "But we were having fun. It struck me one day that I'd like to put my feeling for Barbara and our life in music." Mr. Woods and his family moved to Phoenix in 1944. The family returned to New York in 1955 and came back to Phoenix in 1962.

[From the New York Times, Jan. 15, 1970]

HARRY M. WOODS, COMPOSER, DEAD—AUTHOR  
OF "SIDE BY SIDE" AND "FOUR-LEAF CLOVER"  
Was 74

PHOENIX, ARIZ.—Harry MacGregor Woods, composer of "When the Moon Comes Over the Mountain," "I'm Looking Over a Four-Leaf Clover" and "Side by Side," was struck and killed by a car last night. He was 74 years old.

#### PROLIFIC SONGWRITER

Among the best known of Mr. Wood's more than 360 songs are "River, Stay 'Way From My Door," "My Old Man," "Paddlin' Madelin' Home," "We Just Couldn't Say Good-Bye" "Little Street Where Old Friends Meet" and "Heigh-Ho Everybody, Heigh-Ho".

Mr. Woods, who was born in North Chelms-

ford, Mass., was educated at Harvard University, where he played piano to help work his way through school.

After college, Mr. Woods became a farmer on Cape Cod, but soon gave up that career after the success of one of his first hits, "When the Red Red Robin Comes Bob-Bob-Bobbin' Along". Many other hits were to follow in the 1920's and '30's.

As a successful songwriter, Mr. Woods was one of the first to join the staff of Hollywood producers. Among the films for which he wrote songs were: "The Vagabond Lover," "Jack Ahoy," "Evergreen" and "It's Love Again." His chief collaborators included Mort Dixon, Howard Johnson and Gus Kahn.

Mr. Woods is survived by his widow, Barbara, and three sons, Ralph, John and David.

[From the Worcester (Mass.) Telegram,  
Jan. 15, 1970]

HARRY WOODS, 74; SONG COMPOSER

PHOENIX, ARIZ.—Harry MacGregor Woods, 74, composer of "When the Moon Comes over the Mountain," and more than 360 other songs of the 1920s and 1930s, was struck and killed by a car Tuesday night.

Police said Woods had alighted from a taxicab and was crossing a street to his home when he was hit by a car driven by Kenneth Olsen, 39, who was not held.

Woods composed such songs as "Side by Side," "I'm Looking over a Four Leaf Clover," and "When the Red, Red Robin Comes Bob Bobbin' Along."

A native of Pembroke, Mass., he earned his way through Harvard playing the piano.

He moved to Glendale, Ariz., from New York in 1944. The family returned to New York in 1955, and came back to Phoenix in 1962.

He leaves his widow and two sons.  
Private services and cremation will be on Friday.

#### THE NEVER-NEVER LAND OF EDUCATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, an ancient Greek parable, nearly 2,000 years old, relates:

A mountain was in labor, sending forth dreadful groans, and there was in the region the highest expectation. After all, it brought forth a mouse.

For the past 13 months, Mr. Speaker, we have waited with the highest expectations for the President's education message. For 13 months, the mountain labored, and lo, once more it has brought forth a mouse.

President Nixon's proposed education program is not a program at all. It is not even an excuse for a program. It is a nonprogram, drafted by men who are admittedly and openly opposed to the entire concept of Federal aid to education.

The President's education message makes it perfectly clear that his administration considers education to be near the bottom of the priority ladder.

He proposed to postpone Federal spending for education until we once again go through the process of appointing committees, making studies, drafting reports, and making recommendations.

What about the education and the future of the children who must wait for

the results of the studies and reports? They need education now, and no amount of help in later years can ever make up for lost opportunities in their formative years.

I agree that continued studies of the educational process should be made, and that new concepts and new ideas should be explored. But education cannot stand still while these studies are underway.

The Washington Post, in an editorial on March 7, commented on President Nixon's education message with keen insight, and I insert the editorial in the RECORD at this point:

#### THE NEVER-NEVER LAND OF EDUCATION

There is hardly a platitude ever uttered about education that is not contained in the President's special message to Congress on educational reform. It is as though someone snipped sentences from all the annual school reports ever written—on a basis of the frequency of their recurrence. "We now have reason to believe that young people may be learning much more outside school than they learn in school." What a discovery! "We must stop pretending that we understand the mystery of the learning process." Who's pretending? "Our schools have served us nobly for centuries." Uh huh. "When educators, school boards and government officials alike admit that we have a great deal to learn about the way we teach, we will begin to climb the up staircase toward genuine reform." Well, really!

And, finally, under the heading "The Future of Learning in America," we are informed that "the tone of this message, and the approach of this administration, is intended to be challenging." It isn't challenging. It's bromidic, soporific, deadening. It drones on and on like a sermon designed to induce slumber. Indeed, that appears to be its purpose—to postpone doing anything whatever about the country's faltering public school system until we have learned with perfect certainty and indisputable unanimity the one irreproachably wise and right thing to do. In the meantime, children of school age whose time for education moves on inexorably, never to become available to them again, will kindly wait with docility and decorum in their overcrowded, understaffed classrooms while their elders ponder the inscrutable future.

It is true, of course, that there is much that we do not now know about how to teach children—or even what to teach them. But it is not true that we know nothing. It is true that some of the teaching patterns of the past have proved imperfect. But it is not true that all of them are worthless—or that it is necessary to write on a completely clean slate in American education. We have not conducted the oldest, broadest, most successful public school system in the world for more than a hundred years without having learned a thing or two about teaching.

Here are some things the President can encourage the country's school authorities to do—encourage by federal financial aid—while they are waiting for the President's projected National Institute of Education and his Commission on School Finance to propose new and perfect programs:

1. A large part of the physical plant in which children go to school in America is antiquated, desperately overcrowded and hazardous to health and safety. It takes a long time to plan and build schools; and there is no need whatever to wait for the institutes and the commissions to tell us so.

2. It is indisputable that a high ratio of pupils to teachers impedes learning. The ratio is unconscionable in many classrooms all over the country. We desperately need to train teachers, to recruit gifted and dedicated young people into the teaching profession. While the institutes and commis-

sions are figuring out new ways to do this, it would be well worth while to enlarge and invigorate the Teacher Corps, an admirable and effective program for bringing young teachers to inner city schools.

3. Title I of the Elementary and Secondary Education Act, designed to aid disadvantaged children in disadvantaged areas of the big cities, has abundantly proved itself in practice. It works. It has produced a real breakthrough in education. It ought to be dramatically expanded while the institutes and commissions are wagging their heads and stroking their chin whiskers.

4. School libraries are an invaluable aid to education. They stimulate children to read, a practice vastly preferable to occupying the principal's office or setting fire to city hall. It has now been proven beyond any pre-adventure and beyond any possibility of contradiction by an institute or a commission that books are good for you. While waiting for the institutes and the commissions, let's put some books where school children can use them. There are 40,000 elementary and secondary schools in the United States which have no school libraries at all. The lesson of this is plain to pupils: it teaches them a contempt for reading.

5. The schools are desperately in need of psychiatrists and consultants to help children find themselves and learn what is keeping them from learning. Pending any institute or commission finding to the contrary let's give the schools these vital assistances.

6. The President himself said in his message that "in the development of the mind, child's play is serious business. One of my first initiatives upon taking office was to comment this administration to an expansion of opportunities during the first five years of life. That commitment was based on new scientific knowledge about the development of intelligence—that as much of that development takes place in the first five years as in the next thirteen." Well, fine. We're not sure the President invented it. But, anyway, that's the idea behind the Head Start program. Until the institutes and commissions come up with a new name for it, there is every good reason to push on with existing programs to give children in the first five years of life a good head start on learning.

Yet these are precisely the programs which the President tried to cut down in the long hassle over the HEW appropriation bill. Instead of them, he restored to the appropriation virtually all of the money sought for impacted area aid, a form of federal assistance which, as he himself has pointed out, puts the money where it is least needed.

One thing more. "We do not yet have equal educational opportunity in America," the President said with that air of wide-eyed astonishment he might bring to a discovery that two plus two makes four. "The purpose of the National Institution of Education," he went on, "would be to begin the serious, systematic search for new knowledge needed to make educational opportunity truly equal." In point of fact, the Supreme Court of the United States told the country plainly some 16 years ago that racial segregation inevitably produces inequality in educational opportunity. So, while awaiting the serious, systematic search for new knowledge from the institute, the President might usefully promote equality by lending somewhat less encouragement—open or tacit—to segregationists.

This message is a political ploy, a stall, an evasion. It is not a program for educational reform so much as a scheme for sweeping the kiddies under the living room rug while grownups enjoy their cocktails. Children, it is true, are sometimes a nuisance and an expense. But the cost and trouble of pretending that they aren't there can be catastrophic.

ENVIRONMENTAL IMPROVEMENT  
REQUIRES CONTINUING EDUCATION  
AND LONG TERM EFFORT

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. BURTON of Utah. Mr. Speaker, the Salt Lake City Deseret News, in an editorial on Tuesday, March 10, 1970, points out that after the glamor of college "teach-ins" on environmental improvement wears off, there remains the important program of continuing education and years of sustained effort in order to accomplish and maintain an improvement in the quality of our environment. The Utah Education Association is to be commended for its recognition of these hard facts and also for the work of its leaders in the area of environmental education. The editorial follows:

HOW CONSERVATION CAN MAINTAIN  
MOMENTUM

Is popular concern over the quality of the environment just another passing fad like miniskirts or wide neckties?

There's room for wondering in view of the suddenness of the upsurge in interest, the high degree to which young people are involved, and the fact that Americans old and young just aren't known as long-term crusaders.

Yet, without long-term attention and effort, it's hard to see how Americans can clean up pollution problems that have been decades in the making.

We raise these points in connection with the four-day environmental "teach-in" that is planned for the University of Michigan beginning Wednesday as a curtain-raiser for similar programs to be held in schools across the country April 22.

Among the activities which college and high school students are considering in connection with the teach-ins are mass phone-ins to industrial polluters, burying automobile engines in mock funeral ceremonies, and shining spotlights on polluting smokestacks. One group is even thinking about a "filth-in"—every participant would bring one day's national per capita of five pounds of garbage.

While such activities may be an exciting way of letting off steam, they make one wonder if young people's interest in fighting pollution runs no deeper than engaging in circus-like protests and if, once the fun wears off, they'll lose interest.

For instance, will students join with concerned citizens of all ages who become involved in public hearings for strong air and water quality standards? Will they get into the complexities of pollution control, of planning and zoning decisions? Will they pursue environmental quality through the often dull and tedious administrative procedures which shape many resource management decisions?

If interest is to be sustained and directed into such really productive channels, the nation's schools will have to get into the act. To its credit, the Utah Education Association is moving to meet the challenge by urging:

That individual members involve themselves in the campaign against smog-clogged air, junky streams, and junky landscapes.

That each school district offer in-service programs that will help teachers to incorporate environmental education into their subject matter.

That public schools and institutions of higher learning place more emphasis on en-

vironmental education in all courses by enrichment of subject matter.

These recommendations are in line with what Stanford University is doing in undertaking "the first undergraduate program aimed at training experts to cope with their environment—urban sprawl, pollution, and conservation."

When Stanford announced its new undertaking last fall, this page urged Utah colleges and universities to follow the California school's lead in providing the young people of today with the wide range of knowledge and skills needed to keep environmental problems from overwhelming the country tomorrow.

We repeat that suggestion now in the conviction that continuing education is essential if the campaign for a better environment is to keep from running out of steam.

SOVIET UNION: NOT-SO-SILENT  
MAJORITY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. DERWINSKI. Mr. Speaker, an article in the Monday, January 12 edition of Newsweek deserves I believe special attention making the point as it does, perhaps unintentionally, that the Government of the Soviet Union is indeed oppressing non-Russian nationality groups. Complications within the Soviet Union caused by the captive peoples represent an inherent weakness to the Soviet empire. The article follows:

SOVIET UNION: NOT-SO-SILENT MAJORITY

Next week, one of the world's most ambitious door-to-door canvasses will get under way when the Soviet Union embarks on its first national census in more than a decade. During its initial stage, 550,000 census-takers will go into every home in that vast country to register an estimated 240 million citizens. The raw data they gather will then be spot-checked by 100,000 controllers and fed into a central computer bank in Moscow to emerge as columns of statistics for the use of Soviet planners. But in all that jumble of information, one fact is likely to stand out dramatically: for the first time since the formation of the Soviet Union, Great Russians will find themselves a minority in their own country.

The political implications of this demographic fact are worrisome indeed to Soviet leaders. For there are unmistakable signs that the national consciousness of the Soviet Union's non-Russian majority is increasing at least as fast as its numbers. In the past few years, Crimean Tartars and Ukrainians have openly protested against the denial of their ethnic rights. And it is estimated that half the political prisoners detained in Soviet labor camps fall under the category of "bourgeois nationalists." Moreover, many observers of the Soviet scene think the intensification of ethnic conflict will be the Soviet Union's most pressing domestic problem in the remaining years of this century. "It is not inconceivable," writes Columbia University's Prof. Zbigniew Brzezinski, "that in the next several decades the nationality problem will become politically more important in the Soviet Union than the racial issue has become in the United States."

FAULT

If Brzezinski's forecast is borne out, the fault will not lie entirely with Soviet lead-

ers—past or present. For when they carried out their revolution, the Bolsheviks inherited from Czarist Russia an unwieldy hodgepodge of 130 separate racial, ethnic and national groups, many with their own language, culture and degree of economic development. But it is also true that during their 52 years in power, Soviet leaders have only managed to make a bad situation worse through a confused series of nationality policies, which have ranged from Lenin's relative tolerance toward separate ethnic development to Stalin's ruthless practice of Russification. Even today, the Kremlin permits non-Russians little direct political expression. Those few members of the eleven-man Soviet Politburo who are non-Russian tend to be Uncle Toms. And in most of the country's fifteen republics, Great Russians wield the real power.

In theory, the Soviet Union was founded on the concept of national pluralism. Soviet propaganda continually portrays a colorful pageant of almond-eyed Tartars, fair-haired Estonians, olive-skinned Azerbaijanis and ruddy-faced Russians all walking arm in arm toward the Communist millennium. In practice, of course, the various nationality groups are proceeding at vastly different paces. During the first half of 1969, only seven of the fifteen Soviet republics matched the national increase in gross industrial production. And only four of them recorded a per capita income higher than the nationwide mean of 1,070 rubles (\$1.188). Moreover, there is frequently a direct correlation between economic performance and the grievances of ethnic minorities. One reason why industries east of the Urals fulfilled only 65 per cent of their quotas last year seems to be the resentment of local workers toward "imported" managers and technicians.

The Great Russians, for their part, make no effort to hide their scorn for the non-Russian peoples of the Soviet Union. From *khokhol* (topknot) for a Ukrainian to *chernozadyi* (black bottom) for an Azerbaijani and *yoldasky* (yellow men) for Central Asians, they have a pejorative nickname for each group. Then, too, most Russians are convinced that the national minorities either live better or work less than they do. Georgian farmers are resented for flying their tomatoes and peaches to Russian markets to take advantage of higher prices; Central Asians are reputed to be getting the lion's share of new investment projects; Ukrainians are charged with grabbing too much political power in Moscow. To find out how the national minorities, in turn, view their Russian compatriots, *NEWSWEEK's* Moscow bureau chief John Dornberg recently took an extensive tour of the Soviet Union. Dornberg's report:

Last week Soviet Deputy Foreign Minister Vasily Kuznetsov arrived back in Peking to continue the Sino-Soviet border talks after a three-week interruption. One of the principal sources of contention at the talks is Peking's claim that vast areas of Soviet Asia are now under Moscow's control because of "unequal treaties" imposed on China by the Russian czars in the nineteenth century. But the Soviets are not about to give up any of the disputed territory—if only because they have poured billions of rubles into Soviet Asia in order to make it a showplace for the accomplishments of Communism. Indeed, Kazakhstan now ranks third in industrial production among all Soviet republics, and Uzbekistan annually produces almost a million tons of steel.

Feudal nomads only 50 years ago, the Moslem peoples of Central Asia are now almost completely literate and the younger ones, at least, are often better versed in Russian culture than in their own. Among the older generation, however, I frequently encountered bitter resentment at the decline of ancient ways and the contempt which resident Russians display for the local popu-

lace. "When you are in the bazaar," said an Uzbek farmer who rushed to my defense as soon as an inebriated Russian tried to prevent me from taking photos, "you are our guests."

If Russians visit Asia for a whiff of the Orient, they travel to the three Baltic republics for a breath of the West. Independent from 1918 to 1940, the Baltic republics are still among the least Russified areas in the Soviet Union. In the Estonian capital of Tallin, "Finnish antennas" provide a TV peephole to the West, while in Riga, the capital of Latvia, art galleries display paintings far beyond the limits of socialist realism. Economically, too, the Baltic republics are advanced and specialize in the production of sophisticated industrial machinery as well as such consumer items as cars, radios, TV sets and washing machines. But even though Soviet statistics claim that industrial output has increased twentyfold since "the socialist revolution of 1940," nationalists in the Baltic republics believe they would be even better off free from Moscow's control. "We could still be socialist," one young man in Tallin told me, "but if we were not part of the Soviet Union, we'd be as rich as the Swedes."

#### SIZE

Despite the attachment of the Baltic republics to the West, if a confrontation ever develops between the Great Russians and a resurgent nationalist minority group, it may be most likely in the Ukraine. In part, this is due to the sheer size and population of the Ukraine. With 47 million inhabitants and a territory of 232,000 square miles, the Ukrainian Soviet Socialist Republic ranks as the fifth largest European member of the United Nations, where it has held a separate seat since the world organization was founded. But the Ukrainians' intense nationalism is also firmly rooted in cultural and economic achievements. Kiev was the center of medieval Russian civilization and Ukrainians are also the heirs to a highly refined literary culture developed in the nineteenth century. Economically, moreover, the Ukraine is self-sufficient. Besides being one of Europe's principal granaries, it is rich to the point of abundance in iron, coal, oil, manganese and titanium.

Though on paper all fifteen of the Soviet Union's republics enjoy the constitutional right of secession, the Ukraine would doubtless be the most capable of standing on its own feet as an independent nation. Perhaps it is the consciousness of this fact which makes Ukrainian nationalists so intransigent—and the Soviet authorities so quick to stymie their activities. Basically, Ukrainian nationalists object to the official distortion of the Ukraine's history and the de-emphasis of its language in urban schools—as well as the economic directives from Moscow which force the republic to concentrate on heavy industries to the neglect of the more profitable production of consumer goods. But they are not so much in favor of complete independence for their republic as a relaxation of centralized control. "We do not want separatism," one Ukrainian nationalist told me recently. "What we are looking for is greater autonomy within the union."

That, however, is something which the present crop of Soviet leaders is unlikely to grant. For in an age in which demands for separate nationalist expression are heard around the world, the Kremlin has steadfastly kept a tight lid on its own minority groups. The Soviet leaders are painfully aware, of course, that by opening avenues for legitimate ethnic expression they would court the risk of undermining the very authoritarian system on which their nation is run. Yet, by failing to heed the demands of their increasingly restive nationality groups, the men in the Kremlin are courting the equally grave risk of an eventual political explosion.

DR. CHARLES J. ZINN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. DERWINSKI. Mr. Speaker, I was saddened to hear of the death of Dr. Charles J. Zinn who was the law revision counsel of the House Judiciary Committee and a friend of long standing. Dr. Zinn was undoubtedly best known to the Members as the author of the booklet, "How Our Laws Are Made," which was the most effective of its type and a valuable addition to classroom material in schools throughout the country.

My association with Dr. Zinn was based primarily on his service with the Interparliamentary Union of which I am a member where he served as president of the Inter-Parliamentary Union Association of Secretaries General of Parliaments.

Dr. Zinn made a tremendous contribution to the international understanding of legislative law and administration within legislative and parliamentary bodies. He worked with officials of Pakistan, the Virgin Islands, and the Panama Canal Zone as well as within the Secretaries General of Parliaments to encourage the adoption in these lands of the procedures of our legislative system.

Dr. Zinn was truly devoted to his assignments and was one of the great parliamentarians on the national and international scene.

Mrs. Derwinski joins me in extending our deepest sympathy to his wife Ethel and his family.

SALT LAKE CITY TEACHER  
HONORED

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. BURTON of Utah. Mr. Speaker, George R. McKay, of Salt Lake City, has been chosen by his associates in Utah as Industrial Arts Teacher of the Year.

An article about this dedicated teacher appears in the March 1970 issue of the *Professional*, published by the Salt Lake Teachers Association. The article follows:

MCKAY ELECTED INDUSTRIAL ARTS TEACHER  
OF THE YEAR

George R. McKay has been chosen by a majority of the 373 Utah industrial arts teachers as the Teacher of the Year.

George was born in Salt Lake City, but grew up and was educated in the Ogden City schools, graduating from Ogden High School in 1945. After a stay in the Army he attended Weber College for two years and then went on to Utah State University. He received his B.S. degree from there in 1952.

George began his teaching career in Salt Lake City at Hillside Jr. High in the fall of 1952. In 1956 he left teaching to work as an industrial relations representative for Kennecott Copper. He returned to Hillside in 1958.

With the exception of the 10-month Berlin call-up of the Utah National Guard, George has been at Hillside since 1958.

George is a Warrant Officer in the Utah National Guard, where he has been a member for 22 years.

George is married and has five children, the oldest of whom was a Sterling Scholar from Skylin High School in industrial arts in 1964.

George has served in the local and state industrial arts associations as president. He is presently president-elect of the Salt Lake Teachers Association.

George received his M.S. degree from USU in 1967. His thesis was written on mass production as an instructional unit in industrial arts. He has used mass production or production technology as an instructional unit in ninth grade woods since 1965. He attended an eight-week NDEA Institute on American Industry in 1967 and was a co-instructor in a workshop on Production Technology this past summer at USU.

Nominations for this honor are made from each of the twelve regions in the state. Quali-

fications follow specific criteria set by the American Industrial Arts Association.

George will be honored locally at the Industrial Arts Spring Convention at USU in Logan on May 8 and 9. He will be honored nationally at the April 6-11, 1970 convention of the American Industrial Arts Association at Louisville, Kentucky.

We are proud of our Salt Lake Teacher and Association officer. We congratulate the Industrial Arts Association for its excellent choice.

PEACE IS URGENT

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. PHILBIN. Mr. Speaker, let us continue to hold out the olive branch of peace to every nation, the Soviet Union,

Red China, and all the rest, that they may be prompted to respond in truth, sincerity, and good faith to our latest of many sincere overtures of peace and friendship, and our earnest pleas to stop all bloodshed and fighting forthwith, and join as human beings for the total peace, prosperity, and betterment of the human race.

Peace as soon as we can get it must be our cry and our demand. We must seek it with all our hearts and our energies.

May God grant that our pleas and our prayers for peace are heard and answered by all the nations throughout the world, especially our enemies, and those who support and encourage them here and in the world.

May the day soon come when all nations may lay down all weapons of force, violence, and destruction forever, and blessed peace, justice, and brotherhood may come to all humankind.

SENATE—Tuesday, March 17, 1970

The Senate, as in legislative session, met at 11 o'clock a.m. and was called to order by Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our Father who bids us come before Thee with clean hands and pure hearts, qualify us now to serve Thee. Cleanse us and make us new. Grant us the pure hearts of those who see God. Preserve us from the hypocrisy which magnifies evil so as to appear worse than we are; or the artificiality which pretends to be better than we are. Help us to ring true to what we really are—human beings saved by Thy redemptive love, forgiven when repentant—a people who walk and work conscious of Thy judgment, kept by Thy grace, aware of Thy guidance, ever striving for the establishment of that city whose builder and maker is God.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., March 17, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,  
President pro tempore.

Mr. MCGOVERN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that

the reading of the Journal of the proceedings of Monday, March 16, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. MCGOVERN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that pursuant to the provisions of section 2(a), Public Law 91-213, the Speaker had appointed Mr. BLATNIK and Mr. ERLNBORN as members of the Commission on Population Growth and the American Future, on the part of the House.

The message also announced that the House had passed, without amendment, the bill (S. 3427) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 227. An act to provide for loans to Indian tribes and tribal corporations, and for other purposes.

S. 743. An act to authorize the Secretary

of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes; and

S. 2062. An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1187. An act to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore;

H.R. 4145. An act to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs;

H.R. 12858. An act to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States;

H.R. 12878. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona;

H.R. 14855. An act to amend the act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats irrigation project;

H.R. 14896. An act to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes;

H.R. 15143. An act to amend title 10, United States Code, to provide the grade of lieutenant general for an officer serving as the Chief of the National Guard Bureau, and for other purposes; and

H.R. 15700. An act to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar, as indicated: