

## EXTENSIONS OF REMARKS

## SUPPRESSION OF THE PRESS IN GREECE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. FRASER. Mr. Speaker, along with well documented accounts of political repression under the military junta in Greece, allegations of government control over mass media are also beginning to surface. Representatives of the Greek regime claim complete freedom of the press exists. I insert into the RECORD at this point an article from the February 26, 1970, edition of the Christian Science Monitor which raises serious doubts about the junta's assertions. I urge my colleagues to read this article carefully, and consider its implications for the potential rebirth of a democratic society in Greece.

The article follows:

IPI SEES "MUZZLING"—GREEK PRESS THREATENED

(By Peter S. Mellas)

The press, as an independent institution in Greece, has gone through some rough waters both before and since a new press law went into effect at the beginning of the year.

This situation prompted an investigation by the International Press Institute, which was conducted in Greece during the latter part of January.

In its recent report, the institute maintains the independent press in Greece is in serious danger as a result of the provisions of the new press law, economic pressure from the government, and the frequent banning of sales of some papers in certain parts of the country.

RULES "EASED" LAST OCTOBER

The report concludes, "It is as though the government, or rather the military authority on which it rests, is out to muzzle the nonconformist press . . . to crush the remaining enterprises which are still sufficiently strong not to be at the government's mercy. . . . The life or death of several papers is at stake. Their closing down would mean, for readers, the end of the last ties with democracy."

Public and publishers breathed easily for a while when the government announced, last October, the restoration of press freedom. Even though the heralded liberalization was in fact dashed by some stifling rules and regulations, the country's papers nonetheless were quickly filled with lively criticism and comments while quite a number of meaningful cartoons made a timid appearance.

However, the government obviously concluded some control was still required for nonconformist papers. Abandoning the old method of preventive censorship, it chose instead to launch a two-pronged attack: economic pressure and obstruction of circulation in the provinces.

DIRECT PRESSURE APPLIED

It achieved the first by withholding advertising revenue from such sources as the government itself, public corporations, semi-official concerns, and some private business.

In its editorial of Dec. 3, 1969, entitled "The Whisperers," the economic daily Nafemtoriki said it was denied advertising revenue through mysterious intimidation and pressure. It strongly denounced such boycott methods.

The obstruction of provincial circulation took various forms. But it was predominantly a matter of unabashed pressure from security or military personnel who simply ordered distributors in various parts of the country not to sell certain papers.

The papers which have suffered most from this are the proroyalist conservative dailies Akropolis and Apogevmatini belonging to the Botzis brothers, the liberal dailies To Vima and Ta Nea of the Lambrakis organization, and the independent center daily Ethnos. If unhindered, the above papers would account for about 70 percent of the total newspaper circulation in Greece.

The cities also were affected by this tampering with the distribution of the so-called independent newspapers. But the frequency of interference was much lower in the urban centers.

Contrary to general expectation, the application of the new press law at the beginning of the year did not change the situation. If anything, it increased the government's economic pressure leverage through the imposition of customs duty on newsprint—all of which is imported.

The Greek publishers took it for granted that the tariff to be imposed on the previously duty-free newsprint would fall within the limits set by GATT (General Agreement on Tariffs and Trade) and the Common Market, since Greece has signed both agreements.

This led them to the conclusion that the tariff on newsprint would not exceed 17 percent of its value. They therefore raised the price of newspapers from five cents to about seven to absorb the additional cost in customs duty.

But the government had different ideas. Without any warning or the required formal legislation, the Ministry of Finance directed the Customs Service to impose and collect a tariff on newsprint of more than 100 percent of its value. This in effect put newsprint on the level of luxury items or foreign manufactured goods with a high tariff to protect local manufacturers.

There is no local production of newsprint and it is not a luxury item by any stretch of the imagination.

ADVANCE PAYMENT ASKED

Furthermore, customs argued that publishers should pay duties in advance, as is done with other merchandise bearing such high tariffs. The publishers simply did not have that much cash in hand, close to a million dollars, and threatened to suspend publication.

Finally, the government ruled that duty payments could be postponed since such payments will vary with circulation. A circulation of up to 25,000 per day exempts the newspaper from paying customs duty. After that there is a graduated scale of rebates until there is no exemption for a daily circulation of over 100,000.

The end result has been for the publishers to raise the price of newspapers by another two cents in order to absorb the additional cost. Only the three progovernment low-circulation newspapers have retained the seven cents price. Obviously they are not much affected since their low circulation either exempts them from paying duty or they pay only a small fraction.

CIRCULATION DROP NOTED

Although it is too soon to attempt any statistical conclusions, some clear-cut indications already are emerging.

The high-circulation antigovernment newspapers which raised their price have suffered a combined daily circulation drop in the Athens-Piraeus area of about 95,000. Of this total loss, the low-circulation, progovernment newspapers, which did not raise their price, have only picked up 5,000 per day.

Obviously there is a net daily loss of about 90,000 in the area. An antigovernment publisher stated, "The government plainly wants to drive the popular papers out of the market but the people are demonstrating their opposition to the regime."

## TIME TO STOP CODDLING OUR YOUTHFUL CRIMINALS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. DERWINSKI. Mr. Speaker, an article in the Tuesday, March 10, Chicago Today by Judge Samuel S. Leibowitz, of the New York Criminal Court, speaks for itself by its title and emphasis. The article follows:

TIME TO STOP CODDLING OUR YOUTHFUL CRIMINALS

(By Judge Samuel S. Leibowitz)

NEW YORK.—As evening falls in the great cities throughout our land, grown men cower in their homes with their wives and children about them.

Our residential streets are nighttime challenges for only the bravest. Lurking in the shadows, miserable human beings wait for someone to come along so that they can rob, murder and rape.

The most tragic fact, however, is that an ever increasing number of these crimes are being committed by juveniles.

When I was a youngster on Manhattan's lower east side, juvenile delinquency consisted of a youngster playing hockey, throwing a ball thru a shopkeeper's window, stealing a banana from a pushcart, engaging in a fist-fight with the kid on the next block, or ripping boards out of fences to feed bonfires on election night.

THE CRIMES OF JUVENILES ARE "DEADLY SERIOUS"

Today, our juvenile courts are confronted not with the pranksters of yesterday, but with the mugger, the holdup man, the switchblade artist, the gunman, the rapist—juveniles who have committed the most blood-curdling crimes.

In 1966, nineteen per cent more youngsters between 10 and 17 were arrested in the United States than in 1960, according to the FBI.

In that same period, the number of juveniles arrested for serious crimes rose 54 per cent.

When I say "serious crimes," I mean serious—deadly serious. Analyzing the statistics, we find that 115 per cent more youngsters under 18 were arrested in 1966 for aggravated assault than in 1960. The percentage of juveniles arrested in 1966 for robbery

increased 55 per cent. Those arrested for murder or non-negligent homicide jumped 45 per cent. And the number of "children" arrested for forcible rape in 1966 rose 34 per cent over 1960.

These are criminals in every sense of the word except one—by reason of their ages, they are children. So, they wind up in our juvenile courts to be pampered, coddled, "understood" and too often given "another chance."

The juvenile courts [they may be known as family or adolescent courts] are a noble dream—and it is worth working toward realization of this dream. Certainly, we would rather rehabilitate our young than stigmatize them for life as criminals.

But one reaches a point, after seeing enough of these young offenders, where one stops thinking so much of the "rehabilitation" of the youngster and starts considering the protection of society.

The 14-year-old who douses a drunk with gasoline and sets him on fire; the young rat pack that grabs a terror-struck young girl in the subway and gang-ropes her; the "kids" who torture the candy store owner before killing him. Do we rehabilitate monsters?

We ask ourselves why juvenile crime has risen so frighteningly. Deep down, however, we know the truth—it is we, the adult society, who are at fault. For they were born into our world, not we into theirs. They learn from us, they follow our examples, they rebel against our hypocrisies.

What is a youngster to think when, after the assassination of Martin Luther King, he turns on the television and sees adults running wild thru the streets, looting stores while policemen stand on the sidelines watching helplessly—having been ordered by their superiors to "cool it"?

What is a youngster to think when he hears that those students responsible for turning a Columbia university into a charnel house, who held a dean captive for a full day, were released from custody without any punishment whatsoever?

There are those who would argue that poverty is responsible for the rise in juvenile crime. That's nonsense. This country has never been more prosperous—and, what's more, some of our finest sons were bred in unspeakable slums.

Until we know all the answers—and that won't be for a long time—there is nothing to take the place of the cop on the beat. He is a greater crime preventer than a whole college of sociologists. When I was a boy, he was the man you turned to when you got into trouble, often combining parent, father confessor, teacher and pal.

**"JUDGES MUST STOP BEING SO LENIENT"**

One thing he was not was a patsy. If he told a youngster, "C'mon, move on," that child would not dare put his fingers to his nose or call the officer "pig!" It would have been unthinkable.

Today, a policeman must keep his hands in his pockets. And so must principals and teachers, who live in dread of the students. Parents must bribe the children with cars and plenty of cash to stay on speaking terms with them.

Little wonder that these children have contempt for us all. They have been reared in a world of marshmallow morality in which any code can be made to stretch. Perhaps what they are seeking is a strong hand, a belated discipline.

Whatever their problems, however, the time has come for society—and that includes the millions of law-abiding youngsters—to protect itself against this terror.

The primary area of our concern must be juvenile court system in the United States. On May 15, 1967, the United States Supreme Court ruled that juveniles accused of crimes have the right to notice of charges, to coun-

sel, to confrontation, and cross-examination of witnesses.

In short, juveniles are entitled to the full benefits of the adversary system of justice as adults.

Earlier in that year, in February, the President's Commission on Law Enforcement suggested that same thing.

I agree with this decision. If there is anywhere authority ought to be shown in all its awesome glory, it should be in juvenile court.

And judges must stop being so lenient in passing out sentences to these juvenile criminals. They must be made to understand that, if they commit adult crimes, they will be treated with adult justice.

I am not advocating that every youngster brought into juvenile court should be sent to a reformatory or training center. I am only saying the judges must be extra careful in passing on each individual case.

We must fight for more qualified probation officers. And we must see to it that each officer is given the lightest possible case load. Otherwise, probation will remain an empty eggshell.

**JOBLESS RATE ROSE TO HIGHEST SINCE LATE 1965**

**HON. WILLIAM D. FORD**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, inflation is a hardship for the working man as for everyone else; but for a man without a job it is a disaster. Concern over high prices fades when you have no money to buy food for your family at any price.

Unemployment statistics have been growing at an alarming rate for some months now. In the 15th Congressional District in Michigan we have known for some time that when the February statistics on unemployment came out they were going to be ominous. Statistics on unemployment are only reflections of real flesh and blood people. Statistics may not show until several months after the fact that your neighbor and your sister's husband and your father-in-law were laid off; but the people who are laid off know and all their friends and relatives know right away. They know because the bills are still there to be paid and the cost of the barest necessities of life do not go down just because one no longer has a job. They know because they worry that they may be the next one to reach up for his time sheet and find that as of tomorrow they are no longer employed. This kind of worry pervades whole communities.

It is time that the administration also started worrying about this rising level of unemployment and did something to counter it. A 4-percent unemployment rate may be "acceptable" to the administration but it is not acceptable to me and it is not acceptable to the constituents I represent in Congress.

Lest anyone doubt how high the unemployment rate has risen I insert in the RECORD at this point an article from the Wall Street Journal of March 9, 1970, which details the figures for February of this year:

[From the Wall Street Journal, Mar. 9, 1970] **JOBLESS RATE ROSE TO HIGHEST SINCE LATE 1965; FEBRUARY GAIN 0.3 POINT TO 4.2 PERCENT; FACTORY WORKWEEK SLID TO 8-YEAR LOW; REAL ECONOMIC SLOWING SEEN**

WASHINGTON.—Fed chiefly by rising layoffs among adult workers, the February unemployment rate jumped 0.3 percentage point to a seasonally adjusted 4.2% of the nation's labor force, its highest level since October 1965.

The increase followed a January surge of 0.4 percentage point, the largest month-to-month rise in the jobless rate in nine years.

Together, the 0.7 percentage point spurt reported by the Labor Department was the sharpest for any two-month period since October-December 1957, when the country was mired in a recession.

February's jobless-rate increase, along with most other employment statistics for last month, reflected a widespread weakening of the demand for labor as the Nixon Administration pressed its efforts to slow the economy.

Administration officials have estimated that their attack on inflation will push this year's average jobless rate to about 4.3% from last year's 3.5%, with the monthly rate likely to hit 5% by December.

The Labor Department's Bureau of Labor Statistics noted that both total employment and nonfarm payroll employment declined last month on a seasonally adjusted basis, and the widely watched average manufacturing work-week dropped to its lowest level since January 1962.

"We're continuing to be very cautious about reading too much into the monthly figures," said one Administration economist when asked to comment on the February jobless rate increase.

But even skeptics among the Administration's analysts conceded that the February data "are more conclusive" of real economic softness than previous monthly information. "Taken at face value, these figures certainly indicate a significant weakness in the manufacturing sector," said one.

Labor Department analysts agreed that "a slowdown for labor has become particularly evident in the manufacturing industries." They noted that manufacturing payroll employment "has been declining steadily" since last August, and that the jobless rate for factory workers climbed to a seasonally adjusted 4.6% last month from 3.8% in January and 2.9% a year earlier.

Seasonally adjusted unemployment spurted to 3,427,000 persons in February from 3,172,000 the previous month, the department said. All of the 255,000 increase in joblessness occurred among adults—most of them full-time workers. About a third of the rise was due to temporary closings of auto-production plants, department analysts explained.

They took pains to point out, however, that there is "every reason to believe that a lot of these auto workers went back to work" the week after the one the department checked. The report measures unemployment and employment in the week in which the 12th of the month occurs.

During the past year, they said, seasonally adjusted unemployment has increased by 875,000—comprising about 550,000 adult men, 175,000 adult women and 150,000 teen-agers.

Though manufacturing employes were clearly the "hardest hit" by the February increase in joblessness, the department analysts said there were "pervasive increases in unemployment" among all kinds of workers.

**BREAKDOWN OF FIGURES**

The department said the adjusted February unemployment rate for adult men over 20 years old rose to 2.8% from 2.5% in January. The increase was particularly sharp

among men between ages 20 and 24, moving up to 6.7% from 6.1%. The rate for married men climbed to 2% from 1.8%.

For adult women over 20 years old, the seasonally adjusted rate climbed to 4.1% from January's 3.6%. For those between ages 20 and 24, it shot up to 7.6% from 6.2%.

The department said the adjusted jobless rate for teen-agers—persons between 16 and 19—declined to 13.4% in February from 13.8% the previous month.

The jobless rate for full-time workers jumped to 3.7% from January's 3.4%, the department reported. Among part-time workers, the February rate fell to 6.9% from 7.3%.

The department's racial breakdown of the unemployment data showed that the rate for whites moved up to 3.8% last month from 3.6%, while the volatile Negro rate rose to 7% from 6.3%. Department analysts noted that since last fall the jobless rate for blacks has remained less than double the white rate—the ratio that had been the traditional pattern.

Harold Goldstein, assistant Bureau of Labor Statistics commissioner for manpower and employment, termed this "a hopeful sign" that unemployment is being borne more equally by whites and blacks. But he cautioned that the Negro jobless rate has typically been slower to rise than the rate for whites during the early part of recessionary periods.

#### BLUE- AND WHITE-COLLAR WORKERS

The department said the unemployment rate for blue-collar workers jumped to 5% last month from 4.6%. The white-collar jobless rate climbed to 2.3% from 2.1%.

While the jobless rate among manufacturing workers rose sharply, the department's February report showed that the rates for workers in transportation, utilities, trade, finance and service industries and government continued to increase more slowly. Employment in these industries has generally "held up better" in recessionary periods, Mr. Goldstein noted.

Total February employment declined to a seasonally adjusted 78,822,000 persons from 79,041,000 the previous month, the department said. These figures include agricultural workers, self-employed persons and certain other workers who aren't counted in the non-farm statistics.

Nonfarm payroll employment amounted to 70,766,000 last month after seasonal adjustment, compared with 70,778,000 in January. The department noted that payroll employment would have shown a greater decline except for the more than 100,000 workers who returned to their jobs after strikes at General Electric Co. and other concerns last month. Workers on strike are counted as unemployed in the payroll employment statistics, but they are classified as "employed—but not at work" in the total employment figures.

#### PAYROLL EMPLOYMENT GROWTH EBBS

A special analysis prepared by the department showed that payroll employment has been growing "very slowly." Month-to-month increases in seasonally adjusted payroll employment have averaged only 29,000 between October 1969 and last month. This contrasts sharply with the period from October 1968 to October 1969 when the average gain was 185,000.

Manufacturing payroll employment dropped 158,000 to 19,806,000 on a seasonally adjusted basis last month. Most of the decrease was in the durable-goods sector where payrolls declined by 120,000 to 11,544,000.

The decline in manufacturing payrolls countered gains of 81,000 in contract construction and 65,000 in wholesale and retail trade, the department said. The strength in construction employment reflected, in part, the return of workers to projects halted by

unusually bad weather in January, department analysts noted.

The department said the average workweek for factory workers dropped to a seasonally adjusted 39.9 hours in February, down 0.4 hour from January. But the average workweek for all rank-and-file workers edged up 0.1 hour to 37.5 hours.

Factory workers' average weekly overtime declined to 3.2 hours last month from 3.3 hours the month before. This closely watched leading indicator has slipped a half hour since last September, department analysts noted.

Average hourly earnings for all rank-and-file workers on private payrolls rose two cents last month to \$3.15. The hourly earnings were up 19 cents from a year earlier, a 6.4% increase. The rank-and-filers' average weekly earnings in February were \$117.18, up \$1.06 from January and up \$7.07 from a year earlier.

The average hourly earnings of nonsupervisory factory workers declined one cent to \$3.28 last month, but they were still up 16 cents from February 1969. Weekly earnings of manufacturing workers averaged \$130.54 last month, down \$1.39 from the previous month, but up \$5.74 from a year earlier.

#### FEDERAL SPENDING REVISITED

### HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. LANGEN. Mr. Speaker, today we hear a great deal about cost overruns, deficit spending, and the like, all of which must give cause for concern to the Members of the Congress. And understandably so, for we are facing a 1970 Federal budget of unprecedented size. Our National Government has grown so large and unwieldy in recent years, so that there is much truth to the charges of waste, duplication of efforts, and inefficiency. This problem has become particularly acute in the past couple of years as the American people have grown sensitive to impending domestic social needs—better education, health care, pollution control, and so forth.

In the face of these charges of insensitivity and extravagance being lofted from many quarters at the various agencies of Government, it is perhaps good to take the time to commend these same agencies when responsible actions are taken. Such an example deserving of attention is a recent decision by the National Aeronautics and Space Administration to change a policy of incentive contracting as applied to the delivery of space hardware.

A recent report by the General Accounting Office states that NASA in its Saturn rocket program had awarded contracts containing incentive provisions amounting to about \$6.7 billion. However, such incentives were of questionable merit, since in fact early delivery of certain components could have been achieved without additional payments to contractors. Also, delivery of the stages for certain vehicles ahead of schedule was in fact inconsistent with other decisions to delay or slow down the program, and so forth.

Such incentives if improperly applied

could result in the unnecessary expenditure of millions of extra tax dollars, without the achievement of results commensurate with the cost. I applaud the decision by NASA to discontinue such incentives, and to instead make use of penalty-only incentives as a more appropriate means of insuring delivery on schedule.

As a final thought, I would hope that we in the Congress as well as all those employed by the Federal bureaucracy will take seriously the admonition by President Nixon in the handling of public funds. Said Mr. Nixon:

Every dollar was sent to the Treasury by some taxpayer who has a right to demand that it be well spent.

#### A YANKEE IRISHMAN IN MAINE

### HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. HATHAWAY. Mr. Speaker, today, as a tribute to St. Patrick, Ireland's patron saint and apostle, to the great land of Erin, and to the millions of its proud sons and daughters in the United States and elsewhere around the globe, I would like to recall the daring exploits of an Irish American from my own State of Maine—one of the true heroes of the American Revolution.

Like his more widely known contemporary, Commodore John Barry, the father of the American Navy, Capt. Jeremiah O'Brien was both an Irishman and a sailor. O'Brien's story was recounted recently in the February issue of the U.S. Naval Institute Proceedings by Lt. Comdr. M. D. Giambattista, U.S. Navy. I insert at this point the narrative in the CONGRESSIONAL RECORD.

Erin go bragh.

#### CAPTAIN JEREMIAH O'BRIEN AND THE MACHIAS LIBERTY

Captain Jeremiah O'Brien and a crew of 35 colonial "haymakers" in 1775 presented and won the first challenge by the fledgling American navy to the colossal naval power of Great Britain. This brilliant victory by a Yankee settler represented the first of the soon-to-be-legendary naval victories of the Revolutionary War. The exploits of this sailor-soldier-privatere are, however, little known today. Jeremiah O'Brien of Machias, Maine, captained six privateers at sea between 1775 and 1781, and during his only time ashore, he was the captain of a company of militia defending against British-inspired hostile Indians.

Reports of the battles at Lexington and Concord reached the isolated settlement of Machias in early May 1775. Under the auspices of the village's bolder citizens, a "Liberty pole" was erected to symbolize the independence of the colony. The pole consisted of a tall Maine pine tree denuded of foliage except for the very top. After installing the pole prominently on high ground in the village, the townsfolk gathered about it and solemnly pledged themselves to resist British oppression and, if necessary, to sacrifice their property and blood in defense of the settlement.

For over ten years, the residents of Machias had exchanged lumber from the town's mills for provisions brought in by ship. On Friday,

2 June 1775, two sloops of about 80 tons each, the *Unity* and the *Polly*, arrived at Machias from Boston. The cargoes consisted of the household goods of families fleeing Boston and most important, provisions for the inhabitants. Escorting the sloops was the British armed vessel *Margaretta* (100 tons, crew of 40, and four 4-pounders). The following day, 3 June 1775, Captain Ichabod Jones, owner of the *Unity* and the *Polly*, circulated a contract for the townspeople to sign. The contract gave Jones permission to load his ships with lumber for Boston and committed the villagers to protect the ships during the loading. Signing of the contract was made a condition for receipt of the badly needed provisions. At the time, the estimated level of provisions in Machias was adequate for three weeks. The settlers correctly surmised that the type of lumber desired was destined for use by the British army of occupation in Boston and that providing it would give aid and encouragement to the enemy. Accordingly, only a few signed the contract.

Captain Jones arranged a town meeting and submitted his proposal to a vote. Jones expounded that the British had allowed his departure from Boston only on the condition that he would return with cargoes of lumber and that the *Margaretta* had been sent to ensure his proper execution of the condition. The pressing need for provisions and the presence of the *Margaretta's* guns just a few rods from their homes forced the expedient acceptance of Captain Jones's "contract." The *Unity* and the *Polly* were thereupon moored to the village wharf, but distribution of provisions was made only to those who had not opposed the "contract."

From his vantage point in the Machias River, Captain Moore of the *Margaretta* was taunted by the sight of the liberty pole. Captain Moore subsequently landed and demanded from the assembled villagers that the pole be removed. John O'Brien, a younger brother of Jeremiah, is recorded as having replied, "Must come down! Those words are very easily spoken. You will find, I apprehend, that it is easier to make than it will be to enforce a demand of this kind." The astonished Moore replied, "... my orders are pre-emptory and must be obeyed. That liberty pole must come down, or it will be my painful duty to fire upon the town." Stephen Jones, a resident merchant and nephew of Captain Jones, on two separate occasions was able to dissuade Moore from the execution of his threat. Patriotic settlers, including Jeremiah O'Brien and his five younger brothers, thoroughly aroused the smoldering indignation of even the most conservative villagers. In subsequent town meetings, the settlers spontaneously resolved not to allow Captain Jones's sloops to return to Boston.

On Sunday, 10 June 1775, a local conference was held secretly for planning operations against the foe. Surprisingly, the suggestion to capture Jones and the *Margaretta's* officers while they attended church the following day met with opposition from Morris O'Brien the 60-year-old father of the O'Briens. Morris O'Brien's reluctance probably stemmed from his understanding of the local situation—scarcity of provisions and the difficulty of obtaining additional supplies, coupled with the defenseless condition of the village. Nonetheless, at a secret meeting the next morning, the stirring oratory of Benjamin Foster moved the group to follow through on the plan to capture the British officers. An advance party of armed villagers attended the Protestant service. (Machias had been chartered by Massachusetts Colony in 1770 with the stipulation that the settlers be Protestant.) Concurrently, another armed party started crossing the river on logs. Unfortunately, the church was so situated that London Atus, the pastor's negro servant, saw the second group of men and assumed that they were British troops

bent on attacking the village. With a single bound, London Atus leaped screaming through an open window in the church, and fled into the nearby woods. The ensuing confusion permitted the alert Captain Moore and his officers to escape from the intended trap. Moore hastily boarded a waiting gig and was rowed to the *Margaretta* and immediately got her underway. After firing a few warning shots over the village and at the settlers pursuing in small boats and canoes, Captain Moore anchored downriver. He then sent back word to Machias that if harm came to Captain Jones or his sloops, the *Margaretta* would return to burn the village.

Flushed with new confidence, the villagers vowed they would capture the *Margaretta*. An armed party set out to the river bank near the British anchorage and upon arrival opened fire with small arms. Fortuitously for the eager Yankees, the *Margaretta* was unable to raise her guns to return the fire, owing to the elevation of the surrounding river bank. In the haste to withdraw further downstream to avoid the harassing fire, the *Margaretta's* main boom snapped, and she was then seriously crippled. She did, however, manage to withdraw and re-anchor out of gunshot from the settlers.

Early Monday, 12 June 1775, four young men (including Dennis O'Brien) spontaneously agreed to capture the *Unity* then anchored in the river just off the village wharf. The intrepid boarding party rowed out to the *Unity*, took possession without firing a shot, and brought her to the wharf. The enthusiastic "prize crew" drew a crowd at dockside with their cheering. Almost immediately the leaders in the crowd—principally Jeremiah O'Brien—realized the potential that lay at their disposal to capture the *Margaretta*. Arms and ammunition were hurriedly placed on board the *Unity*. Amid the cheers of the town's men, women, and children, the *Unity* sailed, half-laden with lumber, to seek the enemy. The loading and complement of the single masted vessel consisted of 20 fowling pieces (shotguns) with three rounds of powder and ball each, a small cannon, 30 hay forks, a few axes, a loaf of bread, a few pieces of pork, a barrel of water, and 35 volunteers solicited from the dockside crowd. Among the crew were the six O'Brien brothers. It is curious to note that Morris O'Brien was deterred from joining the "boys" only by their earnest remonstrances.

Captain Moore had witnessed the entire episode through his spy-glass and correctly deduced the intentions of the *Unity* and her crew. Moore got underway and fell further downriver to Holme's Bay. As chance would have it, an American schooner out of Norwich, Connecticut, happened to be anchored there. Her mast boom was transferred and fitted to the *Margaretta* and her captain, Robert Avery, was impressed as a pilot. Moore then put to sea, a full hour ahead of the *Unity's* departure.

In her haste to join the enemy in battle, the *Unity* had somehow managed to sail without the benefit of a duly appointed commanding officer. Jeremiah O'Brien was nominated and unanimously elected as captain by the crew. His first official act was to allow three of the crew, who in the cold light of day had decided not to see the adventure to conclusion, to depart for shore in a small boat.

"Now, my brave fellows, having got rid of those white-livered cowards, our first business will be to get alongside of the schooner yonder: and the first man who boards her shall be entitled to the palm of honor," exclaimed the 30-year old skipper. O'Brien next directed that the lumber on board be placed as breastworks to protect the crew from hostile fire.

For reasons that remain forever unknown, the *Margaretta* endeavored to avoid contact with the *Unity*, and when first sighted was

headed for sea. To increase his speed, O'Brien cast off the small boats from his stern. The *Unity* was apparently a better sailer, as she steadily reduced the distance of an hour's headstart by her opponent. Once within hailing distance, Moore demanded that O'Brien keep off, and threatened to fire. O'Brien replied, "In America's name, I demand you surrender!" The *Margaretta* then opened fire with a stern swivel gun and killed two of the *Unity's* crew, McNell and Coolbroth. A backwoods moosehunter by the name of Knight manned the small gun and picked off the *Margaretta's* helmsman with a ball through the head. This rapidly cleared the enemy's quarterdeck leaving the *Margaretta* not under command. She broached under the *Unity's* bow and the latter's bowsprit caught the mainsail of her opponent and caused the two vessels to be held together. At this juncture, John O'Brien sprang to the *Margaretta's* deck only to see the vessels part, leaving him alone and stranded in the enemy's camp. A bayonet charge, however, convinced John O'Brien that he should abandon his precarious post for the relative safety of the sea. In a hail of balls, he swam the intervening 30 yards to the *Unity*. After retrieving and congratulating his brother for setting foot on the foe's deck, Jeremiah O'Brien maneuvered the *Unity* alongside the foe and lashed the two ships together through the efforts of a team of Yankee sailors.

Captain Moore bravely rallied his men and personally threw hand grenades on the deck of the American ship. Recognizing that Jeremiah O'Brien was the motive force behind the bold attack, Moore directed the fire and grenades at the audacious skipper. Fortunately, O'Brien remained unscathed, and ironically Captain Moore was felled by two shots from a Yankee marksman who had witnessed the personal attempt on O'Brien's life.

"To your feet lads! The schooner is ours! Follow me! Board!" Twenty men, previously selected and armed with pitchforks, clambered over the rails. After nearly an hour of battle including hand-to-hand, the leaderless and frightened British crew surrendered. Captain O'Brien personally hauled down the British ensign in triumph.

Subsequent to her exultant return to Machias, the *Unity* was fitted out as an armed cruiser with the captured weapons from the *Margaretta*. Her name was changed by O'Brien to the *Machias Liberty*, and she was employed by the settlement as the first American armed cruiser of the Revolution.

The chronicle of O'Brien and his ship could have well stopped here and been complete; however, fate was to bring new contact with the foe in exactly one month. The British sent out the armed cruiser *Diligent* and her tender *Tapnaquish* from Halifax, Nova Scotia, "... to bring the obstreperous Irish Yankee in for trial." On 12 July 1775, acting in concert with Benjamin Foster (in an East Machias schooner), Jeremiah O'Brien in the *Machias Liberty* captured both the *Diligent* and the *Tapnaquish* off Machias.

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

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 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 sadisti-

cally practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

#### STATEMENT OF INCOME

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 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 1969, due and filed in the year 1970.

My joint personal income tax return, form 1040, line 11, shows my congressional salary of \$39,374.98. Lines 13 and 14 lists other income of \$6,654.43, for a total income on line 15a of \$46,029.41, less line 15b, adjustments for allowed congressional living expenses attending Congress in Washington, D.C., \$3,000. Total income, line 15c, is \$43,029.41.

Itemized deductions, schedule T, line 2, are \$5,156.32, consisting primarily of State and local real estate and personal property taxes of \$2,192.25, and interest payments of \$1,938.41.

The total income tax and surtax, schedule T, line 10, is \$11,130.57, plus a self-employment tax of \$142.36, schedule T, line 15. The total tax, schedule T, line 18, is \$11,272.93, which is reflected in line 18, form 1040. The total Federal income tax withheld, line 19, is \$9,945.75, plus Federal income tax paid on estimate, line 22, \$800.

Total tax payments are \$10,745.75 as indicated on line 23. This constitutes a balance of \$527.18 due and payable in the year 1970.

The principal sources of income, aside from congressional salary, were interest on savings and loan deposits, speaking fees in excess of travel expenses 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 \$3,449.18, which was substantially reduced by depreciation and partnership expenses chargeable to me. The partnership was terminated on June 30, 1969.

Schedule D, filed with said return and included in the income figures aforesaid, shows a recognizable capital gain of \$3,250.75, representing the proceeds of the sale of my mother's home acquired by inheritance in 1961, and my former interest in the office building and equipment of the Hungate & Grewach law partnership, 219 West College, Troy, Mo.

Neither my wife nor I own any stocks or bonds, and the funds received from the sale of my partnership interest and my mother's home were invested in a U.S. Treasury note.

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

#### PRETRIAL DETENTION IN NEW YORK

### HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. SMITH of New York. Mr. Speaker, last week Judge Irving Lang, of the criminal court of the city of New York, issued an important opinion supporting his denial of bail to a dangerous defendant.

The opinion could hardly be more timely or more relevant to the question of pretrial detention, which the House will consider this week.

In his discussion, Judge Lang takes up section 553 of the New York Code of Criminal Procedure. That section provides that bail before conviction in all felonies is a matter of discretion with the court. This has been the law in New York since colonial times.

When Judge Lang announced his decision, the New York Times reported the event on its front page. Reporter Lesley Oelsner wrote that legal experts thought his ruling to be the first of its kind.

This is clearly not the case. On March 2, 1970, for example, the New York Daily News carried a story that Judge Louis Fusco of the Bronx criminal court had denied bail to David Critchlow, an alleged member of a major narcotics ring. According to the News:

David Critchlow, 40, of 279 Hancock st., Brooklyn, was held without bail because of a long previous record.

Several years ago, the New York Times reported:

William Sylvester Cole, companion of a hold-up man shot by a policeman at a Madison Avenue Jewelry store Friday evening, was held without bail yesterday.

Cole had a record of eight previous arrests.

On another occasion, the Times reported that Herman Gross, 59, was held without bail by Magistrate Charles Solomon after he was accused of a \$400,000 jewelry holdup. Gross had previously been arrested 16 times.

These examples illustrate a practice which has existed in New York for years. I insert in full Judge Lang's impressive opinion on the legitimacy and constitutionality of pretrial detention and three articles from the New York Times:

[From the Criminal Court of the City of New York, County of New York, Docket No. NA 18275]

PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF,  
v. SAMUEL JOSEPH MELVILLE, DEFENDANT

William Crain for defendant-applicant;  
Frank S. Hogan, District Attorney, New York County for the People (Lawrence Hochheiser, of Counsel).

IRVING LANG, J.

This is an application to fix bail on a complaint issued from this court charging the defendant with multiple bombings in New York City. In order to understand the nature of the case and the application involved herein, it is important to set out a chronology of events.

On November 13, 1969, the defendant was arrested by federal and city officials in possession of two dynamite bombs each equipped with a timing device and blasting cap and

a fully loaded .38 caliber pistol. He was arraigned on that day before a United States Commissioner on a complaint of a violation of Title 18 U.S.C. Sec. 371, charging him and George Demmerle, John David Hughey III, Jane Lauren Alpert, and Pat Swinton with conspiracy to violate Title 18 U.S.C. 1361. All the above alleged conspirators, with the exception of Pat Swinton, were before the U.S. Commissioner. Miss Swinton was then and is still a fugitive. After a hearing before the Commissioner, bail was set in the sum of \$500,000 for each defendant.

On November 14, 1969, the Commissioner reduced the bail on Melville to \$300,000, on Demmerle to \$200,000, on Hughey to \$150,000, and on Alpert to \$100,000.

On November 15, 1969, United States District Judge Frankel on an appeal from the bail determination of the U.S. Commissioner, reduced the bail on Melville and Demmerle to \$50,000, on Hughey to \$25,000, and on Alpert to \$20,000. Judge Frankel, in analyzing the nature of the case and the defendants' roots in the community, pointed out that the evidence appeared to be "substantial" in the case of the defendants Melville and Demmerle and "far less" against the defendants Hughey and Alpert. He pointed out that the pending charge at that stage was "a serious one though its 5 years maximum term is by no means in the highest range of those on which the court sets moderate bail, or allows release on personal recognizance, everyday."

On November 19, 1969, a conspiracy indictment was filed by United States Attorney Robert M. Morgenthau against defendants Melville, Demmerle, Hughey, and Alpert.

On January 5, 1970, United States District Court Judge Pollack filed an opinion in which he increased the bail on Melville to \$100,000 after full evidentiary and adversary hearings which were held on December 29, 30 and 31, 1969, with respect to the crime and "presented for the first time tangible convincing adversary tested proof of crimes of enormous import and gravity".

On January 14, 1970, a superseding indictment was filed by U.S. Attorney Robert M. Morgenthau charging the defendants Melville, Hughey, Alpert, and Swinton with 23 counts of conspiracy and various substantive violations of the U.S. Code. Consequently, instead of facing a maximum 5 year term of imprisonment, the defendants now faced terms in excess of 200 years.<sup>1</sup>

George Demmerle was not a defendant in the superseding indictment, it having been revealed that he, at all times, was an undercover government agent.

On January 15, 1970, the defendant Melville pleaded to the superseding indictment and bail was set in respect to that indictment not only in the fiscal sum of \$100,000 but additional conditions were imposed. The defendant was required to return to the custody of the United States Marshal at 6:00 p.m. everyday to remain in custody until 9:00 a.m. of each succeeding morning; his travel was restricted to the borough of Manhattan and he was prohibited from entering any facilities of a general nature leading out of the area such as railroad stations, airports, etc.

The defendant is now prepared to post the \$100,000 bail on the federal indictment and to agree to the other nonfinancial conditions. He now seeks to have bail fixed on a related case in New York County wherein he is charged in a complaint dated November 14, 1969, with the bombing of six occupied buildings and possession of two dynamite bombs and a fully loaded .38 caliber pistol.

At oral argument before this court on

<sup>1</sup>Subsequent to this writing, Judge Pollack dismissed 4 counts of the indictment reducing by 40 years the maximum that Melville would face. It is now 195 years.

February 26 and 27, counsel for the defendant urges this court to either release the defendant on his own recognizance or, in the alternative to set a "nominal" bail. He asserts that the Federal Bail Reform Act of 1966 (18 U.S.C. sec. 3141, 3152) contains substantially the same criteria for the setting of bail as do the pronouncements of the New York Court of Appeals in *People ex rel Lobell v. McDonnell*, 296 N.Y. 109, and *People ex rel Gonzalez v. Warden 21*, N.Y. 2d 18. These factors are:

1. The nature of the offense.
2. The penalty which may be imposed.
3. The probability of the willing appearance of the defendant or his flight to avoid punishment.
4. The pecuniary and social condition of the defendant.
5. The general reputation and character of the defendant.
6. The apparent nature and strength of the proof as bearing on the probability of his conviction.

With commendable candor, counsel for the defendant concedes that the offenses charged are extremely serious (although he also characterizes them as "political") and the penalty faced is quite grave; as he puts it, "more than two lifetimes". He also concedes that the proof in the case is, on its face, quite strong. In this connection, the evidentiary hearing before Judge Pollack revealed that the defendant made a full confession to law enforcement officials after being fully advised of his constitutional rights. Further, the evidence adduced the fact that Melville was apprehended with two bombs and a loaded gun in his possession and in addition, his co-conspirator Demmerle is now revealed as a special employee of the Federal Bureau of Investigation.

However, counsel for the defendant indicates that these factors were clearly taken into consideration by Judge Pollack and resulted not only in substantial bail of \$100,000 but also in extremely stringent non-financial conditions mentioned above. Since the defendant faces more than 200 years imprisonment on the federal charge, he would not be likely to fear an additional 200 years on the state charges, all of which are encompassed, albeit under different statutes, in the federal indictment. He also asserts that the defendant has no prior criminal record, except for an arrest in connection with a demonstration at Columbia University. He produced an offer of employment for the defendant as a plumber and stated that a Reverend had indicated a willingness to associate himself with the defendant's post-institutional adjustment. Indeed, counsel himself maintained a desire to assume a more than attorney-client supervisory role to ensure Melville's appearance.

The defendant also points out that his co-defendants on the same federal indictment, and, presumably, facing the same potential punishment, are currently on bail in a much lesser amount and under much less severe non-financial conditions.

In response to this court's inquiry, counsel for the defendant indicated that the government was prepared to proceed to trial immediately.

The District Attorney of New York County asks that no bail be set. He requests remand without bail on two theories. He argues that no bail should be set, because he believes that the defendant, in light of all the circumstances of this case, will jump whatever bail is posted. He claims that Judge Pollack's findings leave no doubt that the defendant has no roots in the law abiding community. He believes that a reading of Judge Pollack's findings of fact clearly suggest that the district court would have denied bail in the exercise of sound discretion, given the statutory authority which he lacked. He also says that Demmerle revealed that Melville claimed he had contacts with Canadian terrorist bombers, who were fugi-

tives and for whom Melville arranged transportation to Cuba.

The thrust of the People's second argument for no bail is that the defendant's being free on bail would constitute a grave danger to society. The Federal Bail Reform Act mandates the fixation of bail in non-capital cases and can consider no factors other than a defendant's likelihood to return for trial. However, the District Attorney contends that neither the federal nor state constitutions, nor any judicial or legislative enactments of the State of New York, prohibit a state court from denying bail because of the threat of the defendant at liberty to the community at large. In this connection, he alerts the court to the heinous nature of the crimes involved. In each of the six instances between July 26, 1969, and November 12, 1969, recited in the complaint, high explosive devices were detonated with two timing mechanisms, in buildings which were occupied at the time of the bombing. The buildings, in various parts of the city, were the United Fruit Pier, the Marine Midland Grace Company, the Chase Manhattan Bank, the RCA Building, the General Motors Building and the Criminal Courts Buildings. In the Marine Midland bombing, nineteen persons were injured and, according to the District Attorney, were it not for a steel partition, he would undoubtedly be facing multiple murder charges. The District Attorney also contends that the defendant (through the statement of Demmerle) was involved in the theft of a large quantity (150 pounds) of dynamite and the largest portion of these explosives is still unaccounted for. He claims that even under the rigid conditions imposed by Judge Pollack, the defendant could avoid surveillance and strike again. Indeed, he maintains that Melville had evaded a surveillance prior to his bombing of the Criminal Court building.

Finally, the District Attorney asserts that there is a clear distinction between the co-defendants who are out on bail and Melville. He claims that Melville is the "engineer" who not only made and planted the bombs but is the only one of the conspirators capable of such action.

But the United States and New York State constitutions have substantially the same requirements with respect to bail. The 8th amendment to the U.S. Constitution and article 1, section 5 of the Constitution of the State of New York provide that "excessive bail shall not be required. . . ."

Both the opinions of the U.S. Supreme Court and the New York Court of Appeals indicate that the constitutional provisions require that, if bail is set, it not be excessive, but that there is no absolute right to bail. As the Supreme Court said in *Carlson v. Landon*, 342 U.S. 524, 545 (1952), "the bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept."

And the New York Court of Appeals has said in *People ex rel Shapiro v. Keeper of City Prison et al.*, 290 N.Y. 393, 398 that New York's Constitution, by prohibiting excessive bail, ". . . accords no accused any right to bail but serves only to forbid excessiveness." The court went on further to say that "as a matter of logic it might seem that a prohibition against excessive bail should imply a right to bail in appropriate amount in all cases but the history of the law of bail negatives such an implication. At common law the courts had discretion in all cases after indictment to grant or deny the application although they ordinarily did grant it in all except capital cases. . . . The reference in our Constitution to excessive 'bail,' however, referred only to amount of bail."

Indeed, denial of pretrial release is consistent with the practice in other countries. "Sweden, Norway, Denmark and West Germany deny pretrial release as a matter of course, because of the danger to society and the risk of flight. More importantly, in England, the source and foundation of the development of our system of law, the English Bill of Rights did not grant 'a right to bail in all cases.' Prior to 1789, bail was either not authorized or within the discretion of English courts in serious felony cases. Even after the addition of the 8th amendment in the United States, England has continued to grant discretion to its judges and magistrates to deny pretrial release to offenders charged with felonies or, in some circumstances, with misdemeanors." Mitchell, *Bail Reform and the Constitutionality of Pretrial Detention*, Va L. Rev. Nov. 1969, reprinted in *CONGRESSIONAL RECORD*, February 9, 1970, pages 2963, 2964 [55 Va. L. Rev. 1223, 1231 (1969)].

Though the right to bail is by no means absolute, of course the discretion may not be abused, and if bail is fixed it may not be so high as to be arbitrarily and unreasonable; i.e., "excessive". For there is a strong judicial and public policy against unnecessary pretrial detention. State and federal statutes have imposed limitations upon the right to deny bail. Under federal law since 1789 a person has had a right to bail in a non-capital case. As the Supreme Court of the U.S. said in dictum *Stack v. Boyle*, 342 U.S. 1 "this traditional right to freedom before conviction permits the unhampered preparation of a defense and serves to prevent the infliction of punishment prior to conviction". The court pointed out that our traditional presumption of innocence would lose its meaning unless the right to bail before trial were preserved and pointed out that a bail bond ". . . subject to forfeiture serves as additional assurance of the presence of the accused. Bail set at a figure higher than an amount reasonably calculated to fulfill this purpose is "excessive" under the 8th amendment."

Of course the presumption of innocence applies equally to capital cases where bail cannot be set and where it is traditionally denied under both federal and state law. There is no real conflict between *Carlson v. Landon* cited by the People and *Stack v. Boyle* cited by the defendant. In fact, they compliment each other. While *Carlson v. Landon* reaffirms the principle that bail is not an absolute right, *Stack v. Boyle* indicates that the power to deny bail should be used sparingly.

New York State Law on the subject derives from Section 553 of the Code of Criminal Procedure which states that a defendant may be admitted to bail before conviction as follows, "1. as a matter of right, in cases of misdemeanor, violation and traffic infraction; 2. as a matter of discretion, in all felony cases; the court may revoke bail at any time where such bail is discretionary with the court." In *People ex rel Shapiro v. Keeper* cited above, the Court of Appeals thoroughly analyzed the statutory and constitutional bail provisions and held that the denial of bail in a non-capital felony case may be proper in certain circumstances. The court, however, in promulgating the rule issued the following caution, "we are by no means holding that this grant by the legislature to the courts of discretionary power to deny bail in felony cases can be exercised arbitrarily. Denial of bail is no light matter and needs to be buttressed by a real showing of the reasons therefor. . . ." 290 N.Y. 393, 398.

Under what circumstances then may bail be denied? It is this court's view that bail

<sup>2</sup> In this regard it should be noted that N.Y. law permits the detention of persons alleged to be mentally ill or narcotic addicts prior to commitment proceedings without bail. See Article 5 and 9 of the Mental Hygiene Law.

may be denied for two reasons. First, where it is reasonable to assume that the defendant will flee the jurisdiction and avoid trial if admitted to bail. Secondly, if his release on bail poses a threat to the welfare and safety of the community. As indicated above, the Court of Appeals established six criteria for fixing bail in *People ex rel Lobell v McDonald*. Interestingly enough in the *Lobell* case the Court of Appeals held that bail set by the nisi prius court of \$250,000 on an indictment charging forgeries and grand larcenies was constitutionally excessive and using the 6 criteria set forth reduced bail to \$100,000. But the court clearly indicated that "whether or not this relator was to be admitted to bail at all was a matter of discretion for the county court". (296 N.Y. 109, 111)

In *People ex rel Fraser v Britt*, 289 N.Y. 614, the defendant had been indicted by a grand jury on February 14, 1941, on a charge of abortion and was admitted to bail February 20, 1941. On November 28, 1941, she was again indicted by the grand jury at Erie County on a charge of abortion and manslaughter first degree. Bail was denied on an application for a Writ of Habeas Corpus and the defendant appealed to the Court of Appeals claiming that the refusal to fix bail violated the New York State Constitution. The Court of Appeals unanimously affirmed the denial of bail.

The criteria set forth in *Lobell* and subsequent cases make no reference to the question of the potential danger of the defendant if given pretrial release. It would seem strange that the question of the threat which the defendant poses to the community should not be considered in the determination of bail. However, logic dictates that a defendant's potential danger to the community is not considered as a factor in the designation of bail because it is irrelevant to the question of the amount of bail. If a defendant would present a clear and present danger if free in the community then it would not matter whether he had posted \$100,000 bail or was released on his own recognizance. Danger to the community has no relationship to the ability of a defendant to post a bond. Therefore, if a court determines that a defendant would be a threat if released prior to trial its duty is to remand him rather than set an extremely high bail.

The recent case of *People ex rel Klein v Kruger*, 25 N.Y. 2d 497, contains, for the first time, an explicit discussion of criteria for the denial of bail other than possible flight. Judge Breitel, speaking for the majority, ruled that the "only critical support actually offered for the denial of bail is not danger of flight . . . but rather the danger to potential witnesses". While rejecting the ground under the specific circumstances of that case Judge Breitel pointed out "this is not to say that in other cases, differently circumstanced, the risk of witness tampering by the prison relator is not reasonably inferable."

I conclude, therefore, that pretrial detention for the safety of the community, as well as to avoid flight from prosecution, is constitutionally justifiable in extraordinary cases.

The question remains as to whether this court should deny bail on either or both of the above grounds in the instant case.

This court is not a reviewing court of the action of Judge Pollack. Were Judge Pollack's opinion predicated upon statutory powers and limitations similar to that of the State of New York I would feel persuaded by it. Since he was aware of the instant case, I would fix nominal bail or release the defendant on his own recognizance on the issue of availability for trial. But as Judge Pollack stated in his opinion filed January 5, 1970, "the law plainly is that before a conviction a person arrested for a non-capital offense shall be admitted to bail and

a defendant should not needlessly be detained. . . . [A]n order of release on proper terms is, in my opinion, an absolute right prior to conviction." Judge Pollack, of course, was interpreting federal statutory law and this is clearly not the law of New York State. *People ex rel Shapiro v Keeper*, etc., cited above. See also *U.S. ex rel Covington v Coparo*, 297 F. Supp. 203 (S.D.N.Y. 1969).

Furthermore, Judge Pollack found "the defendant has no tangible or intangible roots in the law-abiding community. He has no employer. He is separated from his wife and 8 year old child. He claims indigency. In short, there are no moral, social or financial principles or ties which could act as a reasonable assurance or influence in having him observe the obligation to appear in court as required or for trial. The obvious incentive for this defendant without roots or other influencing factors would be to flee the jurisdiction or hide and fail to appear for trial under the circumstances of such a strong case against him".

The People also point out that the defendant has little, if any, ties with the persons who are posting the bail. The Assistant District Attorney attempted to show this court that the guarantors or sureties were members of or connected with certain "groups" who might be interested in having the defendant flee. This is irrelevant. Whether or not the sureties are revolutionaries or sincerely motivated from a civil liberties point of view is immaterial. What is relevant, however, is the fact that, unlike the usual situation with respect to the posting of the bail, neither the defendant nor his family or close personal friends would suffer any financial loss if he jumped bail. Therefore the money guarantee, although substantial in terms of amount, is not of as great consequence as it would ordinarily be. While the defendant faces extremely rigorous non-financial conditions with respect to his mobility if released under the terms of the federal order, it is my belief that no amount of surveillance could prevent the defendant from fleeing the jurisdiction of this court. It is my further belief that under the circumstances of this case, the compulsion to jump bail would be irresistible. The defendant faces extremely serious punishment under both state and federal charges. His admitted connections to other countries (according to the FBI special employee), the wanton and callous nature of the acts with which he is charged and the proof of which is apparently so strong, all indicate that he would have no respect for the processes of either this or the federal court.

Of even greater concern to this court is the anger of this defendant to the community. There is no indication whatsoever that the course of conduct upon which the defendant apparently embarked and which created such fear, turmoil, and terror among our citizens has been rerouted to more socially responsible directions. It should be re-emphasized that there is a large amount of missing dynamite from the theft attributed to the defendant.

Denial of bail because of the dangerous potential of a defendant if let at large in the community should only be imposed in rare and extraordinary cases. In those cases the evidence must be clear and convincing, the peril must be apparent. Further the prosecutor must be prepared to proceed as is the present posture of this case.

As Justice Jackson stated in *Williamson v. United States*, sitting as a circuit justice, in 184 F. 2d, 282, 283, "imprisonment to protect society from predicated but unconsumed offenses is so unprecedented in this country and so fraught with danger of excess and injustice that I am loathe to resort to it. . . ." This court is also loathe to resort to the denial of bail on such grounds but

reluctance does not imply either the lack of authority or obligation to do so in the proper case. In the words of Supreme Court Justice William O. Douglas: "If, for example, the safety of the community would be jeopardized it would be irresponsible judicial action to grant bail." *Carbo v. U.S.*, 7 L Ed 2d 769, 774.<sup>3</sup> This court cannot ignore this defendant's manifest threat to safety and welfare of this community.

This court finds that the defendant would not appear for trial if admitted to bail and further finds that he would constitute a danger if admitted to bail pending trial. The defendant is held without bail with leave to renew his application if the prosecuting agency is not prepared to afford him a speedy trial.

[From the New York Times, Mar. 11, 1970]  
CITY JUDGE DENIES BAIL IN BOMB CASE—  
RULES PREVENTIVE DETENTION LEGAL IN  
HOLDING SUSPECT IN SIX BLASTS LAST YEAR  
(By Lesley Oelsner)

Preventive detention—the controversial technique of denying bail to a defendant considered dangerous by a judge—was declared legal under state law yesterday by a city Criminal Court judge.

In what is believed by legal experts to be the first ruling of its kind, the judge, Irving Lang, departed from the usual method by which judges deal with defendants they consider threatening: setting such high bail that, in effect, the defendant has no bail at all. Such a practice, Judge Lang indicated in his opinion, is not only a mistake but also an unnecessary fiction.

"Danger to the community has no relationship to the ability of a defendant to post a bond," he said. "If a court determines that a defendant would be a threat if released prior to trial, its duty is to remand him rather than set an extremely high bail."

The judge's ruling came in the case of Samuel Joseph Melville, the suspected "engineer" of the bombings in 1969 of six buildings in Manhattan. Four others were named in the original indictment, but one turned out to be an agent of the Federal Bureau of Investigation and another is still a fugitive. Mr. Melville, however, brought this suit alone.

His attorney, William Crain, had argued that Judge Lang could not consider the defendant's potential "danger to the community" in setting bail. He was not available yesterday to comment on the decision, in which Judge Lang rejected Mr. Crain's argument in favor of the position presented by Assistant District Attorney Lawrence Hochheiser.

Mr. Melville was indicted last fall by both a Federal and a state grand jury for his alleged part in the bombings—of the United Fruit Pier, the Marine Midland Grace Company, the Chase Manhattan Bank, the RCA Building, the General Motors Building and the Criminal Courts Building—and was originally held by a United States Commissioner on \$500,000 bail.

This bail was subsequently reduced to \$300,000 and later to \$50,000, and then, on Jan. 5 raised to \$100,000. A few weeks ago Mr. Melville was able to raise the \$100,000, largely through a contribution drive by the radical newspaper *Rat*. Before paying it, though, he asked that bail also be set in the Criminal Court on the state's charges against him.

It was on this request that Judge Lang ruled yesterday.

<sup>3</sup> Both *Williamson* and *Carbo* related to bail applications subsequent to conviction pending appeal. Justice Jackson granted bail and Justice Douglas denied bail. The *Williamson* was a so-called "communist" case and involved substantial first amendment questions. *Carbo* was an extortion case.

In his decision, Judge Lang explained that Federal law had permitted United States District Court Judge Milton Pollack to set the \$100,000 bail on the Federal charges, but that state law barred a similar bail on the state charges.

Under Federal law, he said, defendants have had the right to bail in all noncapital cases since 1799. This right was challenged last year by President Nixon when he proposed a law that would permit preventive detention, but as the measure has not yet been passed, the right to bail still exists.

But in New York, the Code of Criminal Procedure gives a right to bail only when the defendant is charged with a misdemeanor, a violation or a traffic infraction. In all felony cases, the code says, bail is "a matter of discretion" for the judge.

Despite the difference between Federal and state law, though, New York judges have generally refrained from outright denial of bail. For the United States Constitution (as well as the New York Constitution) says that "excessive bail shall not be required"—and though neither the Supreme Court nor New York's Court of Appeals has ever held that there is an absolute, constitutional right to bail, many judges and lawyers think that such a right exists.

Moreover, bail has generally been held to be nothing more than a guarantee that the defendant will show up at his trial. The Federal Bail Reform Act, in fact, says that the only consideration allowed in deciding on the amount of bail is the defendant's likelihood to return to trial.

Other judges and lawyers, of course, believe that there is no such absolute right. Rulings of both the Supreme Court and the Court of Appeals have said that the Constitution's language means only that where bail is granted, it must not be excessive.

Yet these judges and lawyers too have been wary of proposals that would allow preventive detention. For one thing, they say, a preventive detention statute could easily be abused.

As a result, President Nixon's proposal met with much opposition from large segments of the legal community. And in New York, the State Penal Law Revision Commission decided last fall not to suggest a preventive detention statute to the Legislature.

But judges have also been concerned with the number of men who on being released on bail pending trial for a crime, commit another crime.

So, they have come up with a compromise—setting high bail whenever they are faced with a defendant who they consider a potential repeat-criminal.

It is this conflict between what judges say (that bail is available) and what judges do (place the defendant in preventive detention) that Judge Lang attempted to change in his decision yesterday. As one observer noted: "He isn't really doing anything different from what any other judge does. What he's doing is just being honest about it."

[From the New York Times, Jan. 16, 1955]

**BAIL REFUSED IN HOLD UP**

William Sylvester Cole, companion of a hold-up man shot by a policeman at a Madison Avenue jewelry store Friday evening, was held without bail yesterday.

Cole, who is 30 years old and lives at 220 West 114th Street, was arraigned before Magistrate Hyman Korn in Felony Court on charges of robbery and unlawful possession of a revolver. He has a record of eight previous arrests. The wounded man, Ernest Peterson, 31, who was shot attempting to hold up the store at 563 Madison Avenue, remained in serious condition at Roosevelt Hospital.

Magistrate Korn commended the police officers who made the arrest and Max Le Vine, 70-year old proprietor of the store, who sounded the hold-up alarm.

"If we had more of this type of action,"

the Magistrate said, "our crime wave would be reduced considerably."

[From the New York Times, June 27, 1955]  
HELD IN JEWEL ROBBERY—MAN SEIZED IN \$400,000 THEFT SPENT 22 YEARS IN JAIL

Accused of a \$400,000 jewelry holdup Saturday, Herman Gross, 59 year old, of 1032 Ocean Parkway, Brooklyn, was held without bail yesterday by Magistrate Charles Solomon in Felony Court.

The police said Gross had been arrested sixteen times since 1909, had spent twenty-two years in prison and faced, if convicted, a life sentence as a fourth offender. Clues were being sought yesterday to the identity of his accomplice in the hold-up of the F. Staal & Co. Jewelry Shop, 548 Madison Avenue, at Fifty-fifth Street.

Gross, the police said, had \$15,000 to \$20,000 worth of the loot in his pockets when he was arrested. The remainder of the jewels were found in a pouch at the Madison Avenue curb.

**FOREIGN AFFAIRS: A GAME OF DOMINOES BEGINS**

**HON. RICHARD BOLLING**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. BOLLING. Mr. Speaker the support of men and money for our expensive and sometimes dangerous commitments in foreign lands is not a popular cause. But what is the alternative?

C. L. Sulzberger in the following article in the New York Times of March 15 provides some answers as he reports how Southeast Asian leaders, doubting our staying power, are moving toward the Soviet Union. The article follows:

**FOREIGN AFFAIRS: A GAME OF DOMINOES BEGINS**

(By C. L. Sulzberger)

PARIS.—The most unpopular phrase in the United States nowadays is "domino theory"—a metaphor describing what might happen if South Vietnam is overrun by Hanoi's Armies. Ever since the Eisenhower Presidency, when the phrase was first used, it has been employed to warn that if one Southeast Asian land is forcibly communized all the rest will follow.

The U.S. mood is such that this theory is currently unacceptable in polite American society, but it has been less easily forgotten in the area affected. It was no surprise when President Thieu said in Saigon last week: "I maintain that the domino theory still applies. If South Vietnam falls into the hands of the Communists, Laos, Cambodia, Thailand and the other countries in this part of the world also fall."

Many Americans, fed up with war an eager to accelerate "Vietnamization," regard Thieu as an unsavory character, more repressive and less benevolent than the late Ho Chi Minh. But another man, who is chic with those same Americans, happens to agree with Thieu.

He is Prince Norodom Sihanouk, Cambodian Chief of State and former King, a shrewd statesman who has done his best to preserve his country by cottoning up to Hanoi and Peking while blasting Washington. Sihanouk says that if U.S. withdraws completely from South Vietnam:

"In all Asia this departure would be interpreted, without exception, as a defeat, an avowal of the weakness of the American giant. And all Asia remains persuaded that the domino theory would come into play against the Americans . . . If the Americans quit Vietnam, Asia will stir, first the Philip-

pines and Thailand; already the U.S.S.R. is installing itself in India more solidly than America; Pakistan still plays neutralist but becomes more and more friendly to China."

**SIHANOUK'S ANALYSIS**

Although Vietnamization has barely begun, Sihanouk's analysis already shows hints of confirmation. Laos has been more than usually ravaged in the regular Communist pre-monsoon offensive and, as the weary U.S. public and its legislators warn against involvement in another battlefield, Hanoi edges toward control of this strategically placed little land.

Thailand, which finds the Laotian buffer getting thinner every day, has asked Washington for more arms. Singapore, further down the line of dominoes, announces that Soviet warships may for the first time use its enormous naval dockyards. Cambodia itself, shielded from war only by allowing Hanoi to use its territory as a military base, now teeters. Anti-Communist riots in Phnompenh could herald chaos.

**ORIENTAL YUGOSLAVIA**

Sihanouk, who can certainly not be called either hawk or pro-American, says flatly that if Nixon ever withdraws completely—which he doubts—Cambodia "would be obliged to opt for China" and become a "satellite." He hopes that North Vietnam will prove itself an Oriental Yugoslavia, standing up to China.

But he fears a deal between Hanoi and Peking in which the Vietnamese would take over Laos and Cambodia while China grabs Burma. Hanoi could easily devour both Cambodia and what is left of Laos if it were not faced with U.S. opposition. There are enough North Vietnamese and Vietcong troops in Cambodia today to seize that country.

Just how Peking plans to play the game is unpredictable and may depend on when Mao Tse-tung dies. It can easily exert pressure through Chinese minority colonies and also via strategic roads.

One such highway, maintained by perhaps 30,000 Chinese troops and laborers extends deep into North Vietnam. Another, constructed by Chinese Army engineers, is moving from Yunnan across northwestern Laos to Pak Beng on the Mekong River which flows down through Thailand, Cambodia and South Vietnam.

As indicated by Singapore's latest move, many Southeast Asians doubt long-term U.S. resolution and have started to reinsure themselves with the Soviet Union. Last year Brezhnev suggested organization of a regional defensive coalition in which the U.S.S.R. would play a leading part. Sihanouk says: "It is because the Soviets fear a Sino-Vietnamese collusion [Peking and Hanoi] that they propose the formal security system so badly received in China."

How far any of these tendencies will develop remains conjectural. American public opinion urges the President to withdraw and, although he has the constitutional right to postulate our foreign policy, this must be funded by a Congress subject to emotional pressures.

Confucius once wrote: "The people can be made to follow a course, but they cannot be made to understand it." The first half of the statement can be challenged. In any case, the dominoes game has started.

**HAPPY ST. PATRICK'S DAY**

**HON. BERTRAM L. PODELL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. PODELL. Mr. Speaker, the observance of St. Patrick's Day has a moving significance for many of us, but it has

special significance for our Irish American colleagues and friends. The stories surrounding the patron saint of the Emerald Isle have become a blend of the historic and the legendary, and our appreciation of the venerable St. Patrick is a product of both myth and fact.

It matters little that we do not know the precise date of St. Patrick's birth. It is sufficient that generation after generation of the sons and daughters of Erin have gloried in the legends which have surrounded him during his life of devoted service to the people of Ireland. These stories have increased in scope—century after century.

Historians agree that he was captured at the age of 16 by Irish raiders and sold into slavery in Ireland. They concur that Patrick tended his master's herds and flocks during his servitude. Most of them agree that as a result of a dream, young Patrick fled over 200 miles braving hardship and danger to reach the sea. There he prevailed upon a boat's captain to take him to France.

At this point, biographers and historians cannot agree as to how Patrick spent the ensuing years. Some say he found his way back to his kinfolk in Britain where he heard "The Voice of Irish." This "Voice" so haunted his thoughts and his dreams that he returned to Gaul to study for the priesthood, in order to return again to Ireland.

Other historians maintain that he stayed in Gaul and got his education at Auxerre. Most agree he studied first under the famed Bishop Amator, and then under the spiritual direction of St. Germanus. All agree that after St. Germanus consecrated Patrick, he went back to Ireland in 432 as a missionary bishop.

All historians agree that Patrick had phenomenal success in evangelizing the druids, particularly after his initial triumph in the presence of their King Loigaire at Tara. There is general agreement upon the date of the death of St. Patrick at Saul in Ulster in his own feast day, March 17, 161.

Today it is not important whether or not the many legends have any basis in fact. What matters is that millions of Irish celebrate St. Patrick's Day as a day for prayer and festivities, and to them I say, "Happy St. Patrick's Day."

#### SCHEDULE FOR REPORTING AND FLOOR CONSIDERATION OF APPROPRIATION BILLS

### HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. MAHON, Mr. Speaker, as I indicated during the 1-minute period in the House earlier today, we have developed in cooperation with the House leadership a schedule for processing the appropriation bills of the session which provides for the first bills to be on the House floor the week of April 13 and the last bill the week of June 15.

If the House sticks to the schedule—

and we have every hope of doing so—it will, I believe, thereby lay the basis for a substantial contribution to better management and efficiency in the government generally.

Mr. Speaker, under leave granted, I include the schedule and an accompanying explanatory statement:

#### COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES—SCHEDULE FOR REPORTING AND FLOOR CONSIDERATION OF APPROPRIATION BILLS

Bill	Report in full committee	Floor consideration <sup>1</sup>
Education.....	Thursday, April 9.....	Week of April 13.
Legislative.....	Friday, April 10.....	Do.
Treasury-Post Office.....	do.....	Do.
2d supplemental, 1970.....	(?).....	(?).....
Ind. Offices-HUD.....	Thursday, May 7.....	Week of May 11.
Interior.....	Thursday, May 14.....	Week of May 18.
State-Justice-Commerce-Judiciary.....	Friday, May 15.....	Do.
District of Columbia.....	Thursday, May 21.....	Week of May 25.
Transportation.....	do.....	Do.
Agriculture.....	Late May.....	Late May.
Foreign Operations.....	Monday, June 1.....	Week of June 1.
Defense.....	Wednesday, June 3.....	Week of June 8.
Public Works.....	Thursday, June 4.....	Do.
Military Construction.....	Monday, June 8.....	Do.
Labor-HEW-OEO.....	Thursday, June 11.....	Week of June 15.

<sup>1</sup> Exact floor dates to be worked out in cooperation with House leadership.

<sup>2</sup> Probably sometime during period mid-April/mid-May.

#### STATEMENT BY GEORGE MAHON OF TEXAS ON THE REPORTING SCHEDULE FOR THE APPROPRIATION BILLS

Working in cooperation with the House leadership, we have developed a schedule for processing the appropriation bills of the session which if adhered to will see all the regular bills for fiscal 1971 sent to the other body by June 15.

It lays the basis for a very considerable improvement in timely dispatch of the important appropriations business of the Congress.

It is realistic insofar as the status of the work of the Committee on Appropriations is concerned. We began our hearings on a number of the bills in mid-February; we have recently had as many as 11 subcommittees holding appropriation hearings on a single day. A heavy hearings schedule is continuing.

We expect to report three bills very shortly after the forth-coming Easter recess.

As we announced last year when the interminable delay in the Labor-HEW bill caused such uncertainty and disruption to planning in school districts and educational programs generally around the country, there will be a separate education appropriation bill this year. It will be the first bill reported, with the hope that this will assist in expediting final congressional enactment so that the educational community generally will have a much more definite idea of the approved Federal funding levels well in advance of the coming school year.

Of course, expeditious disposition of the appropriation bills will require the active cooperation of both bodies. The Senate Committee on Appropriations has already begun hearings on, I believe, 5 or 6 of the bills. I wound up last year's appropriations business of the appropriation bills will be signed into law by the beginning of the new fiscal year on July 1 next.

In the session last year, we processed a total of 21 bills and resolutions, and finally wound up last year's appropriations business this session with adoption of an additional continuing resolution and the new Labor-HEW bill which the President signed on March 5.

Neither the new administration nor the House or Senate did an adequate job in processing the authorization and appropriation bills last year. But neither was last year's

record as bad as it would seem on the surface. There were delays inherent in setting up the new administration. The bulk of the budget revisions of the new administration did not come to us until April 15. Some were received May 5. The foreign assistance budget amendments were received on June 19 and July 22. The request for the supersonic transport plane—the SST—was received on October 8.

Delays in enactment of several of the annual authorization bills were major stumbling blocks for the appropriation bills last year. Orderly achievement of the schedule for the appropriation bills this session requires timely consideration of the related authorization bills. The House has already processed some of the annual authorizations for fiscal 1971 and a number of the legislative committees are busy with consideration of additional ones. Insofar as reasonably possible, we have scheduled several major bills—for example, Defense, Military Construction, Public Works-AEC, Labor-HEW—late in the priority reporting order so as to allow maximum time for timely processing of the several authorizations on which those appropriation bills to one degree or another significantly depend.

In conclusion, I believe the fiscal and economic situation is such that, in my judgment, we must make an all-out effort to proceed with restraint and caution and hold the authorizations and appropriations as low as reasonably possible. There will be many opportunities to practice fiscal prudence. Processing the budget is the work of many hands.

The new budget for fiscal 1971 contains about \$10.9 billion of new legislative proposals which will be before the legislative committees and the House.

Some \$35 billion of the new appropriations for going programs are first subject to annual authorizations through a number of legislative committees.

The Committee on Appropriations will carefully screen all of the items in the budget over which it has jurisdiction, recommending reductions wherever reasonably possible. No doubt there may be some increases in certain programs.

#### LITHUANIAN INDEPENDENCE

### HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 17, 1970

Mr. FANNIN. Mr. President, this year marks the 719th anniversary of the formation of Lithuania.

This territory went behind the Iron Curtain some years ago, when these fiercely free people were subjugated against their will.

Mr. President, I ask unanimous consent that a resolution commemorating the anniversary of the proclamation of Lithuania's independence be printed in the RECORD.

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

#### RESOLUTION

Whereas, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 52nd anniversary of the establishment of the Republic of Lithuania on February 16, 1918, commemorated by Americans of Lithuanian origin or descent and their friends in all parts of our great nation; and

Whereas, the Communist regime did not come to power in Lithuania, Latvia, and Estonia by legal or democratic process; and

Whereas, The Soviet Union took over Lithuania, Latvia, and Estonia by force of arms; and

Whereas, the Soviets have deported or killed over 25 percent of the Lithuanian population since June 15, 1940; and

Whereas, the government of the United States maintains diplomatic relations with the governments of the free Baltic Republics of Lithuania, Latvia, and Estonia and consistently has refused to recognize their seizure and forced incorporation into the Soviet Union; and

Whereas, the Committee of the House of Representatives, created by H. Res. 346 of the 83rd Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia and Estonia was contrary to established principles of international law; and

Whereas, the House of Representatives of the United States Senate of the 89th Congress unanimously passed *House concurrent Resolution 416* urging the President of the United States to direct the attention of world opinion at the United Nations and other appropriate international forums by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Lithuania, Latvia, and Estonia, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples:

Now, therefore, be it resolved that the Americans of Lithuanian descent, and their friends, residing in Arizona, respectfully urge the President of the United States to bring the question of liberation of the Baltic States before the United Nations and ask that body to request the Soviet Union withdrawal of its troops and release its control of Lithuania, Latvia, and Estonia, and return to their homes all Baltic exiles and deportees from prison camps in the Soviet Union; and

Be it further resolved that a copy of this resolution be forwarded to the President of the United States, Secretary of State William P. Rogers, United States Ambassador to the United Nations Charles W. Yost, and the Senators B. Goldwater and P. Fannin.

Adopted on February 15, 1970 at the mass meeting commemorating the anniversary of the proclamation of Lithuania's Independence, Phoenix, Arizona.

EMILY JOSEN,  
TEOFREE SAULYS,  
NEPCHIAS MIEZEKIS,  
BRONNIS UZENUS,  
*Committee.*

**LANDIS WINS GOLD DEED AWARD**

**HON. EDWARD J. PATTEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 17, 1970*

Mr. PATTEN, Mr. Speaker, one of my most respected, active and distinguished constituents, Samuel I. Landis, of Highland Park, recently was selected this year's recipient of the "Book of Golden Deeds."

I have known Sam Landis for many years, and he has been practicing golden deeds all his life, so it was gratifying to me and to all who know him to read that Sam received the award.

I am proud that a man of his high ideals, outstanding ability, and strong interest in civic and governmental affairs, is one of my constituents. But it is also an honor to have him as a friend.

An article in the Home News—New Brunswick, N.J.—of March 11, 1970, entitled "S. I. Landis Earns Gold Deed Prize," is inserted:

**S. I. LANDIS EARNS GOLD DEED PRIZE**

HIGHLAND PARK.—Samuel I. Landis, president of Landis Ford, North Brunswick, has been chosen by the Exchange Club as this year's recipient of the "Book of Golden Deeds."

The "Book of Golden Deeds" is awarded to men considered to have rendered service "above and beyond the call of duty." It will be presented March 23 at the Brunswick Inn.

**TO GET PLAQUE**

The book is retained in the Highland Park Library. The recipient receives a plaque commemorating the occasion.

Landis, a native of New Brunswick, attended Lafayette School and later Roosevelt Junior High School and New Brunswick High School. After graduating in 1941 he attended New York University which he left when called into active duty April 1943.

During the war he served in the Pacific Theatre of operations on Saipan and Okinawa as a technician in a portable surgical hospital. He was awarded the Bronze Star for his service on Okinawa and was discharged from the Army in 1945.

After the war he attended Rutgers University, graduating in 1953. During that period he also worked for his father-in-law, Morris Rosenfeld, at Nathan's Department Store in New Brunswick.

When the business was sold Landis bought the Ford franchise for New Brunswick and has been in this business ever since.

Active in automobile dealer associations in New Jersey, he has been a member of the board of the N.J. Automobile Association and has been zone chairman of the Ford-Newark district.

**OTHER SERVICE**

For many years he has worked on the boards of United Fund, Jewish Federation; Easter Seals, Israel Bond Appeal, YM&YWA, Girl Scouts and the YMCA. He also organized the Raritan Valley Workshop to assist handicapped children.

Landis is also a member of the Kiwanis Club of New Brunswick, Raritan Valley Regional Chamber of Commerce, Society for Advancement of Management and the American Field Service.

He is also a member of the board of trustees of the Peoples National Bank.

Receiving the book in the past were W. Harold Hamilton, retired high school teacher; Alvah Cole and Dr. George Leonard, former mayors; Frederick Scheldig, retired police captain; and Ferd Denhart, former president of the First Aid Squad.

Landis and his wife, the former Connie Rosenfeld, have three children, and live at 250 S. Adelaide Ave.

**WELFARE REFORM**

**HON. JOHN B. ANDERSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 17, 1970*

Mr. ANDERSON of Illinois. Mr. Speaker, the House will soon be considering H.R. 16311, known as the family assistance plan. The purpose of this legislation is to effect fundamental welfare reform by coupling income maintenance with work incentives.

When President Nixon unveiled his welfare reform plan last August, he made the following observation:

The present welfare system has failed us—it has fostered family breakup, has provided very little help in many States and has even deepened dependency by all-too-often making it more attractive to go on welfare than to go to work.

The bill recently reported out of the House Ways and Means Committee goes a long way toward correcting these abuses, and, with certain exceptions, is patterned after the administration's recommendations. I want to take this opportunity to commend the Ways and Means Committee on the excellent work it has done, and to give special praise to the committee's distinguished chairman (Mr. MILLS) and my friend and colleague the ranking minority member (Mr. BYRNES).

At this point in the RECORD, Mr. Speaker, I would like to include two editorials written in support of the administration's family assistance plan, one from the March 8 New York Times, and the other from the March 10 Washington Daily News. The editorials follow:

**BREAKTHROUGH ON WELFARE**

The most fundamental welfare reform in nearly four decades has now been cleared for swift passage in the House. The overwhelming approval given to President Nixon's plan by the Ways and Means Committee virtually assures that the full House will authorize a guaranteed income floor for all American families.

The plan comes out of committee better than it went in as a result of effective teamwork by Congressmen of both parties, Administration officials and spokesmen for New York and other major cities and states. That is fortunate since under the decidedly undemocratic practice that governs bills of such magnitude—bills that can reshape the American future—the House has no power to amend the Ways and Means report; it must vote it up or down, no matter how much room there is for improvement in detail.

Under the plan every family of four would be assured of an annual income of at least \$1,600. All of that money would come from Federal funds if the family had no wages or other resources. Washington would also supply 30 per cent of all welfare allowances above that amount up to the newly revised poverty level of \$3,720 a year—a figure that would be revised periodically to keep abreast of higher living costs.

The new formula would transfer to the Federal Government \$62 million a year in costs now borne by the city and state, a \$20-million improvement over the original draft. The state would also have the option of contracting with Washington to take over all administration of eligibility determination and other phases of income distribution. If it did, the Federal Government would pay the full administrative bill, not just half.

Beneficial as all these modifications are, they fall short of full equity for the states that now provide some measure of adequacy for their dependent families. When the Nixon plan gets to the Senate, the 80 per cent reimbursement ratio should be raised to reflect more fully the reality that welfare is a national problem.

But the desirability of such modifications does not diminish the importance of the Presidents' original proposal or of the excellent changes the House committee has made. The nation is on its way to a vastly improved program for combating the cycle of inherited dependency.

**WELFARE REFORM TAKES A STEP**

When he first proposed his new welfare program last August, President Nixon got

about the same reaction from Congress as he might have had from reading his message to a man turning over in his sleep.

Even as recently as January, Health, Education and Welfare Secretary Robert H. Finch was dismayed by fears that Congress, while showing no signs of opposition, might just let the welfare plan die with an overdose of neglect.

Now, suddenly, the House Ways and Means Committee has approved, with slight changes, this sweeping proposal to recast the whole basis of Government assistance to people who can't (or don't) manage for themselves.

The vote in the committee was a decisive 21 to 3, and the highly influential chairman, Wilbur D. Mills of Arkansas, has become a chief backer of this reform. All this bodes well for the bill—in the House.

But now we must hope the Senate, after doing its homework as the Mills Committee has done, will come to the same conclusions:

That the welfare system we have is too wasteful, too costly, too lacking in results to justify keeping it.

That the President's plan offers the most promise of getting people off the welfare rolls and into self-sufficient employment—as compared to the present system which effectively discourages such independence and self-reliance.

That the President's plan will reach a good many people not now on welfare but just as needy, or more so, than those who are.

That while the costs at the outset will be higher (because more people will be involved) the plan can lead in the long run to a substantial decrease in the outlay of tax dollars.

One thing is for sure. The system we have is achieving nothing constructive. It does not encourage "clients" to get off the rolls. Since the beginning, costs have been doubling about every four years, even though job opportunities and the general prosperity of the country have been on the rapid rise.

The President's plan may not be sure-fire. Its success will depend on its administration. But the system we have is a flop, and at least the plan just approved by the House Ways and Means Committee will treat those who need its help much more fairly and uniformly, and it will stimulate those who are able toward a self-betterment sufficient to get them off public subsistence.

#### COMMENDING THE NATIONAL ORDER OF DEMOLAY

**HON. WILLIAM LLOYD SCOTT**  
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, March 17, 1970

Mr. SCOTT. Mr. Speaker, there are a number of DeMolay chapters in my congressional district as well as throughout the country and we can all be proud of the young men who make up the membership of these bodies.

The current week honors the performance of this outstanding body of conscientious young Americans: the National Order of DeMolay is open to all teenage boys, is sponsored by members of the Masonic fraternity. Founded 51 years ago in Kansas City, the order has served the country ever since, by encouraging and developing good citizenship and sound character among the youth of our land, teaching clean, upright living by

inculcating and practicing the virtues of comradeship, reverence, love of parents, patriotism, courtesy, cleanliness, and fidelity.

At the same time there are more than 2,500 active chapters in the United States, Mexico, Canada, and West Germany. Some of the activities of the organization are to sponsor teenage safety contests, anticommunism programs, antinarcotics forums, and oratorical contests. Local chapters are sponsored by the Masonic Order or some appendant order such as the Scottish Rite bodies, Royal Arch chapters or commanderies of Knights Templar. The order is named for Jacques de Molai, grand master of the Medieval Knights Templar, who was martyred at Paris in 1314. The governing officers are members of a grand council which outlines plans and promulgates the programs and activities for the entire movement.

Nine degrees are available to members of DeMolay, ranging from Initiation to the Founder's Cross. The sound principles and purposes of the order have captured the respect of Americans in general and the accomplishments of individual members have clearly revealed the significance and importance of its teachings.

I would take this occasion to extend congratulations to a body of Americans deeply concerned for the future of the country and the world at large.

#### UNCLE SAM AND EDUCATION

**HON. GEORGE E. SHIPLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, March 17, 1970

Mr. SHIPLEY. Mr. Speaker, I would like to take this opportunity to share with my colleagues, the following speech on "Uncle Sam and Education" by Dr. George Reuter of my congressional district:

UNCLE SAM AND EDUCATION  
(By Dr. George S. Reuter, Jr.)

#### INTRODUCTION

Education in America, it is generally conceded, first developed in the Massachusetts Bay Colony as exemplified by the Massachusetts Bay Law of 1642 and the "Old Deluder Act" of 1647. These acts attempted through education, and more specifically through the reading of the Bible, to prevent the Old Deluder, Satan, from corrupting the minds and hearts of the good men of New England.

Many events have been recorded since then. One recent example was the Christmas letter of Dr. Billy Graham. He said: "We are about to celebrate Christmas, 1969. Our celebration will be in the midst of war, racial strife, unprecedented crime and lawlessness, drug taking, pornography on a scale that would have made the people of the days of Sodom and Gomorrah blush, a student rebellion that threatens the educational process, and in the midst of dress rehearsals for revolution and the overthrow of established governments." As one reflects the laws of 1642 and 1647 in today's setting, he is confused at best. Perhaps, Tennyson should be considered here, as he viewed the Christian view

of history in majestic cadences in the final stanza of "In Memoriam":

"That God, which ever lives and loves,  
One God, one law, one element,  
And one far-off divine event,  
To which the whole creation moves."

#### SOME CURRENT CHALLENGES

Winston Churchill once said: "We shape our buildings and afterward our buildings shape us." This means that everything we create, good or bad, affects our development and, more importantly, affects the development of children. In his notes of a Native Son, James Baldwin expressed even more vividly the influence of our environment on our biological and mental characteristics, by saying: "We cannot escape our origins however hard we try, those origins which contain the key could we but find it, to all that we later become." With the above philosophy in mind, let us reflect some of the current challenges:

1. The issue of being a good person in trying times. Sir Walter Scott was perhaps our greatest novelist and, in addition, a man who could talk to everybody, poor and rich, as if he were a blood brother, and was perhaps the best beloved figure in British literature. As he lay dying within the sound of the murmur of the Tweed River, he said to his son-in-law, who was kneeling by his side, "Be a good man, Lockhart, for nothing else can bring you any consolation at such a time as mine."

2. The issue of expanding knowledge. Knowledge is increasing so fast, a recent ad said, that the problem of education is to find better ways "to pack it into your heads." This popular belief is wrong, and causes much of what is so wrong with our schools. For years, it is true, learned men used their brains to store and retrieve information. Today, the child who has been taught in school to stuff his head with facts, recipes, this-is-how-you-do-it, is obsolete, even before he leaves the building. Anything he can do, or be taught to do, a machine can do, and soon will do, better and cheaper. What children need, even just to make a living, are qualities that can never be trained into a machine—inventiveness, flexibility, resourcefulness, curiosity and, above all, judgment.

3. The issue of dissent in higher education. The colleges and universities, too, have always been torn between the conflicting mission to conserve and to pioneer. In the first half of this century, they struggled hard to revive the concept of the Renaissance and to pull together the fragmented backgrounds and values of a frontier civilization that was running out of frontier. The greatest risk today is in polarization, on campus and off. Concern for humanity thrives best in a society that is not polarized. Human values become brutalized when people live under the pressure either of survival of the fittest or of confrontation.

4. The issue of the urban areas. We should have Horace Walpole's phrase in mind when we look at what is being done in our large cities toward creating parks and gardens. Just as the climate in France cannot produce the green magnificence of the English parks, so in general the atmosphere in most of our large cities is unable to support most plant species. This does not mean that plant life is out of place in our cities, only that much more effort should be made to identify and propagate for each particular city the kinds of trees, flowers, and ground cover that can best thrive under its own particular set of climatic and other constraints.

5. The issue of the disillusioned. If the myriad problems that are tearing our society asunder are to be resolved, we must listen to the disillusioned lower-middle-class white

worker who lives in the midst of our urban crisis. The largest and most strategically located group of white workers in America is found in our industrial Midwestern and Northeastern cities. The most prominent segment of this group is some 40,000,000 ethnics who include the foreign born and the first-, second-, and third-generation Americans of European ancestry. Although a majority of the ethnics enjoy a higher standard of living than their parents, a significant number, especially the older ones, earn only a few thousand dollars above Office of Economic Opportunity poverty guidelines. Many of the elderly, to make ends meet, receive help from their children. Others live off welfare, Social Security or retirement benefits.

A SAMPLE OF CURRENT GOVERNMENTAL PROGRAMS

There are many federal programs in education, but the supplementary educational centers and services of E.S.E.A., Title III, are representative. The figures below tell the story. For 1969, the figures follow:

State	Actual title III	Total to State
Alabama	\$2,893,354	\$80,563,941
Alaska	547,744	21,175,776
Arizona	1,514,678	37,605,584
Arkansas	1,713,497	47,012,311
California	14,180,196	332,288,501
Colorado	1,767,120	49,401,521
Connecticut	2,331,546	37,070,614
Delaware	714,568	10,061,695
Florida	4,389,257	100,009,602
Georgia	3,623,910	96,721,548
Hawaii	556,489	21,753,891
Idaho	857,190	15,376,457
Illinois	8,235,338	145,785,726
Indiana	3,974,139	64,612,811
Iowa	2,292,488	48,074,901
Kansas	1,942,094	44,793,412
Kentucky	2,622,860	71,720,041
Louisiana	3,074,668	70,286,377
Maine	964,066	15,429,867
Maryland	2,887,002	69,471,953
Massachusetts	4,108,964	90,746,904
Michigan	6,790,000	110,687,718
Minnesota	2,976,699	61,560,150
Mississippi	2,101,942	62,920,265
Missouri	3,556,732	78,058,591
Montana	888,162	19,082,211
Nebraska	1,353,663	27,422,592
Nevada	646,767	9,268,215
New Hampshire	815,216	11,716,629
New Jersey	5,233,177	80,925,818
New Mexico	1,112,240	35,721,788
New York	13,221,927	288,179,697
North Carolina	4,019,265	118,418,407
North Dakota	815,806	16,417,958
Ohio	8,124,232	127,695,563
Oklahoma	2,108,726	55,919,805
Oregon	1,723,019	39,482,997
Pennsylvania	8,692,138	152,451,053
Rhode Island	950,666	17,527,768
South Carolina	2,876,411	63,919,869
South Dakota	209,789	17,897,636
Tennessee	3,110,281	80,196,878
Texas	8,478,686	206,732,508
Utah	1,088,519	24,929,551
Vermont	637,800	8,650,666
Virginia	3,568,334	102,400,196
Washington	2,503,013	55,468,856
West Virginia	1,615,010	36,786,990
Wisconsin	3,403,351	59,758,463
Wyoming	580,075	8,437,674

A SAMPLE OF CURRENT TITLE III PROGRAMS

It would seem that the 1969 Title III Projects in Illinois are representative of federal ones throughout America. These are:

1. "Complete Communication Development Program"—This Calumet Park project is designed to identify those children who have learning disabilities in the areas of auditory-vocal language skills, visual motor language skills, and social development and remediate them on the kindergarten and first-grade levels.
2. "Residential Program for Seriously Emotionally Disturbed"—The purpose of the Chicago project is to establish a demonstration educational rehabilitation program in the Chicago Parental School for boys.
3. "Prescriptive Individual Instruction"—The basic objective of the Edwardsville proposal is to retain in the regular classroom

certain mentally handicapped and disabled learners, to meet the needs of such children by an identification program designed to pinpoint specific learning deficits, and to develop individualized programs of instruction for those students.

4. "Model Program for Emotionally Disturbed"—This operational grant for Jacksonville allows for the development of a model program wherein community schools are cooperating with a State hospital to provide special educational and psychological services for emotionally disturbed pupils and their parents, while providing in-service education for classroom and special education teachers.

5. "Center for Children with Learning Disabilities"—The purpose of the Kane County operational project is the establishment of a Center for Children with Learning Disabilities.

6. "Evaluation Planning for Special Education"—The purpose of the Lincolnwood project is to develop an evaluation paradigm which can be used to evaluate all or part of any special education program.

7. "Hearing and Language Center of the West Suburban Schools"—This Lombard project is designed to diagnose and treat hearing handicapped children of preschool age.

8. "Teacher Training for Behavioral Management"—This Marengo project provides for the training of selected classroom teachers in behavioral management techniques.

9. "Project Adjustment"—This Marion project has established a county-wide special education program and psychological clinic for handicapped children that is designed to serve as a model.

10. "Child Development Program"—This operational Northbrook project is providing a program for four- and five-year-old children with learning problems.

11. "Maine Township Diagnostic and Remedial Learning Centers"—This Park Ridge operational program utilized a multi-disciplinary diagnostic approach to remedial reading and communication weakness in children, ages four through twenty-one.

12. "Midway Teaching and Treatment Program"—The Peoria program is designed to save seriously emotionally disturbed students from full-time institutionalization by offering a combined teaching and treatment program.

13. "Alton Area Supplementary Educational Center"—This project is designed to provide in-service education for professional educators in the areas of instructional materials, reading, and research.

14. "A Center for Upgrading Educational Services"—This Champaign project is designed to provide 96 school districts with a coordinating Center which will assist the districts in developing cooperative programs.

15. "Eastern Illinois Development and Service Unit"—The basic objective of the Charleston proposal is to demonstrate the manner in which a team of educational specialists with multi-media resources at their command work with local school districts to bring about meaningful educational change through expanded and enriched programs and greater utilization of existing resources.

16. "South Cook County Educational Development Cooperative"—The Educational Development Cooperative of Palos Hills is specifically designed to provide services which are designed to improve education in a large number of districts in southern Cook County.

17. "A School-Community Outdoor Education Project"—Through the cooperative efforts of the local school and park districts of Crystal Lake, this project has established an Outdoor Education Center. The major emphasis during the academic year is upon cognitive learning and education in and about the out-of-doors.

18. "Natural Resources Education Demonstration Center"—This Genoa Operational grant has provided funds for a Natural Resources Education and Demonstration Center which provides a program of natural resources and conservation education.

19. "Regional Cooperative Outdoor Education Program"—The purpose of this Marion project is to provide outdoor academic experiences which will help make classroom studies more meaningful in all subject areas, and to provide outdoor education, instructional materials, etc. for Williamson and Jackson Counties.

20. "Educational and Cultural Enrichment Project of Hancock County"—This Carthage planning grant which mobilized a massive involvement of administrators, teachers, consultants, and lay citizens surveyed and analyzed the educational and cultural needs of the residents of the County.

21. "Project SHARE-20"—In cooperation with the Southtown branch of the Metropolitan Y.M.C.A., the Chicago Board of Education through District No. 20, established interdisciplinary counseling and social work services for underachievers.

22. "Sequential Approach to Readiness and Language Development"—This Chicago Ridge project provides a non-graded primary program through the utilization of multi-sensory learning laboratories.

23. "Evaluation for Individualized Instruction"—There are three major objectives of the Downers Grove project. The first is to provide teachers with improved skills in the construction, development, and use of classroom tests. The second is to demonstrate that such improvement in teacher skill will lead to the improvement of programs of individualization of instruction to promote mastery of essential objectives. The third is to provide a model for the use of continuous information in both improving instruction and in giving information to communities regarding the progress of students in their schools.

24. "Development and Dissemination of Independent Work Materials in an Educational Park and an Extension of Effort Nationally"—This Evanston project is developing and disseminating multi-media instructional materials for teacher and student use in a variety of educational settings.

25. "Language Development of Pre-School Children"—This Freeport operational project resulted from a planning grant. The operational phase of the program is establishing a district-wide model program which will foster increased linguistic development of pre-kindergarten children.

26. "Science Experience as a Motivational Vehicle to Improved Written Communication Skills in the Intermediate Grades"—This Homewood project establishes a summer workshop to develop materials and methods which can be used by students in expository writing.

27. "Operation Bridge"—The chief objective of the Hopkins Park project is to offer school children an opportunity for a unity of experience between the home and school life.

28. "Project Quest"—This Joliet project is designed to improve the quality of education by the introduction of various educational innovations. These innovations will act as a catalyst to mobilize local resources to meet area needs.

29. "Library-Located Audio and Video Random Access Information Retrieval System"—This Oak Park operational grant is a follow-up of a pilot program. The purpose is the establishment of a library-located instructional resource center which utilizes an electronically stored information process.

30. "Center for Ethnic Studies"—This Park Forest project has established an educational planning center which combines curriculum materials and community resources in a planned program to improve human

relationships through improved and enriched ethnic studies and understandings.

31. "Supplementary Safety Education Center"—The basic purpose of the Peoria project is to assist school districts in coordinating and disseminating exemplary safety education practices throughout a large four-county area.

32. "Individualized Instruction Demonstration Project"—The purpose of this Urbana operational project is to develop demonstration classes to show how behavioral principles and current technology can be applied to individualized instruction and overcome common motivational problems in the elementary classroom.

33. "Worth Curriculum Development Center"—Inherent in the Worth proposal are development of special subject matter curricula, development of appropriate instructional materials, in-service training and education, research, and consultant services.

34. "A Feasibility Study and Pilot Project to Train Para-Professionals to Assist Elementary School Guidance Personnel"—This Deerfield project is testing the feasibility of the use of para-professionals to aid elementary guidance workers in providing comprehensive service to all children.

35. "Metropolitan Supplementary Educational Center in the Arts"—This Belleville project is a cooperative venture between two states. The purpose is to establish bit-state metropolitan supplementary educational centers and services and to conduct pilot projects in the fine arts.

36. "Fine Arts Educational Improvement Project"—This Bloomington project provides supplementary educational services in a five-county area and in four areas.

37. "Cultural Enrichment Project"—This Chicago project is designed as a cultural enrichment program through children's attendance at live performances in the performing arts.

38. "Community Theatre in the Streets"—This Chicago project sponsors late afternoon and early evening summer street concerts and dramatic presentations presented by students.

39. "I/D/E/A National Demonstration School Project"—The chief function of the Decatur project is to enable the applicant to participate in a national demonstration schools project in order to increase communication among educational institutions dealing with innovations.

40. "Evanston-Skokie Laboratory School"—The purpose of this Evanston project is to conduct planning, establish a pilot project, and to disseminate information about a public experimental laboratory school.

41. "Teaching, Thinking and Clarifying Values"—This La Grange project is designated to assist children to learn how to think and to help them clarify their values.

42. "Bootstrap-Interweave"—This Niles project is structuring the program for increased teaching competence in social studies, mathematics, and science instruction.

43. "Teacher Development Center and Demonstration School"—This Rockford project provides a center in an elementary school for professional advancement and educational innovation.

44. "Program for Beginning Teachers"—This Wilmette project is providing beginning teachers with the professional assistance needed in their first year of teaching.

45. "Chicago Comprehensive Project"—The Woodlawn Experimental Schools Project" comprises an important thrust in education in the inner city.

46. "Computer Control System and Service Facility to Enhance Quality Education and to Evolve Optimal Distribution Patterns for Large Urban Centers"—This Chicago project has established a computerized service facility for effective booking and distribution of educational media throughout the Chicago Public School System.

47. "A Comprehensive Recreational and Service Program"—This Wheeling project presents a Comprehensive Recreational and Service Program which expands the effectiveness of the school through a greater utilization of school and community facilities.

#### DESIRABLE FUTURE GOALS

1. The curriculum must accomplish the following objectives:

a. The curriculum will be based upon a careful assessment of needs of learners.

b. The curriculum design will deal with the needs of the learners.

c. The curriculum will provide for cognitive and affective improvements.

d. The curriculum objectives will be stated in behavioral and measurable terms.

e. Continuous evaluation will be an integral component of curriculum development and implementation.

f. Curriculum development will result from procedures for involvement.

2. The program in the need area will accomplish the following objectives:

a. Cognitive and affective problems of potential dropouts will be identified and remedied at the elementary level.

b. Pupils who have already dropped out of school will be retrieved.

c. The dropout rate will be reduced.

3. The proposals will be encouraged to accomplish the following objectives:

a. Disadvantaged pupils will achieve and demonstrate greater readiness.

b. Disadvantaged students already in school will demonstrate a more favorable attitude toward school.

c. The dropout rate in schools of high disadvantaged concentration will be reduced.

d. Curriculum will be restructured according to the needs, interests, etc.

e. Parents of the disadvantaged will demonstrate a greater interest in their child's performance.

f. Parents of the disadvantaged will provide more academic encouragement.

4. Pupil personnel services will accomplish one or more of the following:

a. Students will indicate an improved self-concept.

b. Parents will demonstrate a better understanding of pupil abilities, interests, and aptitudes.

c. Planning and implementation of comprehensive pupil personnel services will result in an observable improvement in the working relationships between home and school.

d. Professional staff will demonstrate an increased awareness and understanding of the role of pupil personnel services in the total educational program.

5. Proposals attacking critical needs of handicapped children should be designed to accomplish one or more of the following objectives:

a. Academic achievement of handicapped children will be improved.

b. Social and emotional attitudes of handicapped children will be improved.

c. Attitudes of parents of handicapped children will improve.

d. Skills and attitudes of the teachers of the handicapped will improve.

e. Skills of regular classroom teachers in dealing with children with handicaps will improve.

f. Attitudes of regular classroom teachers toward handicapped children will improve.

g. The community will indicate a greater knowledge of and receptivity to the needs of handicapped children.

h. Evaluation designs will be developed which will provide direction in planning, developing, and revising programs for handicapped children.

i. Preschool handicapped children will develop improved readiness for school.

6. Proposals designed to attack the needs of preschool children should be centered

around one or more of the following objectives:

a. The self-concept of the preschool child will be improved.

b. Academic readiness of preschool children will be improved.

c. Parents of preschool children will demonstrate an improved attitude toward preschool education.

d. Parents of preschool children will provide a more favorable home environment which encourages and assists the readiness of their children.

e. Teachers will demonstrate skills in working with preschool children.

Finally, after decades of silence, both social scientists and educators are at last explicitly examining and re-examining all the options regarding the relationship between the political system and the schools. The challenge is not new. It is not to accept a bland and dismal picture of the future, but to make something happen via Uncle Sam—to shape a future which is progressive and sound.

MARCELLUS M. MURDOCK, 1883-1970

### HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. SHRIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorials from the Wichita, Kans., Eagle, and the Hutchinson, Kans., News which eloquently eulogize the life and accomplishments of Marcellus M. Murdock, of Wichita, who died on March 10, 1970. The editorials follow:

[The Wichita (Kans.) Eagle]

MARCELLUS M. MURDOCK, 1883-1970

Marcellus M. Murdock lived so long and did so many things that any catalog of his contributions to his city and his state and nation is bound to be full of omissions.

He was forever accomplishing things at an advanced age that would have been remarkable in a youngster. He ignored age. He refused to acknowledge it or be cowed by it. To a remarkable degree he overcame it, as he overcame other adversaries in his 87 years.

Mr. Murdock was interested in a wide range of things, but two major enthusiasms were most conspicuous in him. The first was the newspaper business, which was his principal occupation for 67 years. The second was aviation, in which he was a pioneer and a lively practitioner until the day before his final illness struck.

Under his guiding hand The Eagle became the largest newspaper in Kansas. The acumen and professionalism with which he made it so won him many an honor from his colleagues in professional societies in Kansas and elsewhere. He accepted these with humility, and with much credit to his father, who established The Eagle, and his brother, Victor, who edited it before he was elected to Congress. But though each of these is entitled to his share of credit, it was Marcellus Murdock who stayed with The Eagle and made it his life, and guided it through bad times and good to its present eminence in its area.

As to aviation, he was ardent in his enthusiasm for it when most people thought flying machines were mere playthings. He, along with a handful of other men who at the time were regarded as hopeless visionaries, should have the credit for making Wichita the Air Capital of the world. Without their faith and courage and determination this vast manufacturing complex un-

doubtedly would have had its center elsewhere.

In 1929, when Mr. Murdock was 45, Walter Beech told him he was too old to fly. This provided the impetus he needed, and he soon was handling his own craft with an expertise admired by other pilots. His many adventures in the air amused and diverted him. If he ever was frightened he never admitted it, and his early interest in airplanes developed into an enduring fascination that prompted him to back the aircraft industry, airlines, and airports.

But he was tireless in support of everything he thought would be good for Wichita or Kansas. Scarcely a civic or government or educational improvement but had his help over a period of more than 60 years. One of his first acts as an editor was to attempt to clean up city hall. In his 87th year he still took a lively interest in any evidences of wrongdoing at any level of government.

During his long and active life in Wichita he served at one time or another on almost every one of the many civic and charitable and service boards. He was generous of his time and his resources in behalf of whatever he believed to be good.

His pleasure in recreation was great and all his life he was an outdoorsman. He liked to hunt, and did so to a very advanced age. He traveled enthusiastically and wrote incisively of the things he saw and persons he interviewed.

He was a diverting companion, whose conversation ranged over a wide variety of subjects with a courtliness that emphasized his age and a wit that belied it.

Wichita wasn't much more than a dusty cow-trail town when he was born here. When he left it, it had become a dynamic, growing metropolitan center that bears his imprint in a multitude of places and always will. He would forbid this tribute if he could. In life he rarely took credit for his accomplishments. In death he cannot escape the acknowledgement of a grateful community.

[The Hutchinson (Kans.) News]

MARCELLUS M. MURDOCK

The story of Marcellus M. Murdock, who died Tuesday night at the age of 87, is also the story of much of Kansas, spanning the decades from shirt-tail type to electronics, from horseback to jet travel.

Marcellus, his mother named him, and Sen. John J. Ingalls, the most illustrious Kansan of the last century, declared that for distinction, he must be known as Marcellus Murdock.

And Mark Murdock it was, through three generations of newspapermen.

He achieved success by a simple formula: steady work, and dedication to the reporting of all the news Kansans might need, or could absorb. Under his guidance, The Wichita Eagle found a firm footing, so firm that at his death his papers had reached dominance in the state, as the city he loved also reached dominance.

But it was not only the newspaper. Mr. Murdock embraced the world of finance, promoted aviation, helped develop colleges, and fought for better government. Always with the notion that Kansas held the seed of greatness, and that Wichita was the proper leader of Kansas.

The old order of Kansas newspapermen is fast fading. The new, younger breed, preoccupied with the accounting office, beset with publishing problems, hesitant to risk offense, hardly seems up to the task of replacing that generation of White, Harris, Allen, or Murdock.

But the inspiration is there. Kansans will remember Mr. Murdock for many things. Newspapermen will remember him for his integrity as both a publisher and editor, and for his simple conviction that people should be told the news regardless of the consequences.

OPENING UP THE HOUSE

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. HARRINGTON. Mr. Speaker, an article entitled "Opening Up the House" appears today in the Boston Herald. In his article, Tom Wicker discusses the problems of the seniority system and the pending Democratic caucus' proposal that a study be made of this system. I have spoken out twice in the past week on the need for a change in the seniority system—a change which will reinvigorate the House and make it more responsive to the needs of our times. In the belief that the ideas contained in this article would be of interest to my colleagues I insert the following article in the RECORD at this point:

[From the Boston Herald, Mar. 17, 1970]

OPENING UP THE HOUSE

(By Tom Wicker)

WASHINGTON.—Having overwhelmed a direct challenge to his leadership last month, Speaker John McCormack is generally expected to go along when House Democrats propose a study of the seniority system at their caucus on Wednesday. Already under fire from critics of his leadership, facing certain challenge if he seeks re-election as Speaker, and shadowed by conflict-of-interest charges against some of his aides, the elderly McCormack would only damage himself further with an adamant stand against a mere study of seniority.

Besides, the group that would make the study would be appointed by the Speaker, a strong supporter of seniority; so it is not hard to predict what its report would be.

"They'll decide that seniority is lovely," says one backer of the resolution.

So why pass it? As one more step in "drawing the issue a little tighter," making cautious House members a little more aware of growing sentiment—in and out of Congress—for a change, focusing public attention on the problem. It is a slow way to proceed, but it is at least possible that something of a showdown could come next January, as the 92d Congress organizes itself.

In the first place, there already is considerable public impatience with a Congress dominated by elderly men, many of whom are seldom even challenged for re-election. In a society the median age of whose population is 27.7 years, it strikes many people as incongruous that—for instance—the most important members of Congress on the issue of voting at 18 should be Rep. Celler of New York, who will be 82 years old in May.

That is not an isolated case. McCormack is 78 and there are 13 Senate and House committee chairmen over 70, six over 75 and two over 80. Some of these, of course, are alert and able men but the point is that seniority brings indiscriminately to committee chairs anybody who can hang on long enough—both the quick and the dead, as it were.

In the second place, this public impatience and their own political frustrations are turning more and more of the younger members of Congress away from the seniority system as in so many other instances, a reform which only a few years ago was regarded as the wild dream of far-out visionaries has steadily gained respectability. Some Republicans even want their party to campaign this fall on a pledge to reform the seniority system.

There is an interesting linkage between the issue of seniority and the Speaker's plan to seek another term next January.

If, for instance, Majority Leader Carl Albert of Oklahoma, who is 62, decided to run for Speaker against McCormack, not a few of the younger Democrats and some liberals would see the choice as six of one and a half-dozen of the other. But if Albert supported at the same time some modification of the seniority system, he might well pick up strong backing from these members; he might also lose votes among the older members, but their alternative would have to be McCormack, who can hardly be kept in office for more than another term, if that.

Even senior members, whose reason for supporting the seniority system is obvious, might therefore be made to see the political utility of reform. It is not, after all, a question of "all seniority" or "no seniority." One feasible plan would empower the Speaker to appoint committee chairmen at the beginning of each Congress, with the normal expectation that he would appoint the senior men; but his nominees would be subject to approval by the Democratic caucus. Any able and cooperative chairman could retain the post that seniority had brought him; but the way would be opened for the Speaker or the caucus or both to remove obstreperous, inept, senile, or party-bolting chairmen, all of whom are now virtually immune—not by rule but by custom—from reprisal or discipline.

Such a reform would retain seniority rights in most cases, enhance the Speaker's ability to lead, and focus on him the responsibility for the performance of the party controlling the House. It might also mollify a public that appears impatient with an anachronistic Congress, and even produce some legislative results.

INVESTORS MUST BE PAID, TOO

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. DERWINSKI. Mr. Speaker, a very concise editorial in the Polish American, Chicago, Saturday, March 14, discusses a truism of our free enterprise system that is often forgotten; namely, the right of investors in an enterprise to expect a profit.

The editorial follows:

INVESTORS MUST BE PAID, TOO

People who want something for nothing eventually wind up getting nothing. Currently a popular political pastime is to deny the hard realities of inflation and condemn such things as utility rate increases which have in many cases become a sheer necessity to meet the rising costs of operation and expansion. In the case of the electric industry, the soapbox crusaders have chosen as their victim one of the basic services that has come closer to holding the line against inflation than nearly anything else you can name. The soapboxers should begin worrying about where the money is going to come from to produce the kilowatts that will be needed to meet soaring public demand for energy.

An eminent analyst of public utility securities, in an analysis of the capital needs of the entire utility industry, points out that the requirements of the electric industry alone will be over \$10 billion this year—that is new capital for expansion of generating capacity. He compares electric utility capital needs with estimated total personal savings of some \$40 billion in 1968. The investor-owned electric industry depends on these savings for much of the capital that has to go into new plants and facilities each year if there is to be an abundance of electric energy.

The fallacy that rates can be held down

and the public still have all the power it needs was punctured in a few words by the financial analyst when he said, "If the public is to get the kind of service it obviously wants and expects . . . it simply is going to have to pay more for it." Investors who put their savings to work in the utility industry have to be paid a living wage the same as anyone else.

THE STUDENT IN THE UNIVERSITY  
AND SOCIETY OF TODAY—NO. 2

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. McCLORY. Mr. Speaker, yesterday I inserted in the CONGRESSIONAL RECORD the first two parts of a report by Mr. Nishimura of the Japanese delegation of the Interparliamentary Union on "The Student in the University and Society of Today." As a part of my remarks today, I include in the RECORD the remaining portion of that report, comprising parts 3, 4, and 5:

VIEWS EXPRESSED BY CHIEFS OF STATES, CABINET MINISTERS AND PARLIAMENTARIANS ON THE STUDENT UNREST

PART 3

I. America (The United States of):

(1) President Nixon: President Nixon has made several statements on student dissent and has expressed grave concern over the future of intellectual freedom in America, due to the violent tactics a number of demonstrators have taken. In a statement made March 22, 1969 the President mentioned some "first principles" in American education. One, he said, is that:

"Universities and colleges are places of excellence in which men are judged by achievement and merit in defined areas. The independence and competence of the faculty, the commitment, and equally the competence of the student body, are matters not to be compromised."

President Nixon goes on to discuss student unrest in a national perspective and to offer some suggestions for dealing with the problem:

Students today point to many wrongs which must be made right. We have seen a depersonalization of the educational experience. Our institutions must reshape themselves lest this turns to total alienation.

Student unrest does not exist in a vacuum but reflects a deep and growing social unrest affecting much of our world today. Self-righteous indignation by society will solve none of this. We must resolve the internal contradictions of our communities.

There must be university reform including new experimentation in curricula such as ethnic studies, student involvement in the decision-making process and a new emphasis on faculty teaching.

In a speech before the United States Chamber of Commerce in April of 1969, Mr. Nixon again spoke on the subject of American education. Dissent on the college and university campuses is a very healthy force, President Nixon believes, and he expressed the hope that our educational system will not become in-grown, stultified, or without the ability to develop new ideas to keep pace with the changes in our very fast-changing society.

In discussing the methods that legitimate dissent may take, President Nixon set forth the following principles:

There are those who believe that any means are justified, if the end is worthwhile. And all of us, again, if we remember the

past, will, of course, agree that we can never adopt that principle, because when we adopt that principle of any means to the end, the end eventually becomes the means.

We do not want to have the Federal Government of this country running our institutions. We do not want them interfering with our colleges and our universities. It is their responsibility to provide education in an independent, free way in the American tradition.

When we find situations in numbers of colleges and universities which reach the point where students in the name of dissent and in the name of change terrorize other students and faculty members, when they rifle files, when they engage in violence, when they carry guns and knives in the classrooms, then I say it is time for faculties, boards of trustees, and school administrators to have the backbone to stand up against this kind of situation.

(2) Attorney General John N. Mitchell: Attorney General John N. Mitchell has also made a number of statements on student unrest and its relation to law enforcement. While offering suggestions for handling the legal problems involved in student demonstrations, Attorney General Mitchell also recommended that there should be full participation by students, faculty, and administration officials in the decision-making process on campuses:

What this means, at a minimum, is that university administrators must offer a serious forum for responsible student criticism—and more than that, it must be clear to the students that their grievances will be honestly considered and will not be lightly dismissed under the procedural ruse of an artificial dialogue.

As one alternative to dealing with student disturbances, Mr. Mitchell suggested that university officials consider applying to court for injunctions to remove the demonstrators.

This tactic has proved fairly successful in the past. It takes the university out of the law enforcement business, where it does not belong, and gives it to the courts, which are better suited for this purpose:

(3) On-the-spot Study of Colleges and Universities by a Group of Twenty-two Republican House Members and Their Report and Proposals to President Nixon:

A group of twenty-two Republican House members made a on-the-spot study of colleges and universities during the spring of 1968, and on June 17, 1969, they submitted a report on campus unrest. In the report, they state the purpose of their tour as follows:

"A deep concern about today's problem of unrest among our youth, and the realization that we possessed little reliable information about events on the American campus prompted us to go out to a variety of colleges and universities to talk with students, administrators, and other officials on their own ground. We had nothing to sell, no speeches to make, and offered only a desire to know and understand the factors which appear to threaten the destruction of many of our most respected institutions and the alienation of many of this nation's finest students."

And as a general impression they gained through the tour, they say:

"We came away from our campus tour both alarmed and encouraged. We were alarmed to discover that this problem is far deeper and far more urgent than most realize, and that it goes far beyond the efforts of organized revolutionaries. By the same token, we were encouraged by the candor, sincerity and basic decency of the vast majority of students we met."

The report, then, referring to the problem of violence, says that:

"Too often, however, we saw their idealism and concern vented in aimless or destructive ways. If one point is to be emphasized in this report it is that violence in any form,

in any measure, under any circumstances, is not a legitimate means of protest or mode of expression and that it can no more be tolerated in the university community than in the community at large. If there is to be orderly progress and a redress of legitimate student grievances, student violence must be averted."

On the political and social aspects of the student unrest, the observation is made in the report that:

There is on the campus today a new awareness of potential student power and the emergence of a large group, probably the vast majority of student leaders and substantial number of intelligent, concerned and perplexed young people, which has genuine concern over what it feels is the difference between the promise and performance of America. While these students have no monolithic leadership or single set of goals, they are fairly united in questioning many of the values of our system. The revolutionaries on campus who desire to destroy our system are few in number. The vast majority of students are not poised on the edge of revolution and have not lost faith in our system. However, many students can be radicalized when violence or confrontation on campus occurs. Also disillusionment in our system by students can grow, even without violence, if we place one label on all students and fail to understand that they raise many areas of legitimate concern.

On the above understandings, the report set forth to President Nixon:

To the extent that our universities can foster an environment of trust, participation, involvement and interaction, we believe that the danger of violent confrontation (and the emotional climate which is its prelude) can be reduced. To the extent that this nation can foster an environment of quality, excitement and challenge throughout its total educational system, creative leadership can be developed. We can envision no greater tragedy for this nation and the free world than for us to allow our educational system to slowly settle into obsolescence, losing touch with reality and becoming incapable of responding to the needs of students and society.

And finally, they submitted in the report the following 10 proposals at aiming the implementation of these goals:

(a) No repressive legislation: Any action by the Congress or others which would, for example, penalize innocent and guilty alike by cutting off all aid to an institution which has experienced difficulty would only serve to confirm the cry of the revolutionaries and compound the problem for each university. In our opinion, the fundamental responsibility for order and conduct on the campus lies with the university community.

(b) Establish a commission on higher education: In light of our findings we believe that a Presidential Commission on Higher Education would be a valuable step. Running through our report are examples of problems which students, faculty, and administrators have raised and which deserve further exploration. What is the role of the Federal government in research? What has this contributed to creating priorities within the university? How best can communication be opened and maintained? How well does this report reflect the reality of the American college scene? These and more would be appropriate questions for such a Commission which we believe should include a thoroughly representative selection of students, faculty, and administrators together with the general public. We do not foresee an investigative body but rather one which can help to create understanding among members of the academic community, as well as the general public.

(c) Open communication to university community: We have found that many were surprised by our visit and by our willingness

to listen and learn. There is a need to expand lines of communication. We urge that Cabinet officers, Members of Congress, the White House staff, and others in the Executive Branch begin an increasing effort for this kind of two-way street of listening, learning and responding. Once our communication has become established it will be important to sustain it. Some of the questions raised by students were truly the kind which deserve and demand answers. Some of the viewpoints expressed by students deserve understanding. And some of the misconceptions of the system of government within which we operate desperately need correction. This can best be done, we believe, through an ongoing program of communication.

(d) Lower the voting age: We feel that active involvement in the political process can constructively focus the American college student's idealism on the most effective means of change in a free society. The right to vote will give Young Americans the chance to become a responsible, participating part of our system. In essence they will have the chance to put their performance where their words are.

(e) Draft reform: In line with your own recommendations for reform of the Selective Service System, we believe Congress should move to act promptly on this important issue.

(f) Encourage student participation in politics: We found that the overwhelming majority of students with whom we visited hold little regard for either political party. The questioning of our system of government points to a loss of confidence in established institutions and that includes political parties. An increase in this loss of confidence poses a serious danger to the viable functioning of American government.

(g) Expand opportunities for involvement: We found an encouraging desire on the part of many students to do something to help overcome the problems of our society. This dedication or commitment to help others is a hopeful, important area which should be encouraged. Specifically, we recommend establishing a National Youth Foundation. We believe this concept should be initiated in order to better utilize the energy and resources of student groups.

We also recommend establishing a Student Teacher Corps. Many more students are considering entering the teaching profession and this idea is one which we feel should be encouraged.

Further, we recommend increasing our support of the College Work-Study Program, National Defense Student Loan Program. These three Federal programs would be beneficial in meeting the needs of students and the institutions in responding to student concern.

(h) Coordinate youth programs: We think it would be helpful if an effort were made to coordinate all the present youth programs of the Federal government through one central office. In order to more effectively use the present resources of the Federal government we urge your consideration of a mechanism to coordinate and follow-through the work of our numerous programs and agencies.

(i) Perspective: There is a need to mobilize opinion and resources. A sense of perspective is lacking on the part of the students and on the part of the public. What students are saying is, in some cases, the same as what the average American is saying regarding priorities, responsiveness, and humanization. Presidential leadership, governmental concern, and communication are all a part of the necessary work which must be undertaken if we are to replace revolution with reform, and despair with hope. Clearly we have found that violence is no answer, and that violence as a means to achieve an end is counterproductive. The crucial factor in the

widening gap between students and others is the student's perception of reality. That must be understood by all who seek solution. This requires of us, comprehension, and of the student, understanding.

(j) Balance: We must remember that the average college freshman has already undergone a dozen years of formal education before he enters the gates of the university. Obviously, he is going to reflect, at least in some measure, the strengths and weaknesses of the training he has already received. Many of his attitudes and many of the factors which may lead him into difficulties on campus, have already been implanted.

Therefore, a sweeping change in campus conditions alone is no guarantee of a return to orderly progress in our universities. There exist imperfections in our educational system from pre-school programs to graduate studies. These flaws in American education deserve the immediate and thorough attention of the nation. The problems which have already surfaced on the college campus exist in various dormant forms in our secondary schools, and the inadequacies which foster them can often be traced back even further. Until consistent, challenging, quality education becomes a reality, the problem will remain.

(4) Interim Statement on Campus Disorder Submitted by the President's National Commission on the Causes and Prevention of Violence: The President's National Commission on the Causes and Prevention of Violence, chaired by Dr. Milton S. Eisenhower, issued an "Interim Statement on Campus Disorder" in June 1969. The Statement precisely analyzes campus disorder and offers to the campus community four suggestions as guidelines for handling student disturbances. The Statement is prefaced by this comment:

The members of this Commission, along with most Americans are deeply disturbed by the violence and disorder that have swept the nation's campuses. Our colleges and universities cannot perform their vital functions in an atmosphere that exalts the struggle for power over the search for truth, the rule of passion over the rule of reason, physical confrontation over rational discourse.

The problem of campus unrest is more than a campus problem. Its roots lie deep in the larger society. There is no single cause, no single solution. We urge all Americans to reject hasty and simplistic answers. We urge them to distinguish between peaceful protest and violent disruption, between the nonconformity of youth and the terror tactics of the extremists. We counsel patience, understanding and support for those in the university community who are trying to preserve freedom and order on the campus. We are beginning to learn how to achieve change without disorder or coercion.

The Statement goes on to describe some of the reasons behind campus unrest and offer some explanations as to the motives of today's students:

Students are unwilling to accept the gaps between professed ideals and actual performance. They see afresh the injustices that remain unremedied. They are not impressed by the dangers that previous generations have solved. It means little to them that the present adult generation found the way out of a major depression to unparalleled heights of economic abundance or that it defeated a massive wave of vicious totalitarianism and preserved the essential elements of freedom for the youth of today. To students, these triumphs over serious dangers serve primarily to emphasize other problems we are just beginning to solve.

Today's intelligent, idealistic students see a nation which has achieved the physical ability to provide food, shelter and education for all, but has not yet devised social institutions that do so. They see a society, built

on the principles that all men are created equal, that has not yet assured equal opportunity in life. They see a world of nation-states with the technical brilliance to harness the ultimate energy but without the common sense to agree on methods of preventing mutual destruction.

In assessing the causes of student unrest, it would be a mistake to assume that all causes are external. There are undoubtedly internal emotional pressures and internal value conflicts in many students which contribute to their own dissatisfaction and thus to the tension and turmoil of campus life.

The Commission is particularly concerned with the irrational and violent aspects of campus disorders and the Statement makes the distinction between legitimate protest against university policies and the determined destruction of the institution itself.

A small but determined minority, however, aims not at reform but at the destruction of existing institutions. These are the nihilists. They resort to violent disruption as the means best suited to achieve their ends. By dramatic tactics of terror, they have often induced university authorities either to surrender or to meet force with force. When they have managed on occasion to provoke counterforce to an excessive degree, they succeeded in enlisting the sympathies of the more moderate campus majority.

There is also a minority of students who are not nihilists, but who feel that violence and disruption may be the only effective way of achieving social and university reform.

In concluding their Statement, the Commission offers to the campus community four suggestions which may be used as guidelines for handling student disturbances or preventing such confrontations in the future. The Commission suggests that explicit codes of student conduct and procedures for student discipline should be adopted; that advance plans should be made by the universities for dealing with campus disorders; that procedures for campus governance and constructive reform should be developed to permit more effective decision-making; and that faculty leaders and administrative officers need to make greater efforts to improve communications both on the campus and with the general public.

2. Australia: In the Australian Parliament, many issues concerning the student unrest were discussed in the plenary sitting (in discussion of Matter of Public Importance) of May 27, 1969.

Throughout the debate, a particular attention was drawn to the universal nature of the problems (similarity of student actions, international solidarity among them, common reaction to international events such as the Vietnam War), as well as to the political character (resistance to the establishment, criticism against the present institutions or political parties, activism) and to the cultural character (common mode, cultural revolution oriented element) of student movements, and also to the violence of minority. The generation gap has been eagerly discussed, and a drastic reform of the obsolescent system of university and the necessity of restoring the confidence between students and university authority have been stressed.

In the debate, a member explained the specific features of students of today as follows:

The students of today not only question the purposes and functions of the university but also are deeply concerned about the world. They look beyond the campus to the wider community of which they are a part. Some are trying to develop a style of life that combines high personal values and activism with scholarship. The university is where they express their social concern. Vietnam and conscription, aboriginal rights, poverty in an outwardly affluent community such as Australia, and the individual's lack

of control over his life are all the concern of this generation of students.

In the year 1969 we have the first university students who saw television before they could read—the visual generation. Their questioning of authority and often outdated tradition is in the spirit of the age. One student leader has said that in his view the old forms of politics are no longer relevant. We need, he suggests, "a new politics . . . a politics of commitment in which people starts responding again as human being rather than shadows in the long reaches of bureaucracy."

### 3. Great Britain:

(1) Mrs. Shirley Williams, Minister of State for Education and Science; On March 15, 1968 and January 29, 1969, the British Parliament discussed the problems of students and universities in its plenary sittings. In these two debates, Minister of State for Education and Science Mrs. Shirley Williams expressed the following views:

(a) On the student's protest—in the debate of March 15, 1968: This is, in a sense, a form of revolution—one which, as has been pointed out, has swept the world from Cambridge to Cracow and from Berkeley to Berlin. It lies partly in the broadening of education itself, in the fact that higher education in particular no longer draws from a group which shares common standards and values and which is, to a great extent, homogeneous. When we have introduced a more democratic system of higher education, much flows from it in terms of the questioning of society itself.

The unrest stems also from something else—for which the House will have some sympathy—the sense that some issues are out of the control of students and, for that matter, of elected politicians. I am thinking of issues concerning scientific advance, technology, the development of new societies, and, of course, the arms race.

Yet what is clear from the nature of student protests is that no system offers them an ideal solution, not the system in the Soviet Union, not the system in Poland, not the system in India, not the system in Britain, not the system in West Germany, not the system in the United States. It is fair to say that students are questioning every system put before them.

I shall try to distinguish between two types of protest. One type, as some of my hon. Friends have pointed out, is of the essence of a democratic society, the protest which questions the presuppositions of that society and questions its values yet is always seeking in a sense to make it more genuinely democratic. This is a type of protest which all of us, be we targets of it or be we not, must accept. But there is something else to be said. Students must be very careful—this is particularly true of the small minority—not to destroy the system which enables the questioning itself to take place. It is not enough to be in favour of protest however violent they become, which are along the lines which we ourselves support, and yet be utterly against any protests along lines which other people support politically, however violent they may become. We cannot, on the one side, condone violence from the Left Wing because we have sympathy for it and, on the other, be unwilling to condemn violence from the extreme Right Wing because we lack sympathy for them.

I believe that much of what we are seeing flows directly from decisions which we ourselves have made about the shape and nature of higher education. We should make a grave mistake if we did not recognize that in the future development of our higher education we shall see not less, but more, argument, discussion and protest. But, provided that we and the students and the responsible student bodies, recognize the distinction which I and other hon. and right hon. Members have tried to draw, we can

benefit immensely from the questioning attitude of students without risking the possibility of the destruction of all that they themselves are educated to value most.

(b) On the difficulties of student participation and the student militants—in the debate of 29 January, 1969: We would be less than honest if we did not recognize three difficulties. One has been mentioned. It is out-of-date constitutions, of which it must be said the London School of Economics is an example. Secondly, there is the problem of the time-scale of the student, as against the time-scale of the academic. The student who participates wants results quickly. The decision-making machinery of most of our universities, although very broad, in the sense that participation is possible, is also often extremely slow—like the mills of God, it grinds exceedingly slow, but grinds exceedingly fine. Very often the student of one generation has passed through the university before he gets any response to the appeal that he began by making.

So the universities have to work at the speed at which this decision-making machinery works. Let us say bluntly that participation will not make it work quicker; if anything it will make it work yet more slowly.

The third point is the extreme need for universities, not only to accept the participation of students, but the crucial need for the recognition of full participation of junior and middle-grade staff. We simply cannot say that students should have the degree of participation not extended to the younger, senior members of the university. Here again, we have to make sure that they are fully represented at every level of the university.

In conclusion, I want to say a word about the question of the student militants.

We have to recognize that the student militants very often regard themselves as being engaged in a mission against the hypocrisy of society. We regard them as, and they are, ruthless. They regard us often as being hypocritical. What we have to try to get across, and Members of Parliament are as much engaged in this as anyone, is the willingness to discuss, to debate, to face up to what they have to say and to do that with courage.

We also have to make sure that we constantly make plain the distinction between violence on the line which has just been crossed by some of the minority at the London School of Economics, and the basic right to express one's views by demonstration, statement and argument. My right hon. Friend, and I have been asked to clarify this, made it very clear that local authorities should not act, except in consultation with academic authority, in a case of misconduct or in any case of student discipline.

If that is adhered to, if the academic and local authorities work together, and if we maintain the division between violence and the free expression of thought, it is possible that the great mass of students, as of university staff, will see that this House has made the division in the way that this House should always make it—between tolerance and freedom on the one side and anarchy and destruction on the other.

(2) Report of the Select Committee on Education and Science of the House of Commons: On October 15, 1969, the Select Committee on Education and Science of the House of Commons submitted a report on "Students and their relations with universities and colleges", and made fifty-eight recommendations on the reform of higher education system. Among them, the establishment of a Higher Education Commission is regarded as of the greatest importance. The committee, at the same time, indicated the following eleven tasks which the commission could perform.

(a) Supervise student union constitutions.

(b) Collect, examine and disseminate information about the development of student involvement in discussion of academic matters.

(c) Collect information and advise institutions on action to be taken in disciplinary matters, as well as approve individual institution's disciplinary arrangements.

(d) Advise on the problems of obtaining student opinion on Council for National Academic Awards courses.

(e) Sponsor research and experiment on examinations.

(f) Act as the clearing house for information on careers and appointments.

(g) Hold responsibility for promoting experiment and research on methods of teaching and disseminate information about the results.

(h) Make a comparative study of staff-student social relations in the new universities.

(i) Collect, examine and disseminate information about what other institutions are doing to improve staff-student relations.

(j) Have powers to conduct inquiries into institutions of higher education.

(k) Collect information about the operation of counselling services.

4. Japan: In the administrative policy speech delivered before both Houses of the Diet, on December 1, 1969, Prime Minister Eisaku Sato, referring to the problem of the reform of education system, stated as follows:

The factor that decides the fate of a nation in our age is the over-all ability of its people, especially the ability to create culture and technology. Our present prosperity is due in large measure to the high level of our national education. It must be said that the 1970s is the age of international competition in education.

In order to meet this situation wisely, and to stay ahead of the changing times, the most important thing is the heart of the people. In order to raise good children and good descendants, we must be in the school, in the home and in society, at times severe and on the other hand gentle in our discipline, and we must foster warm and generous sentiments in the hearts of our youth so that we can shape personalities that have the urge to strive constructively for improvement in the welfare of the state and mankind.

In order to achieve this, each one of us must think of this problem as his own, and I urge that both teachers and parents, as one body with the rest of the nation, seriously consider this problem of youth together.

Furthermore, after more than 20 years since the postwar reform of the educational system, it is important to plan for the training of the youth that will shoulder the Japan of the 21st century by carrying out a fundamental study, not only of the university system but also of the educational structure in general, to cope with the remarkable changes in society and possible future developments.

From this point of view, I am determined to devote my utmost efforts to get together the opinions from all circles concerning the way the new university should be and the question of education in general, and to build up an educational environment where children can be safely entrusted.

In any age, the abundant energy of the youth is the source of the life and development of a national society. However, among the irrational destructive activities by a small group of students, we are unable to find the qualities important for the youth such as good sense, self-discipline or warm sentiments. I again appeal strongly to the good sense and self-discipline of our students, and at the same time, am determined to take firm action against antisocial destructive activities, to secure public peace for the people.

In conclusion, Prime Minister, pointing out the economic and social changes which

should be challenged to in 1970s said that—

Furthermore, we are faced with unprecedented advances in technology such as the development of outer space, the ocean bed and so forth, and we are also facing situations unknown in the past such as the development of an information-oriented society, economic and social changes as exemplified in over- and under-concentration of population, etc.

I am convinced that the talents and the energy of the Japanese people, rich in wisdom and creativeness, will overcome many obstacles in the 1970s as well, and make an unlimited contribution to our own country's prosperity and for the maintenance of world peace.

I am determined to devote my full power to build up a shining future, hand in hand with you, the people of Japan. I deeply desire your full cooperation.

5. Yugoslavia: On June 9, 1968 President of the Republic Josip Broz Tito made the following appeal to the students in action of resistance:

I wish to express my own opinion vis-a-vis what has happened recently—the student demonstrations. Thinking during the demonstrations of everything that preceded them, I came to the conclusion that the revolt of these young people—the students—came spontaneously. Gradually, however, as the demonstrations were developing and transferred to the streets, to faculty halls and premises, there was a certain infiltration of various alien elements to us which are not on socialist positions, which are not on the positions adopted at the Eighth Congress of the League of Communists of Yugoslavia, and which are not in favour of the implementation of the economic reform. In a word, there was an infiltration of those elements who wanted to take advantage of the situation for their own purposes. And, there are various trends and various elements, from the most reactionary to extremist, quasi-radical elements with some admixtures of Mao Tse-tung theories. However, I came to the conviction that the vast majority, 90 per cent of the students, are honest young people whom we did not take care of sufficiently, whom we regarded only as school youth, pupils, who are not yet mature to take part in the social life of our socialist community. This was erroneous. We left them alone. We are now aware of this fault of ours. . . .

A very difficult situation has been created, this is true; our prestige in the world has been injured, not to speak of the material damage that has been done. Workers addressed themselves to me and protested. However, there has not been a single letter—not a single letter from any part of our country—in which the workers did not agree with the demand that the student's material position should be improved, that they must be given the right to develop self-management, at the university, and not be there just formally, while the others manage their affairs and not the students whose direct interests are at stake. There has not been a single letter from workers in this sense.

That is why I must say here today that I am happy we have such a working class. And I may add also, I am happy that we have such a youth which has proved to be mature. The latest development at universities has shown that 90 per cent of the students are our socialist young people, who will not allow to be intoxicated by various followers of Djilas, Rankovic, Mao Tse-tung and the similar, who would like to attempt to realize their own aims under the pretext of helping the students.

Our youth is good, but we must give more attention to the young people. It is our great fault, especially of the League of the Communists, which has not exerted adequate efforts for solution of the students problems. And it is such a bad situation that has come

about, so that we see now, at last, how slow we have been, how much we hesitated and how grave are consequences.

We pointed out, comrades, so many times that care should be taken of the human individual, ordinary man. But, I think we were dazzled with various investments and various fictions about them, and we forget the human being. We must not forget that we cannot realize projects without people. We cannot. Some are apt to think that what has happened here is a reflection of what is going on in France, Germany, Czechoslovakia. This is not correct. This is not a reflection of these events. This is a reflection of our own weaknesses which have been piling up and which we must eliminate. This, consequently, should not be explained as the result of the outside influence. . . .

As far as the students are concerned who have manifested very strongly their revolt, this is not a point which we should enter into right now, because the revolt which is the result partly of the fact that the students knew that I myself often raised these questions and they, nevertheless, were not solved. This time I promise our students that I shall do my utmost for solving these questions and they should help me. Moreover, if I am not capable of solving these questions, then I should no longer occupy this position. I think that not a single old member of the League of Communists should insist on keeping his post, but should give way to those people who are capable of solving problems.

And, finally, I address myself once again to our students: it is time they should set to work and study; it is now the period of examinations and I wish them much success in their studies. Because, it would be a pity indeed if you lost much more time.

#### CONCRETE STEPS TAKEN IN VARIOUS COUNTRIES AGAINST STUDENT DISORDERS AND THE EXTENT TO WHICH THE STUDENT PARTICIPATION SYSTEM HAS BEEN PUT INTO PRACTICE

##### PART 4

With a few exceptions the measures taken against student disorders by university authorities and by the executive and legislative branches of governments have been moderate and flexible. And in most cases, these measures have been accompanied by serious efforts to find a way to solve the problem at its roots and to establish a long-term policy in keeping with the fast moving developments of today's fluid society.

The singular atmosphere and forms of the violent demonstrations of the New Left and the uniforms and tactics of the police assigned to control these demonstrations have become so universal that they are now regarded at a global cultural phenomena. Because of the danger that this situation would become chronic and because of the damage suffered by innocent citizens, the general public has begun to demand strong action to control the violent action of the students.

This section of the report deals with the concrete measures taken by responsible authorities in response to the wishes of the people and with the progress made in adopting the student participation system which will have an important bearing on the solution of campus disputes.

##### 1. America (The States of) :

(1) On The State Level: On the state level in the U.S., a number of proposals have been introduced in legislatures across the country designed to curb violence and the disruption of orderly educational processes. By the spring of 1969, at least eight states had enacted laws designed to handle campus demonstrations. Several other states were expected to act on proposed bills.

The new laws are similar in purpose but range in their severity and the type of con-

trol they offer. A sampling of enacted laws follows:

(a) Colorado. The state legislature enacted a law which prohibits the willful violation by students, school officials, employees, and invitees of the lawful freedom of the campus (US News and World Report, April 7, 1969).

(b) Idaho. A law was passed providing for up to one year of imprisonment for certain convicted campus demonstrators (Washington Post, June 2, 1969).

(c) Minnesota. The law enacted in this state forbids demonstrators from blocking sidewalks, streets, staging sit-ins in buildings, or otherwise disrupting public colleges or the state and local governments (Washington Post, June 2, 1969).

(d) New York. Governor Nelson A. Rockefeller of New York has signed a bill which requires all colleges in that state to adopt rules for keeping order on their campuses. The trustees of all colleges and universities of New York must submit to the State Board of Regents their rules for the maintenance of order and the penalties that would result for violators. If the officials fail to comply with the law, their school could lose state financial aid (Washington Post, April 23, 1969). Governor Rockefeller also signed bills outlawing unauthorized firearms on the campus, and creating a state commission to study the causes of college unrest (Time Magazine, June 13, 1969).

(e) Texas. Governor Preston Smith of Texas signed a law which makes "disruptive activities" on any public or private campus punishable by a \$200 fine and six months in jail. (Higher Education and National Affairs, May 2, 1969).

(f) West Virginia. West Virginia's new laws on campus demonstrations have been termed the most stringent of any passed before June, 1969. The law empowers state troopers, sheriffs, or mayors to invoke riot-control procedures, bypassing the old requirement that a judge or justice of peace must declare that a civil disturbance is a riot (Time, June 13, 1969). Further, anyone refusing to aid the police shall be deemed a rioter, and the police shall be guiltless if anyone is killed or wounded in the attempt to put down a campus disturbance.

If any official is injured, all persons engaged in the assemblage shall be deemed guilty. The police also have the right to enter private homes without a search warrant if they are looking for rioters (Higher Education and National Affairs, May 2, 1969).

Bills which were under consideration in other state legislatures included:

(a) California. The resolutions under consideration would make it a misdemeanor to disturb the peace of any campus; command additional campus disciplinary action against convicted students; cancel the state financial aid of dissident students for two years; and require all public campuses to develop specific codes of student behavior (Time, June 13, 1969).

(b) Wisconsin. Governor Warren P. Knowles has proposed four bills which the Wall Street Journal (March 18, 1968) felt would probably be enacted. One of them prohibits the use of sound amplifying equipment on campus without the university administration's approval.

(c) Oklahoma. The Oklahoma legislature has enacted a law which specifies that persons convicted of inciting riots can be imprisoned for 10 years (Time, June 13, 1969).

(d) Tennessee. The law makes it a felony for non-students to enter school property "to incite, participate in, aid or assist a riot." The violation of this law carries a possible penalty of five years in a state penitentiary (Time, June 13, 1969).

(e) Oregon and Ohio. The legislatures of both these states passed bills enabling them to deal better with troubled campuses. In Oregon, it has been proposed that the governor be permitted to declare an emergency

when violence threatens any public property (Washington Post, June 2, 1969). The Ohio legislature passed a bill which empowers the board of trustees to expel campus rioters (Washington Post, June 2, 1969).

(f) Maryland. It has been proposed that college officials be empowered to ban from the campus anyone who is not a student or has no apparent lawful business to pursue (Washington Post, February 6, 1969).

(g) Indiana. Indiana proposed a measure along lines similar to that of Maryland, providing that a person ordered by college officials to leave the campus and who refuses to do so may be sent to jail for six months and fined \$500.

(2) Governors' and Mayors' Reactions: In a statement released after the National Governors Conference in 1969, the majority of participants rejected a "hard line" on colleges. The statement said the governors' conference extended its "full support" to President Nixon.

The United States Conference of Mayors, held in June, 1969, resulted in a division of opinion on the subject of police presence on university campuses. On the issue of campus dissent, Mayor Joseph Alioto of San Francisco recommended combining "tough law enforcement against violence" with a guarantee of adequate opportunities for students and faculty members to express their views and have them negotiated. Mayor Alioto insisted that mayors must retain the right to decide when to move police on to campuses. Mayor Sam Yorty of Los Angeles observed that the "citizen's right to be protected in his person and property" applies as much to students as to anyone else. "If the university administration does not call in police to protect that right, we (as mayors) have a duty" to do so.

(3) Federal Proposals and Legislation: The number of bills which have been introduced in both houses of Congress during the past year clearly illustrate the extent of Congressional concern with the problem of campus unrest.

Hearings were held in 1969 by the Subcommittee on Education of the House Education and Labor Committee, and the Senate Subcommittee on Investigations of the Committee on Government Operations. Testimonies were given before these Committees by spokesmen in the fields of education, psychology, and university administration, etc. A number of students have also testified before the committees, and inquiries have been made concerning the radical and possibly subversive nature of the militant student groups.

Bills which would prohibit the disruption of administration of federally assisted institutions of higher education, and which would make such interference punishable by imprisonment and/or a fine have been referred to the Senate Judiciary Committee. A bill which would make it unlawful for anyone to carry a weapon on a Federally assisted college and university campus while acting in violation of a law, and another which would make it a Federal offense to obstruct military recruitment or enlistment service in time of war or national emergency have been referred to the House Judiciary Committee.

Proposals which would directly affect the institutions rather than the students attending them have been referred to the Senate Labor and Public Welfare Committee. Generally, these bills would require the withholding of Federal Assistance to colleges and universities which fail to maintain a reasonable degree of discipline upon their campuses, and which fail to cooperate either in the defense effort or in support of Reserve Officers Training Corps.

The House Education and Labor Committee has received a number of bills which range in their objectives from suspension of Federal funds to disrupted institutions to the creation of a Federal Higher Education Mediation

and Conciliation Service. One proposal would deny Federal grants and contracts to those institutions which refuse to undertake research important to the national security. Several others have been introduced which would encourage institutions of higher education to adopt rules and regulations to govern the conduct of students and faculty, to assure the right of free expression, and to assist the institutions in their efforts to prevent and control campus disorders.

All of these proposals are in addition to legislation passed in 1968 which was intended to discourage students from violent demonstrations which disrupted the operations of the institution.

Section 504 of the Higher Education Amendments of 1968 provides that any student convicted by a court of willfully refusing to obey a lawful regulation of the institution of higher education shall be denied, for a period of two years, the benefit of specified Federal financial aid programs. In addition to section 504, reference to restriction on aid to student demonstrators was included in the appropriations bill for fiscal year 1969 for the Departments of Labor and Health, Education and Welfare, Independent Offices and the Department of Housing and Urban Development, the Department of Defense and the Second Supplemental Appropriation Bill.

Similar restrictions have been attached to the following House-passed appropriation bills for Fiscal Year 1970:

H.R. 12964 (Appropriations for Departments of States, Justice, and Commerce, the Judiciary, and related agencies).

H.R. 12307 (Appropriations for Independent Offices—HUD).

H.R. 13111 (Appropriations for the Departments of Labor, and Health, Education, and Welfare).

H.R. 11271 (Appropriations for the National Aeronautics and Space Administration).

Several other bills were introduced in the 91st Congress which were designed to increase the role for youth in America. It is believed that increased opportunity for young people to participate in national and community affairs will give them a greater sense of purpose and effectiveness. Some consider that if greater opportunities for constructive social action existed for our youth, the pervasive disillusionment and discontent they seem to be experiencing would be lessened.

One suggestion is the Youth Power Act, introduced by Senator Mark Hatfield April 22, 1969. This proposal includes the establishment of a National Youth Service Foundation and a Youth Service Council, all of which are intended to lessen the gap between the potential service and learning roles and the actual service and learning roles of youth in our society (Congressional Record, volume 115, part 8, page 9855).

Representative Claude Pepper introduced legislation on February 5, 1969 to set up a department of youth affairs at the Cabinet Level. This bill is designed to involve young Americans directly in the affairs and responsibilities of government by creating an Office of Youth Participation. This Office would seek to direct young Americans to paid and volunteer work in their local communities. Representative Pepper also has introduced legislation to lower the voting age in the United States to eighteen, due to his belief that "today's generation of young Americans is better educated and has accepted civic responsibility at a much earlier age" (Congressional Record, volume 115, part 3, page 2185).

#### (4) Reactions of University Authorities:

(a) The initial shock received by the university authorities when campus disorders erupted and the subsequent actions they took are described by Edwin Diamond, senior editor of Newsweek as follows (Newsweek, June 23, 1969):

Columbia's Grayson Kirk and Harvard's

Nathan Pusey failed because they called in the police; Cornell's James Perkins erred because he didn't grasp the impact of the news pictures showing black students brandishing guns on campus. Chicago's Edwin Levi and Brandeis' Morris Abram, on the other hand, were good tacticians. When student radicals took over Levi's office, Levi simply let them have the building. He mobilized moderate opinion and let the faculty (a body too diffuse to become a target) deal with the nettlesome task of discipline.

Diamond goes on to touch upon the dissatisfaction harbored by the university authorities who have been burdened with a political problem.

University administrators may protest that they are not responsible for all of society's ills, that they are—like the students—just passengers aboard the sinking ship of authority. They blame the political leaders at the controls for the troubles. The continuing unrest on the campus, Amherst president Calving Plimpton concluded in an extraordinary "all campus" statement addressed to President Nixon, "results from a shared sense that the nation has no adequate plans to meet the crisis of our society." Equally to the point, many on campus now share a sense of horrifying helplessness. They fear the holders of political powers have lost the will to do anything about this crisis—except to call out the full forces of law and order to suppress those who protested.

The writer points out that concessions made to the students did not always bring success.

These concessions, however, cannot satisfy the essentially moral principles being put forth under the student slogans of "community," "co-control," "relevance," and "legitimacy." There is only so much that the university administration can yield, for example, to satisfy the cry to get "war research" off campus. The point is eventually reached when to meet these claims means diminishing other principles which may not only be moral too, but also rooted in the tradition and the law.

Looking into the future, the writer takes the following pessimistic viewpoint:

There are alternative futures, some not much better. The state and Federal government can push through legislation increasing the penalties for campus disruption and cutting off funds to the universities involved. University administrators may decide to control admission to eliminate "troublemakers." Officially, admissions officers say there is no reliable political test that can be applied to high-school seniors; but, privately, they acknowledge that they have studied the picture of campus dissent long enough now to detect some demographic patterns:

The students may emulate the faculty and flee the campus too. Student-run "counter-universities" now exist in a score of U.S. cities alongside the straight campuses. The Free University of Berkeley catalogue provides a clue to what students attempt when they do their own thing. The description of "Liberation Now" reads: "A leaderless encounter group to which we all must contribute our love and concern."

The student doesn't want any more of the past. He wants the future. But it is extraordinarily difficult for the university to be futural, to remake the age according to a vision of spontaneity, love and an immediate end to all injustices. The university's ideals of scholarship link it to the past, and its finances have tied it to government, industry and the established order. Students—black and white—are trying to break these ties.

Writing about the harder policies and the more liberal policies of university authorities, US News and World Report in its issue of September 1, 1969 reported:

(a) Amnesty, often granted to student troublemakers last year, is to be a thing

of the past at many colleges. Instead of being forgiven for misconduct, more students are to be suspended or expelled. Campus radicals have been served notice that universities will not negotiate under threats of force this year. Rules of discipline have been tightened everywhere. Civil authorities have been asked to increase the penalties for trespass. Some colleges indicate they will not wait so long this year to call on off-campus police for help. But others say calling in police will still be "the last resort." Campus security forces are being augmented at many schools, etc. . . .

(b) A study by the American Council on Education indicates that more than half of the American colleges and universities have adopted more-liberal policies on student power, minority-group programs, war-related activities and other thorny issues.

The same magazine also reported as follows:

The Harvard University Faculty of Arts and Sciences adopted a resolution on June 9 of this year which is designed to allow student dissent without permitting violence. The Faculty states that "all individuals or groups within the university community have the right to express, advocate and publicize their opinion. They also have the right to press by appropriate means for action on any matter on which they believe the university can and should act, and they have the right to be given a full and fair hearing and prompt response." (US News and World Report, June 23, 1969)

2. Australia: The Australian Government is studying improvements of the student participation system. The Australian Parliamentary Group sent in the following newspaper reports as reference.

(1) Reaction of the Government (from the Canberra Times, May 23, 1969) The Federal Government has reaffirmed the autonomy of Australian universities, but has qualified this by adding that universities today had a greater responsibility to "account to the community."

Official government policy on universities—given in the context of present-day university financial indebtedness and student pressure—was outlined by the Federal Minister for Education and Science, Mr. Fraser, in Canberra yesterday.

Government policy was clarified in the Minister's paper entitled "Governments, Universities and the Community" delivered to the Australian National University's conference on the "Role and Responsibilities of Government Bodies", which was attended by members of Universities governing bodies.

Mr. Fraser advocated greater student participation in the governing of universities, but stressed that they should not be given a controlling place in university management.

Mr. Fraser said: "I want to emphasize that the Commonwealth Government has neither the intention nor the wish to dictate to the universities."

Nevertheless, however determined the Government may be to preserve the autonomy of the universities, it cannot shed its own accountability to the people of Australia, for, among other things, the use to which all public funds are put.

If autonomy is to be maintained in our universities, they need to accept the responsibility of regarding themselves as accountable.

In the knowledge that universities for the most part know what they are about, governments aim to provide them with the means to achieve their objects, to play their proper role within the limit required by balanced development. . . .

But he added "That form of autonomy carries with it the responsibility for maintaining discipline within the university, for if authority outside the university has to intervene, then one important exercise of autonomy is threatened."

(2) Reform in the Australian National University (from The Australian, July 23, 1969: If the Federal Government approves, students will soon have a bigger role in the running of the Australian National University. Plans announced by the vice-chancellor, Sir John Crawford, will put the ANU's power structure ahead of all other Australian universities in student participation.

The modern university no longer functions primarily as a training ground for those destined to rule society. A graduate's degree today does not take him automatically in to the ranks of the top elite; rather, it stamps him as a highly skilled worker with a certain specialized knowledge.

One important contradiction in this process is that degree courses are featured by intense specialization, while the types of skill required by technological society are more and more inter-disciplinary. The need for a humanized education is becoming increasingly obvious.

The need for university autonomy, with staff-student governing bodies, increases as the conflict sharpens between the needs of a human education and the narrow grasp of the present conservative controllers.

The key words to look for here are "the improvement of communications," "consultations," "participation." These offers must be seen for what they are: attempts to sidetrack and "buy-off" the movement for economic reform, autonomy and self-management.

A move towards university self-management cannot be properly conceived as an isolated change in the functioning of capitalist society. This would result in the creation of a new kind of privileged-enclave position for academics, while the rest of the population remained "at their posts," unable to exercise control over their work place. Self-management of universities goes hand in hand with a general movement to extend the principle of self-management throughout society.

Financial affairs do not need to be handed over to "children just out of school." This argument is a red herring. The new academic senate of staff and students can employ its own economic, statistical and accounting experts.

Alternative courses and/or (friendly) "counter-lectures" could be run by students and staff, open to all interested members of university.

### 3. Denmark:

(1) Reaction of the Government: New charters have been drafted for all institutes of advanced education. An Executive Order covering six of these institutes was promulgated by the Ministry of Education on August 25, 1969, and will probably be followed by similar Orders for the other institutes in the very near future. All the charters proposed have undoubtedly been influenced by student claims for participation in decision-making processes: Provision is made for representation of students and non-professional teaching staff on all academic bodies, but the proportion of this representation varies from one body to the other and from one institute to the other. Apart from study (planning) committees, the claim for 50 per cent representation has not been met in the proposed charters.

All the proposed charters give formal recognition to the study (planning) committees which have existed for some time; they are to be composed of equal numbers of teachers and students, but their competence varies: in some cases they are to have decision-making powers but some of their decisions may be referred to a higher-ranking body; in other cases they will derive their powers by way of delegation from faculty councils or the senate.

In addition, more attention is now devoted to the need for modernization of teaching methods. This move is inspired partly by the

need to cope with modern exigencies and probably also in part by student unrest.

One matter, which may appear to be of minor importance but which students have regarded as significant, is the form of and the traditions followed in celebrations of annual commemoration days at universities. Students are now being allowed more opportunities to make their views heard on such occasions.

(2) Study Committees in the University of Copenhagen: Under the faculties a number of so-called *studienævne*, Study Committees, are already functioning without having received formal recognition. These Study Committees are composed of 50% professors and other staff and 50% students, elected by the faculties and the Students' Council respectively. The main function of this as yet not formalized authority is to discuss all important questions relating to the instruction (syllabus, curricula, examinations, possibly the appointment of junior staff). In some faculties these bodies have functioned informally for some years, in others they are being set up as a tentative measure.

A re-ordering of any administrative body should, however, always be closely related to and if possible concurrent with fluctuating requirements. A new charter has been prepared and has been forwarded to the Ministry of Education and subsequently to Parliament. One of the proposals contained therein is that all important problems concerning the actual instruction should be dealt with in study committees with a 50-50 representation of university teachers (professor and non-professorial teachers) and students, and that the students should be given a one-third representation in all other authoritative bodies in the University.

4. Finland: In July 1968 the Cabinet appointed a committee to prepare propositions for the development of the universities' internal administration. The report of this committee was published in June 1969.

The committee proposed that in a university the supreme power of decision should be vested in a Council with 30-60 members. The members of the Council would be elected so that every member of the university community—professors, teachers, other staff as well as students—would have one vote. Anyone who is entitled to vote could run for membership in the council and be elected too.

In its report the committee has proposed that the Parliament pass an act concerning the development of the internal administration of universities. This act was being prepared and it was likely to have been given as a government bill to the Parliament during the fall session of 1969.

In this act the central university administration—Council and Board—and their tasks are defined. As to lower administration, exact provisions cannot be given since the act will cover universities of different kinds.

In its report the state committee suggests that a committee should be appointed in every university to prepare a detailed proposition for the reform of the university concerned. It has been proposed that such committees would be formed by three students, one professor, one assistant professor and one assistant. In addition there would be a chairman who has to be approved by both university and the student union.

### 5. Federal Republic of Germany:

(1) Measures against Student Disturbances: The government and leading politicians in the Federal Republic are of the opinion that the existing provisions of criminal law are sufficient to guarantee order at the universities. They urgently demanded a rapid and strict application of the relevant laws to prevent breaches of domestic peace, willful destructions, bodily injuries, breach of public peace, and rioting.

Moreover, especially in the big cities as the centers of conflicts with students, the

police force has adopted new and more flexible tactics, which are mainly intended to prevent acts of violence between students and the police. During most of the recent conflicts these tactics were fully successful. The refusal of permission for demonstrations and the stricter application of the regulations for public meetings provide for additional restrictive means. Because of the federalist structure of the Federal Republic it has so far not been possible to set up uniform rules of order at the different universities, but rectors and deans have more widely made use of their domestic authority and of their respective rights to maintain discipline and order, rights which, however, vary from one university to the other. The most rigorous measures admitted according to the valid laws to maintain order and discipline at the universities are: exclusion from the university for a limited time; exclusion from the respective university; and finally, exclusion from all universities of the Federal "Land" in question.

(2) Reform of Higher Educational System and Problems to Be Considered in Future Disturbances: Apart from the measures mentioned in the previous paragraph, governments and political parties are determined to promote all university and educational reforms in a vigorous way. While so far only the different Länder were competent in matters of legislation concerning the universities, today the Federal government has been accorded general competence regarding the universities, as a result of the repeated cases of unrest during the past years. This general competence should facilitate extensive measures aiming at reforms.

At present it would hardly be possible to evaluate the development of radical tendencies in a fairly accurate way. We will try, however, to outline some of the essential factors:

It will be of decisive importance that the educational and university reforms can be carried out rapidly and, as to their practical aspects, can be set up in a way to meet the demands of the masses of students at the universities and improve working conditions. Efforts must be made to integrate the students in our society and in professional life.

One condition for the realization of the reforms consists in securing a "space exempt from violence" at the universities. The resolute but well controlled engagement of the police during actions of violence has already shown its subduing effect on the aggressiveness of radical groups. It seems as if the closing down of departments and institutes, by which students who were not involved, were likewise affected, have already led to certain counter actions. The wave of wide solidarity noticed in the beginning, now seems to be on the decline. The energetic actions by university and judicial authorities also contributed to this development.

To an ever increasing extent, a wide-ranging literature has been dealing with the radical SDS ideology from a critical point of view; these publications aiming at objectivity and doing away with certain myths, have more and more found access to student circles, so that today broad layers of student society are becoming increasingly aware of the utopian character of those radical aims.

Moderate student groups are beginning to take a much firmer stand against radical groups, and to organize themselves in the elections for student self-government.

However, it should not be ignored that the radical ideology contains a certain amount of thoughts and conceptions which find some echo in the general social conception of our time, especially among the younger generation. The attitude towards "authority", the improvement of democratic co-operation, the transparency and the possible control of democratic methods of influencing public opinion or reaching deci-

sions, the necessity of adapting oneself in the feeling of "manipulation" and of a repressing of the elementary human desire for freedom caused by the "efficiency principle", all these are problems that enter increasingly into the social perceptions and meet with more and more attention in scientific and political circles. It has to be expected that these viewpoints will increasingly find response, the more in modern society man will feel oppressed by technical and labor dividing mechanisms in his professional life. The progressing emancipation of man in the pluralist social and political system will arouse a steadily growing desire for freedom and co-determination. In the long run it will therefore be of vital importance to know how these social impulses can be grasped and be converted into reform plans in good time.

#### 6. Great Britain:

(1) Joint Statement from The Committee of Vice-Chancellors and Principals and The National Union of Students: Given below is an extract from the joint statement made by the National Union of Students and the university authorities on the points on which they reached agreement following the 10-point demand made by the National Union of Students (c.f. Part 1, 7 of this report). In addition to the three sections quoted below, the joint statement contained sections B on course contents and teaching methods, C on the examinations, F on carriers advice, and G on freedom of speech.

(a) *Student Participation in University Decision-making*: It was generally accepted that the problem of how students can make their views effectively felt within the decision-making processes in an individual university is not a simple one. Constitutionally, the power to make decisions in a university is widely dispersed. Most of the charters and statutes under which the universities operate, though differing from one another a good deal in detail, are in part guarantees of intellectual freedom and independence, and in part careful allocations of responsibility among the various elements of the university. The resulting structure may be complex, and students recognize that in view of the fact that the period during which they can play an effective role in university government is limited, it is important that they should inform themselves fully and at an early stage of the directions and manner in which their influence can be most effectively applied.

The National Union of Students seeks effective student presence on all relevant committees. Our discussions identified three broad areas of operation of such committees: (a) the whole field of student welfare—for example health services—catering facilities and the provision of accommodation—where there should in our view be varying degrees of participation of students in the decision-making process. Apart from this, there is the area which covers for example the operation of student unions and the management of a wide range of extra-curricular activities, in which most university student organizations rightly have long had complete responsibility, (b) that relating for example to curriculum and courses, teaching methods, major organizational matters, and issues concerning the planning and development of the university—where the ultimate decision must be that of the statutorily responsible body. In this area, we would regard it as essential that student's views should be properly taken into account, and (c) that involving for example decisions on appointments, promotions and other matters affecting the personal position members of staff, the admissions of individuals and their academic assessments—where student presence would be inappropriate. Students should, however, have opportunities to discuss the general principles involved in such decisions and have their view properly considered.

We have no doubt that the machinery of student participation can and should be extended and improved. The means of doing this are likely to vary from one university to another. In those few cases where there is student membership of Council or even in effect of Senate, these will be watched with interest. The National Union of Students itself, seeks student representation on these bodies. Frequently there is student membership of committees of Council and of Senate, and in the view of both parties there is scope for these practices to be extended. Not as an alternative but to supplement this we would welcome the development of joint staff/student committees in new and more effective forms, with substantial student membership and with a status equivalent to that of other committees of Senate and Council. These joint committees may operate not only at university level, but also, where appropriate, at faculty and to work well, the rules under which they operate must be the same as those which apply to any other university committee. All members must be on terms of equality, serving as representatives and not as delegates specifically mandated by the body which nominated them. They should be free to exercise their individual judgements in the light of committee discussion and be identified with its corporate decisions. If a recommendation of such a committee is not accepted, or is referred back by the parent body, the committee must be satisfied that its arguments were properly presented to that body and be informed of the reasons for their rejection.

All such measures of student participation depend for their effectiveness on the willingness of students to take part on these lines. When all facets of university life are taken into account, the numbers of students called upon to participate become quite large. They should, we believe, be student representatives in the real sense, understanding student needs and in sympathy with the aspirations of their fellow students. If the student organizations continue to be able to find representatives from a wide range of interest groups (e.g. departments, societies, etc.) and in the necessary numbers, we have no doubt their influence in the universities will continue to increase. We hope that our discussions may prove to be a landmark on that road.

(d) *Discipline*: One question which has inevitably arisen in our discussions, has been that of the operation of university disciplinary procedures in respect of the action of any student which has already been the subject of legal proceedings in the courts. The National Union of Students recognizes the considerable difficulty of setting down the circumstances in which it would be appropriate for a university to take cognizance of such proceedings, and accepted that certain offences, although already punished in law, were such that it would be inappropriate for the student concerned to continue as a member of a university community. We agreed however that the area within which such issues arise should be the subject of discussion between university authorities and student bodies.

What is needed, we believe, is a general understanding between individual universities and their students of the limits of the various possible disciplinary procedures, and an examination by universities of the areas within which it would be appropriate for disciplinary responsibility to be delegated to the student body. We hope that universities will be willing, in close consultation with their students, to review their existing arrangements in the light of these observations, and taking note for example of the National Union of Students publication "A Code of Discipline".

(e) *The Age of Majority*: The Vice-Chancellors' Committee joins with the National

Union of Students in welcoming the Government's decision to accept the recommendation of the Latey Committee that the legal age of majority be lowered to 18.

It is recognized that this change alters in certain respects the responsibilities which the universities have so far carried in relation to the welfare of students, and in particular their responsibilities towards parents. It is therefore appropriate that universities should review, in consultation with their student bodies, the regulations which have been made to enable them to discharge these responsibilities. In general, the criterion on which regulations should be based is the need to maintain the university as an ordered working community.

(2) Suspension Awards to Students at Universities under Dispute: If a university could not function effectively as a result of student disturbances, the question of the continued payment of Exchequer grant would arise. All that can be said on this is that it would be a matter for consideration, in consultation with the UGC (University Grants Committee) in the light of circumstances at the time.

Conditions governing the tenure of awards are laid down in statutory regulations (the University and Other Awards Regulations). The relevant regulations are:

22(2). An authority shall not make payments under an award in respect of any period during which the holder is either absent from a course without the permission of the academic authorities, or is not permitted by the authorities to attend the course.

(3) If, after consultation with the academic authorities, an authority is satisfied that the holder of an award has shown himself by his conduct to be unfitted to hold it, it may terminate the award, or suspend it.

If the university academic authorities were to suspend a student for misbehavior, suspension of his award by the local education authority would automatically follow. Similarly, the award could be terminated after consultation with the academic authorities. The university authorities and the local education authority must keep closely in touch on any case that arises. So far as LEAs are concerned, they are free in law within the limits of the regulations to decide their own policy towards militant students. In all cases of misconduct consultation with the academic authorities must precede termination of the award.

(3) Progress in Student Participation (University and Progress in this field):

York: A staff-student working party report recommended the setting up of a committee with 50 per cent student membership; the students to be involved in Boards of Studies and other university bodies.

East Anglia: A student welfare committee has been formed with strong student representation.

Bradford: The Senate is to sit as a general purposes committee—with 9 student representatives—handling about 95 per cent of Senate business; the rest (examination results, staffing matters) are to be reserved for the Senate proper.

Sheffield: A working party is to be set up with a student majority to examine the University's lodgings regulations.

New University of Exeter: The draft Charter and Statutes provide for student representation on the University Court and ex-officio membership of the Council by the President of the Students Council.

Birmingham: The University agreed on student representation on the University Council and 5 Council committees as well as representations to the Senate on special subjects and representation on 8 Senate committees. The students, however, would have no voting powers on the Council.

Warwick: Students have won 2 places on the University Council.

Southampton: Students have won 2 places

on the University Council, the Statutes are to be amended to make them full members. Four students invited to join certain Senate meetings.

(NOTE—None of the above have yet reached Charter/Statute amendment stage.)

7. Italy: On April 17, 1969, the University Bill was submitted to the Italian Parliament. The bill provides for student participation under Article 7 (Organization of the Department), Article 15 (Deliberative Organization of the University), Article 30 (Organization of Students), and Article 32 (Composition of the National Council of Universities). The pertinent articles were as follows:

Art. 7. (Organization of the Department): The direction of the Department is given to the Council of Department. The Council of Department is composed of—

- (a) professors of the Department
- (b) a representation of students registered to courses of doctorate of researches, equal to one-fifth of the number of professors,
- (c) a representation of other students registered to courses of education who advanced in the Department, equal to one-fifth of the number of professors, and
- (d) a representation of licensed technicians equal to one-tenth of the number of professors.

Art. 15. (Deliberative organization of the University):

The function of the propulsion and coordination of each University belongs to the Council of University.

The Council of University is constituted of representation of lecturers, students, technical and administrative persons of the University, this is distributed:

- 30 per cent, ordinary professors;
- 30 percent, extraordinary professors;
- 10 per cent, students registered to the doctorate of researches;
- 25 per cent, students registered to the courses of the degree of bachelor;
- 5 per cent, technical and administrative persons.

The representation elected from the students registered to courses of bachelor can be constituted with deliberation adopted by the absolute majority of its components in students Section, to:

- (a) propose the rules of students;
- (b) formulate wishes and elaborate, and submit propositions to the Council of University in the matter of competence of the latter.

In such a case, remains unchanged the participation of the representation of the students in the Council of University for the election of the dean and the approval of the budget and the account.

Art. 30. (Organization of students): Students examined themselves the right to gather in assembly and to organize not only the free activities of study, but also, cultural, sporting and recreative activities, in the framework of the stable procedure of the Deliberative Organization of the University. The exercise of such right yields to the rules of students.

In the rules of students shall be provided the revocation of the representations of student in deliberative organizations of the University apart from the body qualified for the elections, on demand of at least one-third of the qualified to vote.

Art. 32. (Composition of the National Council of Universities):

The National Council of Universities is composed of:

- (a) twenty-five ordinary professors;
- (b) twenty-five extraordinary professors;
- (c) ten registered to the doctorate of researches;
- (d) thirty students in courses;
- (e) President of the National Council of Researches;
- (f) President of the National Academy of Lincei;
- (g) Secretary General of the program of

the Ministry of Budget and Economic Planning;

(h) General Director of the University instruction of the Ministry of the Republic Instruction.

8. Japan:

(1) Measure To Bring Campus Disputes Under Control: Japan was one of the countries where campus disputes took the most violent form. At the beginning of 1969, the situation developed into one of the greatest concern as the number of universities involved in disorders increased rapidly and the violence of the protest activities of the various Zengakuren factions increased in intensity. The government submitted to Parliament the University Management Emergency Measures Bill as a means to control the situation. The bill aimed to provide government aid to universities making autonomous efforts to control the disputes and to restore normal educational and research activities in the schools. The bill was passed and became law in August, 1969. Immediately before and after the law went into effect, student disorders reached their peak but quickly started to die down. As of December 1969, the number of schools with unsettled disputes had dwindled to one-third of the peak.

The situation as it stands now is being evaluated differently by different people. Some place great value on the law, saying that it had great effect in controlling the campus disputes. Others say that the present relative peace on the student front is merely the result of forcible police action and the attitude of those concerned to achieve a state of truce for the time being. These people say that the problem has been only temporarily averted and not solved basically. Whichever may be the case, the situation is now such that the spring university entrance examinations (the school year in Japan normally begins in April) could be conducted normally at practically all the schools.

(2) Reform of the Higher Education System: Efforts among the government, political parties and universities to reform the country's higher educational system are gaining momentum.

The most important and indispensable factor in achieving reform of the higher education system is mutual understanding and co-operation between the government and the universities, between society, including the business and labor communities, and the universities, and between the professors and students in the universities themselves. But this mutual understanding and co-operation is not being promoted. Moreover, within the universities mutual distrust and feeling of inadequacy pervades among the various strata of university personnel. As a consequence, some quarters fear that university reform will not make much progress.

This pessimistic viewpoint deepens apprehension with respect to two points. The first is that the efforts to reform the various systems in the universities which are based on authoritarianism are not achieving the desired results at the present stage. Authoritarian systems in the universities included the inflexible lecture system which was tied to the status of professors, the unsuited treatment of able young researchers, and the bureaucratic management system. The campus disputes served to bring these authoritarian practices to public attention. The second point is that the universities are falling behind in tackling many important tasks with which they are confronted. These include the establishment of an inter-disciplinary research set-up which is being demanded by society, dealing with the dualism of the universities seen in such issues as general education versus specialized education and basic research versus applied research, and formulating a system for the production and distribution of knowledge and information to keep up with the increas-

ingly important role played by information in society. Before these tasks can be tackled, it would be necessary first of all to carry out drastic reforms.

Because of these circumstances, the desire is mounting in all circles for the university authorities to set the stage themselves to conduct a vigorous reform. At the same time, all the political parties, which are vitally interested in educational reform, and all sorts of educational organizations are making efforts from their own standpoints to map out concrete plans for immediately necessary measures based on their respective forecasts of future social and economic changes and on what they consider to be the desirable direction which university reform should take from a long-range viewpoint.

For instance, the ruling Liberal Democratic Party is advocating the improvement of the treatment of teachers with the aim of achieving a qualitative improvement of the entire educational structure, the establishment of universities of a new concept which could respond to the demands of present-day and future society, and the establishment of educational broadcasting organs by making use of the highly developed information transmission technology. The opposition Japan Socialist Party is advocating the adoption of a university committee system for the purpose of drastically improving the university management structure and the establishment of a life-time education system which is expected to become a world-wide phenomena in the 1970s. The Komeito Party is advocating the establishment of a Campus Democratic Consultative Council in order to build up a relationship of mutual trust between students and school authorities. The Democratic Socialist Party is advocating the establishment of a University Basic Law. The Communist Party is advocating the establishment of an All Universities Consultative Council to promote the democratization of university management.

9. Rumania: The importance of higher education has begun to be particularly stressed in Rumania as a result of recent social changes. At the same time, the relationship between students and universities, between universities and society, and between society and students is being reviewed from a fresh angle.

A new Education Law was established to improve the contents, program and teaching methods of higher education.

The new law sets the framework for the modernization of education. It gives priority to the duty of training in schools. It places importance on scientific training which promotes the development of creativity of students.

With respect to the question of student participation, students in Rumania have representatives on department consultative committees and on university directors committees.

In the cultural field peculiar to students, wide-ranging activities are organized through student unions.

#### 10. Republic of Korea:

##### (1) Government Measures:

(a) Establishment of student quota is intended to secure one faculty member per an average of 20 students.

(b) Registration of all bachelor's and master's degree holders is being enforced to enhance the authority of the university and also to obtain exact figures on potential manpower resources of high caliber needed for economic development; all degree holders and nondegree graduates are required to register with the Ministry of Education.

(c) Preliminary test for university admission was introduced in 1969 as a qualifying test for all perspective university applicants. It was designed to upgrade to quality of students and to normalize high school education.

##### (d) Declaration of the Education Charter:

The second World War and the Korean war caused social dislocation, and the surging wave of westernization brought about a basic change in the value system. In order to help preserve good old tradition and reorient the deteriorating national attitude in the right direction, the Education Charter was adopted and promulgated December 5, 1968.

##### Qualitative betterment of the faculty

##### (f) Loan scholarship programs

##### (g) Promotion of vocational education

##### (2) University student guidance organizations:

(a) The national workshop for university students guidance advisors is devoted to exploring new ways and better directions for improving student life.

(b) Student counselling services (at 68 universities and colleges excluding junior colleges) and the office of academic administration are engaged in: psychological tests, aid in part-time job placement, advice on intramural group activity, freshmen orientation, counselling on individual adaptation, instruction and guidance in curricular activity, employment of graduates and student housing.

##### 11. Yugoslavia:

(1) Reaction of University Authorities: It should be noted that the student action obtained the support of the teaching and other university staff. The University Council in Belgrade, supported the students' action already at the very beginning. The rector of the Belgrade University and, in his absence, the pro-rectors, publicly supported students.

In the period before the June 1968 events, the university authorities held the position that a more rapid development of self-management at the universities and schools of higher education was necessary, as well as the reform of the teaching and improvement of the material position of the students.

(2) Government Reaction: The Government of the Republic of Serbia, and the governments of the other republics, devoted more attention in the preceding year to the problems of universities, with special emphasis on the standard of living of students and their material position in general. The efforts of the Government in this respect were oriented to a long-term period which was regarded among students and at universities as much too slow.

Taken on the whole, the republic Government and other responsible factors devoted serious attention to both concrete and broader problems of the university and, in this context, to the specific questions of the standard of students and their material position. For various reasons, however, all this was not implemented with necessary dynamics and, on the eve of the outbreak of the demonstrations, there was obvious discrepancy between what the Government factors actually did and could have done, on the one hand, and the needs and demands of the students and university, on the other. This was one of the main immediate causes for such a strong form of student actions.

As regards the Government and political factors of the Socialist Republic of Serbia, the outbreak of the June 1968 events did not motivate them to take an antagonistic attitude vis-a-vis the students action and their demands. However, the responsible factors insisted on the attitude that the method used by the students was unacceptable in a democratic society based on the principles of self-management. The Government of Serbia remained firm in this respect. The students, by withdrawing from the streets and maintaining order in the occupied buildings, contributed to the creation of an atmosphere propitious for starting discussions, and, later on, for the normalization of the situation.

In this context, the republic Government of the SR of Serbia went quite a distance

to meet student demands. Thus, a joint commission was set up, composed of representatives of students and the Government, headed by the Prime Minister of Serbia, with the task of establishing the responsibility for the clash between students and organs of public order which took place on 2 and 3 June 1968.

The Federal Assembly did not consider the students' actions directly. However, the political atmosphere which was created as a consequence, acted as a stimulous accelerating the pace of the enactment of certain regulations which had been under consideration for some time already. The same applies to the republic Assembly of the SR of Serbia, with the difference, however, that the republic Government was in a position to deal with the situation more intensively.

In the last eighteen months much has been done in the field of students' standards: new student dormitories have been built; the number of scholarships substantially increased; the same applies to the funds out of which loans are extended to students, etc.

#### INTERNATIONAL COOPERATION ON THE PROBLEMS OF STUDENTS AND REFORM OF HIGHER EDUCATION SYSTEM

##### PART 5

1. International Cooperation among Universities: The problems of students and reform of higher education system have individual characters in each country or university, but, at the same time, have a universal nature in many aspects. From this point of view, the necessity of international cooperation among universities has been stressed for a long time. The higher education law which recently came into effect in France also recommends the international cooperation among universities. And Minister of National Education Edgar Faure stressed, in the explanation of the law, the hope that intelligent products should circulate freely in Europe.

There are several organizations for the international cooperation among universities, for example, the International Association of Universities and such regional organizations of universities as Council of South East Asia Universities, Union of Latin America Universities, New Council of African Universities, Council on Higher Education in the American Republics, etc., and they have already produced results in their activities. In this connection, the research report made by Sir H. Heatherington at 1965 Tokyo Conference of the International Association of Universities on the international comparative study of the legal composition of universities and the report on "The University in the Modern World" submitted by Lord Robbins before the 1964 Conference of European Rectors and Vice-Chancellors are the valuable results of cooperative activities among the universities. Especially, in the latter, are properly pointed out the present-day problems such as relationship between university and society, integration of education and research, diversification of contents of education, cultivation of critical spirit and cultural universality.

##### 2. Regional Cooperation:

(1) Council of Europe: The regional cooperation has always been undertaken actively on the initiative of UNESCO, and its importance can not be over emphasized. In this field, the Council of Europe has been bearing a lot of fruits. For instance, at the meeting of the Study Committee of University System of the Council of Europe in 1965, a German delegate made a report which included many suggestions such as promotion of inter-disciplinary studies, keeping of an over-all balance in arrangement of courses in special fields, organization of teams of researchers, creation of newly-conceived campus universities. And, the recent activities of the Council are referred to also in

the following document, provided by the Danish Inter-Parliamentary Group, which concerns the cooperation among the Nordic Countries.

(2) Nordic Cultural Commission: In pursuance of a decision taken by the Nordic ministers of education and cultural affairs at a meeting held on July 12, 1968, the Nordic Cultural Commission has taken up for consideration the question of co-operation of students, teachers and other staff of universities and other institutes of advanced education in the Nordic countries. The first result of the Nordic Cultural Commission's considerations is a report "University Democracy in the Nordic Countries", dated May 1969, which was transmitted to the ministers by letter of June 6, 1969. The ministers have asked the Commission to continue its work and to extend its scope to cover youth democracy in the whole sector of education.

For its discussions of this matter, the Nordic Cultural Commission used a background document on a study sponsored by the Council of Europe's Committee for Higher Education and Research, entitled "Secretariat Note on the Present Crisis in Higher Education with Particular Regard to Student Unrest" (Strasbourg, July 12, 1968).

3. UNESCO's Activities: Since 1967, as the depth and extent of student unrest have become more apparent in a world wide scale, Unesco has paid increased attention to higher education and has taken various actions to cope with the grave situations. The serious attitude of Unesco towards the problem can well be evinced from the following:

(1) In October 1967, at the conference organized by Cornell University on the subject of "the World Crisis in Education", Mr. René Maheu, Director General of Unesco, expressed his grave concern for higher education in his address, saying that:

"The crisis in education is in fact a reflection of the world crisis as we see it affecting the actual contexts in which the human personality must be considered: the individual, the family, the class or profession, the nation." (Unesco Chronicle XIII No. 11)

The Conference of Ministers of Education of European Member States of UNESCO which was held in November 1967 in Vienna, adopted a recommendation requesting the Unesco to take a variety of concrete actions in the domain of higher education, especially placing emphasis on the improvement in the comparability of international data through the standardizations of statistics, terminology and definitions in the field of education. (Unesco Chronicle XIV No. 1)

(2) In 1968: In the education sector of Unesco's Programme and Budget for 1969-1970, the Organization placed particular emphasis on higher education as well as out-of-school education for youth, lifelong education for adults and other subjects.

At its fifteenth session which was held in Oct.-Nov. 1968, the Conference of Unesco adopted the "Report on Youth" submitted on the item 21.3 of the Provisional Agenda. The report takes up the following problems in the Part One, "Youth in Contemporary Society,":

- (a) Youth phenomena.
- (b) Aims and claims.
- (c) How are the present-day phenomena to be interpreted?
- (d) The practical approach to youth problems and in the item "C", it comments as follows:

The forms and the scope of the youth movement have taken many adults by surprise. Looking back, we blame ourselves for not having paid enough attention to the young and their demands; we give serious consideration to the causes of their dissatisfaction and attempt an honest answer to their indictment. We then perceive that the young of our day are playing their part in identifying new social and moral values; that

they are right to lay bare the blemishes, evils and basenesses of a civilization they refuse to accept as it stands; that they are contributing new and in many respects healthy types of behaviour; that they are helping to reformulate the rejection of obsolete social and political structures; and, in particular, that we need to associate them with us in rethinking and reforming our educational systems.

The "serious" explanations, while agreed in diagnosing a crisis in or of society, differ widely as to the nature of the causes: the crisis of youth integration in the context of modern societies; the urgency of particular changes in the different types of societies; the need to break with conservatism in a given situation; the "consumer society's" approach to crisis point; crisis of established ways of life and values, crisis of civilization.

In all these interpretations, it is implicitly assumed that youth is especially sensitive to the ills of society. And this notion of clear-eyed youth in a blind and aged world is crucial to the most dramatic hypothesis: that for the world as we know it the present phase is the prelude either to inescapable decay and death or to a rebirth.

As regards the question whether the youth crisis is national or international in its dimensions, interpretations vary between the following two basic theses:

The first is that, because of the essentially national character of the youth phenomenon, the problems differ so much from country to country that no similarity, analogy or correlation exists between them; the second thesis is that, on the contrary, the phenomenon is a general one, whose universality is chaos and menace, dimly felt by young people everywhere, and secondly on a youth culture, which is international in fact, and thus facilitates mutual influence and contagion among the various youth movements.

(3) Unesco and Its Programme for International Education year (1970): The 23rd session of the United Nations General Assembly has unanimously decided to designate 1970 as International Education Year. In a message issued on this occasion, the Director-General of Unesco declared: (Unesco Chronicle XV No. 1)

"International Education Year must be more than a mere celebration. . . . Unesco will do all within its power, in collaboration with other organizations of the United Nations system and interested international bodies and associations, to make the International Education Year a solemn occasion for the governments and peoples of the world to rededicate themselves to the cause of constructing in the minds of men the defenses of peace and social progress."

Mr. Malcolm S. Adiseshiah, Deputy Director-General of Unesco, gave his views in the beginning of 1969 on the lifelong education and higher education as follows: (Unesco Chronicle XV No. 2)

Thus, the concept of lifelong education breaks through the established compartmentalization of the educational system. There can no longer be antimony between science and arts, the humanities and technology, general and vocational learning, utilitarian and non-utilitarian education, primary versus secondary, school versus adult literacy.

The implications for higher education as the domain no longer of an elite but of the masses are even more drastic and far reaching.

The development of such a programme requires long and sustained interdisciplinary research and the collaboration of pedagogues, economists, sociologists, psychologists, philosophers, administrators, scientists, engineers, architects, communication and management specialists.

Director General René Maheu's following statement, which explained more generally the Unesco's positive and manifold approaches to the problems of education, seems

to be very suggestive: (Unesco Chronicle XV No. 5)

I spoke of a crisis in education, using an expression that is commonly heard today, but I ought rather to have said a crisis of civilization. We may deplore the fact that, in many countries, adults, and especially the leaders, have been unprepared for the speed with which situations have changed, and that it has taken the most spectacular yet least constructive demonstrations of the opposition of the young to bring home to them the historical dimension of the phenomenon. This is in fact of little importance. What does matter is that the community of mankind should now realize that it is involved in a process of demographic, technological intellectual and moral change of unprecedented magnitude, at the heart of which lies the problem of the radical reform of education. . . . It is evident that the crisis is likely to last for years, if not generations, and that those responsible for education and those engaged in it have an enormous collective task before them. What is new about the situation is that, today, nearly everybody knows this.

This task offers Unesco great opportunities and, therefore, lays on it great responsibilities. Collection and distribution of objective documentary material, comparative analysis of data, comparison of interpretations and attempts to find a solution, experiments in spear head sectors of elucidatory research or practical application, critical reflection on aims and results—where the reform of education is concerned, these measures, essential to any accurate appreciation and any systematic action are required on a world-wide scale which necessarily implies recourse to an international organization like Unesco, that has consistently used such methods for many years past.

The crisis of youth brings out the urgency and the extent of the reappraisal that is needed with regard to the ends and means of education. . . . Rightly or wrongly, youth does not recognize its ideal of humanity in the facts and standards of the adult world.

That is what is so serious and calls for radical action.

It must be understood, however, that the crisis betokened by the protests of youth is not, as has too often been said—and as I myself wrote at the beginning of these developments—a crisis of youth but a moral crisis of society. The challenge to education is, naturally, central to this crisis, since it is in the educational context that the young discover society, its mechanisms and its ideals. Hence it would be a grave error to think that all we have to do is to improve understanding and co-operation between adults and the young, which is, when all is said and done, all that any policy or programme, national or international, for or with youth, can hope to achieve. Such an improvement is certainly necessary, even essential in present circumstances, as a means of promoting the work of educational and social reform which needs to be undertaken and which, if it is to be carried out in the best conditions, calls for combined efforts by the older and the younger generations; but, however useful and important this improvement may be, it is only a means, a preparation. What is essential is the reform of society's model of humanity, of which education is at once the expression and the most conscious, deliberate mode of elaboration.

International Education Year which the United Nations General Assembly, on the advice of the General Conference, decided would be solemnly celebrated in 1970, should be an opportunity for the world to merge comprehensively, both in general understanding and in a common purpose, all the various aspects of these necessary changes. The resolution adopted by the General Conference on this question has the merit of setting out the main lines and objectives of a

concerted campaign in which the governments of Member States and their institutions and movements, whether public or private, and the governmental and non-governmental international organizations are invited to take part, and which involves not only ceremonies but organized, collective thinking and action. Unesco obviously has a great responsibility to discharge in this respect, having quite naturally been accepted by the United Nations system as the coordinating and organizing agent for the whole effort. It is in duty bound to ensure that everyone becomes aware of the full scope, the true significance which circumstances lend to this enterprise; the scope and significance of a worldwide appraisal of the model of humanity that informs today's education against the needs, aspirations and potentialities of tomorrow's man. If it can do this, whatever the result, Unesco will emerge with inspiration for many years to come.

There are two spheres in which it must be admitted that Unesco's programme and activities are still not commensurate with the importance of the problems. The first of these is higher education and the second is lifelong education. In respect of higher education much has been done, notably in the science sector, to develop and improve the training of teachers and research workers in their respective disciplines. An endeavor is also being made to help in the establishment and strengthening of university institutions in the developing countries. On the other hand, no systematic effort has yet been made to tackle, in general and in detail, the crisis of the university in the modern world, despite the fact that this is clearly obviously one of the most important questions of our time. This crisis is distinct from the revolt of student youth to which I alluded earlier, though in actual fact they do of course meet and become interwoven. The question is whether the needs of modern man are met by the institution set up in the Middle Ages and partially modernized at the end of the last century, an institution devoted to creating the universality of minds and of knowledge in a secluded place and an ideal atmosphere, withdrawn from society while at the same time preparing the future leaders of that society, a world of academic thought existing side by side with the world of action, a world in which intellectual freedom is all the greater in that its exercises have no direct influence on current events. Of what significance is the ideal of epistemological universality in an age of increasing specialization? Of what significance is academic freedom outside the current of history? What privileges do they deserve, these academics who apply themselves to training the leaders which society says it needs, but who refuse to inquire and decline all responsibility concerning the value of that society? Lastly, can the university community be content with the traditional hierarchical organization? What teachers are these who are condemned by the ever faster obsolescence of knowledge to be perpetual students? Is not the university the abode of those who are learning rather than of those who "know"? It would be desirable for Unesco to take a more active part in this questioning which is in many ways vital for the future of education and of society itself. It is not enough to compile documents on the equivalence of university degrees and diplomas—a vain and never ending labour.

With regard to lifelong education, it is now a matter of common knowledge that this is the concept which explains the real meaning of modern education and which should inspire and sum up all efforts directed towards reform. Education is no longer confined to a particular age, that is, only a part of life; coexistent throughout its length, it represents an attitude and a dimension of

life. It is an attitude enabling us to keep in touch with realities and not simply a preparation for work and responsibilities. This radical change in outlook ruthlessly reveals all the difficulties encountered, which spring up on every side, and at the same time provides the only path to their solution. But lifelong education must not remain a mere slogan, indeed, no reconversion requires so vast and complex a forward planning. For what is involved is no less than a merging of school and university education in a global system within which out-of-school education and the so-called adult education, now generally regarded as marginal, are destined to appear as the very core of the discipline of the mind.

In this connection Unesco has hitherto contended itself with a few meetings and a few publications which have kept alive interest in the subject without adding greatly to an understanding of it. In the period following International Education Year, which, we have reason to hope, will give an impetus to global thinking and the will to reform, this ought to be the main line along which should be planned, over the next decade, Unesco's activities in all matters pertaining to education.

#### FEDERAL FAMILY PLANNING PROGRAMS

### HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. BUSH. Mr. Speaker, last December I sent a copy of the report of the House Republican Task Force on Earth Resources and Population entitled "Federal Government Family Planning Programs—Domestic and International" to the Honorable Ellsworth Bunker, U.S. Ambassador to the Republic of Vietnam. Ambassador Bunker is one of this country's most highly respected and well traveled diplomats, so his comments on it are most significant. I would like to share them with the Members of this body at this time:

SAIGON, REPUBLIC OF VIETNAM,  
March 2, 1970.

HON. GEORGE BUSH,  
House of Representatives,  
Washington, D. C.

DEAR CONGRESSMAN BUSH: It was good of you to send me a copy of the House Republican Task Force's report and recommendations on Federal family planning programs. It is a most thoughtful document and I studied it with interest. During my service in both India and Viet Nam I have become personally familiar with the magnitude of the population problem. I have seen how soaring birth rates erode the gains modern technology and external assistance bring to developing societies. As your report makes clear, the population problem is now becoming as critical—if not yet as evident—even in highly developed areas like the United States.

You and your colleagues have my best wishes for success in your effort to alert the nation to the problem and gear our free society to cope with it successfully. I fervently hope that as your report implies family planning is now "an idea whose time has come."

With warm regards.

Sincerely,

ELLSWORTH BUNKER,  
Ambassador.

#### PLIGHT OF THE CATHOLIC MINORITY IN NORTHERN IRELAND

### HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I commend my colleague, the gentleman from New York (Mr. LOWENSTEIN), for taking this time in order to bring the attention of the House to a very serious and tragic situation.

Since June 25 of last year, when I took time to discuss the situation in Northern Ireland, conditions there have not greatly improved. The Governments of Great Britain and Northern Ireland have taken some steps to diminish the repressive laws that have kept the Catholic minority oppressed for 50 years.

But many of these steps give only the appearance of change and do not have any effect in actuality. The Electoral Act is a case in point. What good will be accomplished by granting each man the right to vote when elections are not held and when districts are further gerrymandered? It is the appearance of good and the continuation of great evil.

If the Government of Northern Ireland was sincerely interested in according to all its citizens equal protection and equal rights under the law, its first act would be to repeal the Special Powers Act. This law, which allows the Parliament to suspend all civil liberties, including those most precious—freedom of speech, access to the courts, freedom of the press, and the right of privacy—is as powerful today as it was in 1920, when it was first enacted. With this law hanging over the heads of every dissenter, there can be no real freedom for anyone opposed to the present policy and present system of government.

Unfortunately, what I said on June 25 is still true; and that is intolerance and discrimination are encouraged by, and rooted in, the laws of Northern Ireland. Individual prejudice is tragic and destructive in itself, but when discrimination is founded in law, which is the case in Northern Ireland, intolerance is nourished and must spread. Only by assuring the same rights to all citizens can a government ever hope to be truly democratic, and only by ending government-sanctioned discrimination can a people hope to end private and personal intolerance.

My colleague is to be commended for drawing the attention of this body and the Nation to the situation in Northern Ireland. Tomorrow is a holy and festive day for many of us, and it is a day perhaps when the whole world is Irish. It is a good time to think about the plight of the Catholic minority in Northern Ireland.

But it seems to me that the governments of both Britain and Northern Ireland are unwilling to think about the seriousness of this problem until there are riots and civil disorders. That is a foolish and unthinking attitude. Often by the time a people resorts to violence, it has exhausted all peaceful means or no

longer trusts the avenues of peaceful change.

I sincerely hope that another St. Patrick's Day does not pass before all people in all of Ireland are assured their civil rights and that liberty and justice will be a reality in the Emerald Isle.

DISTRICT OF COLUMBIA CRIME

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. HOGAN. Mr. Speaker, during the past several months I have worked closely with the House District Committee on the District of Columbia Court Reform and Criminal Procedure Act of 1970, which the House will be considering this week.

My desire to see this sound legislation passed by the House without being weakened in any respect, stems in large part from the many letters I receive from those who have been the victims of robbery, rape, serious bodily injury, and other crimes in or near our Nation's Capital.

Now, on the eve of our consideration of this legislation, I have received another letter which I feel compelled to bring to your attention. Mrs. George Hanlin of Hillcrest Heights, Md., in the following letter, expresses feelings which I am sure are shared by all law-abiding citizens of the Washington metropolitan area:

MARCH 12, 1970.

HON. LARRY HOGAN,  
House of Representatives,  
Washington, D.C.

HONORABLE SIR: Though I have never felt that I would have occasion or the need to openly express my outrage, I now have personal reason to speak out against the laws that give the criminal such leniency that they are actually encouraged in their heinous crimes while the innocent sit meekly by with no rights and can only trust to the Almighty that they may be spared.

I have never felt that I could kill anything larger than a fly, but at this writing I am murderously upset over the existing trend. A criminal maims and kills and *their rights* are cited to them before arrest even if caught in the crime.

As I write this my elderly husband lies in the hospital beaten within an inch of his life; his head beaten and cut beyond imagination with bones fractured in his face requiring surgery, bones broken in his hand and wrist, and other and numerous bruises and cuts over his entire head. This all happened last Sunday evening within 100 feet of our residence in nearby Maryland. Thanks to God and wonderful doctors, he will live; but will he ever be the same? Robbery was the issue.

Though the culprit had escaped, the Prince Georges police and detectives were wonderful and on the job within minutes of the report and hopefully, the attacker will be apprehended. Now, should he be, will I have any rights? Would I be permitted to deal with him in my way or even have any say as to his punishment? Oh no, I must sit by and see him dealt with in a most lenient way and hear again what *his rights* are.

I think it is time the decent people of America; black, white, yellow, pink or green, band together and demand martial law that

will do away with this wickedness and the removal of the law-makers who make laws for the protection of the criminal.

If this world becomes any more wicked, a greater force will surely take over and end it as it was once before, and we may soon witness the second coming of Christ. Perhaps this is our only hope—a new beginning.

Respectfully yours,

Mrs. GEORGE HANLIN.

THE GATES COMMISSION REPORT ON ALL-VOLUNTEER ARMED FORCES—PART II, CHAPTERS 13, 14, AND 15

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, today I am inserting into the RECORD the final three chapters of the Gates Commission report. For the benefit of my colleagues who have not yet had a chance to read the entire report, I want to indicate where other chapters can be found. Chapter 1 appeared on February 24 on page 4611; chapter 2 on February 25 on page 4739; chapter 3 on February 26 on page 5130; chapter 4 on March 4 on page 5905; chapter 5 on March 5 on page 6263; chapter 6 on March 10 on page 6751; chapters 7 and 8 on March 11 on page 7065; chapters 9 and 10 on March 12 on page 7226; chapters 11 and 12 on March 16 on page 7553.

The final chapters are 13, which deals with conscription; 14, which goes into recent foreign experience in volunteerism; and 15, which is concerned with possible alternatives to an all-volunteer force. The texts of these final chapters follow:

PART II

CHAPTER 13—CONSCRIPTION IN AMERICA

Throughout our nation's history, state and federal governments have compelled service to meet emergencies. Nevertheless, a permanent and comprehensive peacetime draft, such as we have known since 1948, is a recent departure.

During the colonial period, hundreds of conscription laws dealt with specific requirements for service, provided exemptions and penalties, and laid down procedures. Induction into the local militia generally entailed the obligations that are imposed on a reservist today. A militiaman was required to attend drills and was available for call-up to repel Indian attacks or invaders. The maximum term of active service was usually three months, and in some instances the militia could not be used beyond the borders of its colony. Despite the existence of such draft laws, colonial militias were primarily made up of volunteers.

The colonies were opposed to the idea of a common defense establishment. Memories were still fresh of oppressive acts by standing armies under Cromwell, Charles II, and James II of England. The colonists' fear that a large standing army might result in loss of religious and political freedom denied General Washington access to a centralized and compulsory system of procuring men and supplies. Hence, the War of Independence was fought almost entirely by volunteers who were attracted by bounties either to the state militia or the Continental Army. To the limited extent that state militias resorted to the draft, its effect was mitigated by the exemptions available to men who were

married, who paid a commutation fee, or who offered a substitute. The militia draft was more a means of taxation than of compulsory procurement of manpower.

Setting a pattern of rapid post-war demobilization which has recurred throughout our history until World War II, the Continental Congress reduced the standing army almost literally to a corporal's guard—some 80 men—soon after the War of Independence. Such weakness left the Confederation unable to suppress Shays' Rebellion and protect against the continued threat of foreign invasion and Indian attacks. To remedy the defects of the Confederation, the Constitutional Convention was called in 1787.

The new Constitution was ultimately a compromise between two fears: (1) that the federal government would remain too weak to maintain order or prevent invasion, and (2) that the federal government might misuse its newly granted power to curb the rights and relative independence of the former colonies. In the field of military affairs, the compromise took the form of balancing the independence of state militias against the need for both a standing army and some centralized control over the state militias. The Constitution gave the federal government the powers to tax, to raise and maintain an army and navy, and to declare war. The states retained the right to raise the militia, to appoint its officers, and to supervise its training in accordance with federal directives. The Constitution explicitly provided that the militia could be placed under federal control only to "execute the Laws of the Union, Suppress Insurrections and repel Invasions." And the Second Amendment identified the state militia as a bulwark of freedom.

In 1790 Congress rejected Secretary of War Knox's proposal for a combination of universal militia service and a federal draft. The question of conscription next arose during the War of 1812. After war was declared, President Madison and Congress approved creation of a 166,000-man army composed primarily of militiamen. However, three New England states were opposed to the war and refused to conscript militia forces. In addition, the regular army had difficulty recruiting. As a result, the armed forces never reached the desired size and sustained an almost unbroken series of defeats, culminating in the burning of the nation's capital in 1814.

To reverse this tide of events, the President requested that Congress conscript 40,000 men. The proposal was fiercely debated. Finally, both the Senate and the House passed bills that would have instituted a modified draft. Before the houses of Congress could resolve their differences, however, the war had ended.

The threat of conscription had created a real danger that New England would secede from the Union. Interestingly, the draft contemplated by both the Senate and the House was more a recruiting vehicle than a comprehensive system of conscription. Both the House and Senate bills divided the population either by state or nationwide into groups, each representing a cross-section of socioeconomic classes. Each group would be compelled either to provide money or "volunteers." The volunteer would be induced to serve by a bounty raised among that group, or, if necessary, would be selected from among its members. Thus both the House and the Senate bills explicitly recognized that everyone should be taxed according to his ability to pay in order to compensate the men who actually did serve.

Once again, the end of the War of 1812 saw a rapid decrease in the size of the standing army. After 1815, a small army was maintained until 1846 and the outbreak of the Mexican War. Although it lasted more than two years, neither conscripts nor the state militia were used to fight this war.

The Civil War, the greatest conflict ever waged on this continent, was largely fought by volunteers on both sides. When war was declared, the Union Army had fewer than 16,000 officers and men. Within the first two years, more than one million men answered the call to arms. Nevertheless, President Lincoln proposed a national draft in early 1863 to ensure that the necessary troops would be forthcoming. When it was enacted in March the draft immediately aroused widespread resistance, which reached a bloody climax in the New York draft riots. The street fighting left more than 1,000 dead.

Like the draft proposed during the War of 1812, the Civil War draft was not a "pure" system of conscription. A draftee could provide a substitute or initially purchase an exemption for \$300. Although conscription accounted for about 250,000 of the 2,667,000 men who served in the Union Army, only some 46,000 were actually drafted into personal service. Of the balance of those subject to the draft, almost 87,000 purchased an exemption and more than 116,000 provided substitutes. True draftees accounted for only 2.3 percent of the military manpower raised by the North.

In theory, the South had universal conscription. Because of a wide range of exemptions, however, only 170,000 men were conscripts out of the 1.2 million who served in the Confederate Army.

In the South and the North alike, therefore, the draft was not a true system of conscription or a comprehensive system of military manpower recruitment. Even so, the unpopularity of the draft was apparent not only in the riots it touched off but also in the widespread and disruptive draft resistance which caused the suspension of *habeas corpus* in many areas. Surprisingly, the constitutionality of the 1863 Conscription Act was never tested in the federal courts. One fairly obvious reason was the suspension of *habeas corpus*, which eliminated the primary means of raising the constitutionality issue.

Still, there was an important state case—*Kneedler v. Lane*—in which a divided Pennsylvania court upheld the constitutionality of the 1863 Conscription Act. The court held that the draft represented a valid recognition of, on the one hand, the Government's need to be able to wage a war and, on the other, the individual citizen's obligation to serve his country.

*Kneedler v. Lane* was the first case upholding the constitutionality of a wartime federal draft. The constitutional question was not reconsidered until World War I. (In the meantime, the United States used only volunteers to fight the brief war against Spain in 1898.) In 1917, a comprehensive draft law was passed immediately after the declaration of war and precluded primary reliance on volunteers. Men were drafted into federalized National Guard units and the constitutional distinction between the army and the militia virtually disappeared.

All enlistments were forbidden in 1918 so as not to upset "the orderly process of selection" established by the preceding year's Act. Basically it evaluated the contribution of each registrant to the war effort and made the least "valuable" the most eligible. The effect of this procedure was certainly inequitable. It meant that, as in the Civil War, the poor inevitably bore a disproportionate share of the burden of service. For example, Negroes represented 13 percent of those inducted although they accounted for only 9.6 percent of total registrants. Another unique aspect of the draft was its effect on military pay. In the past, military pay had risen during a war and had always exceeded comparable manufacturing earnings. In World War I, almost total reliance on the draft relieved Congress of the necessity for providing pay increases or enlistment bonuses, even though the cost of living rose during the war. For the first time, a soldier's pay was less than that of his civilian counterpart.

Opposition to the 1917 Act was less violent than the response to the Civil War draft even though this was the first measure that conscripted men for foreign service. Evasion replaced open resistance, and more than 250,000 draftees failed to appear for induction.

In contrast to the Civil War experience, the constitutionality of the 1917 Selective Draft Law was immediately challenged in the federal courts. A number of cases were consolidated by the Supreme Court and decided unanimously in the *Selective Draft Law Cases*. The significance of this case has been magnified over time because the Supreme Court has never again formally reconsidered the draft's constitutionality.

The Court upheld the law, citing as the only precedents *Kneedler v. Lane* and several Confederate cases. The Court noted that the Constitution granted Congress the power to "raise and support armies"; "to declare wars"; and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." The Court argued that these powers would be rendered ineffectual if any limit were imposed upon their use. On that theory Congress had the power to conscript men for war or any other legitimate purpose.

The *Selective Draft Law Cases* hold that the effective exercise of the war power may require a wartime draft. After World War I the draft expired and the nation again seemed content with a small standing army. Meanwhile, however, the National Guard was brought into closer association with the Regular Army through an amendment to the 1916 National Defense Act. By that amendment, enacted in 1933, units which met federal standards were paid by the Federal Government and redesignated as units of the National Guard of the United States. Thus, distinctions carefully drawn in the Constitution were first blurred by Civil War conscription, then nearly eradicated in World War I, and finally made to disappear completely in 1933. Only those units not up to federal standards would retain the status of a separate state militia.

In 1940, with war in progress in Europe, Congress passed a draft law on September 14, 1940. The constitutionality of this new law was at once challenged. Relying almost entirely on the *Selective Draft Law Cases*, district courts in four major cases rejected the argument that a peacetime draft was unconstitutional. Essentially, the courts reasoned that it was unrealistic to construe the Constitution and the *Selective Draft Law Cases* to mean that an actual war must be declared before a draft could be instituted. They pointed out that military technology permitted the launching of massive surprise attacks with devastating effect and concluded that it was essential for the nation to be able to prepare adequately for war, as well as to wage it. On the grounds that military necessity required a broader construction of Congress' power under the Constitution, the district courts decided that the power to raise armies by conscription was no longer dependent upon the power to declare war.

Legal challenges and general opposition to the draft virtually ceased when Pearl Harbor plunged the United States into war. As in World War I, the draft was the principal source of military manpower, inducing many men to enlist and providing directly more than 10 million, or 61 percent, of the 16.5 million men who donned uniform.

The draft again enabled the Government to keep military pay at levels significantly lower than comparable civilian pay. The World War II Selective Service System established a structure of deferments and exemptions which has remained relatively unchanged down to the present day. The World War II draft was the first genuinely popular system of conscription.

The draft law was allowed to expire on March 31, 1947 as part of the rapid demobiliza-

tion typical of the nation's behavior in postwar periods. The military soon expressed concern that it would not be able to obtain the necessary number of volunteers which might, in part, have reflected a 23 percent decrease in the Army's recruiting budget. Simultaneously, President Truman was vigorously promoting universal military training, which Congress rejected in June, 1948. Instead, Congress passed a draft act which was extended for short periods until the Korean War. In January, 1949, the Army ended the two-year enlistment, raised standards higher, and refused to accept volunteers with dependents. Nevertheless, young men continued to enlist. Only 30,000 men were inducted during the period from June, 1948, until the outbreak of the Korean War.

During the Korean War itself the draft provided 27 percent of those in uniform. The Korean War caused Congress to extend the 1948 draft law; and in 1951 it continued the draft authority for a four-year period. This four-year enactment completed the evolution of the draft into a permanent part of the military manpower procurement structure even though the nation was not fighting either a major or a declared war.

Until the United States' commitment in Vietnam rose sharply in 1965, the draft seemed to be generally accepted as a necessary means of military manpower procurement. There was virtually no debate or opposition to the extension of the Universal Military Service and Training Act in 1955, 1959, and 1963. This was not too surprising. Following the Korean War, military force levels decreased and the impact of the draft declined while the number of draft age youth increased.

During the early 1960's, 95 percent of those between the ages of 18 and 35 were excluded from the I-A and I-A-O pool. The Selective Service System found itself faced with the problem of allocating an excess supply of eligible youth. Its solution was to create new deferments or expand the scope of existing ones. In addition, induction standards were raised and rejection rates increased during the early 1960's. Meanwhile, pay for first-term enlistees remained below civilian levels. Even so, young men continued to volunteer and the draft call-ups remained relatively small. By 1964-65 only 5,000-10,000 men were being inducted each month, and the average age of induction was almost 23.

The escalation of the Vietnam War in 1965 once again focused attention on the draft. Monthly calls rose sharply to 20,000-30,000. Deferment criteria were tightened, and the average age of inductees declined to 19. Of the 6 million men who have served in the Armed Forces during the Vietnam war, 25 percent have been draftees. In the past few years numerous articles and books have been written about the draft and both a Congressional panel and a Presidential commission have been created to study the Selective Service System. The Marshall Commission, appointed by President Johnson in 1966, published an extensive analysis of how the draft works and concluded that the primary age of draft liability should be 19. The Marshall Commission also urged a random system of selection similar to the one that has been adopted.

Both before and during the Korean War, there were cases in which inductees questioned the draft's legality. In general, the federal courts either refused to reconsider the constitutionality question or explicitly upheld peacetime conscription as a legitimate and necessary measure to maintain readiness for war. They usually took judicial notice of the threatening international situation which has characterized the cold war period and noted the need for a high degree of military preparedness.

The Supreme Court has increasingly treated the constitutional question as settled. Although the issue has not been di-

rectly reconsidered, the Supreme Court has commented in passing on the draft's constitutionality. In a 1953 case the Court said that the draft was a valid exercise of the war power and must function in times of peril as well as during declared wars. In 1968 the Supreme Court said in *U.S. v. O'Brien*:

"The Constitutional power of Congress to raise and support armies and to make all laws necessary and proper to that end is broad and sweeping . . . The power of Congress to classify and conscript manpower for military service is beyond question."

The only citation in support of this firm conclusion was the *Selective Draft Law Cases* which dealt with a wartime draft.

The Founding Fathers feared conscription by the central government would lead to unnecessary abridgement of personal freedoms. Until the Civil War there was no draft; the system of compulsory service instituted in 1863 was born of necessity and was, in any event, far short of being comprehensive. In both 1917 and 1940 the draft emerged again as a wartime expedient. In 1948 the Selective Service System was revived to maintain preparedness for cold war crises. After the Korean War, it remained in existence and was once again an important source of manpower when the nation became deeply involved in Vietnam in 1965. Given the nation's legal and political traditions, the relatively recent phenomenon of a continuing peacetime draft should be re-evaluated.

#### CHAPTER 14—RECENT FOREIGN EXPERIENCE WITH VOLUNTARISM

Great Britain, Canada, and, until 1965, Australia have all manned their armed forces on a completely voluntary basis in the recent past. Because the United States shares with these countries a common cultural heritage, we have examined their experiences with all-volunteer forces to anticipate problems which might arise once the draft was ended in the United States. Of course, due allowance must be made for differences as well as similarities in evaluating the impact of ending the draft in other societies.

The British experience is most helpful because they maintain relatively larger forces than the other two countries. Also their comparatively recent decision to abandon conscription sheds light on the transition process as well as the steady state experience.

Britain's decision in 1957 to end conscription coincided with a new defense policy emphasizing nuclear deterrence, withdrawal from positions east of Suez, and a cutback in force levels to 400,000 from 700,000. By 1960 the transition was virtually completed, and all inductions ceased.

The elimination of conscription increased the average length of service per man by approximately 200 percent, from less than three years under the draft to roughly eight. While this increase reflects in part use of long initial terms of service (6 or 9 years) it also shows that true volunteers were more likely to stay in the service than conscripts.

Another important effect of ending conscription was the decline in the proportion of troops in training from 21 percent to 14 percent despite an increase in the average length of training per man. Thus, an all-volunteer force has enabled the British to maintain a higher proportion of troops in an effective status.

British officials have said that the fully volunteer force is more productive than a mixed force because of lower turnover and the superior performance of more experienced servicemen. A precise measure of this improved productivity is not possible, but the British are able to assess any changes in the quality of their armed forces by such measures as educational attainment and aptitude scores. These show that the Royal Navy and Air Force have experienced no decline in quality since conscription ended, and that the quality of Army recruits has slipped slightly—the proportion of volun-

teers falling in the lowest 30 percent aptitude category increasing by perhaps 2 percent. Some British Army officers assert that improved motivation and morale in the enlisted ranks since the end of conscription far outweigh the loss of a relatively small number of high quality draftees.

During the past several years the British have experienced a decline in enlistments which is beginning to threaten the achievement of target force levels. There appear to be four reasons for this shortfall. First, more young men are staying in school. Second, new government policies expanding the availability of both apprentice and advanced training have made civilian employment relatively more attractive to youth. The latter factor is especially important in Britain because 15-17 year olds enlist primarily to get training. Third, British youths are less willing to undertake long initial minimum tours of duty ranging from five to twelve years. Fourth, there has been a decline in the number of youths aged 16 to 24 in the population.

To increase enlistments, the British Army introduced in April, 1969 a shorter minimum enlistment of three years. The initial response has been good and this shorter option has not significantly reduced the number enlisting for longer terms. Thus, relatively short-term enlistments, perhaps supplemented by pay increases, could provide an adequate number of British recruits in the foreseeable future.

Conscription in Australia ceased after World War II. During the Korean War a system of Universal Military Training was introduced requiring every qualified male to complete three months of training and then serve in the Australian reserves. The active duty forces never used these conscripts and only volunteers fought in Korea and Malaya. This system ceased in 1958 and the Australian forces were manned exclusively by volunteers. But, in October of 1964, the Australian government decided to raise force levels from 49,000 to 76,000 by instituting a draft by lottery.

Some have cited the Australian decision to return to a draft as evidence that an all-volunteer force is not feasible for the United States. There are several reasons why this argument by analogy is inappropriate. First, the Australians have not made a concerted effort to attract additional recruits on a voluntary basis. Once the decision was made to use conscription to raise force levels, no serious effort was made to increase voluntary enlistments either by raising pay or redoubling recruiting efforts. Second, the Australian economy is heavily unionized and apprenticeship programs requiring four or more years deplete the pool of men available for military service. Third, Australia has enjoyed a rapid growth in its economy (the unemployment rate is about 1 percent) which makes civilian jobs relatively more attractive than military service. Finally, civilian earnings significantly exceed military pay rates. Civilians receive over-time and other supplementary compensation in excess of the common wage rates set by the government for both the military and the civilian economy.

The Australians could have expanded the size of the Armed Forces on a voluntary basis by raising pay and reorganizing recruiting. Given the important differences between the two countries, one cannot conclude that the Australian experience shows that the United States would be unable to attract enough recruits on a voluntary basis if energetic and efficient recruiting were combined with competitive rates of pay.

The Canadian Armed forces have always been entirely voluntary except for the period from 1940 to early 1945. The Canadian forces presently number slightly less than 100,000 men, supported by an annual inflow of about 12,000 men. The quality of the entrants is remarkably high; almost all fall within the upper half of the population as measured by mental aptitude. Military pay more nearly approximates civilian earnings—the monthly

pay for privates is \$225. Attracting recruits has posed no problem in Canada, and recruiting officers suggest that the number of enlistments could be doubled or tripled with no difficulty.

The Canadian armed force is relatively small; it is roughly equivalent, on a population basis, to an American force of one million men. However, budgetary constraints rather than recruiting difficulties are responsible for the size of Canada's forces.

The recent experiences of the British, Australian, and Canadian Armed Forces suggest that competitive wages will attract an adequate quantity and quality of volunteers. There is no evidence in any of these countries that all-volunteer forces are alienated from the rest of society.

#### CHAPTER 15—ALTERNATIVES TO AN ALL-VOLUNTEER FORCE

What are the alternatives both to the present system of conscription and to an all-volunteer armed force? In this chapter the Commission weighs various suggestions which have been raised.

One proposed alternative is National Service. Many National Service proposals involve purely voluntary service. Such proposals are actually supplements, rather than alternatives, to an all-volunteer armed force. Other proposals would require service on the part of all those eligible. In our analysis of alternatives to an all-volunteer force, we have considered only the mandatory proposals. While these mandatory National Service proposals differ in detail, they would generally require service of all youth, though not necessarily in the military. Most would permit individuals to choose how they would serve from among a limited set of alternatives.

Advocates of National Service have suggested a variety of approaches. Some have urged that literally everyone, male and female, be required to serve, even those who are physically or mentally disabled or morally unfit. Because of the high cost of formal and on-the-job training, National Service on a one-year basis would be prohibitively expensive. National Service for two years would mean employing almost 8,000,000 young people, or 4,000,000 if females are excluded. If longer terms of service were instituted for more attractive types of duty, these numbers would be even larger. Assuming a very modest annual cost for each participant of \$4,000 to \$5,000, the cost of such a program would be a minimum of \$16 billion, and perhaps as much as \$40 billion—an amount equal to the entire current manpower budget of the Department of Defense. In short, the numbers of men and cost of mandatory National Service are staggering.

Advocates of other proposals argue that some individuals should be excused from serving. If that were the case, deferments and exemptions would proliferate just as they have under the draft. A new Selective Service System would be required to administer a non-universal National Service program.

Regardless of the administrative procedure used, a National Service program would not be able to prevent glaring inequities among those who served. Not all National Service would be equally desirable (or repugnant), and those with higher qualifications would probably find their way into the more desirable positions. If this inequity were minimized by introducing a system of differential terms of service, the ranks of those engaged in National Service and its cost would increase further.

The appeal of mandatory National Service, in large measure, arises from the manifest inequities in the present system of conscription. It promises to eliminate these inequities by forcing a larger proportion of the populace to serve in some capacity—and hence to pay a tax-in-kind. In practice it not only perpetuates such an inequitable tax, but extends

it to a larger segment of the population. The cure for inequity is not its extension.

Above all, mandatory National Service is coercive and involuntary. Such a system of universal conscription would require all those eligible to serve within a specified period of time. If insufficient numbers proved willing to enlist in the military or volunteer for other onerous types of government service, some would be compelled to serve in these less desirable capacities. In essence, mandatory National Service requires forced labor. Although motivated by a genuine interest in the nation's welfare, advocates of mandatory National Service are suggesting a compulsory system which is more consistent with a totalitarian than a democratic heritage. If the service that youth would render is important and valuable enough to merit public support, it can and should be financed through general taxation like other government programs.

Universal Military Training resembles mandatory National Service, for it contemplates conscription of all those eligible. It is undesirable for generally the same reasons as mandatory National Service. For one thing, it would impose on the military more untrained personnel than can be productively employed. A one-year tour of duty—the usual term proposed—is prohibitively expensive in view of the very short period an individual would serve after receiving costly training. Assuming current eligibility standards, a two-year tour would force on the services more than 2,000,000 non-career persons at any given time. Whether or not UMT is unconstitutional, it would definitely represent a sharp break with the nation's traditional respect for individual freedom.

The lottery draft recently adopted is at best an expedient. It is important to recognize that the tax inequity implicit in the draft is not eliminated by substituting a lottery for present methods of selection. In theory, the lottery makes it equally probable that any individual might be selected from those eligible to serve. It thus aims at equity in selection. But equity in selection is not equity in service. Those few who are selected to serve, whether at random or otherwise, still pay a large tax-in-kind in order to reduce taxes for the majority. Moreover, it is by no means clear that the lottery achieves greater equity even in selection. No doubt one can find many instances of inequitable treatment of draftees under Selective Service. Even so; it does not logically follow that the system as a whole is more unjust than a random system. Many local draft boards and some of the general rules of deferments and exemptions actually do more to achieve equity than the system of random selection. Local boards can and do take into account an individual's particular circumstances.

The lottery reduces the number of draft induced volunteers and thereby necessitates an increase in the number of draftees. Because draftees serve two-year terms and volunteers three, personnel turnover and the attendant costs are increased.

The lottery offers one advantage over Selective Service. When it is combined with the proposal to expose potential draftees to a one-time jeopardy at age 19, it reduces the uncertainty confronting an individual about whether he will be required to serve, and thereby mitigates the distortion in career and personal planning endured under Selective Service.

#### BIAFRAN TRAGEDY

**HON. JOEL T. BROYHILL**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, I am inserting in the RECORD a

copy of a letter to the editor of a newspaper in my district sent by the chairman of the Organization for the Defense of Four Freedoms for Ukraine, Inc., regarding the Biafran tragedy and its relationship to the Soviet Union:

ORGANIZATION FOR THE DEFENSE OF  
FOUR FREEDOMS FOR UKRAINE,  
INC.

Washington, D.C., February 28, 1970.

Mr. HERMAN OBERMAYER,  
Editor, Northern Virginia Sun,  
Arlington, Va.

DEAR MR. OBERMAYER: While the Free World news media has been clamoring loudly over the genocide, through starvation, of the Biafran people, and while Western governments have freely expressed their sympathy and given medical and food support to the starving Biafrans, it might surprise many readers to learn that the Soviet press and the Soviet government have maintained almost complete silence concerning this human tragedy.

Despite its self-proclaimed solidarity with all liberation movements of nations struggling to attain independence, Moscow has once again proven itself less concerned with humanity than with its own narrow imperio-national interests. By a typically warped definition, a legitimate Soviet-approved NLF can exist only where Russian power is enhanced.

The fact is that Moscow finds Biafra a rather embarrassing factor in its comradely support of Nigerian military aggression.

It must remain silent about the suffering and extinction of over 2,000,000 Biafrans, more than half of them children, since it was the Soviet government who supplied the Nigerian government most of the war tools and know-how required to subjugate the Biafran people—hardly an enviable position to maintain for the benefit of world opinion. However, in accordance with the teaching of Lenin, the advantages of seducing (or is it rape) a major African power such as Nigeria are too great to allow the mere death of a nation to interfere.

A second motive—one which, unfortunately, is rarely recognized by Western analysts—is the huge pile of skeletons in Russia's own closet.

For despite the sophistication of Soviet propaganda, it can hardly risk renewed international and domestic interest in its own famine of 1932-33.

At that time, Soviet Russia initiated and successfully concluded an elaborately-planned famine in Ukraine that was intended to allay, once-and-for-all, traditional Russian fear of Ukrainian national separatism.

Svetlana Stalin, in one of her books, depicts her father as a Ukrainophobe, dreading the revolutionary force that 45 million horribly bloodied and persecuted Ukrainians could unleash in pursuing their own national destiny.

By the physical destruction of 7 million innocent men, women, and children, Soviet Russia succeeded in terrorizing a whole generation into passive acceptance of Russian colonial measures.

Only within the last five to eight years, reports have been filtering through with increasing frequency of a revised Ukrainian national consciousness and renewed ferment among all classes of Ukrainians . . . followed by a wave of arrests and repression.

Hence, Moscow would risk exposing itself as the 20th century's master charlatan if it were to tsk-tsk along with the rest of humanity the Biafran tragedy.

The memory of the Ukrainian famine is still very much alive behind the iron curtain, and similarly, the memory of the Biafran tragedy will stay with us for a very long time.

Sincerely yours,

VOLODYMYR Y. MAYEWSKY,  
Chairman.

SAINT PATRICK

**HON. PETER W. RODINO, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. RODINO. Mr. Speaker, few stories in the vast literature of saints are more dramatic or compelling than that which tells of the calling of Patrick when, obedient to the heavenly vision, he set forth to evangelize Ireland. Again the yearly round brings us to the commemoration of the Apostle to the Irish people, a feast which unites all who are Irish, whether by birth or descent or in spirit, throughout the world.

It was a great modern scholar, J. B. Bury, who some 65 years ago turned the critical scrutiny of an unbeliever on the accumulated legend and lore with which Irish tradition had clothed St. Patrick through the ages—only gloriously to vindicate for once and all time the historical truth of the great missionary's life and achievement. Born into a turbulent time not unlike our own, during Western Europe's "Dark Ages" which marked the decline of Roman power in the fourth and fifth centuries; carried away as a slave to pagan Ireland from his home in Britain or Gaul; returning later by free choice to preach the saving power of the Gospel in the land of his former captivity; gradually converting both kings and peasants, challenging the established authority of the ancient Druidic religion; brilliantly adapting the Christian faith to the tradition and customs of a proud and honorable people—in all of this, St. Patrick laid the foundations for the future of the Irish nation as a political and spiritual reality. The cultural flowering which illuminated the Celtic Church and helped in the conversion of Europe gave to Ireland the happy title "Isle of Saints and Scholars," for here learning and piety flourished in a time of general darkness.

The memory of St. Patrick is ever green in Irish hearts. The contribution of the Irish to America has surely been the fulfillment of his spirit in this land wherein over 5 million souls have come, seeking refuge from unbearable conditions imposed by a ruling power able neither to subdue nor to placate. From the 17th century to the present day, Irish-Americans have played a crucial role in the ongoing development of America. They have strengthened the integrity of home and family life; they have helped to keep religion as an integral part of that life. The pride and vitality of the Irish were crucial in their overcoming of every form of prejudice and bigotry. Thomas Wentworth Higginson wrote:

In all the records of the Civil War there was no such thing as an Irish coward.

Today that same valiant Irish spirit is summoned to the task of healing and reconciliation in the name of St. Patrick. The tragic events of the recent past in Northern Ireland are the concern of all men of good will everywhere. In saluting the Irish people on the feast of Patrick, we pray for that troubled island a new birth of unity and peace. We honor

the fierce loyalty of Irish-Americans to America and the deep cultural and religious ties which they hold for Ireland. We pray that the future may realize the joyful vision of Ireland's greatest poet—Yeats:

I am of Ireland . . .  
the Holy Land of Ireland.

THE COMPETITIVE SITUATION IN  
SULPHUR

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. HÉBERT. Mr. Speaker, I should like to call your attention to an international problem which is doing serious harm to an industry of great importance to the State of Louisiana. I refer to the sulphur industry.

This industry is not only a substantial provider of jobs and revenues in my State, but also a major attraction for other industries seeking a place to build or expand. Our sulphur—like our abundant water, natural gas, and oil—is a key resource in our economic development; it is an element essential in the processing of nearly everything that is eaten, worn, or used.

The problem facing our sulphur people is cut-rate Canadian sulphur, now being dumped on U.S. markets that are already fully supplied. Unlike Louisiana producers, for which sulphur is the only product, the producers in Canada produce their sulphur as a byproduct or co-product with natural gas.

The sulphur has to be removed before the gas can be sold, and they are unloading this recovered sulphur at almost any price they can get for it in order to force their way further into U.S. and overseas markets. In 1969 alone, I am told they reduced their prices by two-thirds, and they have made more reductions in 1970.

Our Louisiana producers have had to meet these drastic price cuts to stay in business. The result has been severe declines in earnings, shutdowns of mines in Louisiana and elsewhere, and curtailment of exploration. Canada is losing royalty and tax revenues, too, on every ton of valuable sulphur that goes at giveaway prices.

There was a similar problem with Canadian potash, which was also being dumped in this country. The Tariff Commission and the Treasury Department did something about that, and the Canadians did something as well—controlling production as is done with oil here in the United States and putting a stop to unreasonably low prices which, if not stopped, will drive many producers out of business and eventually bring on a shortage. The potash problem is now straightened out, too—before one of our vital industries is jeopardized.

The facts about the competitive situation in sulphur are described fully in a recent report to stockholders of Freeport Sulphur Co., and I insert this statement in the CONGRESSIONAL RECORD:

THE COMPETITIVE SITUATION IN SULPHUR  
(Sulphur is now in oversupply. Prices have fallen. Mines have been shut down. Exploration is being curtailed.)

The sulphur problem today is similar to that of the late 1950's and early 1960's. At that time the development of new sulphur mines in Mexico, accompanied by the recovery of sulphur from sour natural gas in France and Canada, created substantial oversupply. Producer stockpiles of mined sulphur mounted, and inventories reached a peak of nearly a year's supply. Prices everywhere were driven down by over-eager sellers seeking to enlarge their market positions and by over-zealous buyers seeking short-term bargains. In the United States, where virtually all of the production was brimstone (elemental sulphur) mined by the Frasch process on the Gulf Coast, prices f.o.b. Gulf ports declined by about one-third over a period of eight years.

The price cutting in the late 1950's and early 1960's had many harmful effects. Unless the output of a sulphur mine can be sold at a profit, the mine cannot long be operated even though it may still contain sulphur. As a consequence of the low prices, a number of mines closed down, leaving sulphur in the ground all or most of which would never be recovered, or if recovered at all only at exceptionally high cost. Of still greater importance, exploration for new reserves was curtailed or terminated. Even when success attends exploration efforts and sulphur is discovered in commercial quantities, it takes years to bring a deposit into production. In view of the continuing growth in the demand, a sulphur shortage was clearly in the making but prices were too low to encourage either new exploration or new production.

The shortage came, and for five successive years—1963 through 1967—demand exceeded production. What had happened was that the consumption of brimstone, particularly by the expanding fertilizer industry, had grown at an above-average rate of 10 percent per year for the years 1962 through 1966, and had caught up with and passed productive capacity, stalled by the unattractive prices.

Only the aboveground stockpiles of mined sulphur which had been maintained by large producers prevented a disastrous curtailment of agriculture and industry. The stockpiles were drawn upon heavily, and eventually fell to 12 weeks' supply (which, considering the amount of sulphur in transit and the necessity for maintaining sizeable quantities of sulphur as "bin-bottoms"—foundations for the stockpiles—was probably no more than six to eight weeks' supply sulphur available for shipment to consumers). The stockpiles of sulphur built during the period of oversupply, together with large increases in current production which Freeport and some other producers were able to achieve, enabled most of the requirements to be met. Even so, sulphur had to be allocated and plans for new plants which would use sulphur in their processes had to be shelved.

Thus, the unremitting pressure for ever-lower prices proved to be very harmful to producers and consumers alike. About one half of all the sulphur consumed goes into the manufacture of fertilizer so necessary for production of food for the world's increasing population. The remaining half is required by industry; sulphur is consumed directly or indirectly in the making of almost everything we eat, wear or use. It is no overstatement to say that a major sulphur shortage would seriously threaten the entire economy of the world.

Freeport took the position, both in published statements and in discussions in Washington and elsewhere, that the cure for the shortage lay in higher prices. Higher prices, we said, would stimulate exploration for and development of new sources of supply, which in turn would bring supply and

demand back into balance. Eventually prices did rise. The price of Gulf Coast sulphur increased to its pre-shortage level and then rose by another two fifths. Prices of sulphur from other areas rose very much more.

Exploration was resumed on a large scale by sulphur producers, consumers and others and many new projects to add to the supply were initiated. In 1968, sulphur production exceeded demand for the first time in five years. In 1969, the excess became much larger.

Today, notwithstanding the fact that production exceeds consumption, production of brimstone continues to rise. The main source of the additional sulphur is the sour natural gas produced in Alberta in western Canada, principally by oil and gas companies. There, brimstone is recovered as a by-product (or co-product) in the production of the gas. The hydrogen sulphide in the gas must be removed to make the gas salable. The cost of recovering the brimstone from this hydrogen sulphide may be considered by producers either as a cost of producing the gas or as a cost of producing the brimstone. A recovered brimstone producer may therefore ascribe to his brimstone any cost he wishes—or indeed none at all—because, the argument goes, his brimstone must be produced in order to sell the gas and therefore regardless of market considerations.

From the start of 1968—the first recent year of oversupply—to the end of 1969, the daily production rate of recovered brimstone in Alberta increased by more than 60 percent. This additional production of recovered brimstone, large as it is, had an impact on sulphur prices out of proportion to the quantity involved. It nevertheless has occurred because some producers (and their brokers), in their efforts to force ever-increasing quantities of their sulphur into markets already fully supplied, have progressively initiated reductions in prices. Alberta brimstone is now being offered in the upper Midwest of the United States and elsewhere at prices that, on the basis of net realization in Alberta, are approximately one-third of the average obtained from all sales of Alberta sulphur at the start of 1969! It is believed that much of the Alberta sulphur is now being sold below its actual cost determined in accordance with good accounting practice and on the basis of any reasonable distribution of total costs between gas and sulphur.

United States brimstone producers have had no choice but to meet the insistently lower competitive sulphur prices. During 1969 and in early 1970 price "allowances" or discounts became widespread and increasingly large.

Much harm is being done by the excessively low prices at which sulphur is now being dumped into world markets. Already mines have shut down; others are believed near termination. Exploration for new supplies is being curtailed. We do not think these results are in the best interest of anyone in the industry or of the public generally.

This pricing problem in the sulphur industry has been caused by factors similar to those which existed in the potash industry. Well before oversupply came about in sulphur, the development of large new potash mines in Saskatchewan in western Canada created substantial oversupply in potash. As this new supply forced its way—on a price basis—into the United States, the domestic potash industry became increasingly imperiled; some mines shut down, and unemployment followed. Bills were introduced in Congress for the imposition of import quotas and duties on imports of potash. In 1969 the U. S. Tariff Commission ruled that Canadian potash which was being dumped into this country was injuring the domestic potash industry, and the U. S. Treasury Department commenced assessing damages against the Canadian sellers. In an effort to remedy this

situation, the provincial government of Saskatchewan recently adopted a production control program which has resulted in higher prices and export quantities much more in line with actual market requirements.

Whether a somewhat similar program—or some other remedy—for the Canadian sulphur problem will be put forth remains to be seen. There are good reasons for a program similar to that adopted for potash. The very low prices at which Canadian brimstone is being forced into the markets are adversely affecting the Province of Alberta and also the Canadian economy. The prices are resulting in lower royalties to the Province and lower tax revenue to the Dominion. A program for sulphur would need to control only the export of sulphur and not its production; unlike potash, sulphur can be stored easily and for long periods above ground without being under cover, with no deterioration and at almost no cost.

As the demand increases—and it will surely do so—the stockpiles of sulphur, together with then-current production, would be shipped to fill the requirements of industry and agriculture. This course of action is the one followed by individual sulphur producers during the period of oversupply in the late 1950's and early 1960's. *Had Freeport and other sulphur producers not stockpiled sulphur during those "years of abundance," the shortage during the five "lean years"—1963 through 1967—would have had severe consequences for sulphur consumers and for the economy of this country and the rest of the Free World.*

From 1950 through 1967 brimstone consumption in the Free World grew at an average annual rate of about 5½ percent per year due in good part to the large growth in the fertilizer industry. In 1968 the rate of growth in brimstone consumption dropped sharply to about 1½ percent; in 1969 it rose to about 3 percent, which, of course, was still far below the historical growth rate.

The decline in the growth of brimstone consumption in 1968 and 1969 was caused mainly by the slowdown in the manufacture of new supplies of fertilizer in the United States. This slowdown occurred because of the very high level of inventories of finished fertilizer at the end of 1967. To compound the problem, bad weather in the United States retarded application of fertilizer to the soil, and in addition the U.S. Government cut back its AID program for shipment of fertilizer overseas. Significantly, however, consumption of phosphate fertilizer (the largest brimstone-consuming market) continued to grow during each of the two years by more than 3 percent in the United States, and by more than 5 percent in the entire Free World. It is believed that the excessive inventories of finished fertilizer have now been reduced to normal or near-normal levels, and that production of new fertilizer (and therefore consumption of sulphur) should again approach their historical growth rates.

The food needs of the expanding world population must inevitably bring great growth in fertilizer use and therefore in the use of sulphur. The Food and Agriculture Organization of the United Nations, in a recently announced plan for world agricultural development, estimated that use of fertilizer in all forms in developing countries would double in 1975 over 1968-69 and would more than quadruple by 1985. In another recent study The Sulphur Institute projected an average annual increase of 6 percent in sulphur requirements for phosphate fertilizers between 1970 and 1975 for the Free World. In the non-fertilizer segment of the market, sulphur consumption tends to follow industrial output and is therefore also expected to increase.

*Sulphur demand thus will in time equal—and probably again exceed—the supply.*

## TAX REFORM ACT POSES PROBLEMS FOR LARGER FOUNDATIONS

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. SCHNEEBELI, Mr. Speaker, Mr. Dana Creel, president of the Rockefeller Brothers Fund, made a very enlightened contribution to the dialog being conducted throughout the country on the impact of the recently enacted Tax Reform Act on the Nation's thousands of foundations.

The new tax approach caused a violent shock among the foundations' managers and directors, particularly of the larger foundations, and with his expertise, experience, and responsibility, Mr. Creel has given us an accurate appraisal of this reaction to the proposed changes in the traditional conduct of foundation affairs. His observations are contained in a speech which he gave at a conference of nonprofit organizations last month and I submit it for inclusion in the RECORD:

### PROBLEMS POSED FOR LARGER FOUNDATIONS

(By Dana S. Creel)

There is so much to be said about how the Tax Reform Act affects foundations that it is hard to know where to begin or what additional can be said, in a brief time, that would be of interest to this group.

You have already heard—or will hear—detailed discussions by experts of the various specific provisions of the Act, and it is experts such as these to whom foundation managers are turning for specific answers. It would be foolhardy for me to attempt to recapitulate or anticipate specifics covered by them. What I think might be of interest, and appropriate at this point, would be for me to try to sum up some of the reactions of foundation managers of the larger foundations to the Tax Reform Act.

First, I think we are still in a state of shock as to what has happened, the implications of the Act, and what lies behind it. Without question, foundation managers—trustees and staff—have been aware of accusations of abuses in the foundation field. Because of the great dispersion and disparity of organizations coming under the general head of "foundation" and the tradition of separateness, we failed to develop any means for effective self-regulation or the weeding out of those who might abuse the special status which over the years has been built into the law regarding foundations and other philanthropic organizations. For several years now, there has been among foundation managers the expectation that Congress at some time would act to pass legislation that would rule out the possibility of abuses in the foundation field.

The last year or so leading up to the Reform Act has been an eye-opener as it became apparent that there was an all-too-prevalent lack of understanding of the nature and role of foundations and, in fact, in many quarters a deep-seated hostility to foundations stemming from many different causes. Over the years foundations have been attacked, or at least subjected to scrutiny for a variety of reasons—being too liberal, being too conservative, representing the privileged rich, being somewhat esoteric little kingdoms beyond the control of Congress and the Executive Branch, an all-too-pervasive feeling that since the government has gotten into so many areas of public concern the role or actual existence of foundations is a matter of questionable merit and funds now in the

hands of foundations, or which might go into the hands of foundations, could best go directly to operating organizations or to the government to be applied as a part of general governmental revenues. Until all of these things came to the surface in the hearings before the House and Senate Committees, few if any expected legislation of a punitive nature going beyond the prevention of abuses.

The situation reminds me a bit of a person who has suffered a coronary and who, after years of being warned that he was too fat, over-indulgent and leading a life inviting trouble, suddenly suffers the inevitable. Like coronary patients, some may have taken a Pollyanna approach that this is only a warning and that life can go on as usual with little change. Others are inclined, at least temporarily, to retreat to the tried and uncontroversial field of grants to educational institutions, hospitals, churches, etc., but all, deep down, realize that something very significant has happened and that life will never be the same in the future.

The Act, taken as a whole—not just as related to activities of foundations—represents a definite move toward curbing the flow and application of philanthropic funds, not alone to foundations but to the innumerable organizations in the voluntary or private sector of our society. The Act reduces traditional incentives which have encouraged the flow of funds to the private sector.

Further, in imposing an excise tax on income, it has breached another tradition—the tax-exempt status accorded to philanthropic endeavors. Where this breaching of tradition may lead in terms of federal, state, and local taxation is anybody's guess. At a time when all private voluntary organizations—schools, hospitals, churches, social welfare services—are in frantic need of additional funds merely to keep alive, one can only decry any measure or trend that withdraws or diminishes funds which would otherwise be available to them.

Turning more specifically to foundations, we are facing an extraordinarily complicated piece of legislation. Despite being enacted with unusual speed, it is expertly drawn. The great difficulty is that legislative language can be quite clear in theory but quite unclear as it applies to individual cases, which can vary to an unimaginable degree. For instance, in the context of a particular situation, what is meant by influencing legislation or governmental action? What is a public organization? What is a private operating foundation? What is a private non-operating foundation? These are basic determinations that must be reached in order to know whether a particular grant is or is not a taxable expenditure for which there might be severe penalties against not only the foundation itself but the foundation managers as well, whether a grant is a qualifying distribution, and what the responsibilities of the foundation are in terms of expenditure responsibility or compliance by the grantee with a required payout provision.

There is urgent need for clarification of these questions before foundations can function with any certainty. In this connection, I would like to compliment IRS on the dispatch with which it issued clarifying temporary regulations on grants to individuals. These regulations, while simple in character, resolved uncertainties and gave practical guidelines under which foundations can function with some degree of confidence. I stress the need for clarifying of additional areas of uncertainty and the need for cooperation between IRS and foundation managers in developing with dispatch workable regulations regarding them.

Until there are clarifying regulations and rulings by the IRS on specific organizations and until there is a publication by IRS with a breakdown between public organizations and private foundations, there will be questions on a great many organizations on which

each foundation, in one way or another, will have to make its own determination and establish procedures for compliance not only by the foundation but by each grantee organization. Even when such a two-part list is made available by IRS, there is still the matter of determining in the private foundation category which is an operating foundation and which a non-operating foundation. So really, what will ultimately be needed is a three-part listing by the IRS of public organizations, operating foundations, and non-operating foundations. I fear that even that would not necessarily be a complete or final solution because facets of an individual organization might change in the course of a year to the point that the organization's classification might be altered. There will be additional need for good firm rulings that can be applied to any particular organization without peril.

In fairness, it should be said that anything new or unknown always tends to loom ominously, and as one becomes more familiar with the situation many of the problems disappear. I think this is the case with the present legislation. At this point and for the foreseeable future the unresolved problems of foundation administration are such that I know of no foundation which is not still in the groping stage, trying to work its way through the interpretation of the Act and getting geared to its application internally and in its relationship with grantees. This groping and accommodation to the Act varies with each foundation according to its size and type of program, but basically—and particularly in the larger foundations—it is taking the form of an added staff function with a compliance section or at least a compliance officer who must literally pass on every grant as to whether it is a taxable or non-taxable transaction, whether it is a qualifying distribution, and what in the way of expenditure responsibility or pass-through requirements must be met. Every staff member processing a request must obtain the necessary detailed information from the grantee organization to enable the compliance officer to make this judgment. I will not attempt to go into the ramifications of the detailed information that must be obtained from a grantee organization. They are extensive and in many cases, particularly in dealing with new organizations, require a good crystal-ball guess as to what the pattern of support will be, which in turn will be a major factor in determining whether the proposed recipient is a public organization or an operating or nonoperating foundation. In short, there has to be a new layering of administration which is expensive in terms of not only the salary for additional personnel but the time of regular program personnel in obtaining the necessary information and in following through on cases involving expenditure responsibility and pass-through requirements. It is much too soon to have any clear idea as to just what this additional expense will amount to, but looking at the situation with which I am familiar, it is my estimate that this expense, certainly until the smog clears, will add a good 10 per cent, or more probably 15 per cent, to administrative costs.

It follows, with no need to elaborate, that foundation grants have come to a screeching slowdown. A lawyer's opinion as to the status of a contemplated grant may be of some consolation, but there is no assurance that a legal opinion is a sure protection to foundation managers, and lawyers typically and properly run to conservative opinions, particularly when substantial punitive sanctions are involved. This is a miasma which one finds within foundations and which will continue until in one way or another there are clarifications. The frustration is compounded by the fact that foundations must now make qualifying distributions of all income, and in later years qualifying distributions of specific percentages of the value of their assets. The effect, as I fore-

see it, is that in order to meet the qualifying distributions requirement, and still steer clear of the treacherous waters of borderline cases, foundations are going to be driven to very conservative grants, venturing most cautiously into new and innovative areas which might fall afoul of lobbying, or influencing legislation or governmental action.

It seems to me that the role of foundations, with the wisdom and expertise of boards and professional staffs, is to direct their funds—in substantial measure at least—to new and innovative programs not subject to a wide or popular base of philanthropic support. If the Tax Reform Act turns out to have the effect of preventing foundations from experimenting, from innovating, and from offering multiple alternatives in dealing with the crying issues of today, foundations will have lost what I think is their basic *raison d'être*.

Change is in the wind, and I think the great question of the seventies is whether or not change may be effected rapidly enough in an orderly way to avoid a breakdown of the social and economic fabric of the country. Logically, foundations belong in the lead in dealing with the problems of today and tomorrow. Here is the irony. The crucial problems to some degree invariably involve governmental concern, either federal, state, or local. If the net of the Tax Reform Act is to curb and make hazardous and uncertain foundation ventures into these areas, there will be a tragic loss to our society.

I do not want to seem entirely gloomy in summing up reaction to the Act. There are favorable aspects and these should be recognized. The legislation promises to help correct and prevent abuses in the foundation field. This is to be applauded as it constitutes a first and very necessary step in restoring public confidence in foundations and eliminating the accusation that they are instruments for self-serving and tax avoidance. The legislative progress of the Act, as it was considered in the House and debated and amended in the Senate, put a spotlight on foundations and, albeit in a rather negative way, did reflect a recognition of the usefulness of foundations. The legislation—through effective enforcement and through the requirement for full reporting not only to IRS but to the public-at-large—will assist in clearing the air.

During testimony before the Senate Finance Committee, the point was repeatedly made that it would be desirable to have a thorough audit of all foundation activities before passing legislation to determine what really needed to be done to regulate them. The temper of the Congress—which in the final analysis is the temper of the public—was such that it was not feasible to defer legislation. While the cart may have been put before the horse, foundations—now that more detailed accountability by all is a legislative requirement—have the means, through full disclosure, to build the record which will justify and confirm their usefulness. This can be made the basis for building public confidence in them. I say build rather than restore confidence because foundations for years have hidden their light under a bushel with little attention to public understanding and acceptance.

Thus, while on one hand foundations may lament the additional administrative and reporting procedures imposed on them, there is a bright side. It is only through a better public knowledge and understanding of what foundations are doing that a favorable public attitude can be developed. And only through experience of living with the legislation can it be shown whether there should be further restrictions on foundations or—possibly just the opposite—a relaxing of some of the more stringent and troublesome provisions of the present legislation which may prevent foundations from making their best contribution to the major issues of today and tomorrow.

## BLACK AMERICA AND FOREIGN POLICY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. MIKVA. Mr. Speaker, America's relationships with distant countries are often colored by old bonds—the subtle ethnic, racial, and historic identities which help determine how this country will deal with her neighbors.

Unfortunately, that is not the case in our policy toward Africa. We have not cultivated an identification with the black masses of Africa, and in many cases this has turned ours into a non-foreign policy.

Prof. Gary Gappert of the University of Wisconsin at Milwaukee, has written insightfully on this situation in his recent paper, "The Absence of Black America in U.S. African Policy." Professor Gappert is a former Washington director of the American Committee on Africa, and in 1967-68 served as a research economist with the Tanzanian Government on a Ford Foundation grant. His remarks bear careful thought and I commend them to the attention of my colleagues.

His text follows:

### THE ABSENCE OF BLACK AMERICA IN U.S. AFRICAN POLICY

(By Gary Gappert)

#### INTRODUCTION

Let me begin by drawing attention to the fact that I refer to the absence of *Black America* and not to the absence of black Americans. A token number of black Americans have indeed been involved in US foreign policy. There have been since 1960 a handful of Black Americans appointed as ambassadors to African States. There have been several handfuls of black Americans involved in the African divisions of Peace Corps, AID and USIA. Indeed AID—Africa is now directed by a black American; but, as is well known elsewhere, this kind of token representation does not lead to any kind of influence on basic policy formation.

#### EXAMPLES OF THE ABSENCE

There are several examples of my conclusion that black America has indeed been absent from American African foreign policy.

First, we cannot just note the absence of Black America but the absolute lack of an African foreign policy itself. In February 1969 Chelso House publishers announced a five volume series on the "Documentary History of American Foreign Policy" from 1945-70. The series is to be edited by Arthur Schlesinger, Jr. The five volumes were to be entitled: East Europe and the Soviet Union, Asia, Western Europe, United Nations, and Latin America. There was to be no volume on Africa.

Afro-American Franklin Williams, formerly Ambassador to Ghana, now at Columbia University, has written describing this condition:

"Ralph Ellison has characterized the plight of the Black Man in America as that of the 'invisible' Man. He is simply ignored as a living, breathing, sentient person. This tendency to treat Black People as if they weren't there also seems to apply to Africa and to the problems of race in international affairs generally."

He goes on to point out:

"In eleven foreign policy texts published in America since 1960, the entry 'race' or its equivalent can be found in only five of their

indexes, and in three of the five the index refers the reader to less than three paragraphs of text."

Black America, Africa and race, it seems, are non-starters in the area of US foreign policy.

Further, let us note that in a collection of speeches by President Nixon from the 1968 campaign, Africa is cited in the index only once, and that reference was to the crisis in Nigeria-Biafra. It is true that in 1960 John F. Kennedy did mention Africa 479 times. But we now know that the Kennedy administration represented an interlude in our foreign policy from 1945-70. The Kennedys have always had a knack for creating an existential reality out of their own particular view of the world. Moreover, President Kennedy would not have been an Irish politician if he had not recognized the importance of ethnic considerations in foreign policy. But even Kennedy had to allow European considerations to determine some of the directions of his African policy. For instance, his policy against the continuation of Portuguese colonialism in Africa was blunted by the demands of the NATO Alliance, and our need for the Air Force Base in the Azores.

Yet another easy way to demonstrate the absence of Black America as a foreign policy consideration is to cite our heavy involvement, both official and private on the wrong side of the Colour Curtain in southern Africa. Although Americans of conscience may disagree as to exactly what policy initiatives can be taken with respect to the attainment of majority rule in Namibia, Zimbabwe, South Africa, Angola and Mozambique, it is true that at the very least unilateral American initiative could reduce the level of American entanglement with the white minority regimes.

#### TWO SPECIAL REASONS

There are various reasons why there is this absence of Black America from our US foreign policy. Two special reasons however might be stressed.

One is the failure of concerned white America to develop a relation to Africa similar to that with Ireland. Our policy with Ireland, because of the historical associations with many Irish-Americans, is replete with symbolic gestures which have become part of the ritual of Statecraft.

We have failed to embrace Africa in the way in which we have embraced Ireland. The importance of such an embrace has recently been cited by Peter Edelman, former aide to Robert F. Kennedy:

"We would do well, just in our own self interest, to be nurturing black self-respect in America by embracing black nations abroad."

Second is the failure of Black America to develop support for African independence in a fashion similar to that of the American Jewish Community for the independence and survival of Israel. Why is this so?

On the one hand, many of the African state achieved independence without a bitter struggle. There was no need for a sizable amount of external support. On the other hand there is the serious problem that black Americans do not have a secure power base from which to exercise Black Power in defense or in support of Africa. This condition might be changing as the struggle in Southern Africa intensifies and requires more external support, and as the American Black Community does in fact strengthen itself through new forms of unity. But as it is it is easy and common for the State Department to dismiss the Southern Africa situation from domestic politics by noting: "Oh, Black Americans have no interest in that situation."

#### EXISTING INFLUENCES

What in fact are some of the existing influences which might have been used to build a more moral African policy, weak

though it might have been. A number of groups can be cited.

We won't pretend to do a full institutional analysis of these groups. Instead we will discuss them in terms of the syndrome surrounding each.

*The African-American Institute syndrome:* The African-American Institute, with offices in New York and Washington, publishes Africa Report and runs a number of scholarship programs for the State Department through AID.

AAI represents an attempt to relate with the emerging African elite through educational programs. According to Jet Magazine—

"The institute was started by the late Howard University Professor Leo Hansberry but representatives of industry and business not only took the idea away from the blacks but chased away such black board members as New York City Judge Edward Dudley and Dr. John Davis, former president of West Virginia State College."

Be that as it may, AAI has become concerned with the problems of educating more Americans, especially black, about Africa and is attempting to develop teaching materials at the secondary school level.

*The CIA Syndrome:* As reported in Ramparts Magazine, AMSAC and other black American cultural enterprises, both in Africa and the United States, received substantial funds from the Central Intelligence Agency. This kind of funding was described as intellectual subversion which, by supporting a Black cultural nationalism, would prevent a more radical and militant political and economic nationalism from emerging.

*The American Negro Leadership Conference on Africa Syndrome:* This organization set up by the principle Civil Rights groups in the early 1960's has held three conferences and continues to maintain an Executive Director. They have done some useful things but have not had the time or resources to really develop Africa as a political issue in the Black Community. This syndrome also reflects the difficulties that arise when one group of leaders attempts to maintain a monopoly position on all issues affecting its community. Such a monopoly retards the development of other secondary leadership.

*The American Committee on Africa Syndrome:* The group, headed by co-chairman Donald Harrington and A. Phillip Randolph, represents the non-establishmentarian liberal community in the Greater New York area. It has been described as the African-related arm of the early Civil Rights Movement. It has had substantial Black leadership, including such Black leaders on its Board as Bayard Rustin and James Farmer. Unfortunately, however, the New York base of this Civil Rights-Liberal-Labor Coalition has restricted its effectiveness on a national basis.

None of these groups, and the syndromes around them, have as of 1969, been able to either create or deliver or support a consolidated Black American position on Africa. The black American interest in Africa is there but remains unarticulated, unorganized and unconsolidated.

#### BEYOND 1969

What is happening in late 1969, and early 1970, if anything, that might lead to a consolidated Afro-American interest in Africa which would enable "Black America" to become a determinate in US African foreign policy?

First, let us note that two prominent Establishmentarian Negroes have been evolving a "White Hands-Off policy" with the respect to the current Nigerian-Biafran crisis. Senator Edward Brooke (R-Mass.) testified before the African-Affairs Subcommittee of the senate on October 4 to the effect:

"We are faced with a question of the ability of African states to deal with internal conflict. Our aim must be to bolster their

capacity . . . No one else can find the solution".

Dr. C. Clyde Ferguson Jr., Special Coordinator on Relief, testified before the House Sub-Committee on Africa to similar effect:

"I think that perhaps it is too late in the day for any white-developed nation or predominantly white-developed nation to attempt to dictate the political future of the continent of black Africa."

These remarks represent, if nothing else, a growing Black American claim that white liberal paternalism has no place in the affairs of Black nations.

Charles C. Diggs Jr. (D-Michigan) became Chairman of Subcommittee on African Affairs at the beginning of the 91st Congress. This Black Congressman from Detroit, as the new chairman of the Sub-Committee, has already been more active in the first year of his chairmanship than he was as an ordinary Congressman for 15 years. He led a fact finding trip to Nigeria in February and has resumed the dormant 1966 hearings on South Africa; he held special hearings on Rhodesia in November. He led a second trip to Africa in August 1969. For the first time the Committee on African Affairs will hold special and separate hearings on the AID proposals for Africa. He plans more hearings and more trips in 1970. His leadership in these areas have a reinforcing effect on Black American interest in Africa as the black press publicizing his general activities also publicizes African issues.

One of the few areas in which the white radicals of the New Left and the Blacks of the Black Student Union might find a program of joint action is on the South Africa issue. At least three campuses have already been activated around the South African issue. One of the largest articles in the *New York Times* on Africa in 1969 concerned the attempts of the students at Princeton to get the Board of Trustees to divest themselves of investments in corporations with large operations in South Africa. This alliance will no doubt continue and spread to more campuses.

There is agitation of growing agitation about the southern Africa issue in the black street community. Several groups in New York have established Liberation Relief Committees. They are beginning to send support to various of the liberation groups in Southern Africa. Another group, located in an eastern city, is attempting to organize returning black veterans from Viet Nam to fight in Angola.

Further, the African Studies Association, the academic based body which has provided substantial inputs in the US foreign policy network, was challenged at its annual meeting in October 1969 to provide parity for black members at all levels.

Also, The American Committee on Africa has reorganized itself substantially. With more than 50% black membership on its Executive Board, it has recently appointed Charles Hightower, a black journalist, as director of its Congressional office and has deployed field organizers in several cities.

Another new body has been established in Washington called the Washington Task Force on African Affairs. This is a black organized research group which will monitor US foreign policy from an ethnic point of view. Their first research effort, Black Paper No. 1, documents the workings of "institutional racism" in US African policy.

Given these developments and given the improbable prospects of a comprehensive revolution in American foreign policy towards the Third World, can we assume that a consolidated Black position on Africa will be able, in the context of traditional coalition politics, to influence a new and dynamic policy towards Africa?

The answer is murky. Those who favor the rhetoric of despair will wring their hands and claim a negative answer. Those who see

a more optimistic answer must depend upon the future of the black unity movement.

CONCLUSION

Let me note two things in conclusion: One directed towards Black America and one directed towards White America.

As far as Black America is concerned, Black Americans must see that Black freedom is indivisible. Because of the unique historical conditions surrounding the black man's role in history, one enslaved black man anywhere restricts the freedom of Black men everywhere. Black American support of the Black man's open struggle for freedom in Southern Africa is an important part of the struggle for cultural, social and political liberation in this country. It may well be that the Black struggle in the US for full freedom will only be won when the Black American community has successfully rendered effective assistance to the Black Man's struggle in Africa.

As far as concerned White America goes, and if we are committed to the struggle against imperialism, neo-imperialism and all other forms of Western oppression in the Third World, we should note that the US neo-imperialist stake in Africa is less than anywhere else and is perhaps more tractable to combat. If it is true that the strength of neo-imperialism is less where its stake is least, we must see that Southern Africa offers the most propitious arena for effecting a few victories in the war against neo-imperialism. Even when we cannot directly participate in such victories, our support for such efforts contributes to the well being of the community of mankind, both white and non-white, everywhere.

ST. BONA IS NO. 1 BASKETBALL TEAM

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. HASTINGS. Mr. Speaker, last Saturday St. Bonaventure University's basketball team defeated Villanova 97 to 74 in the quarter finals of the National Collegiate Championship playoffs at Columbia, S.C., before millions of fans who viewed the game on television.

For St. Bonaventure, which I am proud to say is located in my hometown of Allegany, N.Y., it was a bittersweet victory. Villanova was the only team to beat them during regular season play which saw the Brown Indians compile a 23-1 record and achieve a No. 3 ranking among college basketball teams throughout the Nation.

But 9 minutes before the game ended, Bob Lanier, St. Bona's giant center and everybody's selection for All-American this year, fell with a torn ligament in his leg.

The 6-foot, 11-inch, 275-pound Lanier was operated on Sunday at Buffalo General Hospital. I am happy to say that he will be fully recovered in 6 weeks and able to launch, next year, a professional basketball career equally as sensational as the one he leaves behind him in college basketball.

But St. Bona will be without the services of Lanier for their semifinal game against Jacksonville University Thursday night at College Park, Md., in their quest for the national college basketball

championship. Sports experts say loss of Lanier, who, by the way, also was named the outstanding player of the regional games just finished, makes the outlook bleak for the Bonnies. They fail to reckon with the spirit engendered by their coach, Larry Weise, who for years has been producing top-notch basketball teams in the foothills of the Allegheny Mountains.

As Coach Weise says: "My kids won't give up." The starting team for Thursday's game of Mike Gantt, Greg Gary, Bill Kalbaugh, Mike Kull, and Paul Hoffman will have no thought of defeat when they take to the floor Thursday night.

Bob Lanier may not be in uniform, but he will be there in spirit giving added incentive to win this big one for the big man.

It has been a long season. The championship is just two games away for the Bonnies. But win or lose, the team and its coach will always rank No. 1.

BYELORUSSIAN CONGRESS COMMITTEE OF AMERICA

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. MURPHY of New York. Mr. Speaker, the valiant people of Byelorussia are living today under a cruel burden of slavery imposed on them by Soviet Russia. On March 25, 1970, these people will celebrate the 52d anniversary of the proclamation of independence of the Byelorussian Democratic Republic. However, they will celebrate only in their hearts, because the central Soviet Government has decreed that Byelorussians will celebrate instead the 100th anniversary of the birth of Lenin.

I have long been acquainted with the Byelorussian Congress Committee of America, an association of Byelorussians living in this country who deeply desire the liberation from Soviet slavery of the Byelorussian Republic and the restoration of an independent Byelorussian state.

The following letter was sent by John Kosiak, president of the Congress Committee. It is an eloquent appeal for understanding and support and I commend it to the Members of this body:

BYELORUSSIAN CONGRESS COMMITTEE OF AMERICA, Queens, N.Y., March 9, 1970.

HON. JOHN M. MURPHY, House of Representatives, Washington, D.C.

DEAR SIR: March 25, 1970 marks an anniversary of great significance for American citizens of Byelorussian origin, for on that day Byelorussians everywhere in the countries of the free world will celebrate the 52nd anniversary of the proclamation of independence of the Byelorussian Democratic Republic. In Byelorussia, however, a national celebration of independence is replaced by the observance of 100th anniversary of the birth of Vladimir Ulianoff (Lenin), former leader of the Russian Bolshevik Party and former head of Soviet Russian Government, glorified as the alleged benefactor of the Byelorussian people.

The United Nations' Commission on Human Rights on March 13, 1969 adopted a res-

olution to commemorate the 100th year since the birth of Vladimir Ulianoff (Lenin), former leader of the Russian Bolshevik Party and former head of Soviet Russian Government, as a great humanitarian. This celebration will take place on April 20, 1970.

Byelorussian people are today enslaved by Soviet Russia and are unable to express freely their past and present experiences under communism and their opinion on the humanitarianism of Lenin. Therefore, we would like to present an opinion on the humanitarianism of Lenin with respect to the Byelorussian people and its country.

As a theorist of Russian Bolshevism, Lenin appeared as a decisive defender of the integrity of the Russian Empire, many years before usurping power in Russia. In his program, for the Russian Social-Democratic Workers' Party (Bolsheviks), Lenin acknowledged the right of non-Russian nations for self-determination down to separation from Russia. However, he was granting only the right of separation, but not real separation. Lenin was against separation of non-Russian nations from Russia. His position was for holding them inside the borders of the Russian state and to convince his own party members to take the same attitude (Letter, by Lenin, from Krakau to S. Shaumian, November 23, 1913).

After usurpation of power in Russia on November 7, 1917 Lenin showed utmost hostility toward the liberation of all non-Russian nations, dominated by the Russian Empire. The Declaration of Rights for nations of Russia, accepted by the Bolshevik Government, was a repetition of the national policy as it was formulated previously in the program of the Bolshevik Party by Lenin.

The treatment of Byelorussia, headed by the Lenin government was—as follows. The First All-Byelorussian Congress consisting of 1,872 representatives convened in Miensk on December 15, 1917. This was a national Byelorussian assembly, whose aim was to decide the future statehood of Byelorussia. Bolshevik-Russian delegates were in a small minority. They were not able to influence the Congressional decisions. The Congress has chosen independence for the Byelorussian state. On December 17, 1917 the Red Russian Army dispersed the Congress by order of the Soviet Russian Government.

During the continuing war, at a favorable situation, the Council of the First All-Byelorussian Congress proclaimed independence of the Byelorussian Democratic Republic on March 25, 1918. In opposition to this independent Byelorussian state Lenin ordered the creation of the Byelorussian Soviet Socialist Republic (BSSR). This fictitious state, as well as its government, were created by the Soviet Government in Moscow. Proclamation of the BSSR took place on January 1, 1919 in the city of Smalensk which was conquered by Russia.

Later, the Soviet Russian Army conquered most of Byelorussia. Concluding peace treaty with Poland in Riga in 1921, Lenin without representatives from the BSSR divided the territory of Byelorussia as follows: The BSSR was allotted a territory of six counties of the Miensk district only, with a population of approximately 1.2 million. Poland was given approximately 100,000 sq. km. of Byelorussia with a population of approximately 4 millions. Directly to Russian SFSR there was annexed approximately 250,000 sq. km. of Byelorussian territory with a population of over 9 millions. This partition of Byelorussia and subjugation of her people existed until the death of Lenin. In this way Lenin brutally suppressed the aims of the Byelorussian people for self-determination and independence, and turned into a colonial people of Soviet Russia.

By introduction of his own totalitarian communist regime in Byelorussia, Lenin de-

prived Byelorussian people of all its human rights and freedoms, the rights recognized by the Western World at this time, and proclaimed earlier by the Byelorussian Democratic Republic. Those rights being: freedom of speech, freedom of assembly, freedom of press, freedom of association, freedom of worship, freedom of economical activity, freedom to elect one's own government, freedom to choose one's habitat and travel abroad, immunity of home, independence of judiciary, etc. Freedom of activity was given to the Bolshevik Party only, which was executing orders from the central government in Moscow. The leadership of this party in Byelorussia was composed of non-Byelorussians. It was a reliable instrument for domination over the Byelorussian nation.

The constitution of the BSSR, as well as the USSR, guaranteed in writing most of the above mentioned freedoms. However, these constitutions exist on paper only to mislead the foreign opinion. In reality the Bolshevik Party is using such policies which are suiting her aims. Ignoring completely existing constitutions.

Lenin introduced a very brutal tyranny by governing Bolshevik Party superiors. Called by him, hypocritically, "workers' and peasants' government", as well as a Central Committee of Bolshevik Party, included neither a single worker, not a peasant. The Communist Party occupied a privileged place, that which was previously held by nobility in czarist era.

The Bolshevik Party represented a new ruling class of fascist type. It used a limitless and merciless exploitation of working people. Starvation and hunger, shortage of all necessary articles existed in reality during Lenin's rule. Only the members of the Communist Party were supplied through special exclusive distribution stores, unaccessible to the rest of the population.

This oppression of people was possible only by the use of mass and ruthless terror. In this field Lenin showed extraordinary ability. He organized Cheka (Extraordinary Committee—Secret Police) headed by the notorious F. Derzhynsky. This mill of death had no other predecessor in modern history. The infamous czarist security service (okhranka) in comparison with Cheka was a very liberal institution. The surveillance by police was raised to systematic denunciation of each person. The Cheka kept an accumulative personal file on all. A new crime was discovered in which each person became a suspect—the potential enemy of the Soviet Government. The arrests of innocent people in mass as those potential enemies; the relentless savage abuse and torture of imprisoned people, who were admitting the non-committed crimes; the shooting of people en masse without trial—all this, as a sword of Damocles, was hanging over a defenseless people, murdered by Lenin's bureaucrats, immune to any responsibility.

Lenin is the father of Russian Bolshevism, that which is oppressing Byelorussian people for over 50 years. This period is the most severe and tragic of all Byelorussian history. During this time the Bolshevik Moscow annihilated over 6 million of Byelorussians. But, at the present time, using systematic Russification, deportations of Byelorussians to Siberia, and colonization of Byelorussia by Russians, the Moscow Government is attempting a complete removal from the globe of the separate Byelorussian nation and transforming it into a part of Russia. This genocide is a direct result of the Leninist national policies applied towards non-Russian nations of the USSR.

Miss Svetlana Alliluyeva, daughter of J. Stalin, recently made this public statement, ". . . all of this did not begin with my father. So many people think that he invented the system, the dictatorship, the

police, the spying. But he didn't. He inherited it all from Lenin."

Lenin projected conquest of the entire globe by Bolshevism. He designed a universal USSR, of course, under the hegemony of Soviet Russia. This design is used by the present government of Moscow as a current program of realization. Soviet Russia is giving top priority to the development of her own military power, and is gradually realizing the testament of Lenin on the conquest and enslavement of the remaining independent countries. This subjugation of nations of central Europe after the 2nd World War, communist expansion in Greece, Korea and Vietnam, the recent military invasion into Czechoslovakia, all these are the concurrent steps leading towards the realization of the expansionist plan designed by Lenin.

We are assuming, that proposal to commemorate the birthday of Lenin in the United Nations was initiated by the representatives from Soviet Russia, or by their subservient countries-satellites. The real aim behind this diversionist maneuver is to disorient nations of the free world, and to make them more vulnerable to gradual absorption by Moscow.

We would like to call your kind attention to the fact that this commemoration would be a most cynical humiliation of the idea of humanism. It would be a public mockery of human rights as defined by the Universal Declaration of Human Rights, adopted by the United Nations. It will demonstrate a flagrant injustice expressed by the free countries towards the Byelorussian nation, which was conquered, oppressed and suffered heavily under Lenin's terrorist rule, as well as under the rule, inspired by him, of the present Government of Soviet Russia. We would like to ask you for decisive rejection of this celebration as completely inappropriate for people honoring freedom and justice for all.

At this time, the Byelorussians living in their native country do not have any opportunity to defend their national interests. Therefore, we take liberty to ask you for support of the desires of the Byelorussian people for liberation from Soviet Russian slavery, and for restoration of an independent Byelorussian state.

Very respectfully yours,

JOHN KOSIAK,  
President.

## PATTERNS OF DISCRIMINATION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. CLAY. Mr. Speaker, last week the Reverend Theodore M. Hesburgh, C.S.C., Chairman of the U.S. Civil Rights Commission, said that the racial division of St. Louis was supported by a broad network of institutional systems whose leaders disclaim responsibility for them. He noted that "the suburbs are white and the city is 50 percent black" and that "St. Louis County maintains a noose around the city."

Mr. Speaker, I agree wholeheartedly with the conclusions that the attitude of the majority of the people in St. Louis, including its leaders, is racist. I am inserting in the RECORD for consideration by my colleagues the following report which documents the manipulation of the housing market in St. Louis, Mo., by members of the real estate community.

Thirteen black and white checkers visited 15 white real estate companies for purposes of purchasing or selling a home. Blatant and subtle methods and techniques of manipulation and discrimination against blacks and whites are described in the report. The result of this manipulation is the containment of blacks in areas designated by the white real estate community.

Mr. Speaker, the report was prepared by Hedy Epstein of the Greater St. Louis Committee for Freedom of Residence, in February 1970, and is included herewith:

### REPORT ON ST. LOUIS

#### I. INTRODUCTION

The population distribution in the metropolitan St. Louis area is a study in contrast. The core city's population with every passing day increasingly becomes more black, losing at the same time more of its white members to all white enclaves in the suburbs. A quick glance at the metropolitan St. Louis area might give the appearance that the population distribution is a result of a choice of the individuals involved. But not so. For over a year and a half now, fair housing has been the law of the land. Not only has the general public not yet grasped the significance of this fact, but more importantly, this fact has not been put into practice by members of the real estate community.

Racial manipulation of St. Louis housing patterns by real estate dealers was widespread prior to the 1968 Federal Fair Housing Law and the June 1968 Jones vs. Alfred H. Mayer Co. U.S. Supreme Court Decision and has continued since that time. Both white and black home buyers, sellers and renters were and have continued to be victimized. (The Jones vs. Alfred H. Mayer Co. U.S. Supreme Court Decision ruled that discrimination in the sale or rental of all housing is illegal under the Civil Rights Act of 1866. The Civil Rights Law of 1968 also outlaws most such discrimination.)

#### II. DESCRIPTION OF PROJECT: "PATTERNS OF DISCRIMINATION"

Freedom of Residence receives an average of three complaints of racial discrimination in housing per day. This represents only a fraction of the overall picture of discrimination. Inspired (or better said) "depressed" by this knowledge, Freedom of Residence set out to investigate the "Patterns of Discrimination" as put into operation by the white real estate community. The project began in May 1969 and lasted about eight months. The material collected reveals that discriminatory practices of white real estate companies in attempting to show blacks only property in all black or integrated areas, and avoiding showing them properties in all white areas. The whites were referred only to properties in all white areas. All black or integrated areas were not mentioned to the white prospective customers. When these whites asked about properties in integrated areas, or about an integrated area in general, they were discouraged or urged not to consider such areas. For purposes of this project thirteen (13) black and white checkers presented themselves as prospective clients to fifteen (15) white real estate companies, sometimes to buy a home, at other times to sell a home. In all, a total of eighty-nine (89) visits were made. (See Table No. 1.) When a real estate company had more than one office, the branch offices were also visited. While we were prepared to find widespread violations of the civil rights laws, we were amazed at how easy it was to compile the evidence. In many cases realtors volunteered information and methods to avoid compliance with civil rights laws with no prompting from checkers.

TABLE NO. 1

Realtor	Visits to realtors by black checker, No.—				Visits to realtors by white checker, No.—									Total number of visits by black checkers	Total number of visits by white checkers	Total number of visits by all checkers (black and white)
	1	2	3	4	1	2	3	4	5	6	7	8	9			
I	2				4	1	1	1						2	7	9
II	3	1			2	1	1	1	1	1	2			4	9	13
III	3	1			3	1								4	4	8
IV											1			0	1	1
V	2		1	1	2	2	1				1		1	4	7	11
VI	1				3					1				1	4	5
VII	2	1			3									3	3	6
VIII	2				2	1								2	3	5
IX							1							0	1	1
X	1				1								1	1	2	3
XI	2				3	1								2	4	6
XII			1			1	2							1	4	5
XIII	2		1		2		1							3	4	7
XIV	1				1		1							1	3	4
XV	1	2			2									3	2	5
Total number of visits by each checker.....	22	5	3	1	28	8	8	2	1	2	3	1	5	31	58	89

III. OBSERVATIONS AND FINDINGS OF THE INVESTIGATION OBTAINED BY CHECKERS

The statement by white checkers "I'm concerned about my neighborhood" was universally interpreted by realtors as a reference to race. Instead of inquiring what the concern for the neighborhood was, realtors universally replied, "You mean colored," and then went ahead to tell of their techniques for keeping blacks out of white neighborhoods and steering whites away from all black or integrated neighborhoods.

Despite repeatedly expressed wishes of black checkers that "I don't wish to live in this (integrated) area," these black checkers were over and over again referred only to properties in those areas they expressed no interest in. In addition, these black checkers were told by the realtors "these are the only listings we have at this time." It should be noted here that the realtors visited, all had access to a multiple listing service, which lists properties for sale by realtors who subscribe to this service. Some of the realtors visited also had access to a computer listing service. A random check by Freedom of Residence of the multiple listing service and the computer listing indicated that at the same time both white and black checkers visited the real estate companies:

(1) the particular real estate company visited had their own listings of houses which they did not share with the

(a) black checkers apparently because the homes were located in white areas

(b) white checkers apparently because the homes were located in integrated areas.

This random check also indicated that houses listed by other realtors also were not shared. We assume the reason was the same as above.

To illustrate the afore-mentioned, we relate some excerpts from conversations by black and white checkers and the realtors visited by them.

A black checker visited Real Estate Company "A" for the purpose of purchasing a 3 bedroom \$25-30,000 house. The agent immediately suggested University City (an integrated area). The checker indicated that she was not particularly interested in University City. The agent countered this with "There are some lovely homes in that area." The checker repeated that she was not interested in this area and then listed seven (7) areas she would like to live in. To this the agent responded: "Well, we don't have anything just now."

A white checker visited the same real estate company about two weeks later also for the purpose of purchasing a home, a 3 bedroom \$18-22,000 home. The checker specified a geographical area of interest. Included in this area was University City, an integrated area though not specifically mentioned by name. The agent at first suggested four (4)

areas well outside the area described by the checker, two (2) of them considerably south, and two (2) of them west. It should be noted here that one of the communities within the boundaries described by this checker has homes that are above the price range indicated. University City has homes in that price range. Near the agent's desk was a bulletin board with some listings. One of them was a home in University City (integrated area) for \$21,900. When the checker inquired about it, the agent said: "It's a lovely house, but there are colored next door. And wouldn't you know it they have the biggest house on the block. I know you wouldn't want to live next door to colored." When the checker said "I had never given this any thought" the agent said: "Take my advice, you would not want to." The checker then asked about other University City listings. Reluctantly the agent looked through a couple of pages of University City listings, pointing to one or two and then adding: "These are no good, the houses are too old (Note: Checker had never indicated age of home interested in.) and the area is not nice." With that the agent shut the book and suggested another white suburb. This one, too, was outside of the area of interest expressed by the checker.

About two and a half months later the same white checker visited the same real estate company again. This time it was for the purpose of listing a home for sale. On this occasion the checker spoke to the president of this company, who at that time also was president of the Metropolitan St. Louis Real Estate Board. After the checker had answered some questions about the house to be sold, she mentioned that she was "concerned about her neighborhood." This was understood to mean "you don't want to sell your house to colored." The president of the company then launched into an hour and a half long discourse espousing his views on integration, prejudice and what he called "social do-gooders." He admitted to being prejudiced, in fact "since watching TV and reading all about the terrible violence and lack of regard for law and order of the 'colored' people. I am now more prejudiced than I have ever been."

Later in the monologue, he said that "schools in University City are 40% integrated, when you have 40% you no longer have integration, you have a problem. What happened in University City is the result of some 'social do-gooders' who felt that integration is a good thing." He compared social do-gooders to college students who have their heads crammed full of all kinds of theories, but know nothing about the practicality of things. "Now those people have learned the hard way that it just doesn't work. We refused to take a listing in University City and turned back another one

just a few days ago. You just can't expect to sell a house to a white family in that area." He warned against trying to sell a house without the assistance of a real estate company because "your doorbell might ring, you open it and some great big 'buck nigger' might stand there and want to see your house." He related to the checker "we never break an area, i.e. we never sell to a 'colored' person unless there are already some 'colored' people living there. It would be bad business to do this. After all we must consider our reputation. We can usually screen out Negro voices on the telephone." In response to the checker's question what would they do if a black family wanted to buy her home, he replied: "We would not share your listing with them. In fact, we share only about one fifth of our listings with them. If they specifically asked for your house, we would have to show it because of the law." He used this to illustrate how the federal government is running his business for him and is depriving him of his rights. He shared with this checker that he was then President of the Metropolitan St. Louis Real Estate Board. In view of "my prejudices I often have to talk out of both sides of my mouth and wear two hats as President of the Metropolitan Real Estate Board."

A black checker visited Real Estate Company "B" for the purpose of purchasing a three bedroom home in the \$22-25,000 price range or slightly higher. The checker was asked if she was interested in a specific area. The checker stated that she had no preference, that she was new in town and not familiar enough with the area to be able to indicate a preference. The agent gave her three listings in University City (integrated area) and one in Pasadena Hills (another area to which blacks are frequently referred to by realtors), and added: "That's about all we have in your price range."

About two weeks later the same black checker visited another branch office of the same real estate company, again for the purpose of purchasing a 3 bedroom house. This time she gave as her price range \$24-28,000—could stretch to \$30,000. The agent told checker about two homes in University City (integrated area). When the agent continued to show the checker University City listings, the checker indicated that she was from out of town, but had heard some unfavorable remarks about University City and was skeptical about the area. The agent told her: "I can't imagine any difficulty in University City. . . . Look at these homes. I'm sure you would like them and the area."

A white checker visited the same two branch offices of Real Estate Company "B", one of them on the same day as the black checker's first visit, the other branch office one day earlier than the black checker's first visit. In both instances the purpose of the

checker's visits was to purchase a 3 bedroom \$18-22,000 house. The checker specified a geographical area of interest. Included in this area was University City, an integrated area, though not specifically mentioned by name.

In the white checker's first visit the agent found only one house within the specified geographical area in a white area and then told checker he had nothing else. Homes in the white area are higher priced than checker indicated she could pay. Checker then asked if they listed homes all over. In response, agent said "yes". Checker then asked how about something further east than Olivette (a white area)? The agent hesitated and when the checker questioned his hesitation, he replied: "The are lots of colored in University City (this area is adjacent to Olivette) and I want to be honest with you. Just like I don't like to sell somebody a house with a flaw in it, I want you to know that, because I'm sure you wouldn't want to live next to colored." Later in the conversation the agent told the checker: "They, the colored, are moving into several areas, on Cadillac in Berkeley, Frostwood, Northwoods. . . . They put them in white areas where they want them to live. They, the NAACP, buy houses for them. . . . In the past we didn't have to sell them a house unless there were three colored families on the block. That was the Real Estate Board's law."

In her second visit the following day to one of Real Estate Company "B's" branch offices the checker was told by the agent that he had nothing in her price range in Olivette (a white area in specified geographical area). "You would have to go to University City (integrated area) and that's colored. You have to be real careful there." Checker asked: "How come it's all 'colored'?" Agent: "It's because they, the City (of University City) told the colored a few years ago they're welcome there and they won't be discriminated against and now it's backfired on them. They've realized this and have started to do something about it. They no longer allow 'for sale' signs and they have an occupancy permit law. This occupancy law makes it real hard for the seller because he has to fix up his property, often to the tune of \$2,000 or more before he can sell it. If he can't afford it, he has to stay, or if he has to move, he has to sell at a loss." The checker then asked him: "As an expert in the real estate business, would you recommend a move to University City?" The agent's reply was: "I really wouldn't. I don't think you'd be happy there. . . ."

Ten days after this office visit, this Checker received a telephone call from the above agent. He told her about a house in Olivette (a white area within specified geographical area). He then added: "I got this listing from a friend, who is a real estate speculator. The house is his daughter's and she is moving out of town. For fear colored will want to see it or buy it, there'll be no 'for sale' sign up. This man (the speculator) is calling his friends in the real estate business and we're all co-operating. The house is in a lovely neighborhood and there are no colored there."

About four months later the same white checker visited the president of Real Estate Company "B" for the purpose of listing a house for sale. She told the president: "We want to sell our house. We are concerned about the neighborhood. I would like to discuss this with you." His response was: "I understand your concern. This is a tough world we live in. There is a law and it's pretty hard to do anything about that. We have to watch ourselves too, because they are always checking us. . . . We'll do all we can to help. One of the things you can do is not put a 'for sale' sign up in front of your house, this way they'll never know that your house is for sale. We'd advertise in the paper, but there is always so much advertised in the paper that it's hard to remem-

ber and figure out all the houses that are being sold. . . . If they'd ask for your particular house, we'd call you and then you could always use excuses for not being able to show it to them. You could say you're going to be out of town, or that the time is not convenient, that you're not going to be home then, and so on. By the time you have run out of excuses, you hope they will have gone elsewhere." After he ascertained where checker's home was located he told checker: "You would not really have any problems, because your house would be more than the colored usually spend. They usually buy in the \$13-\$18,000 bracket. If they buy more expensive homes, they have trouble getting a loan or making the monthly payments. . . . The colored usually have to buy through FHA." He added that his company "places many transfers of an international company located near your (checker's) residence. Our salespeople always know the race of people this company refers to us. If they're colored, we direct them to other areas." Still later in the conversation, the president of Company "B" told the checker: "We've had white women come in to make arrangements to see a house and then they turn up with their husbands who are as big and as black as the ace of spades. I'm 59 years old. If I'm going to lose my hair or become grey, it's because of those mixed marriages."

All of the aforementioned describes some of the very blatant and overt methods of discrimination as practiced by members of the real estate community. Among the 15 real estate companies visited, we found one company whose discrimination methods are not always as blatant as those described before. The subtle nature can best be described by relating an actual situation of their discrimination methods. The family, the McC's, were not checkers, but genuinely interested in renting a home.

#### IV. ACTUAL CASE HISTORY

On November 3, 1969, the McC's were shown a home for rent, owned by the F. family and listed with the B. Real Estate Company. After seeing the house they made application for it and left a deposit for two weeks rent with B. Real Estate Company. Since they did not hear from the B. Real Estate Company, Mrs. McC. phoned B. Real Estate Company and was told the house is not on the market anymore, because owner learned it was zoned commercially and wanted to rent it for commercial use. Later on the same day, Mrs. McC. picked up the money. On December 19, the day the McC. family was in contact with Freedom of Residence, this house was still empty.

On November 30, 1969, the McC's saw another house for rent by the B. Real Estate Company. They were shown this house, filled out an application for this house and left a deposit of two months rent, \$270.00, with Mr. K., manager of one of the branch offices of B. Real Estate Company. The following day, December 1, Mr. K. told the McC's that he could not get in touch with the owner of the house, Mr. G., to determine how soon they could get in. Shortly thereafter the McC's were told that this owner had taken the house off the market because he wanted to redecorate, prior to renting the house.

On December 19 a Freedom of Residence staff member phoned Mr. G., owner of the second house and asked why he had refused to rent to the McC's. Mr. G.: "Because we need to make repairs and redecorate the house. We will list the house with B. Real Estate Company again when that is done—it'll take us a while." When Freedom of Residence staff member asked: "Where does that leave the McC's?" Mr. G. responded: "I don't know." Freedom of Residence staff person: "What did you tell B. Real Estate Company why you were not renting to McC's?" Mr. G.: "That the house was not tenable." Freedom of Residence staff person: "The McC's. have seen the house, know

its condition and are willing to rent it as is. Why did you decide the house is not tenable after listing it with B. Real Estate Company?" Mr. G.: "I had not seen the house for one year and only saw what it looked like after listing it with B. Real Estate Company." The Freedom of Residence staff person then shared with Mr. G. that it appears to the McC's, as though they have been discriminated against. Mr. G. was also told that a Justice Department attorney had been in the Freedom of Residence office that day and we had discussed this situation with him and that he might be looking into it. Mr. G. was also told that Mr. McC. had indicated he wished to pursue the matter legally. Mr. G. replied: "Keep your shirt on. We'll list house with B. Real Estate Company again after it's redecorated." When he was asked whether he would rent it to McC's, then, he replied: "We'll cross that bridge when we get there."

On December 20, 1969 a white male checker phoned the B. Real Estate Company branch office (the same one the McC's had dealt with) and asked about the G. home. He was told that they no longer had that listing. On December 20, 1969 another white male checker phoned the same office, expressing interest in the first house the McC's wanted to rent. He said he wanted to use it commercially. The checker was told that the property was leased. It could not be used commercially anyhow, because it was zoned residential.

On December 21, 1969 a Freedom of Residence staff person spoke to Mr. K., manager of the B. Real Estate Company branch office and asked him to explain what happened. Mr. K. related the following: "Shortly after the 'for rent' sign went up at the G. home (second house) the McC's. came to their office. After they had seen the house, I drafted the lease in the absence of the listing agent. Then the owner, Mr. G., took the listing away from B. Real Estate Company because he wanted to redecorate house. I told him he might have trouble because the McC's. are colored. They are nice quiet people, but they might sue since they are colored. They might get an injunction on house for one year and since this was to be investment property, that's not what you want. (Mr. G. had bought this home from B. Real Estate Company about one year ago.) The McC's. might be particularly suspicious since within the month a similar situation happened to them with another house." The Freedom of Residence staff person asked him to explain what happened there. Mr. K.: "After that house was listed with B. Real Estate Company and after McC's. had seen it and put down a deposit, the owner, Mr. F., called B. Real Estate Company to remove house from market. The owner said it is zoned commercial and they can get more money from it that way."

On December 22, 1969 the master zoning plan was checked and it stated that the above house, owned by Mr. F., was zoned for multiple or single dwelling and shall never be zoned commercial.

On December 22, 1969 a Freedom of Residence staff person phoned another branch office of B. Real Estate Company and spoke to an agent, indicating that she wanted to rent her house and wanted to know how this was done. After some basic information was given, the Freedom of Residence staff person asked if and under what conditions a contract could be broken. The agent suggested that it would be best to ask Mr. L., manager of this office about this.

Later the Freedom of Residence staff person talked to Mr. L., manager of this branch of B. Real Estate Company. He too explained the basics first. When he was asked about breaking the contract, he referred to the federal law briefly and then added: "First of all we don't advertise for quite a while, we pass the information around the office, and usually can find someone that way. Then you could specify if or when you would want us to advertise." When Mr. L.

was asked what options were as far as refusing to rent, he replied, chuckling: "Just the other day we had a situation on property owned by someone who lives (and he mentioned area where Mr. G., owner of second house lives). . . . The owner just said he wants to redecorate." When Mr. L. was asked: "Wouldn't we be bound by our contract with you?" his answer was: "We'd be willing to cancel your contract if it's because of something like this, if it's because of race."

Still later the Freedom of Residence staff person phoned Mr. B., a high officer of B. Real Estate Company, relating all of the aforementioned information to him. He suggested that the staff person come in to meet with him and other officers of the company. He added that his company was not responsible for attitudes of their clients. It was pointed out to him that we were talking about an attitude suggested by Mr. L., manager.

About three hours later, a phone call was received from Mr. K., manager of one of the B. Real Estate Company branch offices. He said that Mr. G. (owner of second house) had changed his mind and would lease house to McCs. and would contract to do repairs with McCs. in the house and therefore it would not be necessary to have a meeting. It should be noted that to date the McCs. have not been told directly that they may lease the house.

On December 23, 1969 a meeting was held in B. Real Estate office as arranged the previous day. Present: Mr. B., Mr. L., and two other officers of B. Real Estate Company and two Freedom of Residence staff members.

Upon Mr. B.'s request a Freedom of Residence staff member related the entire situation by reading from case history.

One of the B. Real Estate Company officers went into a long explanation about the upkeep of rental property. Another officer stated that the McCs. could rent the G. home, that Mr. G. had no objection to their renting it.

One Freedom of Residence staff person asked Mr. L. to explain the statement he made on the phone to her ". . . Just the other day we had a situation on property owned by someone who lives . . . The owner just said they want to redecorate." Mr. L. said: "That's a lie," whereupon the other Freedom of Residence staff person got up and said: "That's all, we're leaving. We didn't come here to be called liars. We'll have to settle this in court." Before we left we told Mr. B. that all the information has been shared with an attorney from the U.S. Department of Justice, and that he could expect to hear from him.

We predict that the subtle methods used in the McC. case (or similar subtle methods) will be used by real estate companies once the case has been prosecuted in court.

#### V. APPLICATION OF FINDING

##### (A) Testimony at January 16, 1970, hearings of U.S. Civil Rights Commission in St. Louis, Mo.

On January 16, 1970 a Freedom of Residence staff member testified at hearings of the U.S. Civil Rights Commission held in St. Louis, Mo. Most of the aforementioned material was covered during this testimony. (Transcripts of the testimony can be obtained from the Civil Rights Commission.)

##### (B) Disclosure of findings to U.S. Department of Justice

All of the material uncovered in the "Patterns of Discrimination" project was presented to the U.S. Department of Justice on November 25, 1969. Since then some individual discrimination case material has been forwarded to the Justice Department. At that time Freedom of Residence requested that the Department of Justice file suit in the U.S. District Court, naming the fifteen (15) white real estate companies as defendants.

At the time of this writing we are still

hoping that the Justice Department will prosecute and thus help put an end to practices such as evidenced in the aforementioned material.

#### VI. RESULTS OF INVESTIGATION

The findings of this investigation show that the result of this manipulation of the St. Louis, Mo. housing market is to contain the black population in areas designated by white realtors. There is evidence indicating that the banks and other money lending institutions actively participate in this manipulation and the subsequent patterns that are developed.

The reasons for this containment will be subjects of other reports. We list here, without comment, those reasons we suspect to be valid. This list is not necessarily complete.

Reasons for containment of black population:

1. To purposely deteriorate an area to induce Urban Renewal, Code Enforcement, etc.
2. To induce real estate sales ("panic peddling, blockbusting, etc.>").
3. As a result of a false "moral commitment" to "maintain the integrity" of communities.

#### VII. CONCLUSION—AUTHOR'S NOTE

We are well aware that this report does not have a customary conclusion. There are two reasons for this:

1. To date no suit has been filed against the realtors.
2. At the time of writing we see no end in sight for the discriminatory practices of the realtors.

#### VIII. APPENDIX NO. 1

The following is a copy of a report on the activities of McDonnell-Douglas Corporation's Housing Office. This report was mailed on February 6, 1970, to:

Secretary of the Defense Melvin R. Laird with copies to:

1. Senator Edward Kennedy.
2. Representative William Clay.
3. Mr. J. S. McDonnell, McDonnell-Douglas Corporation, Brown Road, St. Louis, Missouri 63166.
4. Mr. Orrie Duerringer, Housing Department, McDonnell-Douglas Corporation, Brown Road, St. Louis, Missouri 63166.

Freedom of Residential operations began in 1961. Until Freedom of Residence was funded by the Danforth Foundation in May 1969, the organization operated financially on a shoestring and with the help of volunteers.

As a result of this, records were not always kept properly. However, in going through our files we found that from 1966 until the present time forty-three (43) families, of which at least one member of the family was a McDonnell-Douglas Corporation employee, met with discrimination in their search for suitable housing.

To document this, we relate the following:

In 1964 McDonnell-Douglas Corporation hired a black man in their Data Processing Department. The family (wife and one child) came from out of town. The McDonnell-Douglas Corporation Housing Department gave him a list of housing located in Kinloch, Meecham Park (black enclaves) and black areas of the city of St. Louis. He had not indicated that this was his preference. A white friend, employed at McDonnell-Douglas Corporation, went to the Housing Department at that time and received a totally different list of housing in white areas. The black family eventually found suitable housing without the assistance of McDonnell-Douglas Corporation's Housing Department.

After our office became aware of this, we called McDonnell-Douglas Corporation's Housing Department, suggesting that Freedom of Residence might assist in finding housing for their black employees. We were told that no assistance was necessary. It was

also denied that McDonnell-Douglas Corporation kept dual lists, one for white and another for black employees.

In May 1967 a recently returned Viet Nam veteran and his wife visited the Freedom of Residence office. He had just been hired by McDonnell-Douglas Corporation in their Production Department. He had been given a housing list by McDonnell-Douglas Corporation's Housing Department, with housing suitable for himself and his wife, marked in red ink. All of the housing marked in red ink was in all black areas.

In March 1969 McDonnell-Douglas Corporation hired a single black man from another state as a Trainee/Technical Illustrator. Until he found suitable housing in mid-September 1969, almost six months later, he stayed at the YMCA. McDonnell-Douglas Corporation's Housing Department provided him with a lengthy list of rental housing located both in the city and the county. He contacted many of the apartment complexes on this list, and also followed up on newspaper advertisements. Place after place advised him there was no vacancy. On several occasions he shared this with McDonnell-Douglas Corporation's Housing Department, asking them for assistance. Repeatedly he was told that all they could do for him is give him an updated list and suggested that he keep on trying. Finally, early in September 1969, in utter despair, he went door to door, asking if an apartment is available, and found an apartment that was vacant and that he liked. When he called the Real Estate Company who was leasing this unit, he was told the apartment was rented. A white checker from the Freedom of Residence office then phoned the Real Estate Company and was told the apartment was available. The following morning the McDonnell-Douglas Corporation employee personally went to the Real Estate office to inquire about the apartment and again was told the apartment was rented. Five minutes later a white checker from Freedom of Residence entered the Real Estate office and asked about the same apartment and was told it was available. Two hours later another white checker from Freedom of Residence was told this same apartment was still available. When Freedom of Residence confronted the Real Estate Company with all of this and shared with them that our client had indicated to us his intention to file suit to enforce his rights, the apartment became suddenly available to him. He has been living there since.

We cited this last situation in detail because it illustrates well what McDonnell-Douglas Corporation's Housing Department could have and should have done. Had they intervened early, it would have prevented much frustration for one of their employees. It also would have shown some manner of "affirmative action" on the part of the McDonnell-Douglas Corporation.

#### IX. APPENDIX NO. 2

In the eighty-nine (89) visits made to the fifteen (15) white realtors the thirteen (13) black and white checkers found: 67 different methods and techniques of discriminating against blacks and 41 different methods and techniques of discriminating against whites.

In the following pages we have listed some of these methods and techniques. Others have also been included.

##### Discrimination against whites

1. By word (the general attitude is that living in an integrated area is not desirable):
  - A. You don't want to live there, that's colored.
  - B. The property values are dropping.
  - C. The schools are "bad" (meaning integrated).
  - D. Crime rate is up . . . break-ins . . . etc.
  - E. Area deteriorated, blighted, unkept.
  - F. Integrated areas will be all black eventually.
  - G. We're (real estate company) not social pioneers.

H. Property in black and/or integrated areas is not a good investment.

I. I (real estate agent) would recommend against purchasing in that (integrated) area.

2. By lack of word (excluding black and/or integrated areas from the range of choices):

A. Not offering listings of property in black and/or integrated areas.

B. Not noting positive aspects of integrated and/or black areas.

C. Assuming that whites should not or would not want to live in integrated and/or black areas.

3. By deed:

A. Refusal to accept listings in integrated and/or black areas.

B. Ignoring specific requests for listings in integrated areas.

C. Giving lists of specific areas to be avoided (integrated and/or black).

D. Lying about availability of property in integrated and/or black areas.

#### Discrimination against blacks

1. Ways of not showing and/or selling:

A. Seller is out of town.

B. Time is not convenient for seller.

C. Seller not at home.

D. We already have a contract on house.

E. Pointing out only bad features of house.

F. The house is suddenly off the market.

G. Client discouraged from purchase because the unit is "too far away."

H. Real estate company screens out "black" voices over the telephone.

(1) Terms (price, loan, FHA, conventional, G.I., down payment, interest, etc.) keep changing so that no contract is ever accepted.

(2) Real estate companies exert sanctions (will not share listings and/or customers, etc.) against companies cooperating with black clients.

I. Requiring unnecessary detailed financial disclosures.

J. Requiring financial qualifications higher than necessary.

K. Loan applications turned down in spite of qualifications. (False claims of "bad credit", insufficient income, etc.)

L. Black buyer encouraged to make offer below minimum so that contract is rejected. 2. Attitudes and ignorance.

Generally speaking, the black customer is often not offered the same courtesies as whites. In some cases black checkers were:

A. Not asked to be seated.

B. Were assumed to be "poor" and unable to meet financial qualifications.

C. Were not asked their names and/or other data.

D. Promised follow-up calls were not made.

E. Were offered less expensive and less desirable housing than that requested.

F. Assumed to need housing near bus lines ("since most blacks are domestics").

3. Inaccessibility to listings.

A. Blacks not made aware of some listings in white areas.

B. Blacks offered listings in integrated and/or black areas only, often despite repeated requests for listings in other areas.

C. Some listings in white areas are never made public . . . are passed around to other brokers who have agreed to share them with "select clientele", the so-called "underground market".

D. No "for sale" sign laws limit blacks' accessibility because one method of finding houses (for sale signs) is eliminated.

E. Company policy declines listings from black and/or integrated areas.

F. Company policy is to tell blacks nothing is available.

G. Representative of real estate company will claim "nothing is available in that price range".

H. One real estate company refers blacks to another company which handles property in black and/or integrated areas.

## ECONOMIC CONVERSION AND THE AEROSPACE INDUSTRY

### HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, deep concern about the future of the aerospace industry in California is growing. This concern is founded on the fact that all recent procurements have gone elsewhere. Fort Worth received the F-111, Atlanta has the C-5A, for better or worse, Seattle has the SST, New York has the F-14, and St. Louis now has the F-15. In 1969, the entire aerospace industry had nationwide sales of \$28.3 billion. That sum, of course, was apportioned to commercial aircraft, utility and executive aircraft, missile and space vehicles, helicopters and military aircraft. The last category alone, military aircraft sales, amounted to \$10 billion. However, since 40 percent or 548,000 of this Nation's aerospace workers live and work in California, the lack of recent major procurements portends serious economic problems for these individuals and their families as well as to the industry in general. The ripple effect caused by a substantial reduction in a \$5 billion payroll and the loss of numerous subcontracts will effect four to five times the number of aerospace workers who are directly hit.

The importance of awarding the B-1 strategic bomber development and construction to a California company—North American Rockwell to be specific—is needed not only for the welfare of the people and the State of California but for the Nation as a whole. The vitally needed defense capability of the fine work force assembled by North American should not be allowed to dissipate. As Henry Lacayo, president of local 887, United Aerospace Workers stated before the Joint Legislative Committee on Economic Conversion:

During the period from January 1964 to the end of 1969 over 16,000 workers in the bargaining unit have been laid off. In January 1964 over 29,000 were employed . . . in December of last year less than 12,500 were at work. This represents an obviously major reduction in the North American workforce and doesn't take into account those laid off outside the bargaining unit—that is, managerial personnel.

This statement was buttressed by the recent comments of Mr. Richard F. Walker, president of North American Rockwell's Los Angeles Division. Mr. Walker, in discussing the present state of the aerospace industry in California, indicated that—

Also in jeopardy is an irreplaceable pool of technological skills . . . the greatest concentration of experienced, talented aerospace manpower in the nation.

Mr. Speaker, we cannot allow this resource to be lost, to the Nation.

I am including in the CONGRESSIONAL RECORD the testimony delivered by Mr. Lacayo and the policy statement entitled "National Priorities and National Security—A Call to Conscience and Action by Aerospace Workers," adopted by the

Joint Council of North American-Rockwell Local 887. In addition, I am inserting for my colleagues attention an article by Mr. George E. Berkley that appeared in the New Republic called "The Myth of War Profiteering."

These statements strongly intimate that defense contracting, rather than helping corporations, is relatively unprofitable and undesirable. Mr. Lacayo and the UAW forcefully speak out for economic conversion of aerospace activities. He states that "national security" includes more than a military definition and that meeting human needs will create healthy, sustained economic growth. In calling for conversion, the union leader declared that—

We are convinced that meeting civilian requirements assures a more stable, secure employment market. We are convinced that a civilian-oriented economy would assure aerospace workers with a greater continuity of employment. Indeed, all workers.

Labor, management, and government would do well to consider the economic ramifications that an end to the war in Vietnam will have and that continuing reductions in military expenditures may portend. The insertions follow:

#### STATEMENT OF HENRY L. LACAYO

Mr. Chairman, Members of the Committee, my name is Henry Lacayo. I appear before you as a rank and file union member who is privileged to serve as president of a local union: Local 887, United Aerospace Workers. Our members work at all divisions of North American Rockwell Corporation in Los Angeles and Orange Counties.

Those serving on our union's Executive Board, present here today, join me in commending you for providing an official public forum—long needed in California—on the pervasive issue of economic conversion. Economic conversion has particular meaning in this state which, in fiscal 1967, had nearly 18% of the Defense Department's military prime contract awards of \$10,000 or more.

In bread and butter terms, we commend you for your concern about the economic and human plight of the unemployed. While economists haggle over cold, impersonal statistics to prove or disprove the existence of a "recession," we have thousands of members on layoff . . . members who, without other employment possibilities, are experiencing a "depression." To give you the depth of the dilemma, layoffs include members with 20 years or more of credited service at North American Rockwell.

During the period from January 1964 to the end of 1969 over 16,000 workers in the bargaining unit have been laid off. In January 1964 over 29,000 were employed . . . in December of last year less than 12,500 were at work. This represents an obviously major reduction in the North American workforce and doesn't take into account those laid off outside the bargaining unit—that is, managerial personnel. And as of today, there is no promise of an appreciable employment upswing.

We come before you not as arm chair social critics but as those who live with day-to-day realities. Therefore, we profoundly hope that what we say in behalf of Local 887 members will be accepted in this light.

The layoffs at North American Rockwell and elsewhere merit more attention than a mere entry on unemployment statistical records and charts. And certainly merit more insight than presently reflected in policymaking attitudes and decisions that unemployment is a way to ease inflation, especially at a time when high interest rates, housing shortages and population rise help to assure

a continuation of inflationary pressures, not to mention Vietnam.

We at Local 887 are not economists. But we simply cannot comprehend how an abundance of unemployment coupled with a scarcity of products and services is the way to manage our national economic health. This is a defeatist approach . . . it is a damaging approach . . . it is a disastrous approach.

An America demonstrably capable of producing in quantity should stress high employment and abundance. In short, our choice is unemployment and scarcity or employment and abundance. Sheer common sense, if not compassion for wage earners, should dictate national choice.

Therefore, we must vigorously fault the direction the national executive leadership has chosen. We must also fault those corporations for failure to diversify more rapidly, realistically and with greater dedication.

A case in point is the recent loss of the F-15 contract by North American Rockwell. Additional layoffs followed. Should not a company have options? Does not a company plan just in case an existing government contract is cancelled? Is not a loss of a contract bid tantamount to a cancellation?

While North American Rockwell is seeking and is already in some areas of commercial or civilian production, the fact of the matter is that up to now, it is not an in-depth, all-out effort that will assure a high, stable work force. This brings us to the subject of corporate responsibility about which we want to speak at a subsequent point in our testimony.

For the moment, we want to preclude any misinterpretation of our position regarding space and defense programs per se. We are on record in the Halls of Congress in an official 1967 statement, for example. We said, and I quote:

"When America's fighting forces during World War II needed a highly maneuverable, high speed, dependable fighter plane, North American Aviation and its workers responded with the venerable P-51 Mustang, one of the greatest planes of its type in the entire history of manned flight.

"And when the need during the same war became apparent for a medium sized bomber with long range capabilities, North American and its workers answered the call with the Majestic B-25 which, even today, is being used by American fighting forces in Vietnam . . ."

This 1967 statement of intent, made following the Apollo tragedy in which 3 astronauts lost their lives, also said:

"We know these are difficult times for North American with their managerial and engineering problems. And it is because of this we offer our cooperation in any way possible to help ensure the ultimate success of the Apollo Space Project. North American workers have performed in this spirit both in time of war and in time of peace, and they have done a superior job in time of war and in time of peace."

Mr. Chairman, I have quoted at some length to develop two fundamental positions which we take:

First, while we are opponents of unbridled military spending, and particularly of military waste, which costs the American taxpayer between \$20 and \$30 billion a year, we are not suggesting that we are opposed to military preparedness and planning for our "national security." What we are saying is that "national security" includes much more than a military definition. We are convinced that meeting human needs creates healthy, sustained economic growth. We are convinced that meeting civilian requirements assures a more stable, secure employment market. We are convinced that a civilian-oriented economy would assure aerospace workers with a greater continuity of employment. Indeed, all workers.

Second, the cooperative hand we offered to North American Rockwell when its future and reputation were on the firing line should now be met by this corporation's cooperative hand in sitting across the table with us in planning future employment possibilities. Further, it is our hope that North American and similar industrial giants that have benefited, in great measure, from public funds will participate in public discussions and decision-making efforts such as this committee offers.

Our union is officially on record in urging the "formation within the aerospace community of a labor-management committee" to help formulate civilian-oriented projects and programs. Our thinking leading up to this specific proposal is found in our policy statement called "National Priorities and National Security—A Call to Conscience and Action by Aerospace Workers." A copy is attached to our testimony which is before you. (Exhibit A) We respectfully urge your readership and particularly draw your attention to page 5 in which we offer specific suggestions as to the type of civilian work North American Rockwell is set up to handle. We have no hesitancy in saying that our members are capable of performing the task.

For more than two decades the UAW has spoken out in favor of economic conversion, of economic diversification, often being accused of "pie-in-the-sky" thinking. The discussions that are taking place in this country today are testimony to the practicality of the UAW position.

For far too long we have been lulled into a feeling of security because our Gross National Product increases yearly. While there are arguments as to whether the rate of growth is fast enough, the real focus should be centered on the quality of growth. Are we really making progress, for instance, if chemists are in the laboratories of cosmetic firms discovering a new, better tasting lipstick, rather than in medical or hospital labs? Are we really making progress when scientists devote their vast talents to chemical and biological warfare rather than disease prevention?

So, the subject of economic conversion is not new to us. After World War II the UAW recognized the need to produce for the common good . . . to produce for a growing domestic consumer demand . . . to produce for peacetime living . . . to erase from our economic life the attitude that workers are "expendable."

Permit me to offer a bit of UAW history to make this point more meaningful.

Nearly 25 years ago—on May 4, 1945—the Army and Navy Departments and the Ford Motor Company summoned thousands of workers at the Willow Run Bomber plant to a meeting on the plant grounds. The occasion was the presentation to the workers and company of the Navy-Army "E" for excellence in production. A heavy bomber had been rolling from the plant every hour for more than a year. Mr. Henry Ford II took the occasion of this celebration to inform the Willow Run workers that they were no longer needed. The plant was to be abandoned. The word he applied to the plant was "expendable."

At that time, the UAW took issue with Ford on behalf of the workers of Willow Run, including 11,000 who at that time were in the Armed Forces. UAW challenged the contention that this powerful \$90 million war-time unit of destruction could not also be used as an effective peace-time producer of the goods of plenty. Specifically, the UAW documented its case by pointing to the need for more housing and for updating the railroads.

We have come full circle. Housing needs are yet to be met. The plight of the railroads is on record. And today we find workers—and we might add, including many in management—who have contributed to both space and defense programs, but are now

"expendable." Expendable at a time when technology, managerial know-how and a labor source of semi-skilled and skilled workers are available to do battle to meet domestic needs of our citizens. What a waste of human resources! What a waste of gigantic public investment that has made possible both the physical plants and profits enjoyed by aerospace and defense industries!

It is to the last point we wish to address ourselves. Long overdue is the need to acknowledge openly the myth that companies such as North American Rockwell, Lockheed, McDonnell-Douglas, etc. are private corporations in the traditional capitalistic meaning of that term. This just isn't so. No one has better stated the proposition that Harvard economist John Kenneth Galbraith who said in testimony last year before a joint Senate-House economic subcommittee, and we quote:

"We must, as a grownup people, abandon now the myth that the big defense contractors are something separate from the public bureaucracy. They must be recognized for what they are—a part of the public establishment."

The facts support this view. In 1968, large defense contractors were using an estimated \$13.3 billion worth of already nationalized plant and equipment and in June 1969 were using \$9.5 billion of public working capital in the form of progress payments on contracts, the payments depending, broadly speaking, on the need for capital, not the progress toward completion of the contract.

To state the matter in another way: "Typically, aerospace companies do not spend their own money to build plants; they lease factories constructed by the Government. . . . Much of the elaborate equipment in aerospace factories is also government-financed. . . . Defense contracts . . . provide liberal allowances if the cost of a weapons system exceeds the estimated price—and it usually does—by a substantial margin. . . . Finally, the Government finances the production line itself." These are not our words but those of *Washington Post* reporter Bernard D. Nossiter, taken from his two award-winning reports last December.

Once we, including the corporations, become grownup enough to admit this national condition of economic life, then it logically follows that these corporations—and even smaller companies that have benefited from public spending in space and defense—have a public responsibility to perform in behalf of domestic consumer needs. Consumer needs should be defined more broadly than in products alone. It should include a consideration of environmental needs, health needs, educational needs, etc. What a breath of fresh air would blow over this nation when companies are bidding on HEW contracts, on public health contracts, on transportation contracts, and the like.

While we see some movement in the right direction, to date the net result is shallow when lined up against need. Sure, it's encouraging to read the *Los Angeles Times* headline "Aerospace Men See Peace Profits" and to see in the text of the reporter's story that "Aerospace companies also see a big future market in the applications of the systems approach and electronic capabilities, which it acquired from Government contracts, to solving urban problems. The industry believes that aerospace technology has markets in air and water pollution abatement, crime control, marine sciences and urban transportation." (January 15, 1970)

This still puts things in the future. We need to act here and now. Walter Reuther, the President of our International Union, has pinpointed the hard reality that the large industrial combines will only be motivated by the pocketbook nerve. Hence his proposal, the full content of which is at your disposal, makes sense. Since this proposal has already been publicly aired, I shall not burden you

with a repetition, but would urge most strongly that you give his suggestions your full and careful consideration.

We find a paradox in the aerospace/defense establishment. Undoubtedly, profit has come to space-oriented, defense-oriented firms. Yet, the data at hand shows that those companies that have diversified are making more profit on civilian goods than military.

An overview of defense spending shows that the highly specialized aerospace and electronic firms, though still important defense contractors, have found their shares of defense business declining. In fiscal 1968 the 10 firms with the largest amount of defense contracts received 29.9% of the total awards—this was down from their pre-Vietnam share of 32.2%. Interestingly, 9 of these 10 giants of the military market are aerospace and electronic firms. The 10 firms are: North American Rockwell, General Dynamics, Lockheed, General Electric, United Aircraft, McDonnell-Douglas, AT & T, Boeing, Ling-Temco-Vought and General Motors.

Rather than reciting to you a detailed account of profit data and a related explanation, we have appended to our remarks an article titled "The Myth of War Profiteering" which appeared in the December 20, 1969 issue of *The New Republic*. (Exhibit B) However, we would like to take note of a reference to North American Rockwell. It is written and we quote ". . . Value Line Investment service in appraising North American Rockwell on July 25, 1969, notes that the company's commercial business was expected to reach 40 percent of its gross revenues in 1969, while accounting for over 50 percent of profits."

Also we wish to point out that the business-oriented magazine *Forbes* ranked the top 500 corporations in terms of revenues, assets, profits, etc. North American Rockwell was listed among the top ten war suppliers. Its rank based on total revenue was 6; however, its rank based on total profit was 94.

All of this by way of substantiating our contention that civilian business is more profitable than military. This notwithstanding, we do find an inertia on the part of corporate enterprise. Herein lies the paradox. Only public policy, democratically arrived at, can displace pockets of corporate inertia with active corporate participation in the mainstream of economic growth.

We cannot drift into peace. We must have a *delivery system* that will meet the urban crises, that will meet our 1946 national policy goal of full employment, that will halt spoilage of our environment, that will meet our educational needs in plant, teachers and curricula, that will meet the total spectrum of human needs that involve the quality of life.

It is not an easy task. But we are optimistic in believing that our advanced technology, know-how and skills in this age of electronic revolution can produce for and can serve domestic and peaceful purposes. We in the UAW, in a time of supreme national peril, were the ones who said, "yes, we auto workers can produce 500 planes a day." The auto industrialists said it couldn't be done. They were 100% wrong. We did it. There is no reason we can't reverse the coin and push as steadily and devotedly for goods and services geared to constructive, rather than destructive, purpose.

We laymen and elected officials should not be intimidated by our electronic age. We should not be intimidated by our technology. We should not be intimidated into thinking that electronic and technological advances can best be applied to tools of war or to conquer outer space. A professor of history has said that "it is recognition that technology and science are, and always have been, integral to the human adventure, and not things curiously alien from the concerns of our race."

It has been said that following the ceremonies dedicating the great telescope on Mt. Palomar, somebody remarked to an

astronomer: "Modern astronomy certainly makes man look insignificant, doesn't it?" To which the astronomer replied, "But man is the astronomer!"

When Ralph Nader was here in Los Angeles under the sponsorship of our union he spoke to this point when he said we have had an "aristocratic" application of our technology, and that it is high time we applied it to the needs of working Americans.

Now bringing the issue closer to home: that of employment of our members and indeed all working men and women. What we are attempting to say is that we must view a healthy employment picture in terms of building a *democratic culture*.

While our reaching out for a democratic culture is national in scope, you and other elected officials have a singular opportunity to bring the State of California into a pace-setting role. We do not take lightly our policy position, set forth in our Joint Council's statement to which I have previously referred, that there should be a "push for state government contracts to aerospace industries to research and develop answers to environmental pollution. . . . A state contract to look into the feasibility of the automobile steam engine is a case in point." As you know, the previous administration made a start in this direction, but the impact has been a scratch on the surface of the problems. More money and more State official push is mandated.

And we can bring the issue even closer to home for members of Local 887. We have said and I quote: "We are convinced that the aerospace industry can make a meaningful long-range contribution in pre-fabricated housing field, especially in the electrical, water and air cooling systems for such homes . . . aerospace management and workers who can build 30 engines for Apollo 11 most certainly have the work experience and required skills to move in the direction of providing a new power source for automobiles . . . a power source that is cheap, effective and clean. And certainly a team that can 'house' astronauts can come up with a mass rapid transit vehicle to 'house' commuters, especially for those who lack job opportunities because of no serviceable public transportation."

We are attempting to say that we must view a healthy employment picture in terms of a balanced, diversified economy, recognizing that national security is an all encompassing concept. We must bring balance and reason into economic growth . . . we must bring enlightenment and imagination into our policy decisions.

Perhaps a young 17th Century French philosopher and mathematician said it all when he observed: "We do not display greatness by going to one extreme, but in touching both at once, and filling all the intervening space."

Mr. Chairman and members of the committee, we appreciate your kind attention to our remarks and again wish to commend you for holding hearings on the most vital issue of the day.

Thank you.

#### NATIONAL PRIORITIES AND NATIONAL SECURITY—A CALL TO CONSCIENCE AND ACTION BY AEROSPACE WORKERS

(Adopted by Joint Council of North American Rockwell Local 887, June 1969)

##### THE PREMISE AND THE PROMISE

A democratic society withers without flexible response to the surge of rapid change and without grass roots vigor to channel change in the direction of the public good . . . in the direction of elevating the quality of life.

We Americans, not given to rigid ideologies or doctrines, have an understandable pride in our willingness to face and effect change.

Our present national dilemma, our national uneasiness, is not our inability to change, but whether we change rapidly

enough and in what direction we move; whether we grasp rapidly enough that our sophisticated, pervasive technology must be used to improve the human condition . . . that this technology, if left to its own momentum, will mushroom into a way of life that stifles the human spirit and condition. Social challenge came during the Industrial Revolution. Today's Technological and Electronic Revolution offers even greater challenges as its impact reaches into every aspect of national and personal existence.

*The issue: "Where are we going?"*

Recognizing this, we must push away side issues and diversionary debate and get to the heart of the real issue.

What is the deep-seated issue? The ABM? Not really. The ABM serves to crystallize the root issue which can be stated by a simple question with complex life and death implications: "Where are we going?"

The question is not new. It is as old as modern man. Down through the ages it has been man's courageous question. The open-ended challenge comes in finding courageous answers.

##### *Meaning of "national security"*

Today we are witnessing courageous questions and answers to where this nation is going with the ABM debate as to focal point for this all-important national search for the right path to take.

While we are opponents of unbridled military spending, and particularly of military waste, which costs the American taxpayer between \$20 and \$30 billion a year, we are not suggesting that we are opposed to military preparedness and planning for our "national security." What we are claiming is that "national security" includes much more than a military definition.

We are pushing for a rational, rather than a fear-ridden, approach to military spending; we are pushing for a balance so that explosive domestic social needs are given priority on our national agenda of action.

We are in effect saying that "national security" in a broader and more realistic sense means more than military capabilities . . . national security is dependent also on solving or lessening internal stresses. These stresses have already caused dangerous cracks in our national foundation.

Our internal stresses comes from a top-heavy drain on human and dollar resources in behalf of the military-industrial combine. By comparison, a trickle is unleashed to handle superficially, and all too casually, the host of domestic needs.

The tide of discontent is rising. No longer can we point to the "few"—to the malcontents, to the born troublemakers, to the radical extremists. We can point, with ample proof, that the middle-aged, middle-class and generally middle-of-the-roads are expressing "deepening despair over the country's mounting stockpile of unsolved problems and unfulfilled promises." For the first time in recent memory, Congressional members of both political parties refuse to give a blank check to the budget sought by the Pentagon and backed by those civilian officials who, without question, go along with an ever-fattening defense budget.

##### *National priorities/tax dollars*

Fundamental dollars and cents decisions must be made by all Americans. How do we want our tax dollars spent? How do we best create full employment, a declared national goal since 1946?

We are taxed heavily by federal, state, and local levies. Even with added sales taxes, gasoline taxes, surtaxes, not enough money is available, we are told, to provide for schools, public transportation, parks, aid and water pollution control, low-and-moderate-cost housing and more health facilities and care. The pattern is nationwide.

It is startling to realize that the ingenuity that placed man on the moon, a landmark in the history of mankind and a cause for

national pride, is not being applied to a larger degree to man's earthly needs. This is not to suggest that space programs are extraneous. Local 887 is proud of its membership's contribution to this singular endeavor and of its role in defending the Apollo program when its future looked bleak.

What we are saying is that domestic social needs cannot be neglected. Good economic sense dictates our opening up new job-producing programs which benefit the pocket-books of workers and alleviate the pressing demands to house, clothe, feed and educate each person, thereby giving credibility to our proclaimed belief that everyone is entitled to "life, liberty and the pursuit of happiness," and to our Constitutional mandate to provide for the "general welfare."

#### National needs: A matter of values

Unmet human needs are as staggering to comprehend as the costs of a continuing, spiraling arms race.

It would be shortsighted merely to measure the cost of the arms race strictly in dollars spent out of our total national income known as the Gross National Product.

In the final analysis, it is a matter of choices... a matter of priorities... a matter of values. For instance, do we spend this year's Safeguard ABM funds or train 510,000 more hard-core unemployed?

What have our values been in the past decade? The answer is found in such facts as these:

From 1959 to 1968, direct defense outlays came to more than \$551 billion, twice the amount spent for new private and public housing during the same period, and nearly twice as much as federal, state, and local governments allocated to education, and

In 1967 alone, a conservative estimate of military-related spending was \$100 billion, more than all federal, state and local expenditures on health, hospitals, education, old age benefits, welfare, unemployment and agriculture.

This order of priorities prevails at a time when 20 million fellow Americans live in dilapidated, rat-infested houses while the building industry cannot even keep up with the population increase... in fact, it is declining in productivity.

We are convinced that the aerospace industry can make a meaningful, long-range contribution in the pre-fabricated housing field, especially in the electrical, water and air cooling systems for such homes.

To go a step further: aerospace management and workers who can build 30 engines for Apollo 11 most certainly have the work experience and required skills to move in the direction of providing a new power source for automobiles... a power source that is cheap, effective and clean.

And certainly a team that can "house" astronauts can come up with a mass rapid transit vehicle to "house" commuters, especially for those who lack job opportunities because of no serviceable public transportation.

#### Aerospace workers' skills adaptable

No worker is in a better position to know the job insecurity that comes to one employed in a defense-oriented or a missile-oriented, or a space-oriented firm, dependent on government contracts from a limited number of agencies for a limited number of projects. No worker is in a better position to appreciate the need for a company to diversify. No worker is in a better position to adapt to new job assignments that require skills, technological understanding and a disciplined approach to production.

The aerospace companies, beneficiaries of the public treasury, most definitely have an obligation to join with organized labor and government, at all levels, in moving in the direction of diversification. It is pointless for men of industry and labor and those in public life to proclaim on the Fourth of July or at a veteran's affair that devotion to and love of country are the mark of a red-blooded

patriot if they lack a willingness to jointly act in common purpose. Patriotism must be practiced and applied, as well as preached.

#### Long-range economic/job security

Apart from the moral-ethical imperatives, we are convinced that meeting human needs creates healthy, sustained economic growth. We are convinced that meeting civilian requirements assures a more stable, secure employment market. We are convinced that aerospace workers will have greater continuity of employment.

We are likewise convinced that the public interest is best served and protected with a proper balance between military (and paramilitary) spending and home-front spending in behalf of social solutions to deep-rooted problems.

#### RECOMMENDATIONS

Having stated our premise, it is incumbent upon us to act to bring to life a potential promise of what can and should be done.

Therefore, as first steps, we recommend the following:

(1) Formation within the aerospace community of a labor-management committee to grapple with the points to which we have alluded. Such a committee could avail itself of the easily accessible pool of scientific, engineering, and technical consultants. To be effective in planning, this committee must touch base with government at all levels. This interchange is obviously essential, since government participation is as fundamental in resolving the crisis of city decay as it is in handling military matters and outer space programs.

(2) Formation by the National Aerospace Department of a Task Force, properly funded; such U.A.W. Task Force to come up with specific programs adaptable to existing aerospace work-force skills and experience and aimed at broadening job opportunities within the industry.

(3) Presentation of the Task Force proposals at a national conference called by the Aerospace Department; such conference to be held in Washington, D.C. to give added impetus to congressional action, including the passage of the U.A.W.-supported McGovern-Hatfield bill, "The National Economic Conversion Act."

(4) Push for state government contracts to aerospace industries to research and develop answers to environmental pollution, for example. A state contract to look into the feasibility of the automobile steam engine is a case in point.

#### CONCLUSION

We are convinced that by placing our national needs in proper perspective and in a proper order of priorities, we will give a renewed spirit and vitality to this nation.

A judicious deployment of our resources... human, natural, and economic... will be the real "safeguard" to our "national security."

#### THE MYTH OF WAR PROFITEERING

(By George E. Berkley)

Although America's munition makers are thought to be reaping a financial bonanza from the Vietnam War, the facts indicate otherwise. In 1965, the top five defense contractors were General Dynamics, Lockheed, Douglas, General Electric and United Aircraft. By the beginning of 1969, one of the big five, Douglas, had been squeezed out of existence; a second one, Lockheed, was in trouble. Of the three remaining, two were under severe financial pressure. For many war contractors, Vietnam has been a headache; for others it has been disaster.

Look at the balance sheets. General Dynamics earned \$4.48 a share in 1965, the year the Vietnam build-up got underway. By 1968, its per share earnings had dropped to \$2.83. Lockheed netted \$4.89 a share in 1965. By 1968, its per share earnings, computed on the same basis as those of 1965, came to only

\$1.64. General Electric's profits were running at \$3.93 a share in 1965. In 1968, they amounted to \$3.95, a miniscule gain of 2 cents. United Aircraft scored the only earnings improvement during these war years. Its profits rose from \$4.57 to \$5.05, an increase of about ten percent.

Even these figures overstate the munition makers' war "prosperity" for they fail to allow for inflation. If we assess their earnings records in terms of constant, 1965 dollars, we find that United Aircraft marked time during these years, General Electric's earnings went down by nearly ten percent, General Dynamic's decreased by almost one-half and Lockheed's plummeted by more than two-thirds.

On January 1, 1969, *Forbes* published a summary of how the top 500 American corporations had fared in earnings growth during the previous five years. How did the prime war contractors place in this comparative ranking? General Dynamics, the biggest defense supplier, ended up almost at the bottom of the list, placing 481. The other three held the following rankings on the earnings growth list: Lockheed 390, General Electric 371, United Aircraft 243. In other words, during the war buildup, those companies furnishing the sinews of that war were faring a good deal less well financially than most of those firms denied such opportunities. Statistics such as these lead us to ask a further question: Were the bloated earnings record of the big war contractors representative of those war contractors generally? Did small defense suppliers make out as poorly as their larger colleagues?

Generally speaking, they did. Grumman Aircraft for example, is number 11 on the list of defense suppliers, but since it is smaller than some of the others its government contracts make up over 80 percent of its gross revenues. The company earned \$3.03 a share in 1965, and \$2.68 a share in 1968. AVCO, another corporation that does nearly four-fifths of its business with the Defense Department, listed its earnings as \$2.88 a share for the 12-month period ending November 1965. For the same period ending November, 1968, the figure was \$2.54. Both these companies experienced better than ten percent declines as measured in inflationary dollars. Measured in constant dollars, the declines were closer to 20 percent.

Some companies turning out war products fared much better. Raytheon's earnings more than doubled, leaping from \$1.03 in 1965, to \$2.07 in 1968. McDonnell Aircraft, which took over the financially tottering Douglas in 1967, managed to log an earnings record of \$3.38 in 1968 compared to \$2.62 per share three years earlier. Boeing succeeded about as well as General Electric, its per share earnings inching up from \$3.82 to \$3.84 during the three-year period.

However, these brighter spots are largely explained by special factors. Wall Street analysts attribute Raytheon's increase to an earnings turnaround brought about by new management, reorganization and a multi-pronged drive into such nondefense activity as textbook publishing and home appliance manufacturing. McDonnell-Douglas' sudden upsurge in profits in 1968—it had run deficits for 1966 and 1967—was attributed by a Standard and Poor investment letter to stepped-up deliveries of DC-8 and DC-9 commercial jets. The same investment letter claimed that Boeing's ability to at least mark time during the war years was based on its success with its commercial planes, primarily the 707 and 727.

As one combs through investment letters, designed solely to help stock market speculators make decisions on their investments, one finds recurring evidence of the discrepancy between the amount of revenue that companies derive from war contracts and the amount of profit they obtain from such orders. Thus, in reporting on Boeing on March 13, 1969, Standard and Poor notes

that "over half of billings and the bulk of profits now come from commercial jetliners." (Emphasis added.) In appraising AVCO on September 15, 1969, Standard and Poor says, at one place, that "in 1967-8 about 77 percent of earnings came from commercial operations with the balance from government billings." Some paragraphs later, we find the sentence, "The Government Products Group accounts for the major portion of revenues." Similarly, Value Line investment service, in appraising North American Rockwell on July 25, 1969, notes that the company's commercial business was expected to reach 40 percent of its gross revenues in 1969, while accounting for over 50 percent of profits. In the same investment letter, Value Line noted that Ling-Temco-Vought had reduced its aerospace business to less than 20 percent of its gross revenue. In commenting on this, the service pointed out that the company's aerospace division had generated after tax profits of less than 0.3 percent last year.

Common sense tells us that such figures are wrong. After all, who should benefit from a war if not those who furnish its weapons? And haven't the defense contractors always been hungry for government business. Common sense told the Italians of the sixteenth century that if two unequal weights were dropped to the ground, the heavier would hit the ground first. But Galileo dropped two unequal weights from the top of the Tower of Pisa to prove that common sense was wrong.

Early this year, the Logistics Management Institute released a study showing that the average profit margin for all US industry was 8.7 percent of sales, but that the average profit margin on defense work was only 4.2 percent of sales. Since the all-industry average included the low-profit defense work, the actual profitability gap between defense and nondefense orders may be even greater than the better-than-two-to-one ratio that the figures suggest. The study was attacked in some quarters because it was based on data supplied by the defense contractors themselves. However, for reasons having to do with the stock market, which we will examine shortly, there is more of a tendency for defense manufacturers to overstate rather than undertake their profits on war contracts. Furthermore, there are additional data to show that, if anything, defense work is even less remunerative than the LMI study indicates.

Once again let us turn to *Forbes*. Every year it publishes separate listings, ranking the top 500 corporations in terms of revenues, assets, profits, etc. If we extract the rankings of the top ten war contractors in 1968 from the list of revenues, and similarly take their rankings from the list of profits, we obtain a graphic picture of the return on defense work:

Top 10 war suppliers	Rank based on total revenue	Rank based on total profit
General Dynamics.....	34	220
Lockheed.....	43	190
General Electric.....	5	13
United Aircraft.....	41	118
McDonnell-Douglas.....	17	60
A. T. & T.....	2	1
Boeing.....	22	74
Ling-Temco-Vought.....	31	232
North American Rockwell.....	6	94
General Motors.....	1	2

Now, in examining this list, let's first exclude American Telephone and Telegraph and General Motors. These corporation are so large that even though they are among the top ten, their defense business comes to only one or two percent of their gross revenues. In every single instance, the ranking of the remaining eight companies in terms of total profits earned is far, far below their rank in terms of total gross revenues.

Moreover, all these companies have at least some non-defense business and, as already seen, such commercial business earns them much more, proportionally, than do their defense orders. Without their commercial business, the gap between their revenue position and their profit position would widen further.

Why are profit margins so poor and why, anomaly of anomalies, do they seem to be even poorer in war time than in peace time?

To answer this we should first note that defense orders were not always the mixed blessing for armaments makers that they are today. During the 1950s, many firms flourished on such business. It was the advent of Robert McNamara as Secretary of Defense that made the difference. McNamara changed the Defense Department's purchasing policy from a cost-plus to a fixed fee basis. The old cost-plus arrangement had allowed the military suppliers to charge the Pentagon whatever the project cost with a guaranteed profit added on. Furthermore, crafty contractors often found ways of including in costs, work that would benefit them in other areas. The fixed fee arrangement did away with blank checks. Contractors now have to stay within the bounds of the predetermined price if they expect to make a profit. Modern munitions-making is a complex business, however, and frequently unforeseen problems lie in wait for even the shrewdest. Lockheed's heavily publicized troubles with its C-4 Air Force Transport is one of many such instances.

Another problem besetting the defense industry is that its outlets for civilian business have grown markedly during the past decade. The economic lethargy of the Eisenhower years is behind us; the New Economics is established policy. The American economy picked up a startling momentum in the 1960s. In addition, various technological breakthroughs have given many aerospace companies considerable nonwar-related business. When the war buildup began in 1965, many of them suddenly found themselves with too much business. The influx of war orders piled on top of civilian billings, forced them into uneconomic practices. These included giving employees extensive overtime work, which means paying them 50 or 100 percent more for work which, because of increasing fatigue, becomes increasingly less satisfactory. Too many orders may also mean hiring less skilled employees, overutilizing plant and machinery and doing other things that can narrow profits and even turn them into losses.

It was precisely such factors which drove Douglas to the wall, transforming its \$14.6 million of profits in 1965 into a \$27.6 million loss in 1966. A *New York Times* financial writer noted in late 1968 that Boeing was beginning to experience a similar situation: "There were signs . . . that Boeing's tremendous commercial backlog [added to "low return government work"] was producing some of the strains that ruined the Douglas Aircraft Corporation—too rapid a buildup of business, a squeeze on plant and manpower capacity and, in the case of Douglas . . . production problems and deficits." Boeing in the first six months of this year earned \$1.03 per share compared to \$1.85 in the first half of 1965. In constant dollars, this would constitute an earnings drop of over 50 percent. The firm was expected to do less well in the second half of '69.

As noted earlier, AVCO's earnings declined from 1965 to 1968. In February 1969, a New York stock brokerage house, Goodbody and Company, issued an investment appraisal of the firm, assessing its prospects if peace should come. Although nearly 80 percent of AVCO's business comes from the Defense Department, the brokerage house found that peace would actually enhance AVCO's investment appeal. Its letter noted, for example, that ". . . profit margins on helicopter engine business . . . have been adversely affected by uneconomic production

schedules created by the heavy demands of the Vietnam War. With a slowdown in hostilities, which would probably bring a more even flow of production, profit margins should improve."

A final factor must be considered in explaining the wilting profit margins of so many munitions makers during recent years: inflation. The Keynesian-oriented, welfare-state capitalism that has characterized European economies since World War II, and which began to take hold in the United States during the 1960s, has reversed the normal capitalist imbalance. Where at one time capitalism tended to suffer from too much supply in relation to demand, it now tends to enjoy the opposite. I say enjoy because this situation keeps up employment and wages and encourages growth. However it makes inflation a persistent threat. Thus, war which was once an elixir to capitalism has become anathema instead. Lack of military spending has brought many blessings to Japanese capitalism in recent decades. Too much military spending in the United States is reducing 1969 business profits, adjusted for inflation, to a level below that of 1965. And 1970 will probably be worse.

The military suppliers are, if anything, more susceptible than other branches of American industry to these ravages of inflation. Not only do they find their costs rising, but often they have a harder time passing such costs on to the consumer—in this case, the government. Inflation for a full-throttle economy is not a boon but a bane, and for a defense contractor, working under a deluge of orders on a fixed fee basis, and requiring a high proportion of scarce skilled labor to meet them, it can prove a disaster.

There is yet another problem that plagues munitions makers—the impact of Wall Street.

Stocks do not sell on profits alone. The auction market, which is the American securities industry, takes into account a variety of factors in determining what price a company's share will command. In 1969, the stocks of military suppliers were selling, on an average, at about 8 to 9 times their earnings. The average stock on the New York Stock Exchange, meanwhile, was selling at about 16 times earnings. (The average price-earnings ratio on the American Stock Exchange was higher still.) Thus, firms with a high defense component in their production operations have not only tended to make less money but have also been less able to capitalize on such earnings as they do make. This discrepancy between marketability of defense company stock compared to those of other companies is not simply a result of the prospective end of the Vietnam war. The gap between what their earnings can command in the financial markets vis-a-vis what other companies can obtain has existed for years.

A good price for its stock offers many desirable advantages for a business firm and its managers. First, it increases the managers' personal wealth. Much has been said in recent years about the separation of ownership from management in American industry but this should not obscure the fact that managers usually own some stock in the firms they run. If Wall Street chose to give armament industries the same price-earnings multiple that it gives other technological companies, the men who run America's armaments would realize a windfall of personal profit.

The managers of munitions industries have other reasons for wanting to see their stock priced at the levels of nondefense firms. The higher price increases management prestige and stockholder satisfaction. The latter factor can be quite important. There are many individuals and companies on the prowl in Wall Street these days, seeking firms with disgruntled stockholders who might be receptive to an acquisition offer. At the same

time, a host of stock brokerage firms and investment counselors are constantly checking out reports, comparing company performances and suggesting ways in which the private investor can best put his money to work. Such elements put increasing pressure on those who run defense industries to appease their stockholders with better prices for their shares.

Meanwhile, war contractors are on the lookout themselves for tempting acquisition possibilities. They too have been showing an increasing predilection for taking over other firms and this makes an attractive price for their stock almost mandatory. Most mergers are based on an exchange of securities between the merger and the merged, and the higher the evaluation that Wall Street places on the shares of the former, the better the terms he can offer to the latter. Thus, the heavy discount which defense contractors' stock sells for these days is putting a severe crimp in their expansion plans, and making them vulnerable to raids by Wall Street predators. This helps explain why they are more apt to overstate rather than understate the profitability of their war contracts. Lockheed, for example, sought to minimize its losses on the C-4 air cargo plane for the Air Force.

One may wonder why business firms want defense contracts at all. Some industries are avoiding them. In January, 1967, *Iron Age*, the steel industry magazine, reported that steel makers were refusing to bid on defense work. Despite the fact that the Vietnam War was choking off steel orders in such areas as construction and auto production, the companies were showing little desire to compensate by going after defense contracts.

Those industries specifically geared for defense contracting do remain in the armaments-making race and often bid zealously on such work. Despite the flood of defense orders which the Vietnam War has brought them, however, most munitions makers have succeeded in gradually increasing their commercial business. The industrial end of the military-industrial complex is seeking to extricate itself from the dubious and often dismal fortunes of war.

Many such firms are finding expanded opportunities in the commercial aircraft sector. In 1968, such private business accounted for 47 percent of McDonnell-Douglas total sales. By the start of 1969, its commercial orders had increased to 68 percent of the company's backlog. Today, it is engaged in heavy competition with Lockheed for the coming wave of air bus production. It claims to have signed up 184 customers for its DC-10 which will carry about 300 passengers and will gross the company about \$14.5 million each. Lockheed claims to have 181 orders for its L-1011 Tri-star air bus, which will sell at the same price, and is counting on a total market of 1400 planes during the 1970s. (Its backlog of orders for these planes by the end of last year had a dollar value of 2.5 billion, 15 percent more than its entire billing for all work in 1968.) Boeing, meanwhile, says it has orders for 183 of its still larger air buses, the 747, which will be priced at \$20 million each. Boeing's commercial orders had already reached 86 percent of its backlog by the end of last year, as compared to only 50 percent of its sales during the year, and the proportion of such backlog orders will undoubtedly cross the 90 percent mark at the end of 1969.

The aerospace industry has assembled the greatest pool of technological manpower in the world, and our ever increasingly technological society is beckoning them into newer civilian fields. United Aircraft's Sikorsky Division, long associated with helicopters, has built the experimental turbo trains that now run between Boston and New York. The apparent success of these trains offers the division numerous opportunities to transfer its energies to peacetime uses. Lockheed, in addition to its commercial aircraft business;

is moving heavily into underseas technology, computers and medical information retrieval systems. LTV Aerospace is developing and marketing new systems for controlling automobile traffic. The aerospace industry is tooling up for a peacetime world of the 1970s that will in all probability earn it much more money than the war years of the late sixties.

Some munitions makers are even stepping outside their accustomed areas of competence to strengthen their tie-in with more profitable civilian activity. AVCO has taken over finance and insurance companies and is planning to build an entire community in California. Such endeavors will receive a great boost once the Vietnam War ends and the expected housing boom, long stifled by war-caused high interest rates, gets underway. Raytheon is counting on a post-war housing boom to provide opportunities to sell its new home heating system, as well as to increase orders for its home appliances division. The company's newly acquired textbook division also stands to benefit considerably from a shift of the country's resources to non-military purposes.

These promising developments will not take most of the munition makers out of munitions-making completely. Despite the low profitability of such work and the existence of more profitable opportunities in the civilian sector, any new contracts that arise for defense work will probably find at least some suppliers ready to bid. As they diversify into the civilian sector, however, they should become a less troublesome element in American society. Improbable though it may seem, many defense suppliers, motivated by sheer greed, may eventually join other industry leaders, Wall Street speculators and such business-oriented magazines as *Fortune* and *Forbes* in calling for a curtailment in defense spending and a shift to the more lucrative pursuits of peace.

UTAH JAYCEES NAME OGDENITE "OUTSTANDING YOUNG MAN OF THE YEAR"

HON. LAURENCE J. BURTON  
OF UTAH

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, March 17, 1970

Mr. BURTON of Utah. Mr. Speaker, Donald V. Peterson, a tax examiner for the Western Service Center in Ogden, Utah, has overcome great physical handicaps to lead a busy, useful life. His achievements were recognized recently when he was named one of Utah's "Three Outstanding Young Men of the Year" by the Utah Jaycees organization. The following background story about Mr. Peterson appeared in the March 6, 1970, issue of *Newscope*, the unofficial newspaper of the Western Service Center Employees Association:

OGDENITE TAKES HIGH HONORS IN STATE JAYCEE CONTEST

Donald V. Peterson, a BMF Tax Examiner of Output Review Section, has been named as one of Utah's "Three Outstanding Young Men of the Year" by the Utah Jaycees organization.

Ogden's "Outstanding Young Man of the Year," the 34-year-old winner is president and founder of the United Cerebral Palsy Chapters of Weber and Davis counties and was twice chosen as the Handicapped Person of the Year by his former State of Idaho.

He is also active in the Weber County Sheltered Workshop which finds employment for the handicapped, and the Golden Spike Housing Development Corp. which locates

homes for the low income families. At the Western Service Center, Mr. Peterson serves as a member of the Equal Employment Opportunity Committee.

As a winner in the Utah State Jaycee competition, Mr. Peterson will now enter the U.S. "10 Outstanding Young Men of America" program along with Franklin D. Johnson of Salt Lake City, and E. Jay Christopherson of Providence, Utah, who were also selected as state winners.

Though confined to a wheelchair, Mr. Peterson is completely independent in his private life, living in a house trailer in Ogden, doing his own household chores and traveling about (as far away as Roy, Utah, on sunny days) in his motorized wheelchair. Born with cerebral palsy, which has required 33 major operations over the years, Mr. Peterson has overcome his handicap through his involvement in the projects which provide advancement and opportunities for the less fortunate.

Last year he traveled to Washington, D.C., for the National Cerebral Palsy convention. In 1968, the former president, Lyndon B. Johnson, presented him with an honor citation for his outstanding record in civic responsibility and public service.

Friends and co-workers report that he is not only an "involved" citizen, but he is a cheerful and expert tax examiner. His supervisor in the BMF Notice Review Unit, Marge Stephenson, notes that "I've never seen Don grumpy—not even on Mondays. His industry and independence make him a valued friend and co-worker at the Service Center."

EXPANSION OF ABM

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, March 17, 1970

Mr. KEITH. Mr. Speaker, one of the issues of greatest concern to my district and State is the proposed expansion of the ABM. Recently two newspapers in my district have published perceptive and thought-provoking editorials on this subject.

The first editorial, from the March 5 edition of the *Old Colony Memorial* of Plymouth, Mass., describes the philosophical irony of the nuclear age which the ABM underlines. In the view of this newspaper, the development of nuclear weaponry for defensive purposes constitutes a "death wish." As the *Old Colony Memorial* states:

There is no end to the evils that have been released from the nuclear Pandora's box. We resolutely shut our eyes and ears to them. But they dog our every step: as unshakeable as our very shadow.

The other editorial is from the *New Bedford Standard Times* of March 5. In this newspaper's opinion it is inadvisable to proceed with Safeguard expansion at this time. In citing the views of several distinguished Members of the other body, the *Standard-Times* sums up the most telling arguments against ABM expansion at this time:

An anti-Chinese defense is not strategically justifiable; expansion of Safeguard should await testing and evaluation of the two sites presently authorized.

Mr. Speaker, under unanimous consent, I insert the two editorials at this point in the RECORD:

## THE ABM ARGUMENT AGAIN

As widely predicted, having got its foot in the door the Defense Department is monotonously asking for more and more billions for anti-ballistic missile sites.

Yet few people seriously believe that defensive measures of this nature can ever be effective, for the reason it is so very much easier to improve delivery systems than systems designed for intervention before targets are reached.

Just as an avalanche, once it begins to move, gathers mass and velocity, so too the obsession with nuclear weaponry. It is by no means limited to the United States, this gigantic death-wish. The Russians and Chinese are similarly committed to a lemming reaction.

Meanwhile a little publicized factor has entered the picture, a development of particular interest to smaller nations previously denied participation in the nuclear arms race.

Hydrogen bombs, which are theoretically unlimited in size, hitherto have had to be triggered by great concentrations of energy provided by uranium-235 fission bombs. But technology has now reached a point where it will not be long before adequate concentrations can be provided by means of lasers. These lasers will be chemical in nature, therefore relatively cheap to produce.

What does this mean?

It means that smaller countries, earlier excluded from the H-bomb club, can now form their own fraternity. For to produce uranium-235 requires tremendous amounts of electricity, whereas this is not the case at all with chemical lasers.

Of course the newcomers will lack what you might call vectorial potential. That is, they will never be able, for economic reasons, to create a rocket industry. But, as it happens, this is not necessary. Enormously devastating effects can be secured by simpler methods.

One of these methods would be to explode the H-bomb at the bottom of the sea close to shore. One appropriately designed H-bomb exploded six miles off the Battery in New York Harbor would create a sunami-like wave nearly 700 feet high. This gigantic wave would sweep inland for many miles, drowning say, three-quarters of the 12 million people in the Greater New York area.

The bomb could be so arranged as to be set off from a safe distance, and whenever desired. A perfectly obscure small vessel in the dark of night could let it slide to the bottom for future use. By placing perhaps 20 of these underwater bombs at appropriate sites a small nation the size of Denmark could bring a United States to its knees. In such a situation the balance of terror on which American H-bomb policy currently depends would become meaningless.

Further undermining the balance of terror concept is rapidly growing Chinese competence in nuclear power. If we are alarmed by this, imagine how much more alarmed the Soviets, prime target of Chinese fear and hatred must be.

There is no end to the evils that have been released from the nuclear Pandora's box. We resolutely shut our eyes and ears to them. But they dog our every step, as unshakable as our very shadow.

If you stop to think, the effort spent on aggression by all sides compared to the effort spent on promoting peace is as Mt. Everest to a grain of sand.

You would think our presidents would strive with all their might to learn to speak the most perfect Russian and Chinese, in order most eloquently to persuade our adversaries to desist. You would think the leaders in Moscow and Peking would be responding in kind.

But not a sign of such national behavior. We all seem bewitched, in the grip of a death-wish so powerful as to be felt as irre-

versible. The prospect of universal destruction is real and immediate. No matter. Man shows no sign of being able to rise above his habitual self, his clichés and stereotypes and superficialities.

## ABM OPPOSITION BROADENS

There are growing indications, happily so, that the administration may have miscalculated the strength of the antiballistic missile opposition in the Senate in pressing ahead with what it calls a "modified Phase II" of the Safeguard program.

Noteworthy is the switch of Sen. Henry M. Jackson, Washington Democrat, who last year managed the Safeguard legislation for the administration and who recently expressed "grave doubts" about "the wisdom of moving now to the thin anti-Chinese area defense."

Sen. Jackson always has had doubts about the feasibility or necessity of an anti-Chinese system. Four of the five additional sites proposed by the administration would be designed to provide area defense against Red China.

The foundation for growing opposition to ABM in principle and its deployment and expansion in particular is based on the following arguments:

Serious doubts remain about the effectiveness of the Safeguard system. Two of the main technical arguments against Safeguard made by American scientists last year are admitted indirectly now by Defense Secretary Laird.

He acknowledges that there are cheaper ways to defend Minuteman missiles unless "the full area defense" against China is being built anyway. He also admits that the Soviet threat could actually turn out to be considerably larger than the Safeguard system is designed to handle.

As for the "full area defense" against China, Sen. Mansfield, majority leader, has noted the administration seems to be caught up in its own inconsistencies in now urging a city-defense mission for ABM which only last year it discarded as impractical.

This point—the fact that many knowledgeable people are convinced ABM will not work, will not fulfill its mission whatever that is—is the best reason for Senate rejection of the administration's proposal and this is now recognized even by many who voted for the program.

Sen. John O. Pastore, the most eloquent defender of Safeguard last year, now agrees it would be technically foolish to expand the ABM system until the two sites approved in 1969 have been "built and proven out."

This also brings up the point that the radar and computer systems needed to coordinate target locating and firing devices of an ABM battery are incredibly complex; easily upset by explosions, and that there is no way to test them fully short of nuclear war.

Even ABM's proponents acknowledge the validity of the challenge to Safeguard's radars and missiles. Last month, in testimony before the Senate Armed Services Committee, Dr. John S. Foster Jr., the Pentagon's research chief, admitted that changes are necessary in Safeguard. Specifically, he indicated that a new Spartan (long-range) missile would be needed to supplement the ABM defense and that more missiles and new radars would be needed for Phase I of the program.

Arguing against ABM expansion, Dr. Ralph E. Lapp, former assistant director of the Argonne National Laboratory, commented, "Modern weapons often fail to live up to their notices." As an example, he cited the Soviet SAM (surface-to-air missile), a radio-controlled interceptor whose technology and task are many times simpler than those of Safeguard. SAM has scored only 2 per cent "kills" on aircraft over North Vietnam.

Drs. G. W. Rathjens and G. B. Kistlakowsky, both former presidential science advisers, concluded in January, "We believe that, for the foreseeable future, technological considerations will continue to make nuclear offensive forces dominant over nuclear defensive forces."

The Senate should reject Safeguard; and certainly not expand it.

## THE NLRB VERSUS EMPLOYERS AND EMPLOYEES

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. ASHBROOK. Mr. Speaker, a recent report by the Subcommittee on Separation of Powers of the Senate Judiciary Committee confirms the charges that a number of us here in Congress have raised over the years concerning the National Labor Relations Board. Beginning in March 1968, the subcommittee held hearings for a period of 3 months and received testimony from 3 dozen witnesses, including professors of constitutional government, administrative law, and labor relations.

Attorneys familiar with the NLRB who represented both labor and management presented their views. The Chairman of the NLRB and his general counsel were heard. At the conclusion of the hearings, a respected Federal judge who is a student of administrative law gave his assessments of the roles of the agency, the courts, and the Congress. The subcommittee's findings, with one dissenting view, should prove interesting to the Board's chief victims—employers and employees.

Although supposedly independent, the NLRB demonstrated a consistent bias in its decisions. The report states:

The National Labor Relations Board has of late unreasonably emphasized the establishment and maintenance of collective bargaining and strong unions to the exclusion of other important statutory purposes which often involve the rights of individual employees. (Emphasis added.)

The findings of the subcommittee also found that—

Unions unable to persuade a majority of employees to opt for collective bargaining have been able to get the Board to impose it for them. And the Board has been able to do this by a freewheeling interpretation of the statute's more general provisions, by applying double standards, and by ignoring plain legislative mandates.

And again emphasizing the dual target of both employer and individual employees, the report states:

The Board has also, we find, in matters going beyond recognition and the establishment of bargaining, given interpretations to the statute which reflects an overemphasis on helping unions impose their will on employers and individual employees. The Board clearly believes that it knows what is best for employees and all too frequently subordinates individual rights to the interests of organized labor.

The courts, and especially the U.S. Supreme Court, receive their share of criticism in the report:

Judicial review has failed to check the Board's misuse of its power. In some ways, the Board's failures are not susceptible to correction by judicial review. Beyond that, the evidence shows that, if anything, the courts, and especially the Supreme Court, have to some extent taken advantage of the delegation of broad powers to the Board and have written their own notions of labor policy into the act.

The subcommittee's report continues:

These courts intrude upon the legitimate area of discretion assigned by Congress to the agency. They give nothing more than lip service to congressional expressions of policy and to the Board applications of that policy founded upon experience and familiar with the subject matter.

With relation to the courts, the findings conclude:

Moreover, just as Board exercise of delegated power has changed with the political climate, so some courts, again primarily the Supreme Court, tend to favor one "Board" over another and to emphasize one purpose—the maintenance of strong unions—over other congressionally endorsed goals.

Briefly, the main thrust of the report was spelled out by Chairman SAM J. ERVIN in these words:

The fact that reasonable men may differ as to the proper outcome of particular cases hardly explains why the National Labor Relations Board consistently decides such cases in the way most favorable to organized labor, even at the cost of subordinating the rights of individual employees; the fact that such cases are resolved consistently in one direction, however, justifies the inference that the tribunal is not fairly weighing all the considerations involved.

In the appendix to the majority report there is included a summary of the decisions and doctrines of the NLRB specifically relied upon as the basis for the report. The appendix follows:

#### APPENDIX

(a) Unions may call upon employees for individual discussions. If employers do so, the election will be upset.

(b) Unions may promise increased benefits as a result of their efforts, but an employer may not point out the elementary fact that adverse economic effects may result from aggressive unionism without committing an unfair labor practice.

(c) An employer's statement that unions have played an important role in the struggle for racial integration has upset an election. A union, however, has analogized its campaign for representation to the civil rights struggle in the South, depicted those who oppose unions as racist and pictured the employer in question as an analogue to brutal police, firehoses and dogs: the symbols of southern racism. The Board treated that merely as an appeal to racial pride and did not upset the elections.

(d) A union may proceed to an election without waiving pre-election unfair labor practices.

(e) The admittedly unreliable device of a card check may support a bargaining order.

(f) Authorization cards may be solicited by misleading tactics.

(g) Authorization cards from 51 percent of the employees will support a bargaining order even though Board statistics indicate this is not nearly enough—because of the unreliability of cards—to prove the union ever had a majority.

(h) Even though Congress sought to procure industrial stability by forbidding valid elections within 1 year of each other, the Board forces employers to recognize unions on the basis of a bare majority of cards a

few months after an election lost by the union. This creates industrial instability by encouraging continuous representation campaigns, deprives employees and employers of their right to a secret election, and compels employers to recognize unions which likely do not have majority status.

(i) Authorization cards are "notoriously unreliable" and may not be relied upon when two unions are competing for recognition.

(j) Decertification elections are discouraged by a number of rules.

(k) A number of Board decisions are not published and, in at least one case, the published and unpublished opinions were inconsistent, to the detriment of the employer involved.

(l) Even though the act prohibits "restraint or coercion" of employees by unions except through rules relating to the acquisition or retention of membership, the Board permits unions to bring suit to enforce union fines imposed on employees who cross picket lines.

(m) In spite of the statutory provision mentioned in (l), unions may fine members who exceed union-imposed production ceilings.

(n) The Board permits unions to discipline members who invoke the Board's own processes to obtain decertification elections.

(o) By favoring small election units where there is no organization and by disfavoring them where unionization already exists, the Board permits the extent of organization to control unit determination in violation of section 9(c) (5) of the act.

(p) The Board construes the employer's duty to bargain over "terms and conditions of employment" in the broadest possible way.

(q) Employers must in effect grant a checkoff clause to a union if they know the lack of one will harm the union. This directly violates section 8(d) which says that the duty to bargain does not require the making of a concession.

(r) Even though an agreement contains a freely bargained arbitration clause which says it must be used to resolve all disputes arising under the contract, the Board forces employers to bargain to an impasse outside the grievance procedure over issues arising during the contract.

(s) The rule in (r) applies even though the contract has a "zipper" clause which states the contract is the complete agreement of the parties.

(t) The Board has held that "informational" picketing is not covered by section 8(b) (7).

(u) The Board shows great tolerance for the language of picket signs in interpreting "truthful" in section 8(b) (7).

(v) The Board has chosen to create its own rule as to the degree of disruption necessary to lift the protection of the section 8(b) (7) (c) proviso rather than follow the language of that proviso.

(w) The Board has held that the sham of "area standards" picketing avoids 8(b) (7).

(x) The Board has held that boycotts aimed at work preservation do not violate section 8(e) in spite of the clear, precise language of that section.

#### HOW MICROCIRCUITS WILL BE USED IN CARS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. EDWARDS of California. Mr. Speaker, these days, everyone is jumping on the bandwagon against pollution, consumer protection, and product safety.

Thanks to the efforts of Ralph Nader and men like him, the country has finally realized it must face these problems squarely and do something about them. But 3 years ago, in 1967, when these issues were not fashionable or politically expedient, there were men who were already thinking of ways to improve upon a technology which had brought with it dangerous side effects. One such man is Dr. William B. Hugel, president of Hugel Industries in Sunnyvale, Calif., who, in a paper presented before the Institute of Electrical and Electronics Engineers held in Detroit in 1967 was already talking of the future and of the use of microelectronics in automobiles which would provide built-in safety in our automobiles, reduce pollution, and generally bring about a revolution in automobile technology at a cost everyone could afford.

Mr. Speaker, I would like to have Mr. Hugel's remarks included and made a permanent part of the RECORD so that people may be made aware of the possibilities of the future, which is in the hands of men like William Hugel who have the foresight and the dedication to see a better world and work for it. His remarks follow:

#### HOW MICROCIRCUITS WILL BE USED IN CARS

(By Dr. William B. Hugel)

[Figures and slides not shown in RECORD]

By 1975, owners of U.S.-made cars will be driving in a wonderful new world made possible by microelectronics. The long-range goal of an automatically-piloted vehicle traveling care-free and safely down electronically-policed highways is not likely to have been achieved by then. However, the 1975 model U.S. automobile will be loaded with electronic devices making life simpler and safer for its driver.

These devices will sense and control the temperature inside his car, keep the volume of his radio-entertainment system at a level just high enough above the noise level, tell him when he is low on fuel, oil or water, warn him when he is traveling too fast, or when another object is too close, and even sense the moisture level on his windshield and automatically turn on the wipers, keeping them at the right speed for the rate of precipitation.

All these electronic devices, and many more, (see slide 1) are possible by 1975 or earlier with microcircuits because they reduce electronics to a size and cost per function that the Detroit auto makers, and the buying public, can appreciate.

How fast the applications catch up with the potentials depends upon Detroit, a place where engineers believe in taking their revolutions one step, and one model at a time. Before the new 1967 model automobiles were even on the showroom floors, Detroit engineers were looking to 1968 and beyond. One of the questions they wanted answered was whether integrated circuits (IC's), which had previously revolutionized the computer and military electronics fields, might produce a salable revolution for them.

At the same time, engineers and marketing experts for the leading manufacturers of IC's were working just as eagerly to determine whether the automobile industry represented a profitable business to them, or whether Detroit would insist on prices so low, and performance so high, that market entry would become impractical.

#### MODEST BEGINNING IN 1968

Both groups found enough favorable evidence to warrant a development effort aimed at a modest beginning in the 1968 and 1969 models, on which some integrated options

will be offered, with a much wider application of IC's to standard features on automobiles for 1970 and 1971.

In the 1972 model year, it can be reliably estimated that between 10 and 20 IC's will be used in each car. With an estimated 10 million-plus automobiles produced, this will mean a total consumption of between 100 million and 200 million IC's that year, without including the inevitable application of IC's to car radios.

Not everyone, of course, reached agreement on the same questions at the same time. Among the automobile manufacturers, Ford and Chrysler have been the most active, and Ford seems likely to be first to introduce equipment making use of microelectronic technology—a voltage regulator expected to be optional on the 1968 model Lincolns, Thunderbirds and Mercurys. Ford's plans are to make this item standard on all its 1969 cars, assuming the price is right.

Chrysler got off to a slower start, but is now actively engaged in the development of a similar voltage regulator. General Motors turned its first efforts to an integrated regulator for heavy-duty vehicles, through a development effort at its Delco-Remy division. GMC engineers are now working on application of this and other devices to passenger automobiles.

The initial application of microcircuits to General Motors' automobiles will be through the radio. It is planned that three to five thick-film hybrid circuits on epoxy covered ceramic packages will be introduced. The production of these packages is being automated at Delco. The initial quantity is 15 to 25 million circuits for 1969, which will be stepped up close to 100 million as microcircuits are expanded into other applications in GMC cars.

American Motors has heard presentations from IC makers, but has not yet committed itself to a pilot program.

In addition to direct action by Detroit, two major suppliers of equipment for automobiles, Stewart-Warner Corp. and Leece-Neville, are actively investigating IC's for their product lines. Stewart-Warner has been working through its own S-W Microcircuits operation while Leece-Neville has issued specifications on its possible needs to the major manufacturers of circuits.

Among the IC makers themselves, Westinghouse Electric Corp., and Motorola Semiconductor Products, Inc. were active in early work as far back as 1959, with Fairchild semiconductor coming in a short time later, but in a big way. Motorola now appears to be the major contender for the Ford and Chrysler business, following break-up of the Westinghouse team responsible for that company's early efforts, and some recent change in direction at Fairchild.

Texas Instruments, Inc., despite its capability in low-priced IC's, has thus far not been active in the auto market, except for its activity in anti-skid system. T.I. says that it will concentrate most of its efforts on the computer and military markets. Other efforts will be made by Philco-Ford Microelectronics. However, this organization's efforts, like those of Stewart-Warner Microcircuits, have been centered primarily on developmental work on microelectronic speedometer-odometers and tachometers, which initially will be low-volume, optional items.

#### INTEGRATED VOLTAGE REGULATOR

It is clear by now that the first application of IC's as standard equipment in cars will be the integrated voltage regulator. The IC version will be very similar to the previously published transistor version, except that a Darlington output will be used and additional current-carrying capacity is provided to accommodate the needs of the next five years. After that time a switch to 24-volt systems will be made.

The output change was made on consideration of the trade-off dissipation versus

saturation voltage associated with the Darlington and cascade configurations. The Darlington is considered more desirable since it has a lower dissipation and saturation voltage can be held below 1.2 volts at 5 amperes.

ALTERNATOR-REGULATOR, TOTAL ESTIMATED MARKET \$9,000,000

Less than one percent are now sold as an optional item. Preliminary sales as an optional item are directed towards making this a standard unit. The electronic discrete alternator-regulator is felt to be at least three times the cost of the electromechanical version. The regulator for the alternator will eventually go inside the alternator. In the meantime a temporary module has been designed to mount externally, but directly on the alternator.

The regulator circuit controls the current through the field of the alternator, senses the voltage of the battery terminals, and varies the charge rate of the alternator. (See slide 2.)

As the voltage of the zener diode increases (1), the zener diode will breakdown and saturate the transistor prior to the Darlington pair (2). The Darlington pair (3) will be turned off, thus turning off the field current in the alternator (4). At this time the alternator output drops and the zener (1) snaps back unsaturating the first transistor (2) and thus turning on the Darlington pair (3). The full current is then applied to the alternator (4).

Without the feedback loop the circuit would go into oscillation. The feedback gives pulse width modulation for finer control.

Regulation of the 100 mv is typical for an integrated circuit version of the regulator in comparison with 1.5 volts for the electro-mechanical version.

A negative temperature coefficient is preferred for the regulator. The unit will sell between \$1 and \$2. A typical price schedule for the regulator would be 15,000 at \$7, 50,000 at \$3.35, 15,000 per day \$1.

The Fairchild regulator was to be a module with gradual phasing in of thick film hybrids. The Westinghouse approach was monolithic. The feeling is that eventually this unit will go monolithic at least at Ford and Chrysler.

The companies most likely to be candidates as suppliers include Westinghouse, Fairchild, Motorola, Philco, Delco, General Electric and Bendix.

The users will be Ford, General Motors, Chrysler, and Prestolite. Resistors and diodes can be used to provide the necessary temperature compensation.

It will probably be mounted on the alternator in the form of a block approximately 1.8 x 0.4 inches in size, which bolts against a flat machined surface of the alternator. Three alternator terminals pass through the block and are connected to the regulator circuit within. The bottom of the block is formed by a flat metal plate on which the silicon chip is mounted, conducting heat away from the chip to the alternator casting.

At this point, however, Detroit engineers are still considering possible alternative approaches to mounting the package.

Although the Ford and Chrysler specifications are similar in many ways, they differ enough to create headaches for IC manufacturers going after both customers.

Ford's engineering specification for the voltage regulator states that the maximum field current is 5 amps at 75 degrees and 7 amps at minus 40 degrees F., whereas Chrysler specifies a maximum field current of 3.5 amps across the environmental temperature range of -20° F to 230° F.

Chrysler specifies frequency at 2500 rpm, whereas Ford's figure is 50 to 5000 cps. Maximum allowable voltage variation is the same for both specs, 0.3 v.

Differences in temperature compensation and voltage requirements can be seen by

studying the voltage curve from Chrysler's specification and comparing it with details from Ford's requirements, as shown:

#### Chrysler

14.35±.20V at 40° F.  
14.1±.1V at 80° F.  
12.9±.45V at 220° F.

#### Ford

15±.3V at -40° to 120° F.  
13.2±.3V at 200° to 275° F.  
14.15±1.15V at 120° to 200° F.

Delco-Remy's work on a similar voltage regulator for heavy duty trucks, coaches and off-road equipment is of great interest to the IC manufacturers. Even though it represents a smaller market in terms of volume, pricing is not considered as critical as it will be on passenger car design and, therefore, the profit potential may be higher on a per unit basis.

Delco-Remy has indicated it would like to have the voltage regulator on 1968 models of General Motors' heavy duty vehicles, and can use a minimum of 40,000 2.8 ohm field circuits, and 25,000 1.4 ohm field, 12 and 24 volt units next year. Delco-Remy estimates go as high as 130,000 maximum for such circuits.

Delco-Remy has told potential suppliers that IC prices need to equal the cost of present discrete components and labor which suppliers consider a much easier objective than that set by Ford and Chrysler.

#### ELECTRONIC TACHOMETER

Another function likely to appear as an optional feature on some 1968 automobiles is an electronic tachometer utilizing IC's.

Tachometers made with IC's have already been built using a direct-coupled-input, high-drive monostable multivibrator, such as the Stewart-Warner circuit (in Slide 3). Units of this type have already been produced by both Stewart-Warner and Westinghouse and operated experimentally in the Chrysler and Ford families of cars. (The IC block is shown in Slide 3a.)

In the tachometers application, the multivibrator receives its input pulse from the automobile's distributor. The multivibrator output sends a current pulse through the tachometer. The more often it is pulsed, the higher will be the average current flow through the tachometer.

The original equipment tachometer market is now estimated at less than one percent. One of the larger applications for tachometers will be in sports cars. Sales for the Mustang "rally pack", which includes a tachometer, are estimated at 100,000 for this model year.

IGNITION SYSTEM, TOTAL ESTIMATED MARKET \$30,000,000

Ford has already developed and approved a variable coupling contactless ignition using discrete germanium devices. It will, probably be offered as an option on '68 or '69 models, replacing the contact-actuated transistorized ignition system offered as an option since '63.

The pickup used in the newer Ford system for timing and triggering is the variable reluctance type, although other mechanisms, such as Hall, generators, lamps and capacitive pickups have been considered.

The portions of this system that hold greatest promise for application of microcircuits are the power circuit and the pre-amp section that amplifies and processes the signal available from the pickup, and furnishes the proper drive current to the series switch. The latter trigger circuit is most likely to find acceptance in integrated form by Ford and Chrysler. The latter is also working on a contactless system. Indications are the power circuit cannot be produced at a low enough price at this point. (This drive circuit is shown as a block diagram with some of its characteristics in Slide 4.)

Ford and Chrysler seem to place similar requirements on their contactless system circuitry, with some tough specs including:

operate in the 255°F area on the high side, but also operate at sufficiently low temperature to permit cold weather starts; withstand vibration at 10g from 0 to 1000 cps; be mounted inside the distributor, and operate so that distributor speed does not affect its firing.

As for price, both companies have indicated a willingness to pay a \$5 price penalty over conventional systems, a difficult objective to meet using IC's for both the power and drive circuits. The logical compromise, at this price premium, would be procurement of a trigger mechanism in an integrated package with an output of 0.5 amp to drive a transistor which could be rated at 400 volts and 4 amps.

The preamplifier will start as either a thick film hybrid or a monolithic circuit. Cost estimates for the thick film, hybrid portion range from \$.75 to \$1.50. There is a high probability that the preamplifier will eventually become monolithic. The zener may remain discrete, or it may be incorporated into the integrated circuit.

This electronic system presently costs \$10 more than their standard system. Even at \$5 more, it will be attractive to Detroit. If the power transistor could be produced for \$2 or \$3, this objective could be met. It is felt that the electronic ignition system will eventually cost \$3 with the power transistor at \$1. Delco is the only manufacturer of a power transistor that comes close to meeting the cost and performance.

#### COMPLETE ENTERTAINMENT SYSTEM

One prospect representing a large field of application in itself is a complete audio entertainment system, including AM and FM radio and a stereo tape recorder, which could be accomplished with eight packages. A ninth would make possible a volume level control, keeping the sound system a pre-set db level above the noise level of the car. For such a system to be considered by Detroit requires a considerable breakthrough in the price of linear IC's. But, Detroit finds the concept a good potential sales feature, and is willing to listen to any reasonable proposals.

General Motors is gearing up to produce 20 million integrated circuits per year at their Delco-Remy division for the entertainment system. These circuits will be thick film hybrids. One circuit, the audio-amplifier, has been offered to outside producers, if they will give GM a price of \$1.35.

#### MULTIFUNCTION PACKAGES

Another prospect is the combining of a number of functions into one complex package, which could cut costs. Control of the turn indicator, for example, is in many cases only practical as an integrated function if it can be combined with other functions in a single IC package. The flasher in the Thunderbird and Cougar is a notable exception. Discrete integrated circuits using RTL will be introduced by Ford in 1968 or 1969 models for the turn signal flasher. These are now made from relays. Eventually this module will be replaced by a single chip device possibly using MOS. (The RTL version is shown in Slide 5)

The logic diagram in this slide illustrates the use of proven, low-cost RTL circuitry to generate a turn signal sequence. Because of the logic flexibility inherent in RTL, a minimum amount of circuitry is needed to interface the logic portion of the flasher with its lamp drivers.

The desired turning sequence is shown in the timing diagram. Also shown is the emergency sequence, which flashes only the front parking lights and outside rear brake lights.

Many of the sensing functions considered desirable on an automobile could be performed by the development of a new micro-circuit solid-state relay (of the type shown in Slide 6a).

This type of static relay would permit the use of a wide variety of sensors, and be sta-

ble with line voltage and temperature variations. (See slide 6b)

A typical application for such a circuit would be in a combined control for air conditioner and heater (see slide 7).

The systems could be used for a variety of other control functions in which RA and RB could be thermistors, photocells, etc. (See slides 6a and 6b)

#### SAFETY AND PANEL INDICATION FEATURES

There is a strong desire on the part of the automotive companies to provide an indication scheme to show whether seat belts are fastened, doors are locked, the hood is firmly latched, etc. There might be an indicator light that would show trouble if the safety conditions were not met. An even more satisfactory approach from the car manufacturers point of view would be a specific indication of where the trouble existed.

Similarly, indication of engine temperature, fuel level, water level, battery charge, etc., could be handled in the same way. The automotive companies appear willing to pay \$1 per feature. The total number of features might be 8 to 10. (One such scheme is shown in Slide 8.)

At the present time Ford has road tested in company executive cars, a system using a positioning motor which holds a display of the possible trouble areas. When the signal is received from the trouble spot, the motor is stopped at the proper display.

#### SPEEDOMETER-ODOMETER ESTIMATED MARKET \$20,000,000 AND UP

The speedometer-odometer is one of the major devices being pushed by Detroit for early adoption in the automobile. Several complex systems including MOS arrays with Nixie tube displays are being considered. The more complex systems may incorporate safety features such as anti-skid systems or speed warning systems.

It is felt that a simpler electronic subsystem will be adopted initially since a \$5 cost figure will have to be met for any substantial market penetration. Market estimates indicate that at \$5, 2,000,000 speedometer-odometers would be sold. At \$2, the item would be standard, thus sales would climb to 9,000,000 or more.

Simple counter systems have been proposed for the odometer. The speedometer circuit would be based on the use of a monostable multivibrator, and be similar to the tachometer circuit attached. If a standard unit is produced for all models, difficulties arise in both cases in connection with adjustments to the different wheel sizes. Consideration would be given to systems in which either an electronic speedometer would be combined with a non-electronic odometer, or vice versa. Ford has recently decided to purchase an odometer composed of an electromechanical pick-off for the standard mechanical cable. This odometer is produced by Bendix and will be mounted on the 1968 Fords.

#### FUEL INJECTION SYSTEM

The fuel injection system is considered important in terms of better control over the carburetor and carburetor fumes. However, in the views of the Hugel experts, such a system will not be adopted within the next five years.

#### WINDSHIELD WIPER

Most windshield wiper activity is directed toward obtaining a satisfactory speed control. In this application, a discrete power transistor for the motor with a continuously variable or pulse control system.

#### RAIN SENSOR

The principal interest in rain sensors is for application to convertibles. However, an additional market may exist for cars using electric or electronic window controls.

#### AUTOMATIC HEADLIGHT DIMMER

There is a need for improved performance in headlight dimmers. The present photo-

cells which are generally CdSe or CdS are far less stable than Silicon photocells. It is believed feasible to build a Si photocell into the preamplifier block thus improving performance at a minimum increase in cost. Such a development program does not carry a high priority at this time.

#### ANTI-SKID SYSTEM

A logic system has been designed to detect when the automobile will go into skid mode and then to make suitable adjustments to bring the automobile out of it. This system may be tied in with the speedometer-odometer. In this system, a differential speed on the two wheels is detected and fed to the braking system.

Such systems have already been developed for aircraft landing gear and for heavy duty vehicles. In these systems they use a sensing system which feeds into SCR's. The Anti-Skid system has gone out for bids from most automobile companies, and will be introduced into 1969 models as an important safety feature. Texas Instruments is now building prototypes of one model.

#### ADDITIONAL SAFETY FEATURES

A safety application now receiving considerable attention by the auto industry is that of communicating with the automobile driver via car radio. The initial version is likely to consist of a tone signal on one of the four authorized FM subcarrier channels allowed commercial stations operating in the FM band. The detected subcarrier tone causes the flashing of an indicator lamp on the car dash informing the driver road hazard information is being transmitted. The driver then pushes a special (in that it is reserved for this use) push button on his car radio which tunes in the warning. Since the warning signal is on a low power FM multiplex channel on commercial frequencies, little additional cost is involved in added parts to a conventional automobile AM/FM radio in this system. A cost in volume production of less than \$5 is predicted. This system is likely to be followed by a system where the driver can, by push button, interrogate two or more subcarrier channels for road information, weather, directions, etc. This latter system is now technically practical and economic from the automakers point of view, but is not likely to be developed until the late 70's because of the high cost of installing the communication and transmitting equipment which requires public funds. The funds are not yet available for the implementation of a system such as this.

Linkage between the accelerator and the speedometer is available as an option on the 1967 Thunderbird. This system limits car speed to a maximum speedometer speed which is set by the driver. The car speed can equal, but not exceed, this maximum rate until reset by the driver. Future additions of electric odometers and precision electronic gas gauge/gas metering system will allow read out of gas consumption in terms of miles per gallon as an option. This option along with the electronic engine tachometer may force not only a change of driver habits, but also force engine and transmission designers to seek more efficient gas consumption since vehicle performance will be continuously available to the driver.

#### TRANSMISSION

General Motors is planning to introduce an automatic transmission using integrated circuits in 1971 which will use 4.5 to 5 million integrated circuits in 1971 to replace the present hydraulic system. This would be a simplified version of the Chaparral type electronic transmission system. In the Chaparral system the computer determines optimum gearshift conditions, after integrating information on speed, tachometer rpm, manifold pressure, torque, tire pressure, and other factors.

General Motors believes it leads the way to a safer and better transmission, and that

a scaled down version will offer economy as well.

The Chaparral version is accomplished with 22 devices, such as gates and flip-flops. The circuitry now costs about \$35, but GM/Delco hopes to get the cost down by 1971 to about \$4 per unit, and will put it into production models when the price range is reached.

#### WARRANTY AND FIELD FAILURE RATES

The automotive companies are willing to pay a temporary price premium in order to improve field failure rates. For example, the automotive regulator has \$.07 added to cover field repairs. If field failures can be reduced or eliminated, all or part of this can be added to the purchase price of the electronic component.

In case of higher reliability parts, the automotive companies are willing to pay a premium during the first year if the projected cost by the third year is at least as good as the part being replaced.

#### HEAVY DUTY VEHICLE MARKET

Some items that cannot be introduced immediately into the passenger car market may be introduced first into trucks and busses. The maintenance cost in this area is high. While the speedometer-odometer is being pushed very hard for passenger car application, it is being pushed even harder for use in heavy duty vehicles.

#### DIAGNOSTIC FACILITIES AND COMPONENTS

The recent introduction of the "Automobile Diagnostic Center" by Ford Motor Company heralds a new era in automotive repair. The economic success of these centers is already proven although these centers are only able to accurately analyze a small portion of the faults encountered in modern automobile sub-systems. As 1968, and later model cars include sub-systems such as electronic voltage regulators, fuel warning systems, anti-skid control, speedometer-odometers and other electronic devices, these centers must become very complex. A computer of some sort will obviously be used to analyze and diagnose automotive ills, including the tronic devices.

The principal problem faced by tomorrow's center will be in the time required to connect the computer to the automobile sub-systems. It seems logical to expect that manufacturers will be forced to build in plugs wired to monitor points of the electronic sub-systems. The manufacturer will also permanently install transducers, such as pressure to voltage, in the transmission and perhaps the cylinder walls and wire the transducer to a plug, if the transducers can be obtained sufficiently inexpensively.

The manufacturers will be forced to this additional expense because (1) the additional complexity cannot be handled economically, even by an up-graded service facility, (2) a diagnostic computer can be easily and speedily connected via plugs to monitor the entire automotive system. The economics may be such that the manufacturer will recover the additional costs and make money on the service system.

In summary, there is a substantial market for wire harness plugs, and inmonitor type transducers in future models cars.

There will be systems for traffic control, systems for law enforcement, possibly even an automatic computer system to control the speed of a car based on actual conditions, and take such complete charge that it will calculate the proper speed at which to take curves based on inputs provided from the road itself.

All of these offer much wider application of IC's.

Last year (1966) Raytheon Co. began to develop electronic devices which will measure such things as the gap between cars in traffic. The project is funded by the Federal Bureau of Public Roads and calls for a highly precise optical rangefinder and asso-

ciated data-handling equipment. The potential for expanded systems of this type would appear to include law enforcement. Results of the experiment could stimulate the design of electronic control systems for traffic.

Both the Bureau and Raytheon insist the purpose is not for law enforcement, but merely to attempt to study and record normal driving habits. "The rangefinder will be used to study how the driver locates himself in time and space, and what the processes are by which he controls his vehicle," according to Raytheon spokesman.

The project will encompass, for example, car speeds, brake and gas pedal use, traffic density, tailgating habits and gas consumption, all from inputs fed into the data handler through an optical rangefinder disguised as a headlight of the test car.

#### AUTOMATIC VEHICLE GUIDANCE

Still further down the road, but already a project at General Motors, working with Baldwin Electronics, is the complete automatic control system which includes automatic vehicle guidance, speed control and obstacle detection.

The system was first proposed by General Motors about seven years ago, but has been mostly a dream since then. The expense would have been enormous as originally conceived, with one lane on every super highway specially equipped as the control lane and control equipment every few miles along the road.

The roadside control equipment included obstacle primary and steering signal, 30 and 60 mph command signal equipment, light signal amplifiers and obstacle amplifiers, all of which were bulky. The control package designed for the vehicle itself, even with transistorization, was still too large for mounting on cars, and too expensive on a cost-per-function basis.

But, all of this equipment can now be integrated, and becomes much more feasible in view of the cost and size reductions made possible by microcircuits. GMC has stated, in fact, that in its original concept, equipment on the car itself had to be held to a minimum because of the lack of adequate sensing equipment to fill the need. It is likely that development of integrated sensing units will, therefore, bring about some new thinking by both the automakers and the Bureau of Public Roads.

Even motorcycles can be a potential market for IC's. (In Slide 14, a motorcyclist is photographed from the rear showing helmet-mounted sequential directional signals controlled by a thumb switch on the handlebars. The connections to the helmet are quick-break for ease in dismounting. General Electric, whose engineers developed this prototype, do not expect the market for two-wheeled vehicles to be half as big as the one for four-wheeled vehicles, but they obviously are not missing any opportunity to apply microcircuits in the automotive industry.)

It is reasonable to wonder, if the potential use of IC's in cars is so vast, why the automakers themselves do not enter the IC business in a bigger way. Ford's purchase of the General Microelectronics operation was a recognition of the requirement for an in-house IC capability. Unfortunately, the integration of General Microelectronics into the existing Philco Semiconductor organization has resulted in the loss of a number of key people. It will be sometime before the Microelectronics Division of Philco-Ford is in a position to supply all of the IC requirements of the Ford Motor Company.

General Motors, through its Delco Division at Kokomo, is active in establishing product capability for thick film circuits for the car road. It will be at least two years before this capability can be brought on stream. In the meantime, GM is attempting to buy these very same components on the outside.

That leaves the major potential at this point solely in the hands of the few major

suppliers who have actively pursued the market: Fairchild, Motorola and Westinghouse, all of whom have received actual orders from either Ford or Chrysler, or both, for as many as 150,000 units.

Recently Texas Instruments and General Instrument have become more actively involved in this market. In certain applications, such as the ignition system where power devices are required, other companies such as Bendix may enter more strongly. Fairchild, while deeply involved, has begun to back off due to the comparatively low prices in the automotive field. It is believed that they are not seriously planning to re-enter the market for one to two years. Motorola is the clear leader for the automotive IC business at this time. If they can see the possibility of making a profit, however modest, they will pursue the market very actively. The automobile manufacturers, for their part, are prepared to accept an increased price during the first year of as much as 50 to 100% for an IC replacement over its electromechanical predecessor, if they can come out even the second year, and the cost is projected to be lower in the third year. Their experience with the automobile rectifier, which had this type of price history, gives them sufficient confidence in this type of price decrease with quantity.

Despite the confidence of all three IC suppliers, recent studies indicate that they and their competitors will have their hands full by 1970, just meeting the demands of the military, computer, industrial and consumer goods market.

#### THE ELECTRIC CAR

Many of the products described above would be equally applicable to the electric car. Many others would be made obsolete by the advent of the electric car, such as the voltage regulator or the contactless ignition.

No discussion of electronics in automobiles would be complete without consideration of the electric car. Considerable activity is going on in this field at the present time, and much of it is overseas. (Slide 15 illustrates some of the electric cars under development in Japan where the motivations for its development are very high.) The single most important Solid State device that will be used in the electric car will be silicon controlled rectifiers.

#### A COMPLETE CIRCUIT

(Figure 16 shows the complete circuit of a DC motor vehicle including reversing function and a fail safe feature.)

The reversing function i.e., reversing of current through the field is shown using switches. Contactors can, of course, be used instead. Current limiting can readily be added by sensing the amplitude of the current pulses and backing off the "on" time of the SCR accordingly. A "fail safe" contactor is shown and should be a part of every DC motor drive because of the fact that when in unlikely, isolated cases transistors and SCR's fail, they do so by shorting, i.e., full speed ahead. The "ignition" switch and the "accelerator" variable resistor are the only external controls needed.

(Slide 16 shows the turn-off circuitry as a part of the control block into which it can very easily fit. This illustrates one of the great merits of the SCR controller: it consists of three components, the SCR, the capacitor, and a plug in, easily changed box containing all the rest of the components. Thus, servicing is easy and components can be placed in any convenient corner of the vehicle. This simplicity, combined with high efficiency, smooth control and the low inherent cost, places the SCR controller well ahead in the progress of the electric vehicle.)

The present belief is that the electric car has a high probability of becoming a second car for the average American family. It does not yet seem to have the capability of having the long range required for a first car. System considerations permitting easy charging,

such as in the StaRR car, or the suggested use of parking meters for recharging could change these considerations somewhat.

Finally, the success in controlling the smog output of the internal combustion engine may be a major factor in some areas, such as California, in the ultimate decision between the electric car, and the gasoline car.

#### CONCLUSION

Only one conclusion can be reached. Unless new sources of supply are developed, price-conscious Detroit automakers will continue to insist on paying low prices, and will find themselves the first to be cut off the priority list when supply cannot meet the demand.

#### WHAT DOES ALL THIS MEAN TO YOU

Several significant conclusions of general application to the electronic industry can be gleaned from the coming widespread application of microelectronics to automobiles.

1. The automotive industry represents one of the major fields of use of microcircuits, but it is by no means the only large one. It is typical of several fields generally overlooked by those who have been predicting 800 million to 1 billion circuit output by 1970. Based on the estimated application of IC's, this overall estimate is conservative.

2. One of the major opportunities for introducing IC's in industrial products, and competing in cost, is to perform functions in the equipment through one package as exemplified by the use of the same packages for the speedometer, tachometer, odometer and electronic clock functions. (The circuit shown in Slide 6a and 6b is a prime example of a circuit that can be used repetitively in many industrial and commercial applications outside of the automotive field. Several packages of this type with a number of these relays contained inside of them, could find very wide application in equipment controls, home controls, etc.)

3. With a sizable industrial and commercial market being added to the already large military use of IC's, the ability of the industry to produce enough and maintain reasonable quality, is questioned. Indeed, even with the doubling of capacity each year, it is felt that suppliers may not be able to meet the demand for microcircuits in the early 1970's.

#### CAMPAIGN GM—III

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. ROSENTHAL. Mr. Speaker, in earlier extensions I have outlined the goals of the Project on Corporate Responsibility in its Campaign GM. Briefly, these goals are to ask from the Nation's largest corporation a positive response to the question: "Are you willing to devote a reasonable proportion of your resources and time to the urgent problems of auto safety, air pollution, consumer protection, and corporate justice which your corporation's predominate position and specific responsibilities demand?"

Last week, I included in the RECORD the statement of Campaign GM organizers which they issued when General Motors Corp. rejected the initial requests to include matters on corporate responsibility at the annual stockholders' meeting to be held on May 22, 1970.

Today I include below a letter recently submitted by Campaign GM to the Securities and Exchange Commission which takes exception to General Motors' total-

ly negative response. This letter cites, in detail, the errors of the GM position and asks the SEC to require General Motors to put these matters before its stockholders:

MARCH 10, 1970.

Re: General Motors Corporation.  
SECURITIES AND EXCHANGE COMMISSION,  
Washington, D.C.

DEAR SIR: This letter is sent in opposition to the documents delivered to the Securities and Exchange Commission by the Management of General Motors Corporation, dated February 27, 1970, with respect to nine shareholders' proposals submitted by the Project on Corporate Responsibility to General Motors. We request that the Staff inform General Motors' Management that the S.E.C. proxy rules require General Motors to include the proposals in Management's proxy statement. It is respectfully requested, further, that if the Staff disagrees with this position, we be given the opportunity to personally discuss this matter with the Staff and, if necessary, with the Commission.

Initially we observed that the questions involved in these shareholders' proposals are important and novel issues. This is noted by General Motors, as seen in the letter from Ross Malone to General Motors Corporation in which he states (on page 27) with regard to one of the proposals, "the proposed committee, its composition, appointment, purpose and functions, is no more than a concept, without precedent, that I know of, in corporate law." It is acknowledged that this proposal and some of the others lack precedent in corporation law; this does not diminish their importance or their appropriations for consideration by shareholders, nor the fact in our opinion, that their inclusion in Management's proxy statement is acquired. There has been a crescendo of concern expressed by thoughtful businessmen and scholars in recent years concerning some of the issues that are raised in the shareholder proposals. Doubtless, other companies will face demands from their shareholders that the corporation take constructive measures to deal with the particular problems of those companies, even though it is a departure from normal behavior and may be a step without precedent.

It should be borne in mind that what is requested at this time by the Project on Corporate Responsibility is only that the shareholders have the opportunity to consider the various proposals and to vote upon them. If General Motors Management loses the argument now presented to the Commission, they will still have the opportunity to persuade the shareholders that the arguments made by the Project on Corporate Responsibility are without merit. If, on the other hand, General Motors Management prevails in their arguments, they will prevent the shareholders from having an opportunity to even consider the questions. It was in recognition of that fact that the Commission stated, when it released amendments to the rules in 1954, that the burden of proof was on Management when it sought to exclude shareholder proposals. S.E.C. Release 34-4979, February 6, 1954. Chairman J. Sinclair Armstrong told a Senate Committee in 1957 that "doubts are resolved in favor of the stockholder and the Management is required to include the proposal in the proxy material." S.E.C. Enforcement Problems, Hearings before Subcommittee of Senate Committee on Banking and Currency, 85th Congress, 1st Sess. 118 (1957).

It must be recognized that Management's proxy statement is the only effective vehicle through which all of the shareholders can have an opportunity to express themselves, and even to hear any arguments on the questions involved. It is too glib to say that the

proponents of the resolutions can undertake their own proxy solicitations. As Management well knows, the cost is virtually prohibitive except to extremely well heeled shareholders; postage alone of a single one ounce mailing is approximately \$100,000. This is no ordinary dispute with Management; it is not an effort by insurgent shareholders to seize control of the corporation. If it were so, one could justify large expenditures because the individual rewards are great and because, if successful, the insurgents could obtain reimbursement of their expenses from the company. The issues here lack that personal pecuniary bias. Denial of access to the shareholders through Management's proxy solicitation, practically speaking, is total denial. To prevent shareholders from communicating with other shareholders through this most and, indeed only practical method, comes close to denying the proponents of the resolution their Constitutional rights of free speech.

#### COMPLIANCE WITH PROXY RULES

General Motors Management asserts that there has been, and threatens to continue to be, an unlawful solicitation of proxies on behalf of these resolutions and that appropriate remedy for such unlawful behavior is the denial of inclusion of these resolutions in Management's proxy. The suggestion, on page 11 of Mr. Malone's letter, that there will be further violations, is without any foundation. It is true that the proponents of the resolution intend to communicate further with respect to the proposals, but any communication which constitutes a "solicitation" will be in compliance with the proxy rules. The Commission Staff was so advised on February 17. Proof of this intention was clearly furnished when a proxy statement was filed on March 6.

Management's documents argue, on page 11 of Mr. Malone's letter and page 5 of the letter from Davis, Polk & Wardell, that the proxy rules permit stockholders the choice between either soliciting proxies on the basis of their own proxy material or exercising the privilege under Rule 14a-8 to include their proposals in Management's proxy statement and to forgo any other solicitation. There is no authority for this position. Certainly there is no reason for any such policy. This interpretation could restrict proponents of a resolution to a total of 100 words in support of a resolution, regardless of its complexity, importance or interest to shareholders, while not restricting the extent of the campaign which Management could wage against the proposition. Of course, if the idea of a rule permitting shareholders to make a proposal through Management's proxy statement is intended to be nothing more than a sugar pill without any real substance to it, then perhaps it is appropriate to say that having chosen to speak in that way, the proponents of a resolution are prohibited from saying anything else. But, it appears that the rule is intended to have real substance, and to be a device whereby ordinary shareholders can communicate with their fellow shareholders in situations, such as the instant one, when the extraordinary expense would prevent them from doing so. However, the use of this device does not suggest that additional communications may not also be made, so long as there is compliance with the proxy rules.

Neither S.E.C. v. Dyer, 180 F. Supp. 903 (E.D. Mo. 1959), *rev'd* on other grounds, 291 F.2d 774 (8th Cir. 1961), nor Professor Loss supports Management's contention. In Dyer, the shareholder succeeded in placing several proposals in Management's proxy statement and then attempted to solicit in support. He was advised by the Director of the Division of Corporate Regulation to refrain from doing so "without prior compliance" of a Commission order, 180 F. Supp. 903, at 906. This explicitly acknowledges that solicitation in support of a proposal in Management's

Footnotes at end of speech.

proxy statement can be carried on. Clearly, that is all Professor Loss says on p. 901 of his treatise.

However, we recognize what may be construed to be a problem. The proponents of the resolution will engage in lawful solicitations by means of a proxy statement and supplementary material, including advertisements. Any proxies they furnish will be accompanied by a proxy statement. Since funds are inadequate to mail to each shareholder a copy of a proxy statement, some shareholders might see supplementary statements without having seen the proxy statement, but they would, nonetheless, be furnished with a proxy through Management's proxy statement. Hence, one could be inclined to argue that inclusion of proposals in Management's proxy statement must preclude any solicitation on their behalf.

In our view, the sound administration of the proxy rules which has characterized the Commission's enforcement will militate against construing this combination of solicitation routes to be in violation of the rules. No proxy form will be furnished by the proponents except when accompanied by a proxy statement. Advertisements will invite readers to request a proxy statement. A broad dissemination of the proxy statement will be attempted by giving copies to brokers, bankers and others. It is true that the proponents' proxy statement will not accompany Management's proxy, but shareholders will see only a short statement in support of the proposal alongside Management's fuller statement in opposition. There is no possibility that the proponents will be able to use this situation to their unfair advantage. Rather, the additional solicitation can clarify the issues on matters of considerable importance, while allowing the maximum number of shareholders to vote.

Too many reasons favoring widespread communication with shareholders point to an interpretation permitting the proposed solicitation route. Further, the policy favoring this view may have limited applicability because of the enormity of General Motors, rendering a general solicitation prohibitively expensive, and the fact that this is not a contest for control. The Commission would not be opening the doors to a widespread use of a new method of solicitation.

We submit that Management is wrong in its contention that there has already been a solicitation. There are, of course, communications which are "solicitations" and those which are not. We contend that no communication made with respect to the proposals has been in violation of the proxy rules. Three communications are mentioned by Management's documents: a press conference by Mr. Ralph Nader on February 7, an appearance on the television program "Face the Nation" by Mr. Nader on February 15, and a press conference by the Project on Corporate Responsibility on February 21. No solicitation was involved in any of these communications.

The supporting legal opinions attached by General Motors fail to mention *Brown v. Chicago Rock Island Pacific Railroad Company*, 328 F. 2d 122 (7th Cir. 1964). This is the only case on the issue of "solicitation" which bears factual resemblance to the issues here. Under its objective test, no "solicitation" occurred here. See Aranow & Einhorn, *Proxy Contest for Corporate Control*, 103-4 (2d Ed. 1968).

No votes were sought from shareholders; the remarks were addressed to a constituency far broader than shareholders but who, like the general public in this matter, had an interest in the outcome of the questions presented; the meeting at which these questions would be decided was more than three months in the future, and it was not intended to obtain votes at that time, although votes were to be sought later. It should be noted that the Commission submitted an

*amicus* brief in *Rock Island* arguing for a broader reading so as to label any communication linked in some way to a proxy request as a solicitation, but that view was not accepted. While in principle the broad reading given "solicitation" by *Studebaker Corporation v. Gittlin*, 360 F. 2d 692 (2d Cir. 1966) may be sound, closer factual links are necessary than found here to come within the ambit of the rules. The Commission, itself, retreated from a broader reading of "solicitation" when it adopted the present definition. An earlier proposed definition would have included speeches addressed to the general public, but this was deleted from the final rule. S.E.C. Release 34-5212, August 23, 1965.

*S.E.C. v. Henwood*, CCH Fed. Sec. C Rep. §91,125 (S.D. Calif. 1961), modified and aff'd sub nom *Henwood v. S.E.C.*, 298 F. 2d 64 (9th Cir. 1962), is not at all analogous, as suggested by Mr. Malone (p. 9) because the case involved a clearly dishonest attempt by the real participants, seeking personal control of a company, to conceal their identity. All that is charged here is a failure to file the documents attached by General Motors to its exhibits.

Moreover, the remarks on two of the occasions were made by Mr. Ralph Nader, who is not a coordinator of the campaign. Mr. Nader is a long standing critic of the Management of General Motors Corporation and, to some extent, there is a natural alliance between Campaign GM and Mr. Nader. Mr. Nader commands a national audience when he speaks about General Motors, and he has for a long time, and that fact has nothing to do with any proxy solicitation. However, the suggestion made in the opinion of Mr. Ross Malone on page 12 of his letter that the purposes of *this campaign* is to redress a personal claim or redress a personal grievance is patently ludicrous. The text of the remarks and of the radio broadcast, furnished by General Motors, do not support any of Management's conclusions about the past or future conduct of the campaign. We further note that the Face the Nation comments were in response to questions, and that type of communication is clearly not required to be filed under Rule 14a-6.

Even if one assumes that an unlawful solicitation has been made, then the remedy of exclusion of the proposal from Management's proxy statement is a wildly inappropriate remedy. In essence, Management argues that because the proponents spoke too soon, the remedy is to cut out their tongues.

When a campaign has been launched by a press conference, the Commission's usual approach is to advise the interested persons that the Staff is watching developments, and to note the possible applicability of the proxy rules to their activities. Curtailment of solicitation is not called for in this instance. See Memorandum by Harvey Thorson, *Note on Conduct of Proxy Contests*, April 1, 1963.

It is interesting to note that the violation of the proxy rules alleged by Management concerns only Rule 14a-6, a failure to file the materials. There is no suggestion in any of the documents furnished by Management that the material violated Rule 14a-9 which prohibits the use of false or misleading statements. Consequently the imposition of an extreme sanction, for which no authority is cited, if ever appropriate would certainly not be suitable for this instance.

The Courts recognize that restrictions on solicitation is "stiff medicine" to be used only where the solicitation involved a materially false or misleading statement. *General Time Corporation v. Talley Industries*, 403 F. 2d 159 (2d Cir. 1969). A reading of the cases, generally, supports the view that injunctions have been issued not as a result of failure to file soliciting material under Rule 14a-6, but only when a materially false or misleading statement violated Rule 14a-9.

The remedy sought by Management is comparable to the injunction; in any event, it is hard to imagine a stricter remedy which could be advocated. Indeed, Management seeks to impose this sanction on its own motion by announcing its intention to deny to the proponents the use of Management's proxy statement.

#### PURPOSE OF SOLICITATION

With respect to all of the proposals, Management argues that they were submitted primarily for a purpose which permits their exclusion. It is our understanding that Rule 14a-8(c)(2), which permits the exclusion of shareholder proposals when "it clearly appears" that they are submitted "primarily for the purpose" of promoting "general economic, political, racial, religious or similar causes," is designed to keep out of the forum of a shareholders' meeting those matters which are beyond the scope of proper corporate action. Thus, one may not use Management's proxy material to urge shareholders to express themselves with regard to the antitrust, tax or labor laws. See S.E.C. Release 34-3638, January 3, 1945. However, the particular proposals submitted to General Motors are raised in the proper forum since they deal with activities of great importance to General Motors and its shareholders, bearing directly on the long range future of the corporation.

The clearest indication of the appropriateness of discussion and resolution concerning these activities is the fact that Management has gone to great lengths to set forth the company's activities in these areas. The proponents of the resolutions believe General Motors' activities in these areas are entirely inadequate, and the resolutions proposed best serve the long range profitability of the company. However, we will not argue these points now, since that deals with the wisdom of the resolutions and should be settled by a vote of the shareholders. Much of Management's argument tries to demonstrate the lack of need for adoption of the resolutions rather than whether they should be submitted to the shareholders. Their argument should, instead, be made to the shareholders at the annual meeting.

Presumably, Management is pursuing the activities described in its Exhibits I-VIII, and on pages 17-26 of Mr. Coombe's letter because it believes they are a necessary part of the company's operations. It is astonishing, then for Management to conclude (page 17 of Mr. Coombe's letter) that when the Project on Corporate Responsibility requests that these same concerns be submitted to the shareholders for action, that it is doing so not for any corporate purpose but out of concern for general problems. Whether Management should expend time and resources, for example, to build a safer automobile is not a question of general economic or social policy, but it is a matter of social and business concern directly related to the activities of this company. Resolutions dealing with these questions which are to be presented to the shareholders at their annual meeting are brought in the right forum, since the shareholders are empowered to take action and to direct and implore Management to take action in areas where the corporation has power to act and to be effective. Nothing in the S.E.C. proxy rules adopted pursuant to a statute which instructs the S.E.C. to adopt rules: "in the public interest," as well as for the protection of investors, alters this, but rather facilitates it.

It is significant that Management has not challenged the right of shareholders to question whether the management should curtail its social involvement. Both the 1967 and 1968 proxy statements contained proposals by Mrs. Evelyn Davis to limit charitable contributions, and Management opposed them. We have more to say about these interesting resolutions later.

Management cites *Peck v. Greyhound Corp.*, 97 F. Supp. 679 (S.D.N.Y. 1951) and the disposition of the proposals submitted by the Medical Committee on Human Rights to Dow Chemical Company in support of its position, but neither of these instances properly supports their view. The *Greyhound* case concerned a plan to alter segregated seating "in the South" and not just segregation on the company's buses. (Emerson & Latham, *The S.E.C. Proxy Proposal Rule: The Corporate Gadsby*, 19 U. Chi. Law Rev. 807, 832-3, 1952) which is too ambitious a proposal to properly come before the shareholders of a single company. Moreover, the proposal asked the company to adopt a course of action in violation of state law. Note, *Rule X-14A-8 of the S.E.C.*, 47 Nw. U. Law Rev. 718 (1952). Even at that, the case has been sharply criticized as "flatly out of order." (See Bayne, *The Basic Rationale of Proper Subject*, 34 Det. L.J. 575, 602 (1957). Significantly, the nineteen years since that case have seen an unparalleled awakening by corporations to their social impact, so as to cast great doubt on the wisdom of that case. Clearly, the case does not bind the Commission, and if it is a false guide, it should not be followed.

Dow presents a very different issue. A shareholder's vote on the issue presented could be interpreted as conflicting with a decision already made by the Management. Although presented as a question dealing with future conduct by the company, it may be viewed more clearly as a vote on a specific decision—the sale of a product—which traditionally falls within Management's scope. The issues presented here do not conflict with specific decisions of Management. The shareholder committee, for example, merely seeks a report to enable basic policy on the role of the corporation to be set. Clearly, the resolution to amend the by-laws bears no resemblance to the *Greyhound* or *Dow* cases. The proposed charter amendment looks only to the future and deals with general policy. The resolution calling for a policy and program on mass transportation asks Management to act and does not conflict with any prior decisions. Proposals 5-9 are also distinguishable because their slant is a future one, rather than a challenge to a Management decision already made.

The history of Rule 14a-8 supports the contention that these resolutions are properly submitted. The pertinent paragraph is Rule 14a-8(c)(2), whose lineage dates to 1945 when the Commission formally issued Release 34-3638 permitting the exclusion of resolutions which asked for shareholder action on Federal income tax, antitrust and labor law. The Commission observed that the proposals did not relate directly to the affairs of the corporation and that they were an attempt to engage the corporation in political activity—which was improper for a corporation. A better forum existed to test the views expressed. The Commission relied upon this release when it upheld *Greyhound's* refusal to include the segregated seating proposal in 1951.

The 1952 amendment which gives rise to the existing language in the Rule was an attempt to codify Release 34-3638. That position was expressed by Baldwin Bane, Director of the Division of Corporation Finance, in a letter to the vice president of the American Society of Corporate Secretaries on February 1, 1952. S.E.C. Docket File No. S7-35-6-2.

To appreciate properly the thrust of the campaign and to perceive its current relevance to Management, it is important to examine, at least cursorily, the important and far-reaching changes in attitudes about the nature of the modern American corporation, and their recent behavior.

Concern for corporate social responsibility has developed over the years, but has greatly

intensified in recent months. As Arjay Miller, former president of Ford Motor Company and now Dean of Stanford Business School, wrote in the New York Times Book Review on January 18, 1970, "At no time in our history have more voices been raised supporting the view that business must break out of its conventional preoccupation with profit and do more to meet pressing social needs. The chorus has been joined by leaders from government, education, labor and all minority groups. Business leadership has acknowledged the demand for enlarged corporate responsibility in ways which can only reflect a profound attitudinal change, individually and collectively."

In the 1930's, Professors E. Merrick Dodd and Adolf A. Berle, one of the most astute observers of corporations, debated over whether corporate managers held their powers in trust for shareholders alone, as Berle urged, or for the larger community, as Dodd contended. Twenty years later, Berle conceded that he had lost the debate. (*The Twentieth Century Capitalist Revolution* 169 (1954)).

The courts have recognized and permitted the expansion of the corporation's role. In sustaining the validity of a corporate charitable contribution, the New Jersey Supreme Court declared in what has been hailed as the major case, that "modern conditions require that corporations acknowledge and discharge social as well as private responsibilities as members of the communities within which they operate." *A. P. Smith Mfg. Co. v. Barlow*, 13 N.J. 145, 98 A. 2nd 581, 586 (1953). Significantly, the court spurned the opportunity to decide the case narrowly.

Recently, the Delaware Court of Chancery followed the *Smith* case. The court found that "contemporary courts recognize that unless corporations carry an increasing share of the burden of supporting charitable and educational causes that the business advantages now reposed in corporations by law well prove to be unacceptable to the representatives of an aroused public." *Theodora Holding Corporation v. Henderson*, 257 A. 2nd 398, 404 (Del. Ch. 1969).

The result of recent developments, writes Professor Berle, is that the "Transition of the large corporation from a private enterprise to a social institution has now been accomplished and is generally recognized." He adds that the legal concerns have changed so that "preoccupation today is with the extent of [the corporation's] social and political and economic responsibility for the health of the American economic machine, and for the employment and welfare of its citizens." Berle, *Corporate Decision-Making and Social Control*, 24 Bus. Law 149 (1968).

Corporate executives have expressed the same concern as their counsel that social responsibility is an obligation of their companies. Dean Joseph W. McGuire of the University of Kansas Business School observes that the concept of social responsibility "results in a tempered profit motive. Businessmen today do not ordinarily operate coldly in blind pursuit of the dollar. It is not the thought of managers to make maximum profits above all else. I don't think it ever was." McGuire, *Business and Society*, 145, McGraw Hill, 1963.

One businessman who questioned whether maximizing of profits was ever the sole goal of large business was Owen D. Young, chairman of General Electric, who, in 1929, answering his question: To whom does the business executive owe his duties? said, "My conception of it is this: That there are three groups of people who have an interest in that institution. One is the group of fifty-odd thousand people who have their capital in the company, namely, its stockholders. Another is a group of well toward one hundred thousand people who are putting their labor and their lives into the business of the company. This third group is of consumer and

the general public. Customers have a right to demand that a concern so large shall not only do its business honestly and properly, but further, that it shall meet its public obligations and perform its public duties—in a word, vast as it is, that it should be a good citizen." (Quoted in Cary, *Corporations*, 240 (4th Ed. Foundation Press, 1970))

After World War II, major business leaders recognized the need for their corporations to assist the larger community, particularly by aid to education. Frank Abrams of Standard Oil of New Jersey and Irving Olds of U.S. Steel both took strong stands in favor of corporations providing such financial assistance. Perhaps most important, the man known as "Mr. General Motors," Alfred E. Sloan, urged shareholders to take the lead in enlarging corporation responsibilities in the light of changing social conditions. Walton, *Corporate Social Responsibilities*, 48-9 (Wadsworth, 1967).

Clearly, the modern view favors the broader perspective of the role of the corporation. Joseph C. Wilson, of Xerox Corporation, declared that "gain is no longer thought to be the sole motivating force of businessmen . . . The kind of escape from responsibility prescribed by Adam Smith is now considered by many businessmen as unrealistic, a concept of utmost sterility." Speech at Westminster College, November 16, 1965, quoted in Walton, *Corporate Social Responsibilities*, 92. And a speech by Mr. Gaylord A. Freemar, Jr., chairman of the First National Bank of Chicago, entitled "For Business, a Call to Commitment" appearing in the January 22, 1970 issue of the Wall Street Journal, concluded with, "Thus, the message is: Let's get committed. This is our country. This is our society. Let's improve it and, by improving it for all of the people, we can preserve it not only for ourselves, but for all citizens. The job is expected of us, and its accomplishment will be deeply rewarding."

In its 1967 proxy statement, General Motors' Management opposed a resolution which would limit the charitable activities of the corporation by declaring it to be the board's belief "that the Corporation has an obligation to be a good corporate citizen and to assure the availability of highly trained people for the future well being of the company and the economy of the country as a whole." [Emphasis added.]

The need for this attitude, at least insofar as major businesses are concerned, is perhaps summarized by Peter Drucker who in 1945 completed a classic work on the General Motors Corporation at the request of Management, in which he labeled it as "nonsense" to consider any other yardstick of a corporation except profitability. (The Concept of the Corporation, p. 193) But in 1962, he wrote that big business "is not a private affair and the concern only of its stockholders, executives, and employees. It is an autonomous institution—but a community asset and public in its conduct, in its mores, and its impacts." Drucker, *Big Business and the National Purpose*, Harv. Bus. Rev., March-April, 1962, p. 48, at p. 59.

No one summed it up more succinctly than Charles E. Wilson, former General Motors president, who told a Senate Committee, "I thought what was good for our country was good for General Motors and vice versa. The difference did not exist. Our company is too big. It goes with the welfare of the country." *New York Times*, January 24, 1953, p. 8, col. 8.

One reason for the necessity of the corporation, and for its managers and owners especially, to be concerned with the social responsibility and the social impact of their corporations is to be sure that they avoid an antisocial impact which will redound to their detriment.

Professor Berle elaborated on the self-interest business has in responding to the community need. After stating what he views

to be business' proper goals to furnish safe and reliable products and, at least, to keep up with the "state of the act," he observes: "The grist of news in this field suggests standards have been badly slackened. My own conviction is that the directors of every substantial corporation ought at once to appoint an 'internal review committee,' ought to examine its operations, ought to find remedies or change policies where they are found wanting. Had such a practice been adopted by the motor car companies a few years ago, they might have been spared the embarrassment of a Congressional review and the passage of a Federal safety standard act imposing on them standards they should long since have imposed on themselves. In fact, they failed to live up to one of the standard rules of inchoate corporation law—keep up with the state of their industrial art. Violation caused the law to become explicit—this time in the form of a Federal statute." Berle, *Corporate Decision Making and Social Control*, 24 Bus. Law, 149, 152-3 (1968).

Berle concludes with the hope that "corporations will themselves be aware of the areas of reaction, and in that awareness will reconsider some of their policies before government intervenes." (p. 157)

Dean Walton, of Columbia University School of General Studies, sounds the same note: "One thing is certain. If the life or safety of consumers is involved—as it is intimately with the use of drugs and perhaps less so with cigarettes and automobiles—any dereliction of obligations to consumers inevitably invites regulation. . . . Commitment to the vendor concept of social responsibility has, therefore, many very attractive and sensible features." (*Corporate Social Responsibility*, 134)

Clear proof of the effects of neglect of the public concern in the automobile industry was provided by the Federal Trade Commission on February 19, 1970, when it announced that the industry should be regulated by the Federal government in the manner of a public utility. The Commission wrote that such regulation is required because the industry has "failed to meet its obligation to provide the public with defect-free cars."

Following this, one cannot accept the notion that the questions presented in the shareholder proposals under consideration manifests a concern with general economic or social issues. They are concerned with precisely those questions which could cause General Motors, as a result of governmental fiat, to become a substantially less profitable company.

One of the clearest expressions of modern thinking about the role of the corporation came from Manuel F. Cohen, then chairman of the Securities and Exchange Commission, in a speech in Detroit, January 27, 1969. Chairman Cohen said:

"Individuals are increasingly dependent upon membership and participation in organizations such as labor and business corporations to practice their trades or influence their working conditions. Doesn't such power carry with it the duty to act in full recognition of the responsibility of these corporations to all of society—to their suppliers, their employees, to the communities within which they operate, to the taxpayer and to the needs of the nation as a whole, as well as to their security holders?"

"The corporation has responsibility to the communities in which it resides, or in which its products will be used, not to pollute the air and the streams with industrial waste or to deface streets, public places and the countryside for commercial purposes."

"The consumer has a right to expect that the goods he buys will be safe and reasonably well constructed. The sale of a defective automobile is not just a danger to the purchaser, it is a grave threat to every member of the

community. It is surely an area in which the community has a legitimate interest. The sale of shoddy merchandise, misrepresentations and high pressure sales techniques can have a tremendous adverse impact on the community, especially on the economically disadvantaged. As is so often the case, the persons least equipped to gather, or to insist upon, relevant information, to recognize the alternatives and to make informed decisions, are the most likely victims. The Attorney General of the State of New York recently reported that 75% of all persons who complained of consumer fraud during 1968 were ghetto residents.

"We have ample proof that such abuses create smoldering resentments which explode into violence, affecting the whole community. If further evidence of the responsibility of the business community is required, the past several years, a period of incomparable prosperity, have nevertheless spawned tragedy and violence on a scale that boggles the minds of those who believe that our civilization is an advanced one and that we share a common ethical and religious heritage. There can be little doubt of the political nature of the power of the business community."

A still more powerful example of the attitude of the business community towards the responsibility of corporations to the community, and hence the inseparability of business and social concerns of major corporations, has been the action of numerous companies. Thus, the business publications have not just written of the changing attitudes, but of the actions of business leaders. Chase Manhattan Bank publishes a "digest of corporate approaches to public problems" entitled Action Report. Fortune, Business Week and the Wall Street Journal report frequently on significant corporate involvement.

Thus, Aerojet General expended \$1,300,000 to build a subsidiary in the Watts area of Los Angeles, and placed it under Negro management with Negro employees. Mattel, Inc. set up a competitor corporation to manufacture dolls in Watts, owned and managed by blacks, and employing blacks. The insurance industry was reported to be devoting \$1 billion for slum area mortgages, to encourage buying and building, and incurring greater risks. See *Mortgages for the Slums*, Fortune, January, 1968. Thomas Murray, of Equitable, said "we must conclude that industry and business have a responsibility above and beyond strictly economic concerns (though this alone may be compelling) to solve the problems of our city and core areas." Demaree, *Business Picks up the Urban Challenge*, Fortune, April 1969. Many companies, General Motors included, have spent money to help in job retraining.

Legislation has been proposed which capitalizes on the growing feelings of social consciousness by businessmen. H.R. 9033, 91st Cong., 1st Sess. would create incentives for business to provide employment opportunities in urban areas, while H.R. 9031, 91st Cong., 1st Sess. would enroll private enterprise in efforts to provide low cost urban housing. President Nixon has sought to enlist the private sector in dealing with the problems of the day.

#### APPROPRIATE QUESTIONS FOR SHAREHOLDERS

We believe it is clear from earlier discussion that the questions involved in the shareholder proposals under consideration are within the scope of concern for General Motors, and are not merely questions going to a more general social or economic domain. Therefore, no supposedly irrelevant motive can be ascribed to its proponents, so as to exclude the proposals from Management's proxy statement. We also believe that these proposals cannot be excluded from Management's proxy statement on the grounds that "are not proper subject for action by

security holders" (Rule 14a-8(c)(1)) nor recommendations or requests that "management take action with respect to a matter relating to the conduct of the ordinary business operations of the issuer." (Rule 14a-8(c)(5))<sup>2</sup>

The rules have been broadly interpreted; Management bears the burden of demonstrating why exclusion is required. This is an effort to adapt the tool of shareholder democracy for the less pecuniary side of stock ownership. Owners reap rewards from their property—but they are also responsible for the use of their property. No one seriously challenges the use of the proxy machinery when it is employed to seek greater rewards for their ownership (e.g., proposals to limit charitable contributions); the same permissiveness should prevail when proxy machinery is sought to be used to assert the responsibility of ownership. Just as the first is not the exclusive domain of Management; neither is the second.

The need to permit shareholder participation in social decisions is heightened by the fact that while important checks prevail to prevent Management from misusing the great power they possess in dealing with day to day business decisions, largely through the force of competition, it is only self-restraint which prevents the misuse of that power when used in areas where competition does not operate, as for example the socially responsible areas. After a while, the policy and image of companies comes to reflect the viewpoint of Management, and not the owners of the property. See Galbraith, *The New Industrial State* (1967). Certainly, it should not be beyond the scope of shareholders to try to reshape the policies, priorities, goals and the personality of their companies. To accomplish the goals desired, institutional changes within the See Kaysen, firm may be necessary to achieve effective social participation. *The Corporation: How Much Power? What Scope in the Corporation in Modern Society?* 103-4 (Mason, Ed. 1966).

Moreover, while the modern structure of the corporation, centralizing power in the board of directors, is designed to protect the interests of shareholders by arranging for the management of property by skilled persons, this assumption is somewhat based on the fact that the managers know more about the business than the shareholders. The same expertise is much less evident when it comes to making the kind of decisions involved in the resolutions under consideration. And, of course, it is not so much specific implementation of decisions that is involved here; it is policy to act according to certain goals. These goals are a shareholder concern, as Mr. Sloan recognized when he urged that the shareholders take the lead in stimulating their companies towards great social involvement.

While the question of what is an appropriate subject matter for shareholders is a question of state law (*S.E.C. v. Transamerica Corporation*, 163 F. 2d 511 (3d Cir. 1947), the S.E.C. and the Federal courts bear a heavy responsibility. As Professor Loss states, "This is an area in which policy should negate a higgling approach." 2 Loss, *Securities Regulation*, 910 (2d Ed. 1961).

The recent decision in *Brooks v. Standard Oil Company (New Jersey)*, COH Fed. Sec. L. Rep. 192,545 (S.D.N.Y. 1969), does suggest that these resolutions are inappropriate matters for the shareholders. The shareholder in *Standard* did not try to affect corporation policy; he did not disagree in any way with the policies being pursued by Management in seeking to exploit oil from all sources. He was concerned with the proper implementation of that policy, clearly a matter which state law places within the exclusion jurisdiction of the directors. The General Motors proposals seek to challenge

<sup>2</sup>Footnotes at end of speech.

basic tenets Management holds, while no such challenge was made of Standard.

Each of the proposals submitted is a proper subject for shareholders; none of them are concerned with the conduct of ordinary business operations nor are they objectionable on any other ground advanced by Management. Proposal 1 would place the shareholders on record as favoring an amendment to the certificate of incorporation. Certainly no amendment is effective until the board has acted. Although the Delaware statute indicates that the directors shall act and then recommend to the shareholders that they then vote on the proposal, no violence is done to the statutory scheme by reversing the order in which the action occurs, so long as both bodies act.

The rules should be read with sufficient flexibility so that if it is not proper to submit an amendment, it is proper to submit a request that the board adopt an amendment. That type of proposal has been held to be proper. See *Union Electric Co.*, 38 S.E.C. 921 (1959).

Moreover, Management has accepted for inclusion in its proxy material proposals in the same form to which it now objects. In 1967 and 1968, Mrs. Davis submitted a resolution which read: "Resolved: That the Corporation's Certificate of Incorporation be amended by adding thereto the following provisions . . ." Management cannot pick and choose which resolutions it will permit; this is a matter of shareholder right. If Mrs. Davis had a right, the Project on Corporate Responsibility has a right. Management's prior attitude is certainly evidence of the fact that they thought she had a right, and they should be barred from making that objection now. Certainly, if Management is to overcome the burden it has to demonstrate the inappropriateness of the Project's resolution, it must clearly show why this shareholders' resolution is not entitled to the same treatment as one Management allows the shareholders to see.

Proposal 2 would amend the by-laws, and this is subjected to the spurious objection that it is a resolution relating to an election for office. It is true that this proposal would increase the size of the board and would enable the nomination and election of additional directors by the shareholders. Moreover, Campaign GM has specific candidates in mind for these spots. However, it is clear that this by-law proposal does not challenge any nominees of Management. Any by-law which fixes the size of the board has a relationship to an election, but it is clear that General Motors' by-laws permit the shareholders to amend the by-laws, including the one which fixes the size of the board. Management's argument would, as a practical matter render a nullity of the shareholders' power to use Management's proxy statement to carry out their rights under the by-laws, since the usual reason for wanting a change would be to vote for a new candidate. The Commission's decision in *Union Electric Co.*, 38 S.E.C. 921 (1959) involved a very different kind of proposal. The proposal by the shareholder challenged the fitness of Management's nominees, and, as the Commission found, the shareholder could not logically vote for Management's nominees if he supported the resolution. Hence, the resolution was a clear challenge to candidates. A proposal to add more directors, only if the by-law passes, presents no such challenge, and the statement in support emphasizes that fact. The situation described on page 9 in Mr. Malone's letter simply does not exist in this case.

Proposal 3 is attacked by Management as "being a concept without precedent," (p. 27 of Mr. Malone's letter) and a challenge "to what its authors conceive to be the traditional role of corporations in society." (p. 7, Davis, Polk & Wardwell letter) The opinion

of Davis, Polk & Wardwell does not challenge this proposal, nor Proposal 2, as not constituting proper subjects for action by security holders. (p. 11) However, Mr. Malone's objection seems to extend to this, although it is vague and unclear as to precisely what he protests.

Mr. Malone says that the Committee would examine areas which lie within the scope of ordinary business operations. This is only partially true. The Committee would examine basic questions of the role of the corporation in modern society and the proper allocation of competing interests in the corporation. The Committee would also explore the fundamental decision-making process of the corporation, including methods for election and nomination of directors. The result of recommendations here could be proposals to amend the charter and by-laws, since Delaware law permits any governing structure the basic documents provide. See *Delaware Gen. Corporation Law*, § 141(a) and the comment by Professor Folk, its principal draftsman, that "the Delaware corporation enjoys the broadest grant of power in the English-speaking world to establish the most appropriate internal organization and structure for the enterprise." *Amendments to the Delaware General Corporation Law, Corporation Service Company*, p. 19, (1969) There are some questions of ordinary business operation which would be examined, in order to assess the overall impact of the company's policies and practices, but there is no effort in this resolution to take away the board's power to continue to deal with these areas. The shareholders do not seek to usurp board functions.

Management's documents suggest that shareholders can consider matters in which they have an interest *qua* shareholders, but not otherwise. We have tried to show that where General Motors is concerned, as Mr. Wilson noted, no real distinction is possible. At least, it is not possible with the range of activities—auto safety, pollution, minority employment, mass transportation, and the like—which are asked to be considered in this resolution.

Shareholders are entitled to have an audit conducted of the affairs of the corporation, even though this is mainly a management function. Nevertheless, the courts recognize the interest of the owners in this field. *S.E.C. v. Transamerica Corp.*, 163 F. 2d 511 (1954) (E.D. Cir. 1947); *Auer v. Dressel*, 306 N.Y. 427, 118 N.E. 2d 590 (1954); *Dyer v. S.E.C.*, 266 F. 2d 33 (8th Cir. 1959). What is asked here is in the nature of a *social audit* of the corporation's performance.

The owners of property are entitled to express as to how their property has been used, and how their property affects others. This proposal would give shareholders the ability to make judgments and exercise their prerogatives and their duties as owners of property.

It is true, as suggested by Management, that this proposal would consider whether a basic restructure of the corporation is appropriate. It is quite likely that Management conceives its duties more narrowly than the proponents of the resolution. It is clear that others disagree with the notion that the shareholders are the only legitimate interest group in the company. There is nothing in the law which dictates that this is the only way of viewing a corporation. Whether Management has the right or the power to affect basic changes with regard to the priorities and the relative interests in the corporation is not clear; it should be clear that this is something the shareholders can do. Moreover, the "radication" of a proposal is no bar to requiring its conclusion, as Mr. Bane told the House Committee in 1943. House Hearings before Interstate and Foreign Commerce Committee on H.R. 1493, 78th Cong., 1st Sess. p. 225 (1943).

The resolution is predicated upon a belief

that there are shareholders in the company who are similarly concerned with whether the company may be adversely affecting the community. This is no general concern for social and economic policies, but rather whether the particular policies of the company may be harmful. Among other things, it is felt that it is best to study and to act, rather than wait for the community to compel action which may be harsher.

Mr. Malone's letter attacks the proposal of being "replete with vague, indefinite and theoretical phrases and concepts." Mr. Malone is clearly bothered by "concepts." Vagueness can be cured by amendment, if necessary, and this has been regularly practiced by the Commission. As to the other objection, does Mr. Malone mean that shareholders cannot consider theoretical concepts? What scope does Mr. Malone allow to shareholders' proposals? He condemns both prosaic daily matters and basic inquiries about the nature of the corporation and its role in the community as not proper matters. And, of course, the proposal is not so vague as suggested, since it is doubtful that Management has missed the furor which Arjay Miller noted that has occurred among observers and critics of the corporate scene.

Proposal 4 is in the nature of a precatory resolution, which commends to the board the shareholders' concern with a matter of important social policy—the question of mass transportation. It does not attempt to usurp the functions of the board in a matter of ordinary business matters. It stems from a concern that General Motors will be an important and relevant company in the years ahead. To be so, Management must consider the developing transportation needs of our country. The proponents feel that mass transportation is an urgent need, and that Management should undertake a positive program. On this basic question, the shareholders should be entitled to express their concern.

It should be noted that when shareholders request the board to consider their views on issues close to the shareholders' pocketbook, a permissive attitude prevails. See S.E.C. *Minute re Crown Corp & Seal Co., Inc.* (1964), excerpted in Cary, *Corporations* 327 (4th Ed. 1970).

Proposals 5-9 would require the company to take action on matters of large importance, involving, in some cases, large sums of money. These cannot be condemned both as matters of general economic and social policy, and as matters within the ordinary conduct of the business. In truth, they are neither. They are important new steps for the company, and the views of the shareholders should be permitted to emerge.

Interestingly, although the burden of proving inappropriateness is clearly on Management, but not a single Delaware case is cited to show that these questions are beyond the shareholders' scope. We submit that Management has failed its burden.

One would hope we could conclude about the General Motors' Management in the same terms that Chairman Cohen closed his important Detroit address:

"It has been said that the admirable man is the man with the courage of his convictions. Among those who hold great power, the truly admirable man is the man with the courage to question his convictions, or at the least, to allow others to do so."

Very truly yours,

DONALD E. SCHWARTZ,

(For the Project on Corporate Responsibility).

FOOTNOTES

<sup>1</sup> Mr. Coombe's letter to the Commission contends that the last six proposals were not submitted timely, in accordance with Rule 14a-8(a). We believe he is in error. The date corresponding to the date last

year's material was released is April 17, as noted by Mr. Coombe. Counting that as the first day, and then moving backwards, the 60th day, and hence the last upon which a proposal could be submitted, was February 17, which is the day he acknowledges the material was submitted. It is possible to compute the time by another fashion, but the rules do not specifically provide. No policy supports a more restrictive interpretation of the rules.

Moreover, the Project on Corporate Responsibility was a beneficial owner of General Motors stock on January 29, 1970, although it did not become a record owner until a later date. The pertinent facts were set forth in a letter to Mr. Coombe, on February 25, from Jeffrey D. Bauman, Esq., secretary of the Project on Corporate Responsibility.

Management objects to every proposal except Number 2 under Rule 14a-8(c)(1), although the opinion of Davis, Polk & Wardwell did not raise this objection with Proposal 3 (as well as Proposal 2) and the opinion of Mr. Ross Malone failed to object to Proposal 1 on these grounds.

Management also objects to Proposals 3-9 on grounds of Rule 14-8(5), although the opinion of Davis, Polk & Wardwell raised no such objections as to Proposals 3 and 4.

It would seem that Management has selected from each of its opinion of counsel those portions most favorable to it, while rejecting other conclusions.

#### FARLEY SCANS DEMO 1972 HOPEFULS

### HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. ROONEY of New York. Mr. Speaker, the pundits around the country are trying to bury the Democratic Party without even a decent wake. The party, they say, is leaderless, out of touch with the people and broke; it cannot win in 1970 or 1972 and in fact may not even be in existence by then. This, I think, like most punditing, is just pure junk. The party owes money, to be sure. But it can win in 1970 and 1972 and once again prove that it is the party of the people. Recently veteran reporter James Kilgallen sought out former Postmaster General and Democratic leader James A. Farley to get his opinions on the party's future. Jim Farley, certainly no newcomer to politics or wild-eyed optimist, was far from being dismayed about the future. I include in the RECORD at this point the interview with Mr. Farley:

[From the Times-Union, Mar. 1, 1970]

FARLEY SCANS DEMO 1972 HOPEFULS

(By James L. Kilgallen)

NEW YORK.—James A. Farley, one of the nation's keenest political observers, is not selling the Democratic Party short in 1972—nor is he counting Lyndon B. Johnson out as a possible presidential contender.

In an hour-long interview with this reporter, Farley said he is confident the Democratic party will surmount its present problems and be in tip-top condition to wage a strong campaign in the presidential race two years from now.

"I hear it said that the Democratic Party is in bad shape and maybe it is," declared Farley. "But you can't get away from the fact that the basic Democratic voting strength is still there and can make itself felt in 1972."

Currently, things are not going too well with the Democratic Party. Among other difficulties, the national organization is about \$8 million in debt, mostly from the 1968 presidential campaign, and is struggling to raise finances. Also, the party is looking for a new national chairman to succeed Sen. Fred Harris of Oklahoma, who resigned recently.

Farley who, as Democratic National Chairman in the 1930s successfully master-minded Franklin D. Roosevelt's first two campaigns for the presidency, was interviewed at his desk at Coca-Cola Export Corp., where he holds the title of chairman of the board. He joined the company Sept. 1, 1940, after resigning as postmaster general.

Though 81 years of age, he is in good health and has no intention of retiring.

"It's too early to make weighty observations about 1972," he said. "But I'm confident the Democratic Party will come up with a good national ticket."

"Right now two most popular Democrats talked of as possibilities for the presidential nomination are former Vice President Hubert H. Humphrey, and Sen. Edmund S. Muskie of Maine.

"I don't know what Humphrey's attitude will be about 1972. Apparently he's going to run for senator in Minnesota this year and that will give him a forum. Humphrey narrowly missed beating Mr. Nixon in 1968. If he had had another week or so longer to campaign, he would have won the election."

"Sen. Muskie is a strong possibility for the presidency. He made an extremely good impression on the electorate in '68 and no doubt has since enhanced his reputation considerably . . . He is knowledgeable and a good public speaker. He makes a favorable impression on TV panel shows and handles himself well at press conferences. He never makes extravagant statements."

Suddenly (and rather unexpectedly) he mentioned another name: Lyndon B. Johnson.

"I have no idea what former President Johnson has in mind for 1972," Farley said. "But speaking as an observer without any inside information, I don't think you can pass him out of the picture."

"In my judgment, if LBJ indicated that he had an interest in seeking the presidential nomination he would be a formidable contender in '72—and would be nominated. And he'd be a strong contender against Mr. Nixon."

Farley remarked that Johnson has been "most fair" in his public utterances regarding President Nixon's policies and programs.

"President Johnson," he said, "has great respect for the office of President. He has never said anything critical of the present occupant of the White House."

"Mr. Johnson was never given the credit he was entitled to for the legislative support he and speaker of the House Sam Rayburn gave the Eisenhower administration. I'm sure 'Ike' understood and appreciated this non-partisan support."

Asked if he thought Sen. Edward M. Kennedy of Massachusetts would try for the presidency in '72, Farley replied:

"It is apparent that Sen. Kennedy has taken himself out of the running. Some months ago he said that under no circumstances would he be a contender for the nomination and he has reiterated this a number of times."

Responding to another question, the one-time Democratic leader said there is no doubt in his mind that President Nixon will be a candidate for reelection and that he "will run on his record."

Asked if he thought New York City's politically ambitious Mayor John V. Lindsay would be in the presidential picture in 1972, Farley replied:

"I doubt it very much. If Lindsay doesn't make a better record of accomplishment in

the next four years than he did in his first term, his political future will be seriously affected."

Concerning reports that Lindsay, nominally, a Republican might switch his party affiliation to that of a Democrat, he said: "In my opinion that wouldn't help the Democratic Party at all. There are plenty of Democrats capable of filling any position to which Lindsey might aspire."

Expressing his confidence that the Democratic Party will have good leadership and an attractive national ticket in '72, Farley pointed out that Humphrey came close to winning over Nixon in 1968.

"If the Kennedy and McCarthy forces had thrown their support to the Humphrey-Muskie ticket it would have helped a lot, and if HHH had another week or so to campaign, he would have won the election," he said.

"The Democratic Party has the basic voting strength and is capable of winning in any presidential year. After Al Smith was defeated for the presidency in 1928, the news media reported that the Democratic Party was at such a low ebb and lacking in leadership that it wouldn't return to power for 25 years or more.

"Yet in 1932, with Mr. Roosevelt as the presidential candidate, the Democratic Party swept to its greatest victory up to that year. And then, in 1936, FDR rang up the greatest victory in the country's history, winning every state in the union except Maine and Vermont."

Farley was asked: should the democratic national chairmanship be a full-time job, now that the party is seeking a successor to Sen. Harris?

Smiling, he replied:

"I'm not the person to answer that question because in the 1930s I held three jobs at the same time Democratic national chairman, Democratic state chairman and Postmaster General—and the Republican press referred to me as 'Three-Job Farley.' FDR wanted it that way and I enjoyed the three jobs. I had good assistants and was able to know exactly what was happening all those years."

"As for who should be picked to be the new chairman, there are democrats fully familiar with the national scene who would be able to handle the job."

"I have no one in mind—I'm not close enough to the picture."

#### POPULATION GROWTH

### HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population of which I am chairman, spent most of last year studying the population growth problem. We released our family planning report, the result of our research and hearings, on December 22, 1969. Although we are presently conducting hearings on the problems of mineral and energy shortages, we are keeping ourselves informed of any developments in population matters. On March 18, we will be privileged to have Dr. Jack Lippes appear before our task force to discuss the international outlook on population control.

The Nixon administration has been deeply concerned with this problem as was evident in the President's state of the Union message. In his message the President called for a national growth policy in order to find those means by

which government at all levels could influence the course of urban growth and improve the quality of American life. Yesterday, Monday, March 16, the President signed into law a bill to establish a National Commission on Population Growth and the American Future.

We can see further interest in this problem by the Nixon administration evidenced in an article which appeared in the New York Times on Wednesday, February 25, 1970, by Mr. Jack Rosenthal. In Mr. Rosenthal's article, he mentions a lecture delivered by Secretary of Commerce, Maurice H. Stans, in which the Secretary said that by the year 2000 Americans will be jammed together in an anthill society unless government and business join in a coherent national growth policy. Mr. Rosenthal mentions:

Mr. Stans' proposal is the most detailed expression of the Nixon administration's already evident concern over urban growth.

For the benefit of my colleagues I am having this article reprinted in the RECORD, as follows:

STANS WARNS OF "ANTHILL SOCIETY"—HE URGES COHERENT GROWTH POLICY FOR BUILDING CENTER

(By Jack Rosenthal)

WASHINGTON, February 24.—By the year 2000, Americans will be jammed together in an "anthill society" unless government and business join in a coherent national growth policy, Secretary of Commerce Maurice H. Stans said in a lecture prepared for delivery tonight.

Mr. Stans proposed such a policy in the first development of a theme expressed by President Nixon in his State of the Union Message.

Mr. Stans said the following steps were required:

Discouragement of further growth in megalopolises—urban corridors already dense with population.

Planned expansion of smaller cities. Construction of entirely new cities, away from present urban concentrations.

Mr. Stans said such a policy was essential if the nation was to solve two urban crises. One is the present crisis of race, space and pollution in tax-poor cities.

The other, which he described as an ominous time bomb, is the addition of more than 100 million people to the population.

While Mr. Stans' lecture was described by an aide as "a personal statement" a White House source said it had been clearly understood that Mr. Stans and his department would play a central role in the Administration's activity concerning population growth.

The lecture was scheduled in one of a series on "private enterprise and the Urban Crisis" at the American University here.

The nation's population will total 300 million by the year 2000, Mr. Stans said, and 85 percent will be urban.

FOUR GIGANTIC CLUSTERS

He called on his audience to imagine the following four gigantic clusters:

BosWash, an unbroken stretch of people, homes, factories, highways, railroads and power lines from Boston to Washington.

"ChiPitts, a solid belt of heavy industry from Chicago to Pittsburgh.

"SanSan, from San Francisco to San Diego.

"JaMi, the fourth megalopolis, along Florida's east coast from Jacksonville to Miami."

Mr. Stans said the problems of "these vast megalopolis" might well dwarf present urban worries. "It is not very pleasant to contemplate what such an anthill society would mean to this nation."

He suggested that sharp increase were likely in congestion, pollution, crimes and youthful alienation and then asked:

"What quality will the pressures, frustrations and congestion of megalopolis impart to the character of future Americans?"

Mr. Stans also intimated that local governments would become increasingly unable to deliver services and perhaps would even disintegrate, leading to "a megalopolitan government with sweeping power approaching those of a police state."

And he said that skyrocketing costs of public services could drain so much tax revenue as to produce virtually a state-controlled economy.

The sensible alternative is an urban growth policy based on the concept of "cities of viable, manageable size," Mr. Stans said.

These could avoid the mammoth problems of scale already facing megalopolises, he said, while still providing the intellectual, cultural and material opportunities that underlie the historic concept of the city.

Mr. Stans did not closely define "viable, manageable size" but made it clear that he regarded dense megalopolitan corridors as outside the definition.

There are three ways to achieve the goal of "viable, manageable size," he said. One is to build new cities from the ground up. To accommodate the 100 million projected population increase in this way alone, however, would require building a city the size of Tulsa, Okla., every month until the year 2000, he explained.

"We will not only [need to] build new cities from the ground up, but also undertake to expand our present small cities into much larger entities," Mr. Stans said.

The third solution is to discourage further growth of present large cities, he said, "so that they can be modernized to meet the needs of the next century."

This would not be negative discouragement, but would result from positive incentives to encourage growth of present small cities and establishment of new ones.

Government can contribute, Mr. Stans said, through such incentives as investment tax credits, liberalized depreciation allowances, highways that help disperse population, planned decentralization of government facilities and continued assistance to new communities.

At the same time, business has responsibilities, too, Mr. Stans said. He urged private construction of new cities, development of "civilian technology, concentrating on systems and products that will be required for quality in urban living," pollution control and longer-range planning.

Mr. Stans' proposal is the most detailed expression of the Nixon Administration's already evident concern over urban growth.

Last year, Vice President Agnew contributed an introduction to "new city," the report of a bipartisan private National Committee on Urban Growth Policy.

"The constant growth of our population confronts us with a desperate race against time," Mr. Agnew said, "if we are to preserve our environment and keep our culture from disintegrating."

The President also has asked Congress to establish a National Commission on Population Growth and the American Future in a bill expected to be enacted next year.

Last month, in his State of the Union Message, the growth policy—to find those means by which Government at all levels can influence the course of urban growth and "positively to affect the quality of American life."

SENATOR KENNEDY'S ADDRESS, TRINITY COLLEGE, DUBLIN, IRELAND, MARCH 3, 1970

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. CAREY. Mr. Speaker, I know of no more fitting way in which to mark the Feast of St. Patrick than to call to the attention of our colleagues the address given by Senator EDWARD M. KENNEDY before the College Historical Society Bicentenary, Trinity College, Dublin, Ireland, on March 3, 1970.

Senator KENNEDY's speech is an excellent review of the political situation which exists in Ireland and appraisal of the discontent in our own country as expressed in civil disorders and unrest.

I am pleased to offer it for the consideration of the other Members of the House:

ADDRESS BY SENATOR EDWARD M. KENNEDY BEFORE THE COLLEGE HISTORICAL SOCIETY BICENTENARY, TRINITY COLLEGE, DUBLIN, IRELAND, MARCH 3, 1970

I was most pleased to receive the invitation to deliver the Bicentenary Address of the College Historical Society. I consider this occasion one of the greatest honors of my public life, as well as an opportunity to express myself on matters that I feel are vital to our time.

The College Historical Society has been called the greatest of all the schools of the orators. Fitting, then, that Edmund Burke was instrumental in its founding.

And this Society carries the tradition of open debate—barring no point of view, a center of controversy and discussion. It has heard the voices of Irish nationalists, Wolfe Tone, Robert Emmet, John Blake Dillon and Thomas Davis, as well as those who opposed their thoughts and actions. Men of letters, science, and government passed through this Society, as light through a prism, to go on to form their own colors and patterns in life. This too is fitting, for Burke was not so committed to his own thoughts and pursuits that he could not delight in, or learn from, the voices of others.

At first glance the public career of Edmund Burke seems laced with inconsistencies. He was dedicated to the established order and institutions of his time, yet was sympathetic to the demands and complaints of the colonies that formed my nation. He was devoted to the wisdom of the past, yet he was a leader in reforming the basic structures of government. He was an intensely pragmatic realist who heeded the facts of political life when proposing policies, yet he was dominated by powerful moral values and the hopes which flow from such values.

Still Edmund Burke was not an inconsistent man. Rather he reflected the inconsistency of society itself. What appeared to be Burke's conflicts of views and temperament were, in reality, the product of his unwavering human skepticism, the great gift of your experience to Western political thought, and to my own country in particular.

For every society is a mixture of stability and change, an irrevocable history and an uncertain future. We are both what we have been and what we desire to be. We are creatures of memory and hope, struggling with uncertainty as we try to fulfill the promises that we know we must keep.

Thus our society is constantly in flux—

different today from what it was yesterday—a continuation of the past, part of an organic process with roots deep in the history of our nations and of our common ancestors. Societies are like rivers, flowing from fixed and ancient sources through channels cut over the centuries—yet no man can ever step into the same water in which he stood only a moment before.

This view of society as a process, the new growth sustained by ancient roots, was the essence of Burke.

Burke the conservative believed that values and existing institutions reflected the accumulated wisdom and experience of a people, and could not be discarded to satisfy every transient impulse without rending the fabric of society. Burke the skeptic believed that no one man or group of men could claim a monopoly on revealed truth, and, so armed, undertake the destruction of what generations had built in order to impose their personal vision of a utopia. Burke the moralist believed it was man's first duty to defend the values of decency, tolerance, reason, and respect for freedom against all onslaughts. And Burke the realist understood that we could only hope to preserve tested values and institutions if we were willing to undergo sometimes painful adaptation to new facts and relationships in a constantly changing world.

Edmund Burke was a complex man and he was a moderate man. His moderation did not consist in automatically taking the middle position between left and right, radical and reactionary, one extreme and the other. He was a moderate, not because he lacked passion or conviction, but because he combined an acute sense of human limitation with a deep reverence for the moral values essential to human liberation. To him a lifetime of thought and action consumed by the slow labor of improving the human condition was more valuable than all the rhetoric of destruction and impossible visions. He was not in the market of human and political affairs for the windfall or the notoriety that history soon buries under its chronicle of real achievements.

Thus Burke sets an example for all of us in an age when, in all our countries, the forces of moderation are on the defensive. We live in a time of change, huge and tumultuous and filled with danger. Any society that is rigid or entrenched in the face of this change, or that heeds those who constrict liberty by calling upon fear, mistrust and hate, will shortly be overwhelmed. That would threaten the destruction of everything worthwhile that prior generations had managed to create that was good. Any society that yields to those who in some mindless fury seek to tear down completely the old structures will also lose the values and wisdom accumulated over the centuries.

Western society is in ferment. If my own country appears to be more tumultuous and dangerous than others, it is only because we are further advanced along the course of modern life; and we have less of a common heritage to guide us, or to help absorb the blows. Our travails are also more visible because we are large in numbers, varied as a people. In addition, a nation as rich and powerful as my own, and so fortunate in its history, is tempted to believe that all problems, no matter how complex, can be solved by pulling on the levers of power or pushing the buttons of solution.

But the truth is that the problems of men cannot be resolved so mechanically. For the human condition has changed less than the world we have created. We are frail, limited and plodding in constructing the relationships between men and nations despite the comforting and boastful facade of speed, chrome and capsules on the moon. Yet all

the nations which can call themselves advanced or developed are menaced by the clash between the sustaining past and the troubled future. For all of us, the institutions and ideas of the old age are buckling under the drive of new concepts and relationships.

The challenge to men in Burke's tradition of moderation is to find the strength to lead the drive for change and adaptation, to satisfy the real discontents and just grievances of our time, so that we may conserve the reasoned and humane legacy of our past.

I wish to suggest to you this evening that the two greatest dangers to peace and the future existence of mankind in this age are the continuation of human oppression, whether conscious or unconscious, and the toleration of weapons that can destroy our earth. These basic problems must submit to the control of humane and reasonable men if we are ever to be optimistic about the future of the world.

And so I feel this is no time for moderate men to be in retreat. The successful charting of human affairs is too important a matter, failure too ghastly a matter, to be left in the hands of those who discard reason for passion.

What follows will be limited in large measure to conditions of my own country. This is the only land I know and my doubts and criticism can be tempered by love. Still, some of our problems of today are also yours—the others will be upon you tomorrow.

The greatest threat to a progressive and peaceful society anywhere is the existence of oppression. For the conscious oppression of one group by another within the family of a nation, or of one nation by another, produces abuses and rages that strike at the heart of the nation itself. The immorality of the act is so pervasive that no part of the society escapes it, and the continued existence of oppression and its mentality cannot help but foul any attempt of a people to be great.

This ancient form of tyranny exists between nations openly—as in the political situation of Eastern Europe—or subtly, as in the economic situation of many of the underdeveloped countries. Oppression exists internally in a blatant fashion, as in South Africa, or with greater sophistication as in Northern Ireland. However it exists, it is detrimental to all men and peace.

In my country black people are oppressed. We live with this fact despite the effect it has had upon them, our history, and modern life. Rebellions, uprisings, civil war, the degrading effect of this suppression on blacks and whites alike—all this has been suffered rather than adjustments that would rid us of this stain.

Some advances have been made—but that is faint praise at this late hour and in a nation that prides itself as the light of democracy. "Liberty," said Burke, "is a general principle and the clear right of all . . . or of none. Partial freedom seems to me a most invidious form of slavery."

In America we live with a form of partial freedom.

Over the past twenty years there have been assaults on racial oppression with the initiative coming mainly from the black community. As they worked through the institutions of our land—the courts, the legislature, and Presidential leadership—it appeared as though one barrier to equality after another was falling. Men of concern from the white population joined the surging effort, anxious to participate, inspired by their instincts for good, and by the courage and selfless dedication of black men in the front of the movement.

But the changes did not come so rapidly, the barriers only appeared to fall, giving the illusion of progress. In matters of minority

housing, employment and public education, reasonable expectations were far from realized. Passage of laws was one thing, their execution quite another. Delays, exceptions, studies, administrative apathy—all sapped the hope of the waiting minority. The resulting frustrations and impatience gave rise to a new militancy and a harsh rhetoric fearful to many, and these fears were played upon by forces of reaction.

Over the last few years of decline in the civil rights momentum the voice of the moderate man was not clear. Though many such men remained, many others left the field. The attention of some was diverted by war. In the heat of the struggle some were afraid to speak out against the excesses of the extremes, and many leaders upon whom we depended, both black and white, were lost to violence. Whatever the cause, the tide has shifted in America away from progress and equity.

Change causes disruption and discomfort. The lessening of the intensity of that change brings back the warm security of the past. So it is that for the moment many may find comfort in this turn of events. But this sense of well-being is false; the mine has merely been closed, the fire still rages within. Burke's warning that ". . . nothing is security to any individual but the common interest of all" still holds.

Whenever oppression exists, those who truly love their land, its history and values, will press endlessly for its elimination. Men of reason, men of Burke's moderation, have no choice but to persist—if not for moral reasons, then simply to guarantee the future.

Yet oppression is not always a conscious act—people pitted against each other out of twisted racial or religious views. We have found that society itself can oppress, unconsciously, blindly, but with equal cruelty.

So do the sources of man's discontent change with time. When this Historic Society was founded the great majority of people in the Western World was concerned with mere subsistence. Daily life was physically more difficult, the elements were harsh, and the rewards for a life of work meager. These conditions created the problems and affected the institutions of the day. Revolutions, civil strife and discord resulted when societies and nations were slow to adjust.

Within Western society today perhaps the universal and overwhelming source of discontent arises from the increasing dehumanization of life. There is a sense of powerlessness, not simply among the young, but among all who feel their lives are spent impersonally in modern societies. More and more, the things that vitally affect us do not submit to control. The institutions created to support us in meeting the responsibilities of our lives—whether religious, political, or educational—no longer respond to the individual's changing needs. There is no feedback. The machines of society take on a life of their own. They run themselves, perhaps efficiently, perhaps productively, but seemingly with less and less concern for the desires of the individual human being they were designed to serve.

Our large cities, totally impersonal, crank human being through their daily activities. Our large universities, totally impersonal, stamp our people with fixed credentials. Our large industries, totally impersonal, employ people in repetitive tasks seemingly devoid of some sense of social value. Our large units of government function more for their own sake than for the people they serve. And all these institutions seem unresponsive to the individual complaint or desire. This creates a general sense of helplessness, a feeling of uselessness that can result in unchecked national or institutional behavior, or in individual aimless rage that seeks to destroy.

It is responsiveness that the new voices,

the oppressed and the powerless, seek—governmental systems capable of growth and adaptation; an opening of the channels to participation and elective office; and political units close enough to the people to reflect their concerns and aspirations.

The political forces of such change have been most apparent in my land, as they have been on this side of the Atlantic. But whether or not they will be successful depends on their ability to release their frustrations with the restraint necessary to bring the majority with them. If the position of established interests is viewed as rigid, if the arguments of the militarists are considered radical and abstract, if governments and institutions are unresponsive, then those seeking change surely should not be rigid, radical or abstract. Unfortunately, this is not always the case. The young have their own harsh rhetoric, they often consider the compromise position to be a "sell-out", and their ability to be disruptive and take to the street—no longer an ability in question—is now becoming a mechanical act. The result is less and less effectiveness. And as one who shares many of their hopes and aspirations for the future, I feel constrained to warn that history is a harsh judge of those so caught up with revolution that they forget reformation.

As Burke said to the French: "You possessed in some parts the walls, and, in all, the foundations of a noble and venerable castle. You might have repaired those walls; you might have built on those old foundations." But if we have the sense of being overwhelmed by the institutions and machines we have built, is it not even more incredible that we have the premonition we could be destroyed by them? From the threat of nuclear weapons there is no safe haven. To the individual this represents the ultimate in total lack of control over his life and environment. The presence of these weapons, and the will to use them removes the essence of life. Why seek to perfect, why struggle for orderly change, why look for the meaning of life, when without any consultation, all life can be immediately ended?

In America we know what our weapons can do to another country and the world. And we know that the same can happen to us. But, as in some mad chess game, the continued expansion of such strength goes on. Men considered reasonable can coolly calculate and compare millions of deaths with millions of deaths, megatons are matched against megatons in the earnest debates over national security, and overkills of four to nine times the population of a country are discussed as though there is some sense to it all.

The new generation has been raised in this atmosphere. To them, having the ability to destroy the world, and at the same time not treating this ability day and night as the first matter to be solved among nations, goes beyond the limits of the human mind. Can any society view their visions and thoughts as radical or extreme, when the visions and thoughts of men in power include the real possibility of final destruction?

How did our world get swept into this position? What future was so dismal that rather than face it we elected to hold open the final option of ending everything, and taking everyone with us? And if we have arrived at this point through the failure of moderation, what faith can we put in the power of reason to now rescue us?

There will have to be some other way for nations in the last quarter of this century to resolve the problems of the planet without reliance on arsenals that could obliterate it. For too long this position has been considered naive, for too long men in public life have feared risking their reputations as realistic men by avoiding this conclusion. If the world is to continue it must not only

control nuclear weapons but eventually destroy them. How much and when are matters that can be solved once real agreement is reached in reversing the trend. To date, I do not believe that any real attempt has been made to reach this basic agreement.

It will take men like Burke, moral but realistic, committed to their own nation but responsible for the condition of all men. When he spoke of meeting the challenge of the American colonies, he was not matching the first strike capability of George III against the retaliatory power of the Lexington farmers. He was measuring the future possibility of colonialism in the new world against the continued existence of a community of men known as the Empire. Burke argued for the latter.

Who today will measure the future possibility of international relationships built on arms against the continued existence of the community of the world—and argue for the latter?

Must we wait for the newer generations to assume their places in power, indeed, can we wait? Or must we exercise the responsibility that falls to moderate men? Clearly it is our task, and we had better be about it.

So we live in a time demanding great change, and a time when survival is a real question. How will we succeed cannot be predicted. But we will never succeed if men of reason abdicate to those consumed by passion or by fear. Change within Western nations will not come about through random acts of violence and disruption, for sheer violence cannot compel fundamental change. Rather it helps defeat those who are serious about change—the forces of humane moderation. So I fear that the present reactions—the words of law and order, the trials and jailings, the public statements and name-calling by men in high places—are only the touch of a giant. Aimless and frivolous acts will turn the millions of citizens, whose fears spring from shared anxieties, frustrations and discontents, against progress and reform. Some argue that intolerance and violence are justified because modern society is violent and intolerant. Even if that were true, the argument is purest demagoguery. The objective of the discontented should not be revenge, but change. The only question for the serious man is whether these acts are effective tools of liberating change. They are not effective. They are not moral. And thus the use of violent acts is self-indulgent and, worse, the unwitting instrument of those who seek to impose oppression from the right.

And in the world, war can no longer be considered an instrument for change. We are too close to the edge of oblivion for that—and the final realization of this fact will demand adjustments and innovations in the affairs of men unparalleled in history.

We are, then, engaged in a profound struggle for the future of our common civilization. The discontent and the ferment are realities. Only by reasoned change amid a changing world can we hope to preserve those human values which Burke struggled to protect and which were summarized by the founders of my own nation in the phrase: "pursuit of happiness." We may not yet understand the complexities of our dilemma. We do know that the future will either be one of increasing justice for our fellow man and the liberation of the individual to enrich his own destiny—or it will be a future of increasing repression and control, if a future at all. Discontent must either be met or suppressed. To meet it is liberation. To suppress it is the end of liberty. It was my genius countryman, Benjamin Franklin, who said "They that give up liberty to obtain a little temporary safety deserve neither liberty nor safety." Nor, may I add, will they have them.

What will the outcome be? No man knows, and Burke first of all would scorn one who tried to predict the future rather than shape it.

It is now almost seven years since the President of the United States came to this city—not to the land of his birth, as he said, but the land for which he held such great affection.

John Kennedy referred to the age in which we live—an age when history moves with the tramp of earthquake feet, an age when a handful of men and nations have the power literally to devastate mankind. But he did not speak in despair or with a sense of hopelessness—those feelings had no place in his Irish heart.

"... across the gulfs and barriers that now divide us," he said, "we must remember that there are no permanent enemies. Hostility today is a fact, but it is not a ruling law. The supreme reality of our time is our indivisibility as children of God and our common vulnerability on this planet."

I choose to believe that Burke would have agreed with that view of reality. I can only hope that we who remain will choose to work from it.

#### BIBLIOGRAPHY ON DRUG USE

#### HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. COHELAN. Mr. Speaker, I submit for the RECORD the following selected bibliography on drug use, abuse, experimentation, and effects, both behavioral and psychological.

I hope this information will be helpful to my colleagues in their efforts to deal constructively and responsibly with the drug abuse problem.

The bibliography follows:

- DRUGS—SELECTED REFERENCES THROUGH 1969
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\*Footnote at end of speech.

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SOURCES OF INFORMATION REGARDING RESEARCH IN PROGRESS ON LSD, CANNABIS, ETC.

CPDI, Box 851, Berkeley, Calif. 94701. Selected listing of researchers doing research on the effects of marijuana and its constituents.\*

NIMH, Chevy Chase, Maryland 20203. Write for a listing of NIMH funded research projects related to marijuana and its components and to LSD.

Science Information Exchange, 209 Madison National Bldg., 1730 M Street, N.W., Washington, D.C. 20036. Description of research projects (current or recent) may be obtained by qualified researchers.

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National Clearing House for Mental Health Information, 5454 Wisconsin Avenue, Chevy Chase, Maryland 20015. (Annotated bibliographic reference material available.)

National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014.

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#### DRUG EXPERIMENTATION—RISKS AND ALTERNATIVES

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Byler, Ruth, Lewis, Gertrude, and Totman, Ruth (1969) *Teach Us What We Want to Know*. *Mental Health Materials Center*, 419 Park Ave. So., N.Y., N.Y. 10016. \$3.00 (Based on a survey of 5000 students K-12.)

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#### OTHER MATERIALS OF INTEREST

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Films—For information regarding films and film rentals, write University of California Extension Media Center Distribution, Berkeley, California 94720. Also write Professional Arts, Inc., P.O. Box 8484, Universal City, California 91608 for information regarding "Escape to Nowhere", "Pot's a Put-On" (a brief satirical put-down of pot), "The Ballad of Mary Jane," and other films.

Recording—"Talking Drug Store Rag" by Hank Mindlin and Carol-Leigh Jensen on S. & S. Records—album "Inquire Within" Available through Sufism Reoriented, Inc. 1290 Sutter St., S.F., Calif. 94109. \$4.98 plus 25¢ handling. (California residents add 25¢ sales tax.)

#### AGENCY REFERRAL AND PROGRAM INFORMATION

For referrals in the San Francisco Bay Area contact the Bay Area Social Planning Council: 577 14th St., Oakland, Calif. 94612. 835-2440.

In California, a listing by county of Drug Abuse Treatment and Referral Facilities Facilities may be obtained by writing to Mr. Chester Roberts, Jr., Division of Research, Department of the Youth Authority, 915 Capitol Mall, Sacramento, Calif. 95814.

For information regarding an experimental prevention program stressing positive alternatives to drug use, write awareness House, Bryce Brooks, Director, P. O. Box 515, Fort Bragg, Ga. 95437. Also see *Life Magazine*, "A Town in Trouble", March 21, 1969, for further information regarding this program.

For information regarding a successful educational program for young, first time drug offenders and their parents, write San Diego County Probation Department, William M. Sergeant, Supervising Probation Officer, 2901 Meadow Lark Drive, San Diego, Calif. 92123. (Participation in an entire series of educational programs is in lieu of prosecution.) (Copies of a program summary are also available through C.P.D.I.\* Please include 25¢ to cover costs of printing and handling.)

For a 19-page booklet entitled "Program Objectives—Narcotics, Drug & Alcohol Abuse Task Force", write California Council on Criminal Justice, Sate Capitol, Sacramento, Ca. 95814.

#### FOOTNOTE

\*Please enclose a large, self-addressed, stamped envelope with all requests. Financial contributions are essential to the expansion of the work of the Committee. For all requests and for further information regarding the activities of the Committee, please write: Committee for Psychedelic Drug Information, P. O. Box 851, Berkeley, California 94701.

#### CREDIBILITY AND LAOS

### HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. MATSUNAGA. Mr. Speaker, more and more Americans are becoming concerned over the credibility gap which is becoming increasingly evident in the declarations of the present administration.

The Honolulu Star-Bulletin, normally a Republican-oriented daily newspaper in Hawaii, has joined those who are beginning to raise questions about what President Nixon says and does. It warns the President of the dangers of widening the credibility gap with reference to Laos.

The Star-Bulletin editorial of March 9, 1970, is submitted at this point for the CONGRESSIONAL RECORD:

#### CREDIBILITY AND LAOS

Almost from the beginning of our involvement in South Vietnam, the Johnson administration suffered from a credibility gap. Partly it could not be helped; the military commanders of a nation at war do not telegraph their punches. But it resulted also in

large part because of President Johnson's penchant for secrecy and because he did not take Congress into his confidence.

This latter lack was perhaps most productive of all in stretching the gap so far as the general public was concerned. Even some members of Congress who voted for the 1964 Gulf of Tonkin Resolution, preeminently among them Sen. J. William Fulbright of Arkansas, chairman of the Senate Foreign Relations Committee, claimed they had been duped.

Since leaving office Johnson has claimed that the reason he asked for the Resolution which authorized him to take all steps necessary to prevent "aggression," was that he feared a declaration of war might project Red China into the conflict. He has pointed out that certain treaties between China and North Vietnam might have automatically made China a combatant, whether it wished to be or not.

But, taking the former President at his word, the fact remains that the country as a whole did not realize the extent to which it had been committed until it had become an accomplished fact. Then the din of protest rose louder and louder until finally Johnson was forced from office and his party lost the presidential election.

It would seem that, with his predecessor's disaster so freshly before him, and because of his own undisputed sagacity, President Nixon would take all steps necessary to avoid a credibility gap of his own with respect to Laos. Yet in some respects the Laos situation is worse than Vietnam was in the beginning, some five years ago.

In a 3,000-word statement issued Friday, Mr. Nixon said reports that Americans are engaged in ground fighting and that increased U.S. air combat in Laos is escalating that conflict are "grossly inaccurate." Yet the fact is that, regardless of the degree of fighting or escalation, the President was officially confirming for the first time what has been an open secret for months—that Americans are fighting in Laos.

In a further obvious contradiction, Mr. Nixon declared that, as evidence that Americans are not "directly" involved in combat operations, "no American stationed in Laos has ever been killed" in six years by the enemy.

But at the same time the White House confirmed that American casualties in the air over Laos have risen to about 400 over the six years, including 193 individuals presumed captured or listed as missing.

Furthermore, said Mr. Nixon, and these are his words, he has "no plans for introducing ground combat forces into Laos."

This resort to technicalities of language in an effort to stay within the framework of fact may in the end set the same kind of trap for Mr. Nixon as his predecessor set for himself. If what we are doing in Laos is the concern of the American people—and of course it is—why are American newsmen barred from entering the combat zones?

The American involvement, the CIA's army of mercenaries hired to fight the Communist Pathet Lao and now, presumably, the invading North Vietnamese, who are supposed to have 67,000 troops in the country, has been going on for a long time. But under the terms of the Geneva agreement we were not supposed to be there, so it was not admitted in Washington that we were.

In his message Mr. Nixon appealed to the Soviet Union to use its good offices with Hanoi to refrain from aggravating the situation. The record of such appeals with respect to South Vietnam is such that we can hardly rely on the Russians to help us now. Are we or are we not going to fight to save Laos from the Communists, as we did in South Vietnam? That is the question that the President, sooner or later, must answer.

## THE COMMUNICATIONS EXPLOSION IN CONNECTICUT

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. ST. ONGE. Mr. Speaker, our country today is experiencing what may rightfully be described as a communications explosion. In recent years there has been considerable growth in the field of communications, and from all indications the years ahead hold promise for even greater growth and development in this field.

I have recently received the annual report for 1969 of the Southern New England Telephone Co., which contains many facts and figures attesting to the tremendous growth of telephone service in Connecticut. To cite only one figure: The company's construction program in 1969 totaled \$99 million, and its construction plans for 1970 call for an expenditure of \$106 million. It is not surprising to find that the telephone service in Connecticut is rated among the best in the country. Contrasted with the excellent service we have in Connecticut is the rather poor telephone service in New York City.

At the conclusion of the report of the Southern New England Telephone Co., there is a brief article, "Looking Ahead," by John Craig, vice president for engineering. This article is most enlightening in that it gives us a picture of the developments in the field of communications in the next 5 years. Although Mr. Craig's article deals specifically with Connecticut, I am sure it applies in many respects to the situation in many other areas throughout the country.

Because of its technological importance, I am inserting the article into the Record and commend it to all my colleagues. It reads as follows:

### LOOKING AHEAD

(By John Craig)

Connecticut is one of the fastest growing states in the Northeast. In looking ahead just five short years, we expect the population to rise to 3½ million with the number of households increasing at a rate of more than 27,000 a year. We anticipate that the total number of telephones in service will increase by 87,000 in 1970, and that the rate of annual increase will grow to more than 100,000 by 1975. Long distance calling is expected to grow about ten per cent per year over the next five years.

This continuing growth in demand for telephone service is reflected in our planned construction expenditures for 1970-75. We expect the expenditures for new telephone plant in the six-year period to approach the amount of all previous plant investment accumulated through 1969.

To connect the telephones with central office switching equipment will require substantial amounts of outside plant, such as cables, poles and conduit. More than six million lines of copper wire will be placed in service between now and 1975—60 percent of it underground and out of sight. Improvements in cable design and placement techniques, and the computerization of cable inventories, will enable us to hold the line on costs here.

To meet growth, we must also add significantly to interchange circuits and central

office switching equipment. To house this additional equipment we will undertake a sizeable building program.

During 1970-75, we will start 62 additions to existing buildings and make alterations in numerous locations. We have planned five new buildings, including an electronic equipment building and a garage in Hartford, to complete in 1972; an electronic equipment building in New Haven, to complete in 1973; a new switching center in Salem, for 1972; and another in Madison to complete this year.

We plan to continue the introduction of electronic switching systems. By the end of 1975, electronic switching equipment will be working in 26 offices around the state.

Traffic service positions, the operator consoles that are replacing conventional toll switchboards, will be in service in Norwalk, Hartford, Bridgeport, Stamford and Danbury in 1971. Our goal is to have this equipment serving all of Connecticut by 1974.

Touch-tone calling will be available to 38 per cent of Connecticut customers by year's end, and to 75 per cent by 1975.

These plans, along with various service and transmission improvement programs we have scheduled, mean that we will be investing a tremendous amount of money between now and the end of 1975, but, large as these expenditures are, they may not be large enough.

Many new developments in technology and concepts will come about in the next five years—such as Picturephone and a new electronic telephone; the increased use of the nationwide network for data and computer services; and—with new regulations permitting the attachment of customer-owned equipment to our lines—and yet unknown uses of our network that may be generated by this change.

The effects of these developments cannot be so readily foreseen as some of the needs outlined above. Yet any of these could create additional capital requirements unanticipated at the start of the 'seventies.

And even as we contend with technological and social change, we must continue to extend ourselves in the areas of maintenance and replacement of existing plant, transmission improvement, recruiting, training, and re-training the men and women who keep the network working. To attain these ends we have to maintain a competitive position in relation to other industries—in terms of earnings, attracting new capital, marketing new services and finding the kind of people who will stay with us and grow with us in the decade ahead.

We are living in the first wave of a communications explosion. Already, we have encountered hard problems associated with growth and customer needs. Looking ahead to a period of even greater growth, coupled with a tremendous increase in the volume and sophistication of communications, we can see our work cut out for us. We will need huge quantities of complex equipment, great amounts of new capital, and—just as important—we will need the very best people we can get, to help us respond effectively to the forces of growth and change.

## CIVIL RIGHTS FOR NORTHERN IRELAND CATHOLICS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. RYAN. Mr. Speaker, discrimination against the Roman Catholic populace of Northern Ireland by their Protestant countrymen is of longstanding. The tragic consequence of this discrimina-

tion—which is reflected in discriminatory public housing allotments and voting rights practices, including gerrymandering and voting weighted in favor of Protestants, and preferential job hiring of Protestants—has been religious and political conflict, culminating in the riots of last summer. Eight lives were lost; hundreds were injured.

To the credit of all who seek peace—Protestants and Catholics alike—efforts have been made to eradicate this discrimination. On August 29, the British and Northern Ireland Governments announced agreement on a series of civil rights reforms. Clearly, such reforms are essential, for, as the report of September 11 released by an official commission of inquiry confirmed, the ruling Unionist Party had gerrymandered districts, “manipulated” public housing allocations, and showed hiring partiality to Protestants.

Certainly much remains yet to be done. Religious animosity still sparks violence, such as that of last October 12, when a policeman and civilian were killed when British troops fired on rioting Protestants in Belfast. But, at least, the efforts for reform have begun.

On Wednesday, March 18, a vote of confidence will be taken to determine whether the reforms thus far instituted by the Northern Irish Government, under Prime Minister Chichester-Clarke, are to be supported by his party—the Unionists. Failure of passage may bring the Government down and thereby signal a victory for the Protestant extremists.

It is with sincere concern for all the parties to the strife in Northern Ireland that I express the hope that the reforms will be supported and effectively implemented, and that further necessary reforms will be enacted.

As 104 of us said in our letter to President Nixon last June 24, when we expressed our distress over the discrimination against Roman Catholics in Northern Ireland:

As we strive to strengthen the common bond that unites all members of our society, we urge the people and Government of Northern Ireland to do the same. It is only in such a climate of shared humanity that concern for historic differences can give way to concern for the real and pressing problems of today.

To our own shame, the tragedies of discrimination have been all too amply demonstrated in our own country. Certainly, as we struggle to fight and overcome the inequalities of men within our own society, we can do no less than urge others to learn from our own bitter history and to act more wisely and more generously than have too many of our own countrymen.

**EFFORT CONTINUES TO MEET SOCIAL NEEDS OF PEOPLE**

**HON. JOHN J. McFALL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. McFALL. Mr. Speaker, the House Ways and Means Committee has devoted many hours since the second session of CXVI—490—Part 6

the 91st Congress convened in the continuing effort to develop programs to meet the needs of a wide strata of our society.

Members of the committee deserve the thanks of the Nation for the dedicated concern they always express for the elderly, the disabled, and those forced by circumstances to accept public assistance.

Millions of Americans have benefitted by introduction of such programs as medicare, retirement and survivors' insurance—federally administered—and cooperative programs administered at the community level using funds from Federal, State, and local sources. Congress has looked to, and received, recommendations from the formulating legislative committees which have worked diligently for the past 35 years to meet the social needs of the people. They have been assisted by many representatives of the public who have come forward with ideas and suggestions which have been helped immeasurably in formulation of new programs that have advanced the cause of human dignity and led us away from highly unsatisfactory conditions faced by previous generations.

The Townsend Movement, founded and led so many years by the late Dr. Francis Townsend, deserves great credit for the initiation of and improvements to the social insurance program. The Movement is continuing its efforts.

Two statements were presented recently to the House Ways and Means Committee by a representative of the Townsend Foundation which I believe deserve the attention of all Members. They follow:

STATEMENT BY JOHN DOYLE ELLIOTT, SECRETARY OF THE TOWNSEND FOUNDATION TO THE COMMITTEE ON WAYS AND MEANS, JANUARY 28, 1970

It's preposterous to expect telling combat against ecology's pyramiding problems unless dominant confusions and confrontations in our country are replaced by a faith and harmony only social justice enthroned as unanswerable reality can make possible.

Otherwise, greed and waste, extravagance and corruption will go on destroying our material and corroding our spiritual resources and values ordaining doom.

Our skyrocketing ability to produce must foster perfecting freedom, health and wisdom not support “inflating” greed, waste, extravagance and corruption.

Census Bureau's annual reports on money-income distribution show how badly our Social Security and welfare policies have failed to support this necessity.

*Median income*

**MEN**

Over 65:		
1947	-----	\$956
1968	-----	2,652
From 55 to 64:		
1947	-----	2,344
1968	-----	6,717
Inferiority:		
1947	-----	1,388
1968	-----	4,065

**WOMEN**

Over 65:		
1947	-----	551
1968	-----	1,311
From 55 to 64:		
1947	-----	962
1968	-----	2,576
Inferiority:		
1947	-----	441
1968	-----	1,265

There is the problem—measured not being overcome constantly growing greater!

Add this fact: Persons over 65 increased in numbers 3.6 times faster than those aged 25 to 64, in those same years.

All our works, policies and programs, public and private, have failed to prevent elders' economic plight from worsening never mind betterment. Specifically, median income for men over 65 increased 177% but their inferiority to men 55 to 64 increased 193%. For women the respective figures are 138% and 208%! The inferiority of elders to still younger adults is even more marked.

Our present Social Security system has totally failed. It and welfare, so-called, must promptly be superseded by a program which will wipe out that outrageous inferiority of the elderly and other unjustly misfortunate Americans. Any less is now excuseless.

While life's final reward for Americans remains financial failure and dependency, so long will our other works and glories stand vain and mocked!

For the disabled, families and children bereaved of their natural breadwinners and those unemployable (though physically and mentally competent) because the changes of history and progress make their skills unworthy of hire for them, too, the financial misfortune of the aged is duplicated. By now, all surely know they are unjustly misfortunate by the very progress which so wondrously benefits the rest of us.

The just enacted 15% benefit-raise will make but a passing ripple, like its predecessors. Proposed national standards for welfare are commendable in themselves, but 30 years late; It's ironic tragedy that every delinquently mean penny of such overdue “improvements” is avidly precious to the poor victims of our feeble policies and no man of decent heart can deny them now.

But they can in no sense contribute to the full justice on which the faith and harmony we must establish depends. For that they are no more competent than were the original enactments and chain of amendments, in their times.

The needed plan exists. You need only examine what the difference would be if somehow, we had never encountered the problem. No elderly, disabled and bereaved families would be in poverty. Those whose skills technology's changes make unworthy of hire would be financially protected pending their acquiring new skills.

In that case, their well-being would be “costing” just what any plan wiping out this evil wrong will cost. Cost? No incomparably profitable investment!

That difference meticulously defines, measures and spells out the gap between the incomparably happy, unchallengeably strong America which could and should exist and the faltering society now around us. No project, or investment can profit us and all mankind so much as filling that gap! The priceless prize of peace requires it.

Only one thing can wipe out that gap, a great, national pension sufficient to bar poverty even for those caught with no other resource as the equal, inherent right of every American at retirement age, or encountering any other of the misfortunes noted above. Today, to wipe out the inferiority-gap specifically measured by the Census Bureau data above, that pension would have to be about \$300 a month.

It's the one thing which could have made the difference. It's the one thing which ever can. Without it the inferiority of the old and others will remain and grow—the forebodings of the Violence Commission become ruining reality.

I have to take issue with certain current proposals and ideas, like the \$3,500 a year, per-family-of-four poverty-ceiling. Averaged, that is under \$900 a year, \$75 a month, \$2.50 a day, per person—to finance the life of a human being in the United States in 1970.

It costs us \$2 a day to board our cat when we have to be away!

I note President Nixon's proposal of a maximum welfare standard of \$1,600 a year aid, to taper off as the family has over \$1,000 a year additional. While, shame to say, it will better many poor in many states, it is fantastically obsolete, by 30 years!

By contrast, there is the Federal minimum wage, \$1.60 per hour, nearly \$275 a month for a 40-hour work-week. Updated, it reflects a standard of about \$300 a month, to keep an individual worker fit to work in the conscience of Congress \$3,600 per person a year! The least for which we can conscientiously use the time, life of any other for our own benefit or profit, according to the conscience of Congress itself.

Per capita income—average cost per human life from cradle to grave—is the same. How can we condone less for retired and disabled adults? How brutal it is!

Sadly, we have people so poor the proposals will help them; but, they will not calm the storm of crises descending upon us. They will continue the injustices and discriminations generating those storms.

All the platitudes about nationally standardizing welfare—in view of these obsolete amounts—are sin-stenched hypocrisy in face of the 75 cent-on-the-dollar discount of justice they propose.

Raising the payroll tax-base—in steps up to \$15,000—is positively wrong. We have the Social Security and welfare problem because of the financially misfortunate people, not because of well-employed and prospering people.

To obligate the public purse to match retirement contributions for the prosperous is excusable. Every objection raised wrongly against this aid to the well-to-do and even rich.

Equally wrong is to use so-called "general revenue" in lieu of raising the payroll tax-rates and base. To tax progressively for the cost of general government is time-honored and fair. To apply the same progressive rates to finance benefits is heaping progression on progression. You can't be right in both cases.

Under a flat-rate tax, the poor pay less, benefit more. The prosperous pay most, but the benefit means less to them. The benefit-impact progressively favors the poor.

The very least justly to do now is very vigorously to start transition from present unjust Social Security and welfare to a system which will wipe out the cruel financial inferiority and discrimination against the elderly and other unemployables.

H.R. 1205—the Pay-As-You-Go Social Security and Prosperity Insurance Act in Section 1, 212, 214 (c), (d) and Section 2, defines the direct, most prompt transition to the great, national pension for all Americans alike. By amendment of the present system there is one possible, indirect approach to the same ultimate goal of ending discrimination and unjust, punishing, economic inferiority.

Vest in every person equally an assumed wage in covered employment sufficient to dictate a retirement-benefit of \$150 a month. Put all Americans in the same program. This will automatically wipe out almost all present welfare and public assistance operations and replace most Social Security benefits for adult dependents. Thus it will leave welfare and public assistance intact for extreme and unusual cases.

In terms of actually doing the job, it will cost not a dime more than present discriminatory programs, if they could do the job at all—or what our economy would be doing if, somehow, people had successfully avoided the problem altogether; Nothing else, or less, is a solution worthy of the name American!

Adjust benefits annually in step with advancing per capita income—not just advancing living costs—because per capita income reflects all monetary and financial adjust-

ments and changes meticulously in up-to-date dollars.

Totally suspend earnings limitations except as benefits seriously approach sufficiency to bar poverty even for those caught with no other resource.

Lower retirement age with full benefits to 60 years.

Remove medicare limitations, including deductibles. Apply it to all Social Security beneficiaries, not just the aged.

Finance this program of transition—not by payroll-tax hikes, or stupid pyramiding of general-revenue tax-rates, but by the gross income (gross receipts) tax defined and provided in Sections 214 and 229 (in the first section) of H.R. 1205. Virtually wipe out the burdens of welfare and public assistance on state and local government.

Consider seriously U.S. Retirement and Disability Bonds, to appreciate in proportion to per capita income, for those able and desiring to amplify their retirement status without traditional investment risks.

This is not just a plan, it's the plan. Without it we will never overcome poverty and social injustice—never establish the faith and harmony necessary to cope with the gathering catastrophes of ecology. For example, without it trillions will be spent to rebuild our rotted cities only to inhabit them with paupered people ordaining doom—future slums beyond the most nightmarish possible imagining.

The faulty, excuselessly immoral prosperity we now have foments ever-growing rebellion by its frustrations of honest human hopes and rights. This must be remedied.

The time for easy tolerance of things wrong, callously gradual and too often fictitious progress toward corrections—that time's run out. The great, massive stroke of swift, decisive, achieving action is looming as our unanswerable necessity. I respectfully admonish my Countrymen and the Congress that this plan is to that end the primary essential.

To what end do we save cities, or any other things, unless we save the people for whose freedom and health all things economic exist?

STATEMENT ON MEDICARE TO THE COMMITTEE ON FINANCE OF THE U.S. SENATE, BY JOHN DOYLE ELLIOTT, SECRETARY OF THE TOWNSEND FOUNDATION, FEBRUARY 26, 1970

It's senseless to expect success against our pyramiding problems unless dominant confusions and confrontations in our country are replaced by the faith and harmony only social justice enthroned as unanswerable reality can make possible.

We consider Medicare the best and only right thing yet done by Congress about Social Security and poverty problems. Medicare vests in every American, equally and alike, exactly the same benefits on the single basis of attained age 65. Its benefits aren't mere tokens, but effectively meet the problem unlike those of Social Security.

Precisely opposite to Title II, Medicare doesn't ridiculously tell an American, "Your low earnings entitle you to only half an appendectomy, not a whole one like your prosperous neighbor who is far abler financially to provide for his own care."

However, splendid Medicare is not faultless. First, it should insure the total duration of every illness; not be limited. Financially catastrophic illness whose duration and costs wipe our peoples' resources need insurance most, not less!

Second, all deductions and premiums should be abolished. They are but nuisance to \$1,000 a month persons; but for those with \$100, or \$75, to say nothing of millions with less, premiums and deductions come right out of their hides! Remember, the problem is because of the misfortunate, not the fortunate. Abolish these cruelties.

Third, deductions and premiums cruelly

enmesh many who are unable to pay them in the discriminations and humiliations of public assistance and misnamed "welfare." For 35 years, we have urged that there must be one program for all, equally and alike. Not endlessly varying discriminations from state to state and from county to county, locality to locality, within the states. Premiums and deductions are excusable.

Fourth, all should automatically become entitled to full Medicare benefits at age 60. For decades, authentic surveys of money-income distribution, the very license to live, have shown financial disability setting in long before age 65.

Fifth, the disabled, families bereaved of their proper breadwinners, and those whose employability is terminated by the incidents of progress (pending their acquiring new skills worthy of hire), they all bear the same financial disability as the elderly. They, too, must be covered by Medicare, as the only workable remedy.

Sixth, overcharging by the health industry and medical professions must be stopped.

To those who decry the "costs," I respectfully admonish we must discard mistaken fear about the money necessary genuinely to substitute healthy, prospering human life for these vital losses. We must intelligently recognize our true losses stem from our failures financially to wipe out social injustice and fully to promote the best possible human health, plus appropriately educating every person so as to realize his potentials as fully as possible. We must throw off the handicap of scarcity-age, obsolete, economic views and policies now as useful as a Model-T Ford!

To finance these perfections of Medicare, I respectfully recommend closest scrutiny of "Section 214" and "Section 229" of the first section of the enclosed bill, H.R. 1205—the Pay-As-You-Go Social Security and Prosperity Insurance Act. It therein provides and defines a "financial technology" based on the gross receipts of all persons and companies. This broadest possible base entails the lowest possible contribution-rates and the most equitable possible incidence of responsibility. It abridges the crushing effects of further skyrocketing payroll tax-rates and of fantastic raises in "general revenue" rates, both already critically stretched.

To what end all our progress, if we don't save the people for whom it is all meant?

CONGRESSMAN EDWARD I. KOCH—  
A MAN FOR AMNESTY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. MIKVA. Mr. Speaker, few would contend that America's recent past has been without irresponsible protest and lawless dissent. But reasonable men will also recognize the value of responsible dissent in moving our Nation toward peace and justice. Some who have so dissented have paid dearly—to the point of dying or leaving their own country.

In the case of Vietnam, a war that has been so foolishly fought and so poorly supported, it seems reasonable to provide channels to unite Americans, rather than divide them. I am pleased to see that one of our distinguished colleagues, the gentleman from New York (Mr. Koch) has seized the initiative in reconciling some of our outcast Americans.

The gentleman has undertaken to speak with numerous Americans, now residing in Canada for disgust with our

Vietnam adventure, and to propose a discussion of options for eventual amnesty for such men. A recent editorial in the St. Louis Post-Dispatch praises the Congressman for opening this vital dialog. I commend the editorial to the attention of all my colleagues.

The editorial, which appeared in the February 25 issue of the Dispatch, follows:

**A MAN FOR AMNESTY**

Representative Koch of New York is taking a courageous stand in proposing to open a national discussion of options for eventual amnesty for young Americans who have gone into exile rather than fight in a Vietnam war which they feel "is not in the defense of our country and sullies our country's good name."

He shares neither the views nor the information gap of the automatic flag-wavers who brand these youths sight-unseen as cowards and good riddance. Taking the trouble to know whom he is talking about, the New Yorker met with draft exiles in Toronto, Montreal and Ottawa—the first member of Congress, they told him, to do so.

He found them "first-rate young men," for the most part "sensitive and mature, talented and educated" and "doing their best to uphold the finest traditions of this country," he told a press conference on his return. Some of them had fought in Vietnam. But all, he reported, had been "outraged by our prosecution of the Vietnam war, victimized by the brutality of military training and alienated by what they see as intolerance and hypocrisy in American society."

There are an estimated 50,000 draft exiles in Canada (still others have gone to Sweden and France) and more are expected there. Five members of Parliament with whom Mr. Koch spoke expressed themselves as "delighted" that young Americans of their caliber had chosen to pursue their careers and raise their families in Canada. The Representative sees this as a tragic drain of youth and brains from our country, "a shame and a disgrace."

He points out that the United States has historically been a haven for youths fleeing impressment into the military—from Germany under the Kaiser and Russia under the Czar. He sees no reason why these young Americans should be offered after the Vietnam war any less than the amnesty offered to Confederate soldiers even before the Civil War was over.

In the two months since his press conference on returning from Canada Representative Koch has received "an enormous amount" of mail, much of it critical and some of it abusive. He has discovered, however, that the most violent objectors to amnesty are receptive to requiring the exiles to return to perform some alternative service, such as work in the ghettos.

If this is the case generally, Mr. Koch's hopes for constructive dialogue are firmly based, and we think he is right in holding that it should be started now.

**NEW BENEFITS FROM BUREAU OF MINES RESEARCH**

**HON. LAURENCE J. BURTON**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. BURTON of Utah. Mr. Speaker, recently the Interior Department's Bureau of Mines issued a news release pertaining to experiments being conducted to find uses for wastes associated with the production and utilization of min-

erals and mineral fuels. I would like to bring this interesting release to the attention of my colleagues who may have missed it at the time of issuance.

The release follows:

**SEE NEW BENEFITS FROM BUREAU WASTE RESEARCH**

A novel way to use ashes for safer winter driving—putting them in the tire tread instead of on the icy roadway—is the subject of experiments by the Interior Department's Bureau of Mines.

In laboratory tests at the Bureau's Morgantown (W. Va.) Coal Research Center, scientists found that rubber samples formulated like tire treads and containing coal fly ash showed significantly improved traction and skid resistance. Preliminary tests indicated that as much as two pounds of ash per tire could be added without noticeably affecting the wear properties of the rubber. Next, the Bureau plans to have a manufacturer produce test tires with ash-impregnated treads and to evaluate their performance against that of conventional winter tires.

The experiments are part of a broad Bureau program to discover better methods for disposing of wastes associated with the production and use of minerals and mineral fuels. Finding uses for wastes is the best disposal method, the Bureau believes, and the 20 million tons of fly ash produced each year in the U.S. by coal-fired electric generators is a particularly attractive target for waste disposal research.

**BATON ROUGE PEACE OFFICERS PROUDLY WEAR THE FLAG**

**HON. JOHN R. RARICK**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. RARICK. Mr. Speaker, last October it was my privilege to introduce H.R. 14337, a bill to require that the uniform of officers and members of the uniformed police forces of the District of Columbia bear a distinctive shoulder patch showing the flag of the United States.

The experience of the forward-looking police and sheriff's departments throughout the country indicated that identification of the local police officer with the flag of our country enabled him to do a better job, with considerable reduction in hardship to himself. It is particularly appropriate that the police officers of our Nation's Capital be identified with the emblem of our land.

In Baton Rouge, our police and sheriff's officers have joined the large and growing number of peace officers who are proudly wearing the flag symbol. In view of the impending outbreak on the Washington scene of the minions who prefer the Red flag, or the flag of the Vietcong, to the Stars and Stripes, the identification of our local police with our national heritage of freedom and liberty under law is more and more appropriate. I invite our colleagues to join in the sponsorship of the pending measure, to support our local police.

I include in my remarks an editorial comment from the Baton Rouge newspaper in connection with the adoption of the flag by the peace officers there:

**THE POLICEMAN AND THE FLAG**

Members of the City Police Department and the East Baton Rouge Parish sheriff's office have joined a large and growing company of peace officers in wearing miniature American flags as part of their insignia. They will wear the flags just above their uniform shirt pockets. Police in more than 1,000 cities and towns across the country recently have added the flag to their uniforms and more members of more of the nation's 18,000 uniformed police departments may be expected to do so.

The idea for this is credited to Mayor Ronnie Thompson, Macon, Ga., who says he developed it because so many policemen were being attacked while on duty. It was his hope wearing of the flag would reinforce the psychological position of the policeman and give potential lawbreakers some thought of the policeman's role as defender of the law, without which there can be no justice, and the order without which there can be no law and nor any government.

Mayor Thompson reports a very sharp drop in the number of assaults on officers since the flag patch was added to their uniforms. Police departments in some other cities are hopeful of a similar effect. But whether or not the results actually are so salutary, we agree with President Nixon, who wrote as follows to the American Federation of Police:

"In my view, the display of the United States flag on the uniforms worn by law enforcement officers is appropriate both as an indication of respect for the flag itself and as a reminder that our flag symbolizes the American freedoms which the peace officers of our country have dedicated their lives and their energies to preserve."

Heretofore most of the cities where the flag is being worn have been small to medium-sized. But Detroit police cars now carry flag decals as do highway patrol cars in Minnesota and Montana. And New York police now have been given permission to wear a one-inch square metal flag above their badges.

Some observers, of course, object to all this. They say, in brief, that the abuse of the flag by the New Left "has encouraged the right-wing to appropriate the national flag and all its symbolism as its exclusive property." Old Glory, they add, is being used by all sides to bring about "still more political polarization in an already divided nation."

Public resentment of abuse of the flag by kooks and radicals is, indeed, deep and great. But it hardly follows that all who feel this resentment or choose to display their respect for the flag belong to some kind of equally radical "right wing." Neither does it follow that the proper policy for the rest of us is one of neutrality and noncommitment.

**GEORGE A. SNELL**

**HON. JOEL T. BROYHILL**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, under leave granted, I insert in the RECORD a copy of a letter addressed to the Assistant Regional Administrator for Equal Opportunity, Department of Housing and Urban Development, by my constituent, Mr. George A. Snell, president of the Snell Construction Corp. The letter describes a ridiculous charge made by the northern Virginia fair housing unit and the rubberstamp given the

charge by the Department of Housing and Urban Development.

The manner in which we are spending taxpayers' money to appease a racially prejudiced group who charge discrimination at every opportunity goes beyond being silly. Apparently the silent majority in this Nation has remained silent a little too long, and does not even now realize how much they are being pushed around by a minority demanding and getting appeasement.

Mr. Snell is an honorable man, who does not discriminate against anyone. And he is one of the most successful businessmen in our northern Virginia community. Mr. Snell has now caught both the agitators and the Government's meddlers at the phony game they are playing. Let us all watch now to see how quick they run for cover only to pop up again with a phony charge somewhere else.

The letter follows:

SNELL CONSTRUCTION CORP.,  
Arlington, Va., March 11, 1970.

Re: 2 EH: 851-37, Northern Virginia Fair Housing Inc. vs. Southern Towers Apartments.

MR. WAGNER D. JACKSON,  
Assistant Regional Administrator for Equal Opportunity, Department of Housing and Urban Development, Philadelphia, Pa.

DEAR SIR: This will acknowledge your letter of March 2, 1970 with regard to the above reference. We are most disappointed with your handling of this matter.

The facts of this case as determined by your investigator are quite simple: that is, two separate inquiries were made regarding an apartment for rent at Southern Towers by representatives of the Northern Virginia Fair Housing, Inc.; one was advised an apartment was available; one was advised none were available. Both statements were true at the time given, due to a cancellation of a notice to vacate. In neither case was there any intention to rent an apartment by the representative of Northern Virginia Fair Housing, nor in either case was an application made to rent an apartment at Southern Towers.

Your investigator made four trips to this area on this case, expended a great deal of our time and the staff at Southern Towers, as well as some of the tenants. We cooperated fully and made all records and personnel available to him. However, in the words of one of the tenants, it amounted to an inquisition.

The owners of Southern Towers have been the leaders in integration of apartments in the Northern Virginia area, not only at Southern Towers but at other projects we also own, some of which have been integrated for over five years. Southern Towers has been integrated for over four years which was when the first application by a colored tenant was received. Policy existed well before that.

The settlement proposed by your investigator was completely unreasonable and amounted to finding us guilty of discrimination without due cause.

It would appear to us in this case that your office is either the willing tool of what appears to us as a radical group or you are simply making work for yourselves at the taxpayers' expense. Progress in the civil rights area will not be furthered by unwarranted harassment of private enterprise.

We welcome any legal test that either you or they care to start in this case. In fact, by copy of this letter we are calling the matter to the attention of the Secretary for possible action with regard to your office.

Very truly yours,

GEORGE A. SNELL,  
President.

## THE NAVY CROSS FOR WILLIAM BRENT BARBER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. PICKLE. Mr. Speaker, this weekend, a young man from Austin will receive the highest possible decoration from the U.S. Marine Corps.

Hosp3c. William Brent Barber will be presented the Navy Cross.

His deliberate action under heavy enemy fire saved the lives of at least four men and caused his unit to rally when lesser men would have wavered under such intensive assault.

Mr. Speaker, William Barber is 21 years old now and the world knows he is a man. This man was once a boy who was plagued with troubles. Part of his childhood was spent in Buckners Boys Ranch, near Austin. Obviously, however, from his early sorrows, he found strength; he became an inspiration for the Nation to emulate.

Now, this Nation—through the U.S. Marines—offers its tribute to Hospitalman Third Class Barber.

The citation reads:

The President of the United States takes pleasure in presenting the Navy Cross for service as set forth in the following:

For extraordinary heroism 25 November 1968 while serving as a corpsman with Company "I", Third Battalion, Fourth Marines, Third Marine Division in connection with combat operations against enemy aggressor forces in the Republic of Vietnam. During the afternoon hours, Petty Officer (then Hospitalman) Barber was accompanying a platoon engaged in patrol activities in Quang Tri Province. While crossing an abandoned landing zone, the unit was attacked by a well-entrenched North Vietnamese Army force employing command-detonated mines, rocket-propelled grenades, and automatic weapons which wounded four Marines and forced the others to seek cover in a nearby wooded area. Observing that the four casualties were lying dangerously exposed to hostile fire, Petty Officer Barber disregarded his own safety to reach one of the fallen men. After administering first aid, Petty Officer Barber moved the man to a safer position, and, undaunted by the extremely heavy volume of enemy fire, boldly maneuvered across the area on two more occasions to provide medical care and assist the second and third casualties to covered positions. He then braved the intense fire for a fourth time, placing himself between the last of the wounded Marines and the enemy fire during the fifteen minutes required to administer first aid. With the supporting fire of helicopters on station and the concentrated fire of his platoon, Petty Officer Barber was able to remove the wounded Marine to the relative safety of the wooded area. He then skillfully rendered medical aid and comforted all four casualties, directing their movement to a medical evacuation helicopter for embarkation and extraction. By his superb professional skill, outstanding valor and unwavering devotion to duty in the face of great personal danger, Petty Officer Barber inspired all who observed him and was instrumental in saving four lives. His daring initiative was in keeping with the highest traditions of the United States Naval Service.

Mr. Speaker, I would introduce more into the RECORD in tribute to William Barber. On Sunday, March 15, the Austin

American Statesman published an article written by Nat Henderson which captures the life of this man in print. I include excerpts of that article at this time in the RECORD:

NAVY'S HIGHEST AWARD GOES TO TRAVIS HIGH GRADUATE

(By Nat Henderson)

The Marine Corps announced Saturday that the President has awarded the Navy's highest decoration for valor to 21-year-old William Brent Barber, a former resident of Buckner Boys Ranch and a Travis High School graduate.

The Navy Cross will be presented to Hospitalman Third Class Barber at a public review and ceremony at the Navy and Marine Corps Reserve Training Center at 1110 Barton Springs Rd. on March 21 at 10 a.m.

The young Navy petty officer has been serving reserve duty with "B" Company, First Battalion, 23rd Marines, Fourth Marine Division, since he was released from active duty last June 8th.

He is a medical corpsman with the Austin Marine Reserve Company and was assigned as a corpsman to the Marines in Vietnam at the time of the battle in which he won the Navy Cross.

Born in Austin on Dec. 16, 1948, Barber attended school in Burnet from 1954-63. He lived at Buckner Boys Ranch near Burnet from December in 1963 to December 1964.

Barber entered Travis High School in Austin in 1964 and graduated in 1967. While still in high school, in 1966, he joined the Navy Reserve here.

Shortly after graduation from high school, Barber went on active duty with the Navy on June 14, 1967. He completed Hospital Corps School and Field Medical School and was assigned to the Marines.

Barber participated in five major operations against enemy forces while serving as a corpsman. Only six days after the battle for which he received the Navy Cross, he was wounded in action and received the Purple Heart.

In December, of 1968, he meritoriously was promoted to hospital third class for performance of duty in combat.

The Navy Cross is the highest decoration awarded by the Navy and Marine Corps. Only the Medal of Honor awarded by Congress is higher.

After returning home, Barber attended Concordia College here. He now is working in Houston.

Barber is married to the former Dona Gwyn Seeber. He is the son of Mr. and Mrs. Anton Mathern of 4603 Goliad Lane.

Mr. Speaker, I know that each Member of Congress joins me in saluting William Barber. To his comrades in arms, Barber is a hero of magnificent proportions; to the Nation, Barber is the very symbol of duty and honor; to himself, Barber knows he is true.

## POWER AND THE PENTAGON

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. RYAN. Mr. Speaker, the February 20 statement of Defense Secretary Laird on the fiscal year 1971 defense program and budget has been printed in a book which runs 167 pages. This is merely his statement and provides no deep analysis of the meat, so to speak, of the military budget. It will now be the heavy task

of the Senate and House committees to penetrate the labyrinth of this \$71 billion budget. Moreover, those of us in the Congress who do not sit on the House committee, or who question its analyses, must attempt, with limited staff available, to bring enlightenment into a program which is running a misbegotten war in Vietnam, spurring another such conflict in Laos, and diverting urgently needed billions from our pressing domestic needs.

To enable Congress and the public to better and more effectively focus on the military budget, I introduced H.R. 14323 and H.R. 14324 last October 13, to establish a temporary National Security Commission. Twenty-eight of my colleagues joined me in cosponsoring creation of this Commission. I want to call particular attention to section 3(1) (B) and (C) of these two identical bills, which, in establishing the duties of the temporary National Security Commission, provide:

SEC. 3. It shall be the duty of the Commission—

(1) to make a full and complete study and investigation of all activities with respect to national security and defense, including, but not limited to, the operation of all agencies established in the National Security Act of 1947, and any legislation subsequent thereto providing for the coordination for national security or constituting the military establishment, with a view to determining—

(B) whether existing and projected weapons systems, military installations, management procedures, and fiscal performance of such agencies conform to national policy in the area of defense;

(C) to what extent the Defense Establishment as an institution affects individual judgment in the making and execution of policy; . . .

Clearly, creation of the Temporary National Security Commission is a step in the right direction. Another step would be enactment of H.R. 14319, in which I joined with my distinguished colleague from Illinois (Mr. MIKVA) and 26 other colleagues, and which establishes an Office of Defense Review. This Office would provide a source of independent, technically qualified evaluation of Defense Department programs, as presented in the Department of Defense budget request to Congress.

I wish to commend to my colleagues Marquis Childs' article which appeared in the March 13 issue of the Washington Post, and which is aptly titled, "Legislators Don't Have Power to Buck Well-Funded Pentagon." Mr. Childs is all too correct when he states:

Those in Congress seeking to put some restraint on the arms race are seen in this light to be impotent.

The present institutional arrangement, whereby we are forced to compete in expertise with an enormous military establishment—which has a civilian work force of 1.1 million, not to even mention the military personnel who really run the show, and which funds some 20,000 prime contractors and their 100,000 subcontractors—is a major obstacle. Congress has had too few successes in breaking this power.

Moreover, the system of executive dictate which has operated—a system so aptly characterized by President Nixon's

statement at his December 8 news conference that he did not think "the public interest would be served by any further discussion" of U.S. involvement in Laos—further curtails congressional effectiveness and, further, even engenders Congress' unwilling ignorance.

Mr. Childs' persuasively written column follows. I have only one caveat—I am sure that he was unintentioned in doing so, but he fails to take sufficient note of the efforts of some Members of the House responsibly and successfully to challenge the Pentagon's power. In any event, his article is further evidence to support the creation of the temporary National Security Commission and the Office of Defense Review.

Marquis Childs' column follows:

LEGISLATORS DON'T HAVE POWER TO BUCK WELL-FUNDED PENTAGON

Anyone looking for a classic case of how weapons technology becomes an irresistible force can stop right now. The announcement by the Pentagon that deployment of multiple independently targeted re-entry warheads on the Minuteman III missile is no more than confirmation of what has been the clear intention of the scientist weaponeers from the start.

For that matter, you could start with the announcement even as the brilliant researchers begin to put together the incredibly complex formulae for this latest step-up in the kill ratio of the nuclear force. To suggest to these men that there might be a pause to take a reading on the possibility of a moratorium with the Soviet Union is, as this reporter discovered a year ago, to meet with blank incredulity. The galloping horses of technology are on course and there was no staying them.

Those in Congress seeking to put some restraint on the arms race are seen in this light to be impotent. Sen. Edward W. Brooke (R-Mass.) had 43 signers on his resolution calling for a moratorium on the testing of MIRV pending an attempt to reach agreement with the Soviet Union at the Strategic Arms Limitation Talks (SALT). The new SALT round is only a month away, opening in Vienna on April 16.

However well-intentioned they may be, members of Congress simply do not have the time, the expert knowledge or the concentrated power to resist the Pentagon with its annual budget of \$70 billion to \$80 billion.

On the eve of the resumed SALT talks not one but two critical decisions have been taken. The President announced at his January press conference a start with funds in the 1971 budget on phase II of the Safeguard antiballistic missile. This, he said, was to protect additional Minuteman missiles in their bases and to begin thin continental protection against Chinese missiles in the late '70s.

Since then there has been some waffling on motivation. Yet the intention is to go forward on a project eventually costing \$12 billion and probably a great deal more. Opponents in the Senate who came within one vote a year ago of knocking out the appropriation for ABM will try again. In the view of this observer, their chances are somewhat less now that the weaponeers have made a start on a defensive system that is nevertheless shadowed by serious doubts on capability and performance.

One line of reasoning behind the ABM decision—and MIRV, too—is that the United States at Vienna will be "negotiating from strength." In light of the huge ratio of overkill on both sides of the nuclear divide this hardly holds water. The Poseidon-Polaris submarines are an indisputable force capable of destroying a half to one-third of the

Soviet Union's industrial capacity and at least a third of the population if every U.S. land based missile were knocked out.

Something must be said about the politics of the arms race and the effort to achieve a pause. Senators such as Brooke and many like him resisting new advanced weaponry take a risk in a time of tension and growing polarization between extremes of left and right. Don't you want to defend America? Aren't you a patriot? Do you want the Soviet Union to get ahead of us?

Sufficiently thawed out, with tensions increasing at home and abroad, the crippling smog of the Cold War could again dominate the scene. A bitter controversy over ABM phase II with senators and scientists on opposing sides might do it. This is a hazard that the advocates of a pause in the race are taking.

Senator Brooke has written an urgent personal letter to President Nixon asking him to hold up deployment of MIRV until there can be at least an exploratory beginning at the Vienna talks. He also is urging that his resolution on testing be approved by the Senate Foreign Relations Committee, which has shown a curious reluctance to consider it. Brooke argues that while MIRV may be established as a city-destroying weapon extended testing is essential to prove it out as a missile destroyer. He clings earnestly to this last hope—slim as he knows it to be—to keep the genie from escaping the bottle once and for all.

HOUSTON BOY NAMED ONE OF TEXAS' TOP 4-H'ERS

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. CASEY. Mr. Speaker, in a few weeks, our Nation's Capital will be the host city for the outstanding 4-H Club members in our Nation.

It is a matter of great pride for me to know that one of my young constituents has been chosen for this great honor in Texas. It is especially heartwarming to read of the achievements of this young man during his 9 years of participation in 4-H activities.

To John Cherry, son of Mr. and Mrs. Carl J. Cherry, 4006 Fuqua, Houston, Tex., I extend my heartiest and sincere congratulations on this signal honor, for myself, and on behalf of the people of the 22d Congressional District. Because of our great pride in John's achievement, I take the liberty of bringing to the attention of my colleagues the following news story on this outstanding young man:

[From the Houston Post, Mar. 8, 1970]

TWO 4-H'ERS WIN STATE AWARD—TO ATTEND NATIONAL CONFERENCE

John Cherry of Houston, "Mr. 4-H in Harris County," and Linda Ander, a 10-year Wharton County 4-H'er, will be members of the Texas delegation to the 1970 National 4-H Conference, April 19-24, in Washington, D.C.

The two area 4-H clubbers will join two others for the trip as a top state award. During the trip, which is sponsored by Pennzoil United, Inc., of Houston, they will meet with delegates from 49 other states, Puerto Rico and Canada.

The conference will feature tours of the White House, Congress and historical sites, and visits with congressmen.

John, son of Mr. and Mrs. Carl J. Cherry, 4006 Fuqua, is a member of the Minnetonka 4-H Club and a senior at Ross Sterling High School.

During his 9 years in the 4-H Club he compiled one of the state's top competitive records, showing achievement in leadership, citizenship and personal growth.

He has exhibited livestock in 46 shows and has collected many trophies, banners and ribbons. He was named the 1969 recipient of the D. T. Simons award from the Texas Jersey Cattle Club and American Jersey Cattle Club's National Jersey Youth Achievement award.

In 1966, John was named Harris County Gold Star boy and was a state and national winner in the Dog Care and Training Awards program. He was a delegate to the national congress and won a \$500 college scholarship. He was also the state winner in achievement in 1967 and the winner in citizenship in 1968.

The past two summers he has worked as a counselor in a camp for underprivileged children and has made almost 70 speeches, including radio and television appearances, to promote worthwhile projects and activities for youth in Harris County. He has served in many offices in his local club, as well as chairman of the county council, and has completed projects in 15 different areas of club work.

John is active in his church, school, Future Farmers of America and community affairs. Mrs. M. H. Hereford, his local adult leader, said, "Club members look to John for help and guidance with their many projects. His proficiency with a diversified 4-H program has enabled him to become a junior leader of the highest caliber. His ability to work with adults as well as youth has made him a joy and blessing to his 4-H leaders."

#### SUPPLEMENTAL APPROPRIATIONS FOR THE SECTION 235 HOMEOWNERSHIP PROGRAM

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. FRASER. Mr. Speaker, I am introducing legislation today to provide a \$40 million supplemental appropriation for the section 235 homeownership program.

Section 235, authorized by the 1968 Housing Act, enables low-income families to obtain federally subsidized home mortgages. The Federal subsidies cover the difference between 20 percent of the family's income and total monthly mortgage costs.

This program has been very well received in Minnesota and I am sure that section 235 has received an equally enthusiastic reception in other parts of the country. Unfortunately, funding limitations have prevented the program from having the major impact intended in the 1968 act. Minnesota has only received enough funds to provide subsidies for 1,300 families. All funds for used housing in Minnesota have been obligated and funds for new housing are rapidly being committed. Unless new funds are available within the next few months, the program will be inoperable during the busy summer home-buying period.

Now that the housing industry is faced

with increasingly severe financing problems, it is more important than ever that we provide full funding for section 235 and the other low- and moderate-income housing programs.

The following article from the Minneapolis Tribune describes the severity of the housing shortage in Minnesota. I am sure that this situation can be duplicated in most States:

#### MANY HOUSES ARE NOT HOMES IN MINNESOTA

(By Joe Rigert)

Across the railroad tracks in north Detroit Lakes, an old man listens to a radio in a cramped and cluttered house that he calls home. His wife, 71, a diabetic, is sleeping on a davenport. The unpainted, two-room house lacks insulation, running water or a toilet. The roof leaks.

Frank Wendt, 76, a one-time farmer, cuts wood in the country for the kitchen stove that provides heat, gets water from a neighbor and uses an outdoor toilet—as does his wife—regardless of weather. "It isn't too bad," says Wendt. "Of course, it could be a lot better."

Out Hwy. 34 east of Detroit Lakes, Elmer Tucker, 77, still unsteady from a bout with the flu, walks through the snow to check his mailbox. A highway-widening project soon will take away his property and force him to move the tiny trailer that serves as his home.

"I don't know where I'll go," he says, "but I'll get by."

Farther north at Ponsford on the White Earth Indian reservation, Lyle Thompson, 29, tells how he has to stoke up the wood stove all night to keep warm in the three-room home for his family of four. Thompson was burned out of his last house and would like to live in the new housing project at Ponsford but there are no vacancies.

Then, down in the Twin Cities suburb of Blaine, Mrs. Thomas Suhl, wife of a pipefitter, says the front door is frozen shut and water leaks into the kitchen of their two-bedroom house. "We just let 'em drip because we can't afford to fix 'em." And up the street, Mrs. Knute Johnson, wife of a custodian, mother of two teenagers, describes the overcrowding in their two-bedroom home, without basement. They would like to move but can't afford to.

#### TOWNS SET UP HOUSING AGENCIES

Rundown housing, lack of even the basic necessities, dislocation because of highway projects, low-income families priced out of the housing market—they are problems in the small towns and rural areas and, yes, the suburbs as well as the central cities of Minnesota. They are problems that have been largely ignored or minimized in the past. They are problems that are not being ignored today.

Housing authorities have been formed in 125 cities and small towns outside the Twin Cities area in recent years. Twin Cities suburbs are looking into the need for low- and moderate-income housing. The Minneapolis Urban Coalition has established a nonprofit housing corporation. The Metropolitan Council and the State Planning Agency have undertaken housing studies.

The activity has been generated partly by a gradual awakening to the fact that much housing in Minnesota is grossly inadequate for the old and the poor. The activity has been accelerated by the fact that housing now is a problem also for the non-poor.

Inflation and high interest rates have sent home costs almost beyond the reach of families on low or moderate incomes. A Metropolitan Council study found that a third of the Twin Cities-area families have insufficient incomes to buy or rent the least expensive new housing, and a fifth of the families

have insufficient incomes to afford good used housing. Home loans are difficult to obtain and require large down payments.

"Our own police patrolmen can't afford to live in this city," said a suburban planner.

In short, HOUSING is in today, across the state.

It should not have taken so long. The 1960 census showed that nearly a third of the housing units in Minnesota were substandard. Almost half of the substandard units were located outside the Twin Cities area.

#### REALLY IN BAD SHAPE NOW

Despite the construction of new homes and demolition of old houses since then, the Federal Housing Administration estimated in 1967 that 20 percent of the rental units in Minneapolis and St. Paul were dilapidated or lacked one or more plumbing facilities. In fact, demolitions added to the problem. In Minneapolis, where a fourth of the families are at or near the poverty line, urban renewal, freeways and code-enforcement wiped out 12,500 mostly low-cost housing units in 10 years, while only 2,000 new low-cost units, primarily for elderly couples and individuals, were added.

As a result, the Minneapolis Housing Authority has a list of 500 families and 3,000 elderly persons waiting for public housing. The backlog of families is five times the number two years ago.

The outstate housing problem has received far less attention, but rivals the urban problem in some counties. Many of the houses, says Minnesota Housing Director Allan Anderson, were built, and built poorly, around the turn of the century in towns or rural areas with no building codes. They are "really in bad shape now." A migration from the farms to the small towns—similar to the movement from outstate to the Twin Cities—increases the need for adequate low-income housing.

The Detroit Lakes area demonstrates the problem in microcosm.

The prosperous-looking tourist center has an area population of more than 9,000, a meat-processing plant, sheet-metal works, a municipal beach which the mayor compares with Coney Island, and a sense of pride. In promoting the city's national championship snowmobile races recently, the Chamber of Commerce declared, "Detroit Lakes Has Everything."

Including poverty and poor housing.

More than a fourth of the Becker County families are below the poverty line. Some of them live in Detroit Lakes and others live in the smaller communities and rural areas—subsisting on marginal farms, odd jobs or welfare.

More than half of the Becker County housing was listed as substandard in the 1960 census. The census obviously is outdated, but an Office of Economic Opportunity study in Detroit Lakes showed that time has made some bad housing worse, although construction of new dwellings in the city and on the Indian reservation is a sign of progress.

#### FIVE TENANTS, ONE TOILET

The survey found houses still without indoor toilets, running water, insulation, foundations or central heating. One family with five children was living in a one-bedroom house with no bathing facilities and with a frozen toilet in the basement. Two elderly persons had only an icy outdoor wooden stairway to reach their second-story apartment rooms. Five elderly tenants shared one toilet in one apartment building. In all, more than half the 146 dwelling units of families and elderly persons covered in the survey were substandard.

The same housing problems are found in other parts of the area. An OEO committee on aging discovered that many old people, some in isolated areas and lacking transportation, are living in inadequate houses. OEO

officials tell of large families crowded into small farm homes. A visitor finds Indians on the White Earth Reservation jammed into tarpaper shacks scattered around the landscape.

The Rev. Alex Ramos, pastor the United Methodist Church and chairman of the housing authority in Detroit Lakes, remembers some of the homes he visited while serving three rural congregations in the area. "I saw a family living in a one-room house on two-by-fours, with no basement. The floor was cold and the kids were barefooted. They had no bed, just a couch and a lot of Army blankets. The toilet was outside and a water pump was inside. I don't know how they supported themselves.

"I also remember a man with seven children living on a gross income of \$2,800 a year. He drove a school bus and did carpenter work out in the country. He said, 'Mr. Ramos, there are times I want to go out shoot a deer to get meat.' Another family ate bread and potatoes all winter."

OUT OF SIGHT FOR TOURISTS

Warren Heisler, an Indian, manager of a credit union at White Earth, described some of the housing in a tour of that community. "This one here, Charlie Foster, seven or eight kids in three rooms . . . There's about 17 in this house and only three rooms . . . The kid there moved to Minneapolis and came back to nothing. There are no jobs this time of year . . . Here's a little chicken farmer . . . A widow on ADC and her three kids live in that one." It was difficult to believe that many of the buildings were occupied until thin wisps of smoke were seen coming from stovepipes.

Such housing conditions are out of sight and out of mind of the tourists who flock to the Detroit Lakes area in the summers. They were not fully realized by local officials either until recently.

"It took me two years to become convinced that we needed a housing authority," admitted Mayor Kent Freedman of Detroit Lakes. The city planning committee, says Freedman, reported that a housing agency was not needed after being asked by the mayor to conduct a survey. An observer recalled that only a few people showed up at meetings at first to consider the matter. But the poverty-agency survey changed some minds. City businessmen saw that other towns were setting up housing authorities. And elderly residents were asking for better housing.

Now the housing authority is organized and planning to seek federal funds for 120 public-housing units for the elderly and 40 units for families. The look to Uncle Sam is somewhat out of character for a city that prides itself in having spent \$500,000 of its own on the municipal beach and an indoor arena. But the city did get federal money for an industrial park and for sewage treatment works. "We still have an old-fashioned pride—we do as much as we can, and what we can't do, we ask for help," says Freedman.

FAMILY HOUSING "NOT SO POPULAR"

The plan to build family housing also is somewhat unusual for an outstate community. Most of the housing authorities are planning or putting up units for the elderly. "There is a feeling that building housing for the elderly is an exercise in good government," says Anderson. "They are taking care of people who had a part in founding the community." Family housing has not been so popular. "The predominant feeling on family housing, up until the last year, has been that it is a welfare-subsidized program that most communities do not want a part of . . . But in the last year, many of the small housing authorities are coming back, saying, 'What about building five units? They don't want to build a colossus. But they recognize that housing is inadequate for

some families and they want to do something about it."

The plans for family housing in Detroit Lakes, say local officials, have not yet attracted any opposition. Mr. Ramos maintains that small-town residents, for all their reputed independence, will support such programs if they are shown the need. It is true, says Mr. Ramos, that farmers are independent-minded because of the nature of their work, and may appear unsympathetic outwardly, but they "have a concern for neighbors without showing they are sympathetic."

Detroit Lakes is a latecomer in outstate Minnesota in the remarkable proliferation of housing programs in the past few years. The state had only 14 housing authorities in 1965 and no state housing director. Anderson was named to the job in 1966 and was told that outstate residents wanted public housing. Indeed they did.

The 124 outstate housing authorities, excluding central-city Duluth, now have 3,778 units for the elderly in planning, 1,125 units under construction and 1,646 units completed. The agencies have 642 family units in planning, 248 under construction and 527 completed. (The nearly 8,000 public housing units listed for outstate agencies compare with 14,400 units planned, under construction or completed in Minneapolis, St. Paul and Duluth, and 630 units in the Twin Cities suburbs.)

NO STATE HOUSING PROGRAMS

Anderson attributes the rapid outstate increase in public housing to a tendency to view the federal funds as "free money," the promotion work of several architectural firms, intense rivalries between towns—if one has a public housing project, the next town wants one, too—and the technical assistance provided by his office.

Although public housing helps serve the needs of some of the poor, it falls short of meeting all the housing requirements of the poor, and it is not available to the near-poor or those on moderate incomes. The Minnesota State Planning Agency estimates that the state will need an additional 785,000 housing units by 1980 to accommodate population growth, replace substandard dwellings and make up for housing losses since 1960. That would require a production of 39,000 units a year in the 1960-1980 period. Actual production has averaged about 25,000 units a year, leaving an annual deficit of 14,000 units.

Minnesota has no state programs now to fill the gap.

This is the reason for the housing studies now being conducted by the State Planning Agency for the Urban Affairs Council. The planners are looking at every possible alternative in developing proposals for the governor and the 1971 Legislature.

The objectives, as outlined in a discussion paper, are to increase the availability of money for low- and moderate-income housing, reduce the cost of borrowing money, assure adequate subdivision developments, improve the quality of the housing supply and encourage new approaches on construction and large-scale community projects.

PRIVATE SECTOR SHOWING INTEREST

Congress has enacted in recent years a number of programs to help meet housing needs, including interest subsidies for homebuyers and renters, rent supplements, tax incentives for private builders, and aid to nonprofit housing corporations. The federal government also has taken steps to increase the supply of mortgage financing. And the Department of Housing and Urban Development is sponsoring an Operation Breakthrough to encourage production of factory-built housing.

Cities are acting through their housing authorities. The private sector is beginning to show more interest in low- and moderate-

income housing because of the federal programs and the growing demand for such housing.

What is needed now, according to a report by the National Urban Coalition, is for the states to apply their authority and abilities to "enhance the effectiveness of the other partners."

The coalition's report, "Agenda for Positive Action," offers a host of possibilities for state action. So does the report of National Commission on Urban Problems. So does the example of many states, not including Minnesota, yet.

Possibilities under review by the Minnesota Planning Agency range from proposals for county housing authorities to a state development corporation, from state financial assistance to tax incentives, from statewide zoning standards to methods of assuring an economic mix in communities, from a uniform state building code to state land banks.

The planning agency's discussion paper, says director Raymond T. Olsen, "shows the range of things the state could do if it was concerned about housing as a function, as it is concerned about highways."

WHILE BOYCOTTING RHODESIA,  
WE COURT RED CHINA

HON. JOHN R. RARICK  
OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. RARICK. Mr. Speaker, from time to time I have taken the opportunity to address myself to the subject of the Republic of Rhodesia, and more particularly to the best interests of the United States in our relations with that civilized nation of southern Africa, like our own country, an offshoot of the British system of law and order.

Last week, when, for no apparent reason whatsoever, we announced our intention to withdraw our consul and close our consulate in Salisbury, I spoke at length on the subject, pointing out the self-defeating nature of our very strange double standard in dealing with the nations of the continent of Africa. Loss of the anchors of civilization there will avail us nothing, no matter how friendly we may believe the uncivilized puppet regimes to be.

I have insisted that the United States utilize the veto to terminate the foolishness now taking place in the Security Council of the United Nations Organization. To again emphasize our bewildering inability to distinguish between our friends and our foes—between peaceful Rhodesia and aggressive Red China—I include in my remarks a current news item reporting the further relaxation of curbs on American travel to Communist China, a land with which we are still in a state of undeclared war—one of the now United Nations Organization wars.

The article follows:

[From the Atlanta Constitution, Mar. 17, 1970]

UNITED STATES AGAIN EASE CURBS ON VISITING  
RED CHINA

WASHINGTON.—The State Department said Monday it would validate passports to travel to Communist China for everybody with a "legitimate purpose."

By doing so, the administration drew a

line between Cuba, North Vietnam and North Korea, on the one hand, and mainland China on the other. The four were lumped together in earlier travel regulations.

"The conditions existing in each of the four areas, including dangers that U.S. citizens traveling there might face, vary somewhat and so accordingly does our policy regarding validation of passports," department press officer Robert J. McCloskey told a news conference.

#### LIBERAL POLICY

Regarding Communist China, he said, "we follow a more liberal policy of passport validation and give validation for any legitimate purpose."

McCloskey made this statement in announcing the administration's third six-month extension of restrictions on travel to Communist China, Cuba, North Korea and North Vietnam.

Under the law, as interpreted by U.S. courts, American citizens are free to travel to any area of the world, McCloskey noted. But he added, "the courts have held that the government has authority to control the validity and use of U.S. passports."

Despite the court ruling, McCloskey noted, "it would not be advisable at this time for the government to appear to be encouraging unlimited travel to these areas by removing the restrictions."

On July 21, 1969, the State Department announced as easing of regulations concerning Communist China, removing the travel restriction of passports of members of Congress, journalists, teachers, scholars and students, scientists and medical doctors, and representatives of the American Red Cross.

The new easing of restrictions regarding mainland China will appear in the Federal Register later this week. It also includes athletes, businessmen and anybody working in the field of education or culture if his travel is considered to be in the national interest.

President Nixon spelled out U.S. policy concerning Communist China in his Feb. 18 foreign policy message to Congress when he said that the Chinese "are a great and vital people who should not remain isolated from the international community."

#### SPIRIT OF MESSAGE

The present second easing of travel regulations were issued in the spirit of Nixon's message, officials said.

They said, however, that virtually no visas were issued by the Chinese thus far and there was no way of predicting whether Peking will change its attitude in this respect.

#### FRANKLIN AND ELEANOR ROOSEVELT

### HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. LOWENSTEIN. Mr. Speaker, today, in addition to being the anniversary of the birth of the man who drove the snakes out of Ireland, is also another happy anniversary. It is 65 years today since one of our greatest Presidents married the greatest of our First Ladies.

We send our greetings to the children, grandchildren, and great grandchildren of Franklin and Eleanor Roosevelt and wish the family well as we rejoice on this happy anniversary.

What a miracle to have had two such extraordinary people in the White House at the same time, and especially at a

time when the Nation and the world needed their leadership and inspiration so desperately. We are indeed fortunate that they got married and we miss them more than ever.

#### ROMANIANS WILL OBSERVE SAD 25TH ANNIVERSARY

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. DERWINSKI. Mr. Speaker, there has been a great deal of interest in the situation in Romania since President Nixon's visit there last August and it is important that conditions within that Communist-controlled nation be accurately noted. An objective observer of the Romanian scene is the distinguished international correspondent of the Copley News Service, Dumitru Danielopol, a former member of the Romanian diplomatic corps. Knowing the Romanian situation as only a man of his experience can, Mr. Danielopol's remarks are quite timely and are included as follows:

[From the San Diego (Calif.) Union, Feb. 25, 1970]

#### ROMANIANS WILL OBSERVE SAD 25TH ANNIVERSARY

(By Dumitru Danielopol)

This is a year when many countries will be marking significant 25th anniversaries.

March 6 will be a sad day for Romanians. It was on that day in 1945 that the Soviet Union, breaking every promise and violating every agreement, installed a puppet regime and made the country a satellite.

At a time when "negotiations" are replacing "confrontations," it is perhaps pertinent to recall the events that took place.

In June 1941, Romania, under the military regime of Marshal Ion Antonescu, entered the war on the side of the Axis to recover the province of Bessarabia which the Russians had seized a year earlier.

At that time Western Europe had been conquered, Britain was fighting with its back to the wall and the United States was neutral.

By 1944, as the tide turned, leaders of Romania's democratic opposition were maneuvering for a separate peace. They sent emissaries to Cairo to negotiate. The great fear was occupation and communization by Soviet troops.

The vast majority of the Romanian population, composed of landed peasants, despised communism.

The Kremlin tried to allay these fears when on April 3, 1944, Foreign Minister V. M. Molotov said: "The Soviet government declares it does not pursue the aim . . . of changing in whatever manner the existing social order in Romania."

Similar promises were made by the United States and the United Kingdom.

On Aug. 23, 1944, King Michael of Romania overthrew Antonescu, ordered a cease-fire and formed a coalition government which included some Communists as a courtesy to the approaching Russians. The Communist Party was insignificant with some 800 members in a population of 20 millions.

Romania switched sides, entered the war against Germany, collapsed the Nazi front in the Carpathians and maintained between 16 and 20 divisions. It was the fourth largest allied army in Europe.

It soon became evident, however, that the Kremlin had no intentions to keep its promises. Under the Armistice Agreement, which gave the Soviet Union a major voice in Ro-

mania, they began a campaign of systematic exploitation, chicanery and sabotage.

The situation was discussed at Yalta where President Roosevelt, Prime Minister Winston Churchill and Marshal Stalin met in February 1945 and it was agreed that the major Allied Powers would "assume a common responsibility in helping establish in the liberated and satellite nations of Europe governments broadly representative of democratic elements in the populations."

The ink was hardly dry on the Yalta agreement before Stalin violated it.

March 6, Deputy Foreign Commissar Andrei Vishinsky flew into Bucharest and amid threats, blustering and thumping of the table, forced King Michael to sack his cabinet and accept one selected by Moscow under the leadership of Petru Groza.

With little or no support from the other great powers Michael found resistance impossible.

It was a non-representative undemocratic cabinet made up of Communists and hastily-organized splinter groups that were working hand-in-hand with the Reds.

This was recognized at the Potsdam conference in August 1945.

British Foreign Minister Ernest Bevin complained that in Romania "one kind of totalitarianism was replaced by another."

The rest is history.

The Soviet Union and its puppets violated every agreement every treaty and promise and transformed Romania into a Stalinist colony. A savage regime sent millions to prisons and labor camps, where they died like flies.

The rights granted by the 1947 Peace Treaty and the United Nations Charter were and still are denied the Romanian people. The economy was ransacked by the Russians and grossly mismanaged by their Communist stooges.

Today much is heard about Romania's "independent" foreign policy, but the country is still in the grip of the most ruthless police state in the Balkans.

Lest we forget.

#### VIETNAM ACCIDENT FATAL TO AREA GI

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Army Sp4c. Walter T. Smith, of West Mifflin, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Sp4c. Smith for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

#### VIETNAM ACCIDENT FATAL TO AREA GI

The accidental death of an area soldier in Vietnam was disclosed today by the Defense Department.

The victim, Army Spec. 4 Walter T. Smith, 19, son of Harry Smith of 1620 Route 885, West Mifflin, was crushed to death under a tank, according to the Defense Department report.

Young Smith reportedly was scheduled for discharge from the service in five months. His father said he had volunteered for overseas duty.

A native of West Scranton, Smith attended public schools there prior to enlisting in the Army in 1967.

## THE MANPOWER ACT

## HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, a subcommittee of the House today took testimony from Mr. Andrew J. Biemiller, director of legislation for the AFL-CIO, in which he urged the Congress to enact the O'Hara bill, H.R. 11620, the Manpower Act, a bill cosponsored by some 112 Members of this House, to improve the Nation's manpower system, and to create a major new program of public service employment.

Mr. Biemiller's testimony, presented to the Select Subcommittee on Labor, declared that ranking among the major domestic issues which will come before this Congress is the issue of unemployment, and that the creation of new employment opportunities in the public service field is essential to the solution of that problem.

Our former colleague from Wisconsin said:

Manpower legislation that does not include job creation is not manpower legislation at all. It serves no other purpose than to delude the public.

Mr. Biemiller's testimony also described in some detail—some rather discouraging detail—Mr. Speaker, the magnitude of the unemployment which has been brought about by this administration's policies of economic restraint.

Under unanimous consent, Mr. Speaker, I insert the full text of Mr. Biemiller's penetrating analysis of the manpower situation in full at this point in the RECORD:

STATEMENT BY ANDREW J. BIEMILLER, BEFORE THE SELECT LABOR SUBCOMMITTEE OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR ON PROPOSED MANPOWER LEGISLATION, MARCH 17, 1970

My name is Andrew J. Biemiller. I am the director of the Department of Legislation of the American Federation of Labor and Congress of Industrial Organizations.

At the outset let me make it clear that we in the AFL-CIO believe that the problem with which this Committee is wrestling ranks with the major domestic issues that will come before this Congress.

In essence, that problem is jobs—good jobs, at decent wage levels, for every American able to work—in order to achieve full employment in America.

That's how we view manpower legislation, and we quite frankly say to you: Manpower legislation that does not include job creation is not manpower legislation at all. It serves no other purpose than to delude the public.

So we are here to urge you to enact manpower legislation, that does create jobs, without any further delay. If you will pardon the cliché: The hour is already late.

This goal is best met by H.R. 11620, otherwise known as the O'Hara bill, which is cosponsored by 111 Congressmen. We urge adoption of this bill.

A Federal program to create public-service jobs for the long-term unemployed and seriously under-employed was needed in 1968 and 1969. It is even more essential today.

This nation is now faced by both an economic slump and rapidly rising prices, after more than a year of the Administration's policy of severe economic restraint, imposed in the name of combating inflation.

Residential construction is now in a deepening recession, which started in February 1969. Industrial production is in a declining trend since last August. Sales of autos and other consumer hard-goods are moving down. Layoffs and cutbacks in working hours are spreading in numerous industries. Unemployment is increasing. Industry is operating at less than 82% of productive capacity; new plants and equipment are being installed at a rapid pace, while industrial production is declining and the operating rate is continuing to head down. But the rise in consumer prices accelerated from 4.2% in 1968 to 5.4% in 1969, as a whole, and a yearly rate of approximately 7.2% in the past three months.

The aggravate squeeze on the economy tightened during the course of 1969. The Nation's money supply hardly increased at all in the past nine months; interest rates skyrocketed to peaks never before reached in the memory of living Americans; Federal construction projects were cut.

The real volume of total national production declined slightly in the fourth quarter of 1969 and the President's Council of Economic Advisers forecasts little, if any, rise of real national output in the first half of 1970, with merely a small improvement in the second-half and a modestly slower rise in the price level.

However, the spread of downward trends in many parts of the economy indicates that even this rather pessimistic statement of the Administration's official forecast may be overly optimistic. Declining sales in the coming weeks may set off further cutbacks of production, if business decides to reduce inventories rapidly.

Increasing slack, with cuts in working hours and workers' weekly earnings, layoffs and a lack of sufficient job opportunities for a growing labor force are the inevitable results of the Administration's economic squeeze.

In January, unemployment soared from 2.8 million at 3.5% of the labor force to 3.2 million at 3.9%—the largest month-to-month increase in 9 years—and the factory workweek dropped to its lowest level in two years.

In February, the number of jobless shot up again—to 4.2% of the labor force or 3.4 million unemployed—and the factory workweek declined again.

Already, unemployment is within a hair's breadth of the 4.3% unemployment rate which the chairman of the Council of Economic Advisers projected for the entire year, 1970, and unemployment is continuing to rise.

Much of the weight of this burden of rising unemployment will fall on blue collar workers, particularly those with the least work-experience, the least skill and education, the most recently hired—and this especially includes Negroes, members of other minorities and young people. Government and private programs to encourage employment of the hard-core jobless, especially minority-group workers, are being undermined and threatened with destruction.

That's the dimension of the problems. Now how do we solve it? In our opinion, an effective manpower policy must include:

1. Massive job creation based largely on a public service employment program.

2. Consolidation and coordination of the varied manpower programs under the Department of Labor with overall responsibility for the direction and development of programs vested in the Secretary of Labor.

3. Training programs that emphasize upgrading rather than simply preparing the hard-core for entry-level jobs.

By these standards the Administration manpower bill is no policy at all. Simply put, it is merely a mechanism for consolidating and coordinating varied manpower programs. It is a housekeeping device designed

solely to produce a measure of administrative order.

Everyone agrees with the need for coordination of manpower programs. However, coordination is a mechanism, not a policy. In our view the need for an effective manpower policy is the top priority need.

Of the bills before you, only the O'Hara bill provides subsidized public service employment as an essential component. We completely support this concept. It is the most practical and realistic way to create jobs in large numbers for the long-term unemployed and seriously underemployed.

We are shocked by the Secretary of Labor's statement that the Administration has no "intent to create jobs in the public sector, especially for the hardcore unemployed." We cannot agree with the Secretary of Labor's view that the basic responsibility of government is to "commit itself to preparing people to fill those jobs" that will presumably materialize out of thin air in the private sector of the economy that has no major expansionistic opportunities because of the current economic slowdown policies being pursued by the Administration.

While no one would deny the importance of training in helping the disadvantaged to adjust to society, training in and of itself is not enough. It would compound the problem to give training and hope to the disadvantaged and then throw them back into the morass from which they came. We must not make this mistake.

Basic to solving the problems of poverty in America's work-oriented society, is a national economy that is growing rapidly enough to provide job opportunities for all persons who are able to work and seeking employment. Under such conditions—linked with an expanded manpower training program—the vast majority of workers will be employed in the normal channels of private and public employment.

For those who remain unemployed or seriously underemployed, a federally-financed public-service employment program is the only logical answer. The government should be the employer of last resort. Such a program would create jobs and it would provide badly needed public services in hospitals, schools, parks, recreation centers and other public and private non-profit facilities. Linked with training and guidance, such a program would make it possible for these workers to move into regular employment.

Private employers, no matter how lofty their goals and how hard they work to achieve them, cannot realistically do more than make a dent in the ranks of the hardcore unemployed.

Private enterprise is profit-making enterprise. It would be naive to assume that business will hire, much less train, the disadvantaged at the expense of its profit structure. To the extent that private enterprise can hire and train the disadvantaged within the framework of its profit-structure, it can and has been making a contribution that is worthwhile. Such efforts should be applauded and encouraged but their limitations should be recognized.

In the two years that Job Opportunities in the Business Sector (JOBS) has been operating, hard-core unemployed hired by business totaled 380,000. While this is a significant number, it hardly takes care of the millions in need. It should be noted too that the retention rate was 53%. Since November, reflecting the economic slow-down, terminations have risen according to Paul Kayser, former NAB president.

In periods of economic downturn, hiring of hard-core jobless by private employers comes to a practical standstill, despite the best intentions of employers.

Two weeks ago Chrysler withdrew from its government manpower contract to train 4,450 hard-core unemployed. This followed a series of layoffs including 1,100 trained in

the JOBS program. Chrysler's withdrawal occurred about the same time Lynn Townsend, chairman of Chrysler, became chairman of NOB and Byron Nichols, a Chrysler vice president became president of NAB.

Massive job creation must derive mainly from the public sector.

The people are available; the potential jobs are there, and the public need for these kinds of services has been established.

The Tripartite National Commission on Technology, Automation and Economic Progress (1966) reported a potential of 5.3 million jobs in the public sector in such areas as medical and health services, education, day care, libraries, recreation, prisons, etc.

More recently Harold Sheppard of the Upjohn Institute, in a survey covering 130 cities, each with a population exceeding 100,000 and limited to only certain existing functions of the city, found the need for 280,000 jobs, of which more than half were of a non-professional and non-technical category. As the author points out, however, the study sharply understates the total number of job vacancies due in part to the inclusion of only certain municipal functions and to the fact that the urban areas surveyed encompassed only one-third of the U.S. population.

We support the O'Hara bill in its proposal that the Federal government subsidize jobs in the public service. Some people may say that we cannot afford the cost. We say that we cannot afford not to embark on this kind of a program.

President George Meany in testimony before this Subcommittee on May 7, 1968, commented on this concept in these words:

"Let me deal for a moment with the reaction of those who talk only about the cost.

"They are the ones who never discuss how costly it is to do nothing. They are the ones who fail to realize that a jobless man is a liability to this nation while an employed man is an asset. There is an even greater cost—the decay of this nation's moral fibre."

We are under no illusions as to cost. It will not be cheap. But it will be a capital investment in the people and institutions of this country. Whatever the dollar costs may be, they will at least be partly offset by the savings in welfare costs and the economic benefits generated by the employment of otherwise idle people and the expansion of public services for urban and rural areas.

Manpower legislation that does not provide for job creation in the public sector, in addition to programs in the private sector dangles false hopes before the eyes of the disadvantaged.

The emphasis in the Administration bill is on a mechanism for improving delivery of manpower services and nothing else.

But even as a mechanism, the Administration bill misses the mark. As part of the so-called New Federalism it would decentralize manpower activities and vest responsibility for development and administration of manpower programs in the hands of each of the 50 states. The implications of manpower programs are national in scope. This is too important an area to allow it to be fragmented into 50 different parts, each going its own way and dispensing federal funds in a manner that may or may not be in line with national goals.

This is a national, inter-dependent economy. Americans are a mobile people, not hemmed in by geographic limitations. Employers operate across state and local lines. Labor markets, as well as product markets, cross state lines.

The top 200 corporations control about two-thirds of all assets held by corporations engaged primarily in manufacturing, as documented in the "Economic Report on Corporate Mergers" prepared for the Federal Trade Commission.

As part of the Administration's mechanism to decentralize manpower activities, the

state employment services would act as the key agency in the delivery of manpower services.

In general, state employment services in the past have demonstrated neither the machinery nor the compassion to appropriately administer programs dealing with the disadvantaged. By and large, state employment services are simply not oriented to handling the problems of the disadvantaged. They are employer-oriented. They are geared to finding an applicant for a job, rather than a job for an applicant. So the state employment services are just not geared to taking care of the hard-core unemployed, the drop-outs, the disillusioned youth, the aged, the seriously underemployed, the minorities. We question whether this employer-oriented agency has the patience and the expertise to deal with this group. To make the state employment services the focal point of manpower administration, as the Administration bill would do, would be a genuine disservice to Americans.

Not everyone needs training. For large numbers of the unemployed—probably the majority—the primary need is for jobs. Experience during World War II demonstrated the facility of absorbing persons into the productive processes. Millions of previously unemployed manned the factories and shipyards to contribute to one of the most remarkable production achievements of all time. Much of the training was on the job.

But for the disadvantaged, training is an important and necessary component of manpower programs. Despite the speed and inexperience with which the manpower training programs of the 1960's were put together, they have given meaning and substance to the lives of hundreds of thousands of disadvantaged persons.

We strongly urge the continuance and the expansion of training programs for the unemployed, the hard-to-employ and the underemployed. We see merit in both on-the-job training and institutional training or a combination of both.

In addition, the "hard-core" need personal guidance and supportive services.

However, we would like to register a few caveats with respect to training programs. They should not be used to subsidize wages. They should not be used for low-wage, low-level jobs that require little or no training whatsoever. They should not be an end in themselves but rather the road to worthwhile remunerative employment.

Of paramount importance are those training programs directed toward upgrading people into higher-level jobs. A person should have an opportunity not only for a job but for a good job—one that will utilize a person's skills at their highest level. Our view was summed up by AFL-CIO Secretary-Treasurer Lane Kirkland in an address to the National Alliance of Businessmen on March 7, 1970, when he said:

"We want hard-core trainees to have a crack at better jobs through upgrading. We do not believe it is enough to just bring a worker in off the street, give him an entry-level job and keep him there. We have to demonstrate to him that he can move up the job and income ladder. For the success of any of our programs, in the final analysis, will be determined by the way in which we move people from entry-level jobs into much more secure positions within the company or enterprise."

Of the bills before you, only the O'Hara bill emphasizes the importance of upgrading. Now let me turn to the urgency of the problem. Frankly, we don't think the Administration is aware of what's happening.

Statistical averages camouflage the real unemployment story. In 1968, 11.3 million people were unemployed at one time or another, according to the Labor Department's most recent report. Of this total, 2.4 million

were unemployed for 15 weeks or more during the course of the year. It is reasonable to suppose that for the year 1969, when average unemployment was about the same as in 1968, somewhere between 11 and 11.5 million people were unemployed at one time or another during the year.

And even the reported unemployment figure understates the problem. The reported figure fails to count the number of people who withdrew from the labor market because of frustration in finding a job. The number of "discouraged workers" can now be identified. According to the Labor Department, discouraged workers averaged about 700,000 in 1967 and 1968 and 600,000 in 1969.

The reported figure also fails to count the tens of thousands of poor and transient persons—who did not appear in the 1960 census, which is the basis of the Labor Department's labor force survey. As we all know by now, the 1960 census was badly undercounted so there is an undercount of unemployed.

Some would estimate the total undercount in these categories as high as 3 million or more. Since these categories overlap, the AFL-CIO Research Department estimated about 1.5 million should be added to the reported number of unemployed. In addition, another 1.8 million people were reported as working part-time in 1969 because full-time work was not available.

In terms of people rather than statistical averages, it means that there were about 3 to 4 million long-term unemployed in 1969. With the addition of the seriously underemployed, there were approximately 3 million to 5 million workers who suffered. Many of these could have been helped to move into the mainstream of American society only through a government subsidized program of job creation.

Nor does the incidence of unemployment fall equally on all segments of society. In 1969 unemployment was concentrated among blue-collar workers, blacks and youths.

In poverty neighborhoods, the unemployment rate in 1969 was 5.5 percent compared to 3.1 percent in other urban neighborhoods. Teenagers had a high national average unemployment rate of 13.8 percent, but in poverty neighborhoods the unemployment rate for teenagers was 19.9 percent. And even here there was a sharp difference as between white and Negro teenagers. The unemployment rate for Negro teenagers was 27.9 percent compared to 13.8 percent for whites.

It is not true, of course, that the poor are largely Negroes and other minority groups. In 1968 there were 1.4 million Negro families and 3.6 million white families below the government defined poverty level. But the impact was more widespread among Negro families. They accounted for almost 3 out of 10 poor families but only one out of ten of the population.

Nor is it true that the poor are concentrated in the cities. Of the five million families below that poverty level, slightly less than half lived in the cities and their suburbs and slightly more than half in farm and non-farm rural areas. In contrast, only one-third of the total population lived in non-metropolitan areas.

One of the attractions of the O'Hara bill is that it does not diffuse responsibility. It points a finger at the Secretary of Labor and says, "you're it." There is no hiding behind skirts; there is no shrugging of shoulders on the part of local officials in ascribing the fault to the states and the states ascribing the fault to the federal government and the federal government ascribing the fault to state and local officials. If things go wrong, the Secretary of Labor is responsible and he should shoulder the blame.

In summary, Mr. Chairman, we cannot emphasize too strongly the need for action now. The kind of legislation we envision would be a major instrument for tackling the poverty problem; a major instrument for easing civil

rights tensions; a major instrument for resolving the problems of cities; a major instrument in the fight against crime and a major instrument in bettering the social and economic life of this country.

The AFL-CIO is aware that there is no simplistic solution to the varied and complex manpower problems. We are convinced, however, that the Administration's approach does not begin to cope with the massive complexities of the manpower situation. As a result, the AFL-CIO supports H.R. 11620, sponsored by Congressman O'Hara and 111 other members.

PRETRIAL DETENTION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, an increasing number of the Nation's great newspapers are expressing support for pretrial detention.

Across the United States, many editors who are familiar with local crime problems find it inconceivable that present Federal law in the District of Columbia should require the pretrial release of virtually all noncapital offenders. In the District, these defendants include men charged with forcible rape, armed robbery, kidnaping, burglary, mayhem, and assault with intent to kill. Many editors understand the fear and danger that would result in their communities if local judges were compelled by law to disregard danger and to release all these defendants before trial.

No one questions the desirability of releasing most defendants prior to trial. Most defendants can be trusted not to engage in additional lawlessness. Pretrial release of these men facilitates the preparation of their defense and eliminates the expense of unnecessary custody.

But there are other defendants who should be detained because of the danger they pose to the community:

First. Narcotics addicts who do not operate with a free will and must rob and steal to support their habits.

Second. Incurable recidivists with long records of criminal activity.

Third. Sex offenders who act from compulsion.

Fourth. Hardcore troublemakers with propensities for violence.

When evidence of their guilt is great, men of this nature should be retained in custody to preserve and protect the public safety.

Washington newspapers are well aware of the problems which have arisen under the present law. The Washington Evening Star has argued persuasively that the Bail Reform Act should be amended:

As matters stand, a federal judge can consider only one thing in passing upon a request for bail in a non-capital case—whether an accused person is likely to show up for his trial or whether he is expected to flee to avoid trial. This limited discretion, we think, should be enlarged to permit a judge to take into consideration the danger to the community that could be created if a suspect were released prior to his trial.

The Washington Post describes the Bail Reform Act as "a constant irritant

in the judicial process" and declares that—

Congress ought to decide whether the judges should have power to detain a man pending trial because they believe he is too dangerous to release.

The Cincinnati Enquirer makes the point that—

Washington ought to represent a laboratory in which the Federal government introduces new techniques to combat crime for imitation by cities across the nation.

The crime bill authored by the House District Committee may prove a model for other localities. This has certainly been one of our objectives.

More important, however, is the urgent necessity of restoring a decent sense of order to the Nation's Capital. Pretrial detention should contribute to this end.

I quote in full several editorials on the issue of pretrial detention:

[From The Washington Evening Star, Oct. 22, 1969]

PREVENTIVE DETENTION

A House Judiciary Subcommittee has tackled the difficult and much debated question of what to do about a 1966 law which requires that criminal suspects must be released on bond—personal or monetary—even though there is a high probability that they will commit additional serious crimes while free.

It is our belief that the 1966 law should be changed. As matters stand, a federal judge can consider only one thing in passing upon a request for bail in a non-capital case—whether an accused person is likely to show up for his trial or whether he can be expected to flee to avoid trial. This limited discretion, we think, should be enlarged to permit a judge to take into consideration the danger to the community that could be created if a particular suspect were to be released prior to his trial. This is what is known as preventive detention.

Under a bill proposed by the Nixon administration, this additional discretion would be subject to tight restrictions. Preventive detention would apply only in the case of very serious felonies. The period of detention could not exceed 60 days. The judge must hold a hearing at which the accused person could present evidence and cross-examine witnesses. Before denying bail, the judge must find that there would be a high risk to the public in releasing the accused. He must spell out his reasons in writing, and the accused has the right of appeal.

Sen. Ervin, who is chairman of the Senate Judiciary Committee, is a principal opponent of the bill. He says it "smacks of a police state" and that it "protects no one." We disagree on both counts. The senator also said the true rate of crime committed while on bail in the District is only about 5 percent.

Again, disagreement is strong. Maryland's Representative Gude disputed this vigorously in his testimony before the subcommittee. Police Chief Jerry V. Wilson in a speech last month told of a survey in Washington of persons released on personal bond before trial, but after indictment, on robbery charges. The survey covered the period from July 1, 1966, to June 30, 1967, and it showed that 35 percent of the released individuals were rearrested and reindicted for subsequent felonies, mostly armed robberies, before being brought to trial. Some were rearrested and reindicted as often as three times in one year.

This condition can be and should be remedied. Chief Wilson and U.S. Attorney Flannery have said that the preventive detention of no more than 300 persons would go a long way toward cleaning up the problem of

street crime in Washington. And, generally speaking, they know who these people are. One of them, certainly, is the heroin addict indicted for a robbery staged to get money to feed his habit. To release him pending a trial six months or a year in the future virtually guarantees that he will commit new robberies to get the money he needs. What kind of justice is this?

Perhaps the main argument against preventive detention, aside from the constitutional question which the Supreme Court would have resolved, is that a judge cannot read a suspect's mind to determine whether he is likely to commit another crime if released. But this same judge is authorized by the 1966 law to read a suspect's mind to determine whether he is likely to skip the jurisdiction to avoid trial. If a judge can do the latter, why is he not equally competent to make the former determination?

[From the Washington Post, Aug. 24, 1969]

HYPOCRISY AND THE LAW

The case of Damon Alston Jr. provides a superb illustration of what the acrimonious debate over bail and preventive detention is all about. The case involves a sharp dispute between the United States Court of Appeals and Chief Judge Curran of District Court. It demonstrates that the Bail Reform Act, as it now stands, is a constant irritant in the judicial process. And it provides a sound factual basis for Congress to consider the amendments to that Act proposed by the Nixon Administration.

Mr. Alston, it appears, is not one of the District of Columbia's more upright citizens. He has been convicted of various things seven times in the last 12 years and now stands charged with armed robbery. He was on parole at the time of that robbery last December and he has been in jail ever since, unable to obtain a \$5000 bail bond. What makes his case particularly unusual is the following set of facts: his employer at the time he was arrested has promised to give him his job back if he is released pending trial; the Bail Agency has recommended he be released in someone's custody; Bonabond is willing to be that someone; the Offender Rehabilitation project has worked out a plan of release for him; and the Shaw Residence has assured him of living quarters.

Despite these arrangements, Judge Curran has refused twice to release Alston without bond or to reduce the bond from \$5000. He contends that Alston's prior criminal record and the facts of this robbery indicate that the only thing that might keep Alston from fleeing if released is the posting of bail. This rationale, it seems clear, is phony. What Judge Curran really fears is that if Alston is released he will commit another crime. And that is where the rub of the Bail Reform Act comes in. Under it, and indeed under the whole history of bail procedures in the nation, the standard for pretrial release is the probability of flight, not the probability that another crime will be committed.

Applying that law as it is written, the Court of Appeals last week ordered Alston's release under a tough set of conditions. It specified that he must be employed, that his employer must report if he fails to appear for work, that he must live at Shaw Residence, that an official there must report if he breaks the curfew time or any other rules, that he must re-enroll in the Alcoholic Rehabilitation Clinic, and that he must deposit 10 percent of his net earnings with the Court as security for his appearance for trial until the fund reaches \$500.

It is hard to believe that Alston is more likely to flee if he is released under those conditions than if he were released because he could raise the \$280 to buy a \$5000 bond. But that merely underlines the problem. Since the law is cast in terms of fleeing, the trial judges talk of flight when they mean

danger and the real question—will Alston be a threat to the community before his trial?—is never faced.

Even without answering that question, it is clear why the Ball act should be reconsidered. Congress ought to decide whether the judges should have power to detain a man pending trial because they believe he is too dangerous to release. This newspaper has argued in the past that judges should have that power in certain clearly defined situations and with substantial restrictions on its use. Whether Congress agrees or not, it ought to clarify the situation. One of the worst evils of the law is hypocrisy, and the ball procedures are full of it.

One other fact in this case is relevant. Alston was arrested on December 16, 1968. He has been in jail eight months and he has not yet been tried. Even if the Nixon Administration's proposals were now law, Alston would be released automatically; those proposals limit pre-trial detention to 60 days and Alston has been in jail 250 days. A system of criminal justice that permits this kind of delay is uncivilized and the whole problem of court reform ought to get the highest kind of priority when Congress returns.

[From the St. Louis (Mo.) Globe-Democrat, Feb. 10, 1970]

#### HOLD DANGEROUS DEFENDANTS

Before anyone, even a speed reader, can complete this editorial, someone in the United States will have been the victim of a horrible crime.

Such is the frequency of crime and violence in the land that traveling to the moon is safer than walking the streets at night.

When Richard Nixon campaigned for President he promised to do something about the dreadful crime crisis, obviously one of the major concerns of voters.

One of the most reasonable and protective proposals put forth by the Nixon Administration, in its fight against crime, asks authority for pretrial detention of dangerous defendants.

As President Nixon observed, in asking Congress to amend the Bail Reform Act of 1966, "Increasing numbers of crimes are being committed by persons already indicted for earlier crimes, but free on pretrial release. Many are being arrested two, three, even seven times for new offenses while awaiting trials."

No one needs to draw St. Louisans a picture of a dangerous defendant.

Milton Brookins, who has been found guilty of an armed robbery attack on a young woman while out on bond on two rape charges, answers the description.

Under a system authorizing pretrial detention, Brookins could have been denied bail because of the substantial probability that his release posed a danger to the community.

At present a court must ignore a defendant's danger to the community and release him on bond if he is not considered likely to flee.

Precise statistics on the number of crimes committed by those out on bond while awaiting trial for other offenses are not available, because until recently no attempt was made to tabulate them.

Available figures, however, are shocking. In Washington, D.C., nearly 60 per cent of defendants indicted for robbery, and released prior to trial, were re-arrested and charged with subsequent offenses.

As requested by the Justice Department, pretrial detention would be authorized in all federal courts, but would have its greatest impact in the District of Columbia, where these courts have full jurisdiction.

Adoption by states would have a most beneficial effect in crime-infested cities everywhere.

Detention is no presumption that the accused is guilty of the offense charged, any more than a person charged with murder is presumed guilty because he need not be granted bail on a capital offense.

Rather than cripple anyone's constitutional rights, pretrial detention of dangerous defendants could make it practical to do away with the hypocrisy of setting high bonds in situations where the defendants are not considered a threat to the whole community.

The aim of pretrial detention is simple and clear. The welfare of the majority requires that the community be protected against the menace of known offenders running loose, piling crime upon crime to the ruin of us all.

[From the Wisconsin State Journal, Feb. 5, 1970]

#### MERIT OF PRETRIAL DETENTION

Back in 1967 Madison was shocked when three armed bandits, who were virtually caught in the act of robbing employees of the Kohl's Food Store at gunpoint, were permitted to be released on bail.

And the shock and indignation was compounded a few months later when these same bandits who jumped bail killed a Louisville, Ky., policeman during a supermarket robbery.

You could reasonably conclude that if these bandits, with long criminal records, had been held in jail here pending trial, the Louisville policeman might be alive today.

Judges should have the power to protect the public against known criminals. The records show that increasing numbers of crimes are being committed by persons already charged with earlier crimes, but free on pretrial release.

#### ATTACK BY CRITICS

The Nixon Administration is trying to remedy this situation. It has proposed to Congress certain amendments to the federal bail reform act to give judges some discretion in dangerous crimes to deny release on bail if this is deemed necessary to protect the public.

The President and the Department of Justice were immediately attacked by a host of critics with some arguing that it is wrong and immoral to hold an accused without bail until trial, or to set bond at a prohibitively high figure. Because he is innocent until proved guilty, they argue, he should remain free until he comes to trial.

The pretrial detention proposed by the Nixon Administration is designed to accomplish two objectives. First, it is an effort to reduce violent crime, a significant percentage of which may be attributed to persons released prior to trial.

The second objective is to eliminate from the bail system the hypocrisy of locking up defendants, without fixed standards, through the device of requiring unattainably high bail money.

Preventive detention would place special obligations on the court to give the accused a trial within 60 days, a prompt trial guarantee not provided for other defendants.

#### BALANCING INTERESTS

Balancing the interests of the individual and the public is a dilemma inherent in a free society. As Deputy Atty. Gen. Richard G. Kleindienst said in a speech to the American Trial Lawyers Assn. last week:

"Today, as we reconcile the tensions between order and liberty, crime and fear weigh heavily in the balance. For they threaten important liberties as well as our lives. The time has come to afford protection to all of our people. We can no longer neglect the security of our citizens. We must reassert their liberty to live without fear. Pretrial detention is not the whole answer; but it is part of the answer in this time of crisis."

Pretrial detention of the armed bandits who raided the Kohl's store here was the whole answer for Louisville Policeman William F. Meyer, slain Sept. 1, 1967.

The long list of officers like Policeman Meyer and the public generally have rights, too, and the courts should have reasonable power to protect them.

[From the Oakland (Calif.) Sunday Tribune, Mar. 1, 1970]

#### PRE-TRIAL DETENTION: PRACTICAL WAY TO COMBAT CRIME

The do-gooders, bleeding hearts and nicely-nicely apologists for much of the nation's criminal element are beclouding the question of pre-trial detention to the point where public attention is diverted from the true issues.

As a result, a serious and practical proposal to reduce crime is denied enactment, much to the consternation of those responsible for protecting society.

Last July, Attorney General John Mitchell proposed to Congress that the Bail Reform Act of 1966 be amended to prevent certain dangerous defendants from being easily and automatically freed on bail while awaiting trial.

Appropriate and effective safeguards against abuse or misuse of such powers were detailed in the proposed legislation, and in a practical and logical sense, every anticipated criticism was realistically answered.

The answers, however, have been coldly ignored by an assortment of self-anointed civil libertarians, who allege that denying bail to an accused rapist, with a record of prior convictions for similar offenses for example, would somehow violate his rights.

These nay-sayers suggest that somehow bail is an unqualified "right," but such a position finds little support in the Constitution.

The Eighth Amendment forbids imposing "excessive bail," but nowhere does it require that all those accused of any and all crimes be freed on bail. From the earliest days of this nation, accused murderers have been kept locked up without any protests about their constitutional rights.

If indeed the Eighth Amendment actually established a "right" to bail, by what authority have states regularly and consistently taken away that alleged right when defendants were accused of capital offenses—those punishable by death?

Murderers, however, are not the only ones who pose a direct threat to society if permitted freedom. In Washington, D.C. in 1968, nearly 70 percent of the persons indicted for robbery and released prior to trial eventually were rearrested and charged with a subsequent offense.

That is precisely the crime problem the Justice Department proposal is designed to diminish. Under the plan, an accused person would be kept in jail only after a hearing before a judge and only after his attorney had had ample opportunity to rebut the government's case for retention.

A judge could keep such a person locked up when he was convinced by the accused's past performance that release would literally endanger the community and public safety.

The suggestion that pre-trial detention presumes guilt and thus violates the protection that a defendant is "innocent until proved guilty" simply reflects ignorance of this time-honored canon of American law.

Presumption of innocence is merely a rule of court procedure during trial and is unrelated to a separate hearing as proposed to determine pre-trial detention. If such were truly the case, judges would be forced to grant accused murderers pre-trial release, for we certainly do not deny them the presumption of innocence.

Suggestions that due process protections of the Constitution would be denied defend-

ants by pre-trial detention are refuted by the very wording of the proposed statute.

Every word of the proposal reflects the fairness and reasonableness of the procedures by which detention would be achieved, and therein lies the basic test of due process.

The Mitchell plan would apply only in federal cases, particularly in the District of Columbia where crimes of violence are a priority problem. There is little question, however, that it could serve as a model for legislators concerned about the incidence of crime by repeaters in their own states.

Indeed, the validity of the attorney general's arguments should inspire Sacramento solons to apply Mitchell's logical, reasoned position to California law.

Action in both capitols to permit pre-trial detention of known felons in non-capital cases would provide positive steps in controlling vicious and irresponsible actions by all manner of dangerous, hard-core criminals.

[From the Cincinnati (Ohio) Enquirer, Oct. 21, 1969]

#### THE PRESIDENT'S PROPOSALS FOR PRETRIAL DETENTION

One of the distressing aspects of the nation's already appalling crime rate, especially in the so-called street crimes such as robbery, burglary, rape and traffic in narcotics, is the high incidence of crimes committed by persons out on bond and awaiting trial for a crime previously committed.

A major point of President Nixon's anti-crime program is an effort at reducing this activity, which understandably infuriates a large segment of the public. The administration has introduced identical bills in both the House and Senate to provide for pretrial detention in noncapital cases of Federal prisoners, for periods up to 60 days and under certain conditions and procedures.

Last week, a subcommittee of the House Judiciary Committee began hearings on Mr. Nixon's ball-reform proposals. So far, Congress has moved hardly at all on other of the 20 bills submitted or supported by the administration to help launch a nationwide attack, on a number of fronts, against crime.

The President has asked Congress for omnibus antinarcotics legislation; for increased appropriations to the existing National Law Enforcement Assistance Administration, which provides monetary and administrative help to the states for a concerted anticrime effort; for better legislation to protect minors from receiving obscene materials through the mails; for funds for a national crime program—as yet with little success.

In this light, it is gratifying to a nation which has seen its major-crime rate more than double in the last eight years that Congress has begun moving on the President's pretrial-detention bill, a recommendation that patently is designed to enhance public safety.

Although the thrust of the bill is toward fighting the incidence of street crimes in Washington, D.C., the only place where such crimes come under Federal jurisdiction, the proposal has nationwide implications. For if the measure—which already has stirred considerable controversy—becomes law and then survives challenges as to its constitutionality, it could provide a framework for similar action of the part of states and municipalities plagued by criminal recidivism from persons already under indictment and awaiting trial.

The legislation the President has requested would allow courts to consider danger to the community in setting nonfinancial conditions of pretrial release; provide pretrial detention for up to 60 days of defendants of certain categories who are found, after a hearing, to be "dangerous to the commu-

nity." The categories of persons who may be detained until trial are listed by the bill as repeated offenders in crimes of violence, persons charged with offenses that have a high risk of repeated public danger (robbery and drug-pushing, for example); narcotics addicts charged with a crime of violence; any defendant who threatens witnesses or jurors.

The bill additionally authorizes sanctions against those defendants who, having secured a pretrial release, violate the conditions of their bond or commit a crime.

Some of the present dilemma arises from failures of the Ball Reform Act of 1966, intended to protect the rights of Federal prisoners who found themselves unable to obtain bail money, while other defendants similarly charged were able to obtain pretrial release.

As a consequence of this act, there has been steadily decreasing reliance on money bail in the nation's capital, with releases on personal recognizance becoming almost the order of the day.

Last month, the District of Columbia police chief said his department has found that 35% of the defendants indicted on armed-robbery charges who were released on personal recognizance were rearrested and reindicted on subsequent felonies—mostly armed robberies—before coming to trial.

Under these conditions, a community needlessly suffers and already overcrowded court dockets become more jammed.

Hopefully, the President's corrective recommendations will win congressional approval, and thus provide a guideline for action throughout the nation.

[From the San Francisco (Calif.) Chronicle, Sept. 15, 1969]

#### HOW THE BRITISH DEAL WITH CRIME

When a suspect is arrested in Britain for murder, rape or other violent crimes, Lord Alfred Denning told the State Bar convention here last week, "we keep him in prison pending his trial; we do not allow that man out on bail . . . if there is reason to believe he may commit another offense while awaiting trial."

This amounts to saying that the British already employ the system of "preventive detention" which the Nixon Administration is proposing to employ in certain criminal situations over which the Federal courts have jurisdiction.

Last July the Justice Department asked Congress for authority to detain dangerous suspects in specified classes of crimes for up to 60 days without bail if a judge, having found a "substantial probability" of guilt, determines that the defendant's release on bail would be a danger to the community.

Civil libertarians and strict constitutionalists are bitterly opposed. Senator Sam Ervin Jr. of North Carolina said the request is "unconstitutional and smacks of a police state." In his address to the bar, Lord Denning, a leading jurist of his country, took note of this opposition. "I have heard here that this is regarded as an unfair procedure because it amounts to imprisonment without trial," he said. "In England, we make sure he (the accused) is tried speedily—within eight weeks."

That is the big difference. The English provide a speedy trial; under the Sixth Amendment to the Constitution we guarantee a speedy trial but seldom make good on the guarantee. The reasons for this are many. Defense lawyers customarily play for delays, rather than for speedy disposition of their client's case, and this practice itself becomes a self-serving argument for release on bail as opposed to detention pending trial. Courts are slow-moving and usually clogged with backlogs of cases. Most jails are crowded and would feel the strain of any substantial number of suspects being preventively detained.

In the face of these hindrances to speedy trials, all of which are frequently cited as discreditable to American justice, the opponents of the preventive-detention proposal of the Administration are making considerable headway.

Still, in any deliberation about how to control crime in this country, it is a good idea to begin by inquiring how the British do it. Our system, with its rights and safeguards, developed from theirs, and it is generally acknowledged that they have on the whole a much better record than we have of protecting society from the criminal and the criminal from injustice. And it is highly relevant to learn that preventive detention not only is customary in the homeland of Anglo-Saxon law but is no great subject of complaint because justice is swift there.

[From the Tulsa (Okla.) World, Nov. 30, 1969]

#### NEED FOR BAIL REFORM

The Justice Department's efforts to tighten up permissive legal practices which are held contributory to worsening crime conditions have run afoul of opposition in and out of Congress.

One of the prime targets of the Department's clampdown is the widespread use of bail-bond practices which permit criminal elements to continue their depredations while awaiting trial.

A celebrated example of the problem occurred just a week ago in the nation's capital. A suspect under charge in two murders was released on bail of \$500—reduced at the request of his attorney from an original \$50,000 figure. While out on bail, the defendant was re-arrested in connection with another killing. He now stands charged in three murders.

The exposure of the ludicrous aspects of the bail policy followed in some of Washington's courts prompted local General Sessions Judge Tim Murphy to reignite public interest in bail reform legislation. The Nixon Administration, through Attorney General John Mitchell, has proposed a system of "preventive detention" to protect society from constant criminal repeaters. Mitchell's plan has met frigid stares from legal lights not only in Congress but outside.

Sessions Judge Murphy says, however, that a sterner method of admitting to bail must be devised. He reports that in personal interviews with enforcement officials and jailed criminals, there is no compunction by those admitted to bail against continuing their crimes.

Violators tend to feel "duty bound," said the Judge, to continue their pursuits if for no other reason than to "bankroll" their families. They are inclined to go out on a "last fling," on the theory they will be tried for only one violation and the others mean nothing.

Attorney General Mitchell seeks legislation granting the courts more rigid authority to withhold bail from those whose records indicate freedom awaiting trial serves no other purpose than to permit them to commit more crimes.

He has a valid point, but one which has created adverse reaction in the legal profession. Since the right to bail for most crimes is guaranteed under the Constitution, strict legalists question the propriety of laws recommended by the Attorney General.

Still, there is a point beyond which a law-abiding society cannot stand helpless while criminals use the protection offered by the Constitution against it. Mr. Mitchell is not asking that arbitrary powers of incarceration be given courts; his purpose is to obtain stiffer guidelines under which the courts may act. We think he is on the right track and that Congress, while properly wary of overdoing the legal tightening-up process, should take a most careful and sympathetic look at the basic if drastic goal he is seeking.

Certainly there is reason to suspect the American judicial system has become flabby and overly permissive, and its slowness scandalous.

[From the Richmond (Va.) News Leader, Nov. 24, 1969]

#### WHILE FREE ON PROBATION . . .

Some of the talk these days around Capitol Hill centers on the thorny question of preventive detention. Is it constitutional to deprive a suspected criminal of his liberty until he can be tried, when probable doubt exists that he will commit no more crimes before his trial? Or is the right of society to be protected from further criminal acts the overriding consideration? It is an issue on which reasonably minded men can disagree.

Perhaps those who doubt the need for preventive detention, pending trial, of suspected criminals might want to study a textbook case of what can happen without preventive detention. This case was headlined on the front page of *The Washington Post* last week. It involves a 30-year-old unemployed truck driver, Walter C. Powell, who was charged last week with a third count of murder within a six-month period. (On the same day, incidentally, *The Post* carried six ads for truck drivers in its help-wanted columns).

In May, Powell was arrested and charged with robbery, but the case was not prosecuted. On June 18, a 28-year-old woman was shot to death in her Washington apartment. On June 30, Powell appeared before a U.S. District Court judge to be sentenced on a conviction of attempted auto theft last year. The judge placed Powell on probation for three years.

Then on August 25, an elderly man was shot to death as he ran from a robbery attempt. The next day, Powell was charged with murder, not for the killing the day before, but in the June 18 case. Bail was set at \$10,000 at first: Powell could not raise this amount. His lawyer petitioned for a reduction in bail, and the judge complied, setting it at \$5,000 with the stipulation that, if \$500 could be put up in cash, Powell could be released. A friend of Powell's posted the \$500, and Powell went free, after being in jail one week.

In September, a judge conducting a preliminary hearing into the June 18 slaying concluded that the charge against Powell in the June 18 slaying was justified. He recommended that Powell's bond be increased, but he had no authority to increase it himself. Powell stayed free.

On November 3, a grand jury instructed Powell to appear for arraignment on the charge of murder in the August 25 killing. He didn't show up, and a warrant for his arrest was issued. On November 15, a 42-year-old man was killed by a robber who entered his apartment. On November 19, police arrested Powell, and charged him with murder in this most recent slaying. He now is being held without bond.

So during a six-month period, Powell managed to rack up three charges of murder, two of them committed while on probation for another crime. Even the most determined opponent of preventive detention should be able to learn something from this case, and the many others like it that have occurred in the nation's capital. If they refuse to believe that preventive detention has any positive factors at all, it says a great deal more about their sympathy for criminal suspects than about their concern for society's right to protect itself from being further victimized.

#### WHILE FREE ON BAIL

The liberal coterie holding firm to a sentimental view of the nature of man, insists on promoting the view that it is wrong and immoral to hold an accused suspect without bail until trial, or to set his bond at a pro-

hibitively high figure. But in a case where a suspect has been charged with one or more crimes of physical violence, critics of this view argue, wouldn't it be more in the interest of society to protect itself from possible subsequent acts of violence by isolating the suspect? Not at all, the liberals reply, he is innocent until proved guilty, and he should remain free until he comes to trial.

Well, that may be nice in theory, but in practice last week it proved close to disastrous in St. Louis. The case involved a series of more than 20 assaults against women committed by the "Phantom Rapist," although the rapist boasted of committing close to 60 assaults in notes he left behind for the police. In these notes, he also poked some jibes at the police, calling them "stupid coppers," and "slow-witted cops." He also referred to some of them by name in his notes, and members of the St. Louis police force began to wonder if the rapist might not be one of their fellow policemen.

The rapist finally made a mistake when he used a credit card stolen from one of his victims, and the police arrested a four-year veteran of the St. Louis police force. One judge thought the suspect's bail ought to be set at \$51,000, but he later was freed on \$12,000 bail. Then last week, a 22-year-old St. Louis newspaper reporter and her teenage girl friend were attacked in the reporter's apartment by a man who tore their clothes and swore to rape them. He brandished a gun; when the reporter continued to resist, he shot her in the face and fled. The bullet wound was not fatal, and both girls later identified the policeman charged with the previous assaults as their assailant.

So the suspect is in jail, where he is being held without bond. Had he been held without bond when first arrested, two young girls might have been spared a traumatic and terrifying experience. But the liberals have a theory for that too: The rights of the suspect take priority over the rights of his possible future victims, and society has few rights at all, especially when it comes to rational acts of self-protection.

[From the Oakland (Calif.) Tribune, Sept. 12, 1969]

#### BAIL: INVITATION TO RECIDIVISM

In the lexicon of sociologists, lawyers and law enforcement officials, "recidivist" is a much-used word of growing importance to a general public which is just beginning to fully understand its meaning.

The word identifies those who return to a life of crime, usually after arrest, jailing, etc.

Latest FBI statistics show that 82 per cent of all persons arrested in 1968 had a previous arrest, 70 per cent were previously convicted and 56 per cent had been imprisoned under a prior sentence.

Further, police officials are increasingly convinced that many of these repetitive crimes are committed while the criminals are out on bail awaiting trial for earlier felonies.

It's almost a treadmill condition as a man is arrested for armed robbery, posts bail and then goes out to commit another robbery to pay the bail bondsman. He gets caught again, pays a new bail fee, and so on, more or less forever.

Federal court rules governing such activity have set a far more progressive pattern than have most individual states or local courts. There are, however, many examples of states following federal examples to judicial reform.

Frequently cited in this respect is the 1966 Bail Reform Act, which established new federal bail bond rules for the first time in 175 years. It permits suspects accused of non-capital crimes to be released pending trial unless authorities believe they might attempt to flee, in which case bail must be set.

The Justice Department now wants to amend the procedure to permit pretrial detention of dangerous criminals—those ac-

cused of major (but not capital) crimes such as rape, armed robbery, arson, etc. The Justice proposal offers balancing safeguards calling for trial within 60 days, for instance, to protect those accused from arbitrary, lengthy imprisonment without trial.

Society, in natural self-protection, has long denied release, with or without bail, to accused sexual psychopaths and murderers. Thus what can be provided via the Administration proposals are safeguards to society against attacks from other dangerous criminals who continue in a life of crime while free on bail.

These so-called lesser crimes, which are still quite "major" as viewed by the victims, have now become so prevalent and are being committed with such frequency by the repeaters—the "recidivists"—that added public protection is needed.

As we continue to satisfy all the requirements for fairness and due process for accused defendants, it is also necessary to meet the needs for maximum public safety.

The Justice Department proposal deserves adoption for federal offenses, and the entire reform plan, with the proposed amendments, deserves consideration for more localized judicial reform.

[From the New York Daily News, Sept. 4, 1969]

#### WHY NO PREVENTIVE DETENTION?

The State Penal Law Revision Commission, working on a proposed new code of criminal procedure, has decided not to include a provision permitting judges to refuse bail to defendants they feel are menaces to society.

Preventive detention, as it is called, looks good to us—and to President Richard M. Nixon on a nationwide basis for some classes of criminal defendants.

We think the commission made a mistake in ruling against preventive detention, and we hope the Legislature will restore it before voting on the proposed new code at the 1970 session.

This device could keep out of circulation a lot of dangerous characters who otherwise would be free, between time of arrest and time of trial, to let their criminal instincts be their guides, to society's grave detriment.

Why not at least give preventive detention a fair tryout?

[From the Cincinnati (Ohio) Enquirer, Dec. 12, 1969]

#### CONGRESS' TROUBLED DOORSTEP

Rudimentary law enforcement in the United States is essentially the responsibility of the states and cities—with one notable exception: Washington, D.C., as the nation's capital and a city that belongs to the entire nation, is a federally governed city; its major officials are appointed by the President, and Congress functions as something of a city council.

The fact, accordingly, that crime continues to mount in Washington ought to be a matter of significant concern to both Congress and the administration.

Police for the District of Columbia reported a few days ago that serious crime in Washington during October had shown an increase of 35.4% over October of last year and that, for the 12 months ended September 30, the number of robberies in the district had climbed 59% over the preceding 12 months. Burglaries were up 20%.

As U.S. News & World Report observed in its December 8 issue: "Downtown Washington at night is almost deserted . . . Store clerks, filling-station attendants and deliverymen work in constant fear."

Yet Congress has evidenced none of the urgency the problem seems to warrant. Perhaps Mr. Nixon waited longer than he should have—July 11—to send a "model anticrime program" to Congress. But Congress has

shown no disposition to act on it. Indeed, the prospects for action at this session seem virtually nil.

The proposals the President put before Congress included a series of recommendations reflecting, as Attorney General John N. Mitchell put it, the administration's "firm, even-handed" approach to crime control.

The most controversial aspect of the administration's program is an amendment to the Bail Reform Act of 1966 to permit a judge to set strict conditions on the release of suspects awaiting trial in noncapital cases and to detain without bail certain categories of suspects who are found, after a hearing, to pose a threat to the safety of society.

This proposal—the so-called preventive-detention bill—has been bitterly assailed by, among others, Sen. Sam J. Ervin, Jr. (D. N.C.), who called it a "repudiation of centuries of Anglo-American traditions of fairness, due process and common standards of justice."

Another phase of the program would reorganize the court system of the District of Columbia. Yet another would convert Washington's Legal Aid Society into a public-defender service.

Two months ago, Mr. Nixon reminded Congress of its responsibilities in connection with Washington's crime problem and declared that crime in the city had reached the crisis point.

Washington ought to represent a laboratory in which the Federal government introduces new techniques to combat crime for imitation by cities across the nation. Instead, it has been allowed to acquire the highest rate of robberies and burglaries of any city of comparable size in the United States—despite the significant fact that it has the highest per capita income and the lowest unemployment rate of any major city.

Congress should not allow the problem to grow even more acute.

[From the Washington Evening Star, Dec. 29, 1969]

**RESTRICTING THE BAIL RIGHT**

It is often said and widely believed that a criminal defendant has an "absolute" right to bail unless he is likely to flee to avoid trial. But this is not true in all cases.

A few days ago the U.S. Court of Appeals acted in the case of Kermit N. Gilbert, Jr., charged with assault with intent to kill. Gilbert had been denied bail in the lower courts because of a claim that his friends and possibly the defendant himself had threatened witnesses with a view to so intimidating them that they would be afraid to testify at the trial.

The appellate court stated the controlling principle in these words: "We are satisfied that courts have the inherent power to confine the defendant in order to protect future witnesses at the pretrial stage as well as during trial." And this despite the language of the Bail Reform Act of 1966 which supposedly establishes an absolute right to bail in noncapital cases if the accused can be expected to show up for his trial. Of this, the court said: "The necessities of judicial administration prevail, and the right to bail is not literally absolute."

Surely no one will quarrel with this view of the law. It would be absurd to contend that a suspect must be released on bail if, while on liberty, he uses the opportunity to coerce witnesses so that when his trial is held there will be no one present to testify against him. It is difficult enough at best to get witnesses to appear and testify. If they could be threatened and intimidated, the administration of criminal justice would soon break down.

But if judges have the inherent power to protect witnesses, why should they not also have the power to protect the public. In our opinion they should have, and this is

what the debate over preventive detention is all about.

Police Chief Jerry V. Wilson recently told the International Association of Police Chiefs of a study made by his department of individuals released in this city on personal bond, which means no bond, after being indicted on charges of armed robbery. The study covered the period July 1, 1966, to June 30, 1967.

The key finding was that "35 percent of these individuals released in one year were rearrested and reindicted on subsequent felonies, mostly armed robberies, before coming to trial. Some were rearrested and reindicted as many as three times in one year." This is a state of affairs which certainly has not improved since 1967, and which bears impressive witness to the extent to which the right of the public to be protected against criminals is trampled upon under the bail reform act.

The Nixon administration is trying to remedy this situation. It has proposed to Congress certain amendments to the bail reform act to give judges some discretion to deny release on bail if this is deemed necessary to protect the public.

This proposed discretion is not unlimited. Before denying bail the judge must hold a hearing at which the accused would be represented by counsel. Bail could be refused for these types of suspects: (1) Those charged with committing a "dangerous crime" in which there would be a high risk of additional public danger should the suspect be released. Included would be such offenses as bank robbery and the sale of narcotics. (2) Repeat offenders who have been charged with at least two crimes of violence. (3) Narcotic addicts charged with any crime of violence. (4) Defendants who try to obstruct justice by threatening witnesses or jurors.

There also are safeguards for the accused, chief among these being that a suspect must be released unless he is brought to trial within 60 days, or unless additional delay is at his own request.

Competent officials have stated that crime in Washington could be very substantially reduced if only 300 hardened criminals and narcotics users could be taken off the streets pending trial. But Congress has been dragging its feet on preventive detention despite the strong case that has been made for this law-enforcement tool.

Perhaps the ruling by the Court of Appeals will help bring action at the next session of the legislators. For if judges have the power to protect their courts, no persuasive argument can be made against authorizing some similar protection for the long-suffering public.

**ST. PATRICK'S DAY**

**HON. EDWARD P. BOLAND**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. BOLAND. Mr. Speaker, today millions of Americans pay tribute to the Irish by honoring their patron, St. Patrick.

This legendary figure died over 15 centuries ago, but his day continues to be celebrated with enthusiastic devotion by the Irish and their friends throughout the world.

The legend of St. Patrick, however, transcends that of mere myth; Patrick was, is, and will continue to be an inspiration to all men.

Patrick, the liberator of Ireland, had a profound love of freedom, learning, and justice. He was perhaps the first modern Irishman—a man of pride, a man deeply

concerned for his fellow man. The spirit of Patrick is the spirit of the Irish; his legacy is as alive today as it was 15 centuries ago. Thus, by joining with our fellow Irish citizens and paying tribute to St. Patrick, we are honoring the Irish themselves.

The Irish have a deep feeling for language, an innate sensitivity for art, a keen wit, and a proud regard for their Gaelic heritage.

These qualities, when fused with a tenacious desire for freedom and independence, have made the Irish leaders in all fields. The Irish have given the United States some of our greatest political leaders, scientists, educators, artists, and patriots. These men took great pride in being Americans, yet continued to maintain their cultural identity.

Perhaps the most universal of the achievements of the Irish has been in the fields of literature. The artistic creation of the Irish renaissance, in particular, have contributed vastly to the understanding and appreciation of humanity. It is a sign of literacy to be familiar with the Irish literature of the early 20th century. But, more important than these works themselves, are the spirit from which they were created. They were the products of creative individuals, individuals whose independence was expressed in their writing, just as the independence of the American Irish was expressed in their pioneering spirit.

Today the Irishman's independence has won him the respect of a nation founded on this very principle. I take great personal pleasure in observing St. Patrick's Day and in paying tribute to the great men of Ireland who have followed in his path.

**BALTIMORE AND HARFORD COUNTY NEWSPAPERS**

**HON. CLARENCE D. LONG**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. LONG of Maryland. Mr. Speaker, since January 2, 1970, Baltimore City newspapers have been on strike—a strike which ended today after more than 2 months with no large newspapers. However, Baltimore and Harford County local newspapers met the news crisis head on with expanded coverage of national and local events, entertainment schedules, sports, want ads, and consistently high-quality editorials. I know that Baltimore area residents join me in extending our thanks and our praise to these small but fine papers for their outstanding performances during the strike. I should like to honor these papers today by including their names and the names of their editors in the RECORD:

**BALTIMORE AND HARFORD COUNTY NEWSPAPERS BALTIMORE COUNTY**

Mr. John Blitz, Managing Editor of Stromberg publications.  
The Essex Times, Editor, Wayne Garner.  
The Dundalk Times, Editor, Ella Kirby.  
The Towson Times, Editor, David Colley.  
The Arbutus Times, Editor, John Martin.

The Community Times, Editor, David Barklay.

The Catonsville Times, Editor, Jean Walsh.

The Jeffersonian, Editor, August Maher.  
The Dundalk Eagle, Editor, Kimbel Oelke.  
The Northwest Star, Editor, Gustav Berle.  
The Baltimore Daily, Publisher, Advertising Design Press, Inc.

#### HARFORD COUNTY

The Aegle, Editor, Mr. John D. Worthington.

The Harford Democrat, Editor, Mr. J. William Cronin.

The Havre de Grace Record, Editor, Mr. J. Clark Samuels.

The Joppatowne Journal, Editor, Mr. William C. Ryan.

### GALLAGHER ANNOUNCES SUPPORT FOR HOUSE CREDIT INDUSTRY CONTROL BILL

## HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. GALLAGHER. Mr. Speaker, before I turn my attention to why I am now firmly committed to almost all provisions of H.R. 16340, the credit bill recently introduced by my distinguished colleague, Congresswoman SULLIVAN, let me try to put what we are talking about here in the Congress into its deeply human dimension.

I will attempt to do that by inserting, at this point in my remarks, a short poem from the March 1970 issue of the Atlantic:

#### THE DATA BANKERS

(By Celia Gilbert)

who are the men with hats  
who go to my neighbor  
who tells them I drink with  
whoever comes along and  
where I go between the hours of . . . and  
where I was when they said it was a rest  
where really my husband sent me  
where I could sober up  
when after all his debts  
when he played the horses once too many  
when I told him we'd be broke  
like they are polite but she hates me  
like I hate her, she's real nosy  
like; and her kid, too, who's a peeping tom  
like I found him up our fire escape  
how he got there they don't care  
how is not their business or why  
how to get it all down and in the bank  
that's  
how those guys spend their time: saving us  
up.

Mr. Speaker, a more succinct definition of a growing feeling on the part of many Americans would be hard to find. For, in a very real sense, "saving us up" is exactly what many investigative credit reporters are doing. And, of course, even if the very act of being "saved up" does not adversely affect one's capacity to think creatively and feel spontaneously, the question remains: Saving us up for whom?

When my Special Subcommittee on Invasion of Privacy initiated formal congressional consideration of this industry in March and May of 1968, very little was known about a very pervasive activity. Our hearings helped to highlight many arbitrary practices and the Associated

Credit Bureaus, Inc. responded by formulating their credit bureau policies to protect consumer privacy. This January 1969 step was promising for it showed that one segment of the industry was not opposed to constructive change in order to meet altered social conditions.

Subsequently Senate hearings laid out additional evidence that the industry, unregulated at a national level and almost equally untouched at a State or local level, has a sufficient impact on the American economy and the American society to warrant legislation. The Senate passed S. 823 in November 1969, thus accelerating the movement toward control.

Each of these steps was both hopeful and helpful, for it was obvious that privacy was about to be cloaked in some kind of formal procedure, at least as it relates to the credit industry.

But our efforts made what could be defined as a quantum jump when Mrs. SULLIVAN, chairman of the Consumers Affairs Subcommittee, introduced H.R. 16340. While there are still areas of controversy in this bill, as my attached testimony before the subcommittee this morning demonstrates, this is the bill I believe the Congress should pass. Both Dr. Alan Westin and witnesses from the Consumers Federation of America who followed me in testifying this morning, stated that this bill was vastly superior to the Senate-passed version. I concur in that judgment.

Mr. Speaker, at this point in the Record, I am pleased to insert the testimony I gave this morning before Mrs. SULLIVAN's Consumer Affairs Subcommittee:

#### TESTIMONY OF CONGRESSMAN CORNELIUS E. GALLAGHER

I am delighted to be here this morning, Madame Chairman, for many reasons. First, I am glad to see the credit bill come before your committee here in the House because, in a very real sense, the House saw the birth of the attempt to control the credit industry. You have acknowledged the pioneering efforts of my distinguished colleague Congressman Zablocki, who testified earlier, for it was he who introduced the first legislation as an amendment when the Truth in Lending bill originally passed the House.

In March and May of 1968, my privacy subcommittee held four days of hearings and it can fairly be said that we unearthed a body of evidence which strongly supports the necessity for legislative action.

Second, I am delighted that the concept of privacy is going to be cloaked, at long last, in solid and effective legislation. The hearings which you open this morning are the beginning of the end of the long road to controlling the activities of credit bureaus and credit reporting agencies. But equally important, they are the end of the beginning in finding ways to have national policy come down hard on the side of personal privacy in the age of the computer.

Indeed, I think that someday we may be debating a bill very similar to the ones under discussion this morning which will not say: "To enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information, but will instead read: "To enable citizens to protect themselves against arbitrary, erroneous, and malicious information," no matter who holds it. And in the body of the bill it will substitute the words "any repository of information, including Federal agencies, for the words, consumer reporting agency."

As visionary and utopian as that may

sound this morning, Madame Chairman, I believe it is the direction we must move if we are to make the word "citizen" mean anything and rescue the unique American experience from slow and steady erosion.

The third reason why I am delighted to testify before this subcommittee, which is chaired by one of the most able women in the country and which also has, as members, my good friend and fellow Representative of the great State of New Jersey, Mrs. Dwyer, and the effective Congresswoman from Massachusetts, Mrs. Heckler, is that the industry under consideration here has not exactly been a pioneer in asserting women's rights. Let me illustrate this by a discussion which I had with Mr. Robert Pinger, Manager of the Credit Bureau of Greater Houston, when he testified before my privacy subcommittee.

I had become curious about the level of competence of the six full-time people he had counseling the public. These six made a total of \$22,000, and I questioned him closely about the kind of people he could get to perform this valuable service if he paid them an average of merely \$3,500 a year. As his ultimate justification, he responded, and I quote:

"These are mature women who perform this service. These are not males."

I suspect that this subcommittee, particularly, may question the credit bureau representatives to discover if that "enlightened" attitude is pervasive throughout the whole industry.

The majority of my testimony this morning will focus on several areas in your bill, Madame Chairman, which I feel should be clarified. Let me say, that with one or two exceptions, I support H.R. 16340, because it is stronger and generally better than the Senate passed version. Your work has considerably improved the bill I introduced on November 12, which was very similar to S. 823. And I introduced that bill solely as a means to assist in the movement toward these hearings and not because I endorsed it totally.

The central point of all the bills under consideration is that the individual must be able to make sure his own records are correct, that legal responsibility must fall on those who can damage a man's chance for deserved credit, insurance or employment, and that information must be used solely for the purpose for which it was given. These were the points we made in our investigative hearings in 1968 and I am pleased they are about to be translated into effective legislation.

And of course they are dealt with in the Associated Credit Bureau sponsored "Credit Bureau Policies to Protect Consumer Privacy," which I released on January 13, 1969, as a response to practices surfaced by my privacy subcommittee.

The most important part of any credit control bill is to shred the shroud of secrecy by which the practices of the industry have for so long been shielded. The major thrust of my hearings on May 16, 1968 was to convince Retail Credit Company to remove from its basic contract the emphasized clause:

"All reports, whether oral or written will be kept strictly confidential. Except as required by law, no information from reports nor your identity as the reporting agency will be revealed to the person reported on or to any other person . . ."

I am pleased to report that the new agreement for services, dated June 1968, eliminated "nor your identity as the reporting agency. But it is important to note that Retail Credit does not require that such an absolutely necessary disclosure be made. I refer to a letter of explanation Retail Credit Company sent to its customers shortly after that repugnant phrase was deleted:

"We have eliminated from our Agreement for Service that phrase which prohibits identifying us as the reporting agency. We,

of course, are not suggesting any substantial departure from established business practices. If people were sent to us indiscriminately, this would impose a considerable problem and the need of additional time."

Mr. W. Lee Burge, President of Retail Credit, put it considerably more bluntly when he testified before the privacy subcommittee:

"We cannot for the prices charged render our services and be plagued by legal problems or privacy problems even in having hordes of people raising questions or in legal action."

This kind of attitude, which is not confined solely to Retail Credit Company let me hasten to add, makes it imperative that a bill legally require creditors to inform the individual where the damaging information has come from. The most difficult question is whether or not the consumer must waive his legal rights in return for being granted the opportunity to know what has been reported.

I believe that your bill, Madame Chairman, takes the right approach. Privilege against any future legal action is not a privilege that is consonant with fair play. In addition, the damage to the individual may often be done before he knows what erroneous information has been disseminated. Since the privacy subcommittee hearings, many outraged letters to me have pointed out that once you lose an opportunity, it is lost, no matter what ameliorating evidence may later emerge.

At the same time, however, other features of your bill may make such an absolute waiver of immunity unnecessary. The very fact that an individual will have the right to know everything in his file and your extremely wise provision against creditors reporting disputed accounts as delinquent may obviate the necessity to make the credit reporter liable for inaccurate reporting in the past. Further, if your bill retains its provision that corrected reports be sent immediately to those who have received an erroneous one, much of the basis for punishing the agency for past error may be negated.

I believe you should carefully consider all sides of this thorny question, Madame Chairman, and I would not like to see a dispute over this area threaten the success of our efforts, especially now that we are so close to having legislation enacted.

I fully support the remainder of the provisions of H.R. 16340, with the exception of the access allowed for noncredit-granting, nonregulatory Federal agencies without subpoena. I believe that all information yielded should be subjected to due process of law. Chapter 3, Sec. 35 repeats the provision in S. 823, the only provision I removed when I introduced H.R. 14765 on November 12, 1969. This clause states that a consumer reporting agency may furnish identifying information without requiring that a subpoena be presented. I would like to see that provision rewritten to say that only identifying information can be given in response to a subpoena. If the Federal agency wants anything else in a credit repository, the individual concerned must be informed and be able to contest the action.

Credit Data Corporation adheres to a policy which flatly denies access for any noncredit purpose. They have been vigorous in protecting the integrity of the data and have brought personal privacy into their corporate practices. But I do not note a similar dedication to legal process in other segments of the credit industry.

I strongly oppose dissolving the distinction between public and private files: a distinction which seems to be disappearing everywhere we look. By weaving a web of data representing all an individual's past experiences, we create a suffocating sense of surveillance. We permit a sword of Damocles to hang over every man's head. We turn this Nation from its historical role as the home

of the second chance into a one-chance society.

The Judeo Christian foundation stone of human renewal or redemption may be programmed out of our society. Perhaps this is why the young fight as hard to stay out of a society as our generation fought to get in.

Further, the courts are the source of our greatest protection for our civil rights, for it is their role to stand between the individual and the State. For an adversary proceeding to be truly fair, the party with the most interest in the data must be able to defend his position, if he chooses.

I realize that this access to private data repositories has been helpful to Federal employees in the past. But I would suggest that the Magna Carta was not written for the King's men; rather it makes every man a king.

So I believe that due process of law must be followed in all cases where private repositories are visited by anyone with no credit or regulatory purpose.

For we are past the time when information in any system can be regarded as the sole property of those who manage the system. The individual to whom the data refer must be permitted formal mechanisms to correct and amplify the reports which affect him so deeply. In addition, he must be able to restrict unwelcome access to information he has provided for the conveniences or necessities of modern life.

As I am sure both Dr. Westin and Professor Miller will amply demonstrate, the credit industry is clearly moving toward an almost total computerization. Files which are economically unfeasible to computerize now will undoubtedly yield to future generations of computing machines and a vast nationwide, even worldwide, network of information is no longer science fiction. A great public utility, dealing solely in data on individually identifiable Americans, is looming on the horizon and it is up to the Congress to assure that such a data-rich society does not become privacy-poor. We can do that by assessing problems before they become crises—although candor compels me to admit that the Congress has not excelled in the past in creating such early warning systems. Far too often, the Dew Line is quickly breached and we are deluged with a flood of angry letters.

In the case of the credit industry, however, I believe we have moved promptly and effectively to deal with an industry which touches every single American home.

I would like to conclude this morning by emphasizing what I feel is the most important single point in dealing with credit bureaus and credit reporting agencies in their present form or in whatever form they will take in the future. The individual must be able to enter the system. Rather than wiping their feet on personal rights, the industry must have a welcome mat out for the person about whom they know so much. I am convinced that at least one of the causes of the serious malaise that grips our society now and threatens our soon-to-be cybernated State is that the individual feels manipulated by forces he scarcely knows exist, much less can control.

A great computerized flow of dossiers with information from both public and private files can drown human rights and make the current flood of disenchantment with the so-called Establishment seem like a transitory trickle. By their very nature, computerized information systems centralize control and appear to the technologically unsophisticated individual to be but another roadblock which an indifferent power structure has placed in his path.

I think it is extraordinarily significant, Madame Chairman, that four people connected with the recently announced National Academy of Sciences' Project on Computer Data Banks are scheduled to testify in these

hearings. Later this morning you will hear from the Project's director, Dr. Alan Westin. I am very proud to number Ralph Nader and Professor Arthur Miller among my co-panelists.

For I believe that it is in the area of information policy that one of the great struggles for the survival of human values and political liberty will be contested in the decade of the 70s. In a very real sense, data are to society what DNA is to the growth of the individual, and computerized information systems may be accurately described as the Double Helixes of Mankind's future.

One way in which civilization can survive is to create new ways for the individual to deal with impersonal and seemingly hostile computerized systems. As is the case in so many other areas, the computer is essential in assembling the information upon which credit, employment, and insurance decisions are made.

I am grateful for the opportunity to present my views in this rather limited version this morning and I ask permission to submit several relevant documents for the record of your subcommittee.

Let me close by saying that the individual needs credit, insurance and employment, but that we cannot allow such necessities to be purchased at the price of privacy.

#### N. V. "SWEDE" NELSON AWARD

#### HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. PHILBIN. Mr. Speaker, I am privileged and proud to address the House concerning the 24th annual "Swede" Nelson Award Dinner sponsored by the Gridiron Club of Boston which was held this year at the Sheraton-Boston Hotel, Boston, Mass., on January 17, 1970.

The occasion was attended by a large and enthusiastic audience of outstanding sports figures of the Boston Gridiron Club and other groups from various parts of the country, who came to pay tribute to one of the truly great of all college football players honored by their selection for the annual Nelson Award, Steve Smear of Penn State University.

This cherished award, which has taken its place as one of the premier awards of its kind in the Nation, is named in honor of the incomparable "Swede" Nelson, one of the immortals of American football, a great businessman, a peerless after-dinner speaker and raconteur, a courageous leader of the fight for civil rights and equal justice, and one of the great humanitarians of our times.

The fact that the award should be named after such an outstanding American, and the soundness, wisdom, and admirable selections through the years of the talented selection committee from the Boston Gridiron Club in honoring the finest and best young athlete in the Nation for this award, and the fact that the award embraces more than physical expertise on the gridiron and also includes character postures, evaluations, and overall high selection standards with respect to character, leadership, toleration, and concern for others, are indicative of the distinguished qualities of the man who has made the Nelson Award possible down through the years—N. V. "Swede" Nelson.

The choice this year of Steve Smear from Penn State, like those which preceded it, demonstrates the attainment of the highest level of merit known to collegiate athletics.

By general agreement, Steve Smear is recognized as one of the finest young college athletes in the country. His record as a player is second to none in his position and field.

His broad interests, his loyalties, his enthusiasm, his competitive spirit, his humility, and human qualities mark him as an extraordinary young man.

Steve Smear came from humble beginnings and worked his way to the top of athletic and collegiate competition. He won the confidence of his teammates, the admiration of his coaches and the football public, and the great respect of all who know him for his warm, beaming personality, his friendly approach, his good manners, his consideration for others and his unalterable attachment to the best values of our American society.

Young college leaders like Steve Smear, endowed with love of God, love of country and love of their fellow man, are in the finest traditions of our colleges and the Nation. Such young men are destined to be the leaders of tomorrow, because they bring to American life in these modern days the strength, stamina, and courage to face all problems, the brains, intelligence and determination to solve them, and the compassion to understand and hold out the willing hand of help and assistance to those who are not always able to help themselves.

By character, dedication, and leadership, these young men will perpetuate and build into the future of this great Nation down through the years, not only their own ideals, high purposes and spirit of uplift, but those extraordinary qualities as human beings and as resolute, high-minded leaders, which have inspired the indomitable "Swede" Nelson in his great achievements for community, country and the cause of the socially deprived.

Young men like Steve Smear are the proudest boast and greatest hope of this country because they have proved their mettle. They have shown that no generation gap separates them from anyone, either the leaders or the people of this Nation, because, like most of the young generation, they can be relied upon to preserve the strength and enhance the growth and prosperity of the country, and also enrich the commitment of young American leadership to respect and to serve human needs, and to preserve the freedom, security and safety of this great land and its free institutions.

I was highly honored to attend this very impressive event, and it was a pleasure for me to congratulate Steve Smear and his lovely mother, family, and spiritual leader, and to wish for him and them every success, prosperity, and happiness in his future life.

It is also a high privilege for me heartily to congratulate my dear, valued friend, "Swede" Nelson, his lovely wife, Esther, charming daughter Natalie, distinguished son-in-law, George Hill and family, and all the distinguished officers and members of the Boston Gridiron Club who have worked so hard through the years to make the Nelson Award one

of America's most striking symbols of American youth at its best.

"Swede" Nelson is one of our greatest Americans and the Nelson Award a rare tribute to his genius and his humanity.

I extend my heartiest congratulations also to the leaders and members of the Boston Gridiron Club who are in a class by themselves as great Americans.

Under unanimous consent, I include background information about the award, the remarks of "Swede" Nelson and pertinent newspaper accounts about this outstanding affair:

#### THE "SWEDE" NELSON AWARD

"The Nils V. Nelson Award for Sportsmanship" is presented annually by the Gridiron Club of Boston on a basis of the following requirements:

"To the player who, by his conduct on or off the gridiron, demonstrates a high esteem for the football code and exemplifies sportsmanship to an outstanding degree."

In selecting a committee to decide the winner of the "Nelson Award" great emphasis is placed on the knowledge and experience of its members with respect to the American game of football over the years. Numbered among our committee this year are men who have played in both college and professional ranks. Others are presently engaged in collegiate or professional officiating, coaching and physical education pursuits at the college level. The serious manner in which all nominations are studied, combined with the wealth of experience possessed by the individual members of the committee, insures a selection which may readily be accepted as the best.

The Nelson Award for Sportsmanship has aroused the interest of leaders in the World of Sports throughout the entire nation. Nominations for the Award have been received from every state in the Union, having been contributed by college coaches, sports writers, radio announcers and others. This widespread source of information and the enthusiasm expressed by the contributors points to the Nelson Trophy as being firmly established as one of the nation's outstanding football awards.

We of the Gridiron Club of Boston are confident that the objectives of the Award will ever serve as an inspiration for all that is praiseworthy and good wherever the game of football is played.

#### NILS V. "SWEDE" NELSON 1969 SPORTSMANSHIP AWARD

Steve Smear, Pennsylvania State University; age, 21; height 6 feet 1 inch, weight 227; senior; defensive tackle.

Grantland Rice, never to be forgotten sports columnist, in his only book "The Tumult and the Shouting," proclaimed that the first, last and the only commandment should be "the rules of sport are founded on fair play."

If ever a sporting pronouncement had a true meaning and deep significance it applies with force and clarity to the life, exploits and philosophy of Steve Smear.

Threaded through every recommendation coming from coaches, teammates, opposing players, newspaper men, and all identified with football, this concept of fair play is highlighted in an infinite variety of ways, giving book and verse, dates and witnesses, all attesting to Steve's overriding and instinctive sense of fair play.

Joe Paterno, his coach at Penn. State, and familiar to football fans hereabouts, said, "He is one of the unspectacular type players who does a great job play in and play out. He's become a superior player with a fine attitude toward the game. He is one of the finest sportsmen I have ever encountered because of his deep commitment to the ideals for which the Swede Nelson award stands. I cannot say enough about Steve

Smear, a deeply religious, totally unselfish young man, he depicts everything that is good and wholesome in intercollegiate football."

While specific instances of his sportsman-like conduct could be extensively quoted here, this year we are leaving the winner's exploits in the hands of the galaxy of speaking luminaries who will expand on those characteristics which prompted the Committee to choose Steve from among 51 candidates—and it must be noted that this year's recommendations are unsurpassed in quality and form.

#### REMARKS OF N. V. "SWEDE" NELSON

President Bob McCabe, Chairman Smokey Kelleher, reverend clergy, guests of honor, Steve Smear, your dear mother, your pastor, Coach Joe Paterno, our Penn State friends, distinguished head table guests, our own Gridiron Club family, beautiful ladies and neighbors, gentlemen, friends.

Somebody said I was an optimist, an optimist is a guy who falls from a 20 story building and at each story, he yells, "I'm all right so far."

This year I have my fine red headed son-in-law, Red Hill, lovely Natalie, their six children who are mostly red heads and all right handers. One of the little girls said: "Mummy, shall we start the applause for grandfather?" Natalie said: "No, just see that it doesn't die down."

We are proud to welcome all of you nice folks to our Gridiron Club family, all these outstanding honor guests from Penn State, Steve Smear who is simply great, his dear devoted mother, the incomparable Joe Paterno, the nationally famous coach—a winner of 30 games, Steve's pastor, Father Joseph W. Fleming, a real friend. Father—I am not one of those Episcopalians who never forget, you know—and as I have often said, an Episcopalian is just an Irishman who flunked Latin.

This is my 24th year up here and I was only 16 years old when we started, of course. I don't know how old I am now, but medicare knows better.

My recipe for eternal youth is live honestly, eat well, sleep often, work occasionally, and lie about your age.

For all these years, we have gathered together to honor all of our old friends of blessed memory, starting with the days of the immortal Bulger Lowe. We never forget any of them and they will forever be in our memory.

The award could be named for many men in this room and, with true humility, let all of us share it together.

I am sure all our old friends would be thrilled with the dedication, determination, and leadership of Steve Smear.

There is truly dignity and distinction to this dinner and surrounding me and all around you are men and ladies too who have helped to make this great Nation the finest country in all the world.

These are college days. Yale's fondly remembered William Lyon Phelps gave an English class a very tough examination—just before the Christmas holidays. One unprepared student turned in a blank paper with this notation: "God knows the answer to these questions. Merry Christmas." Phelps returned the paper with another notation: "God gets an A. You get an F. Happy New Year."

Meanwhile, I would like to thank everyone who helped in this outstanding dinner, the press, the TV, all the speakers who were great, wonderful Bob Coyne, our own cartoonist who sent us 700 cartoons, Sam Cohen and Mark Finlay.

Moreover, our appreciative thanks to Smokey Kelleher, our general chairman—competent, kindly and a great organizer, John Cavanaugh, Mr. Gridiron Club—no details too much for him, Joe Blumsack who works night and day on our tickets, a fine lawyer—all Joe needs is a couple of good

witnesses—thanks to all his secretaries—John Carver who is not only erudite but is also very bright and writes our statistical history—that is a Harvard word meaning he knows how to run a slide rule.

Also Murray Lewis, a great guy and publicity chairman, Arthur Barry, a tremendous gentleman whose scholarly, friendly helpful advice is absolutely necessary to our great team, my own red head, George Hill who is my right arm and his help to me has no limit, Charlie Fitzgerald, another great member who finally came up from Florida and it pleased all of us.

I don't care to take much more time. It would be like the coach who after losing the big game received this wire: There is a train leaving town tonight at 9:00 p.m. be under it.

Welcome to the purpose of the dinner, to honor the outstanding young gentleman, Steve Smear, his dear devoted mother, his nationally famous coach, Joe Paterno, and his parish priest, Father Joseph Fleming, and our Penn State friends.

Steve asked if he could please include his dear mother and his parish priest to share this award with him.

They are now, as are all of you, sharing the warm sincere welcome of this gridiron club family.

Joe Paterno is a perfect gentleman and his championship Penn State team has won 30 games. His coaching has been incomparable. He has developed in his team a fierce pride in performance, a love of the game they play, and real football dignity.

There is more to football than the stadium clock. Behind the scene are men like Steve Smear who has a tremendous capacity for inspirational leadership and love of his country and a recognition of friendship with his teammates and opponents that is far reaching.

Joe Paterno says this young man is among the finest young men he ever coached. Let me say, humbly, to win 30 games in this kind of competition that Penn State had is almost unbelievable. They must have men with unsurpassable qualities of leadership and skill. One of the greatest is Steve Smear. Steve is very mild, but he hits you so hard—it makes your whole family sick.

Steve Smear speaks of the defensive unit with a sort of primitive passion. I quote:

"Three years we have played together with never a voice raised in anger. It is no fake. The Celtics and the Packers did it. It is bolted down to team pride. Give your most honest best. And this is what Coach Paterno has tried to instill in us."

Does it work? Seven interceptions in a bowl game is very close to a college record. Moreover, Steve had consideration for his opponents. The quarterback with the bad knee was assured they would never hurt his knee. And they never did.

This is just one of many things this kind of a young man does and thinks about.

Steve, it is not only your glamorous athletic achievements which endeavor you to us. Rather, it is your humility, your honesty, your sense of real values, your consideration and your sportsmanship. You are a credit to Penn State, your family, your church, coach and teammates.

You not only lead, but you inspire in such a way that your teammates have unbounded confidence in your ability and unlimited trust in your judgment.

You stand as a worthy symbol of young America who in the years to come will preserve the integrity and reputation of the greatest country in all the world—these United States. Love of God, love of family, love of country will never be old fashioned. It will live forever. May our maker continue to bless you and your family.

Steve, we of the gridiron club are tremendously proud of you. We think you are the outstanding sportsman in intercollegiate

football for 1969. Ladies and gentlemen, Steve Smear.

[From the Boston Herald-Traveler]

THE SWEET SWEDE—NELSON HITS HIGH C  
ON STEVE SMEAR

(By Tim Horgan)

Now that the Super Bowl and Variety Hour is over, let's get back to fundamentals. Swede Nelson wishes to say a word or 12 about the sportsmanship award dinner of the same name at the Sheraton Plaza Saturday evening. Clear the dessert dishes, please.

This has always been my favorite award, and I only wish there were 1000 more like it, and its namesake, too.

The winner this year is a 226-pound defensive tackle from Penn State out of Johnstown, Pa. with the likely name of Steve Smear.

Nelson has nothing whatsoever to do with the selection, but he has an understandable interest in the choice made by Tom Lynch, Jr and his Gridiron Club committee.

"And the more I find out about this boy," said Swede, "the more I'm convinced he's one of the best winners we've had."

That's sensational, because past recipients included such star-spangled types as Doak Walker, Johnny Bright, the late Lt. Don Holleder, Floyd Little, Brian Dowling and Vic Gatto.

In fact, nobody wins this honor unless he's true blue and a yard wide. But Swede figures that it's never been tougher for a college football player to live up to the basic idea of the game than it is today.

"And this boy," he said, "personifies everything a college football player should be."

You mean he wears his hair above his ears?

"I have nothing against long hair," Swede said. "If I could have hair, I'd wear it down to my knees. What this boy has is a genuine love of God, his family and his country, and that's the first goal of any game."

Underneath that jolly exterior beats a heart of pure marshmallow, you know. Even though he just turned 30 himself, Swede has great sympathy for today's youth.

He gets very worried when he sees them running power traps on the Board of Trustees and flying wedges through the Dean's office.

"They have no respect for law and order," he said. "They have no concept of fair play. And the younger people will copy them. That's why we have to hold up examples like Steve Smear, who can be as tough as anyone but always within the rules."

"Steve," reports his coach, Joe Paterno, "is totally unselfish, and deeply religious."

What impressed Swede the most, in fact, was an incident that occurred after Smear won the award.

"The boy's father is dead," he said, "so we invited his mother, Mrs. Anna Ditko, to the dinner. Then the boy wrote back and asked if he could also bring along his parish priest, the Rev. Joseph Fleming of Johnstown. How many boys today would think of that?"

Smear has a full dossier of unselfish acts to his credit. The one I favor concerns a meeting he and his running mate, Mike Reid, held with Ohio University quarterback, Cleve Bryant before their game last season.

Bryant had an injured knee. "So we told him," said Smear, "that we would see to it his knee wasn't injured any more, if possible. What we meant was that nobody was going to go for his knee to put him out of the game. That's done, you know, but we don't believe in it. Bryant looked kind of surprised but he said, 'Thank you.'"

P.S. Bryant didn't suffer so much as a dent on his fender in the game. Given a healthy target, however, Paterno reports there was no harder hitter on State's undefeated team than S. Smear.

"Tough?" said S. Nelson. "They tell me

that when he hits you, your whole family aches."

Swede will explain this fully Saturday night.

[From the Boston Herald Traveler, Jan. 17, 1970]

PENN STATE STAR FETED TONIGHT—SMEAR  
HERE TO COLLECT SWEDE NELSON AWARD

(By Tom Monahan)

Exam breaks have curtailed much of the college activity in this area tonight but there still are several attractions worthy of mention.

Probably tops is the Swede Nelson Sportsman Award Dinner for Penn State's Steve Smear tonight at the Sheraton Plaza.

This annually is one of the top events of the season and certainly one of the most significant awards in the country.

Smear, a 226-pound defensive tackle will be the recipient. Smear would tear the legs off a Texas Longhorn, but told Ohio University's bad-legged quarterback, Cleve Bryant, before the game, "Don't worry about anything. No one on this team will be going for that knee."

Bryant came out of the game without a scratch and Smear came out as the best sportsman in the country and justly deserves the honor that will be given him tonight.

[From the Boston Herald-Traveler, Jan. 18, 1970]

PENN STATE COACH LAUDS SMEAR: PATERNO  
PROUD OF NELSON AWARD WINNER

"Steve Smear is the type youngster who despite the flavor of the times proves that love of God, family and country is never out of style—that it will never die, but instead live forever.

"With that kind of integrity, our country cannot fall."

That's how Swede Nelson toasted the 24th recipient of his annual prize—the Nils v. Nelson Award for Sportsmanship—as Smear was honored by more than 500 last night at the Gridiron Club of Boston's spectacular at the Sheraton-Plaza.

Smear is the second-team All-America defensive tackle who has co-captained Penn State the past two seasons to its 30-game unbeaten streak, college football's longest.

The 6-1, 233-pounder was selected for the national award—among 51 candidates from 18 states—for a galaxy of sportsmanship instances, no one single fair-play act.

"Completely overwhelmed," the Johnstown, Pa., resident who was flanked by two people he insisted upon accompanying him to Boston to share the award—his widowed mother, Anna, and his parish pastor, Rev. Joseph Fleming.

"When all is said and done in our school's history," said Penn State coach Joe Paterno, the former Brown star in the late-1940s, "Steve is the only boy who may just have meant most to putting Penn State at the football level it enjoys.

"I've never had another boy of his quality in my 20 years at Penn State—nor do I expect another. He is so completely unselfish, so extraordinary a leader. The fact that Steve was elected captain his junior year as well as his senior season reflects that his teammates have the same respect.

"I don't know what I'm going to do without him. As I said a year ago when there was talk about me joining the Pittsburgh Steelers as coach, "As long as Steve Smear is around, I'm going to stay.

"He's this kind of kid. Our last loss was 17-15 to UCLA during Steve's sophomore year. It was a frustrating loss—chasing Gary Beban all over the field and finally losing on a blocked punt late in the game. Yet when it was over, Steve sought out Beban to congratulate him and tell him what a thrill it had been to have played on the same field with him.

"And I could give so many other examples. "So, I'm proud and honored that Steve has been selected recipient of the Swede Nelson Award. I've always felt it was a great honor—none more important in the country."

Smear—who hopes to play pro as a middle linebacker—agreed.

"I'm completely overwhelmed and I feel there are others in the country more deserving of this great honor than I," said the 21-year-old education major, who was described by Fr. Fleming as the "epitome of courage, sportsmanship and unselfishness."

"So, my thanks to everyone responsible for it. And my thanks also to everyone for making me feel so completely at home in Boston, too."

Smear—who'll be honored with a testimonial dinner in his hometown March 16, when it's expected to be proclaimed "Steve Smear Day" in Johnstown—spotlighted his mother and Fr. Fleming.

"Whenever an athlete receives such a prestigious award, he is remiss if he doesn't give his teammates credit, for no man achieves alone," he said. "So I share this award in particular with two people from my 'team of life'—my mother and Fr. Fleming."

"I can't say enough for both of them—and how they've been so responsible for what success I've been fortunate enough to have had."

Smear—who has two older sisters, both married—added on his mother:

"She has had such a hard life and sacrificed so much for me. She was both father and mother to me. My father died when I was two months old. And when my mother remarried years later, she was widowed again after less than a year when my stepfather died."

"So my mother worked hard all my life. She owns a bar, and made it go where others couldn't. Although she has two capable bartenders, she'd always be there closing the place at 1 or 2 a.m., then back again to set up for the next day at 7 a.m."

"So I owe her so much."

Smear—of Croatian descent—doesn't know what to expect in the upcoming pro draft.

"I want to play pro very much, but have no idea what's going to happen in the draft—although I'm a bit pessimistic about being chosen high," said the youngster, who helped Penn State to a 30-2-1 record in his three varsity seasons—missing an undefeated career by a total of three points: a one-point loss to Navy along with the two-point defeat by UCLA.

"Part of the puzzle is that I'll have to convert from tackle to linebacker, and the question is how well the pros think I can make the transition."

"I think I can make the switch, and I am looking forward to the challenge. I think I have speed enough to be a linebacker, and size enough—pro scouts telling me 225 is big enough. And I don't feel being the defensive signal-caller would present a real problem."

"I have no preference in teams. I just hope the team that drafts me needs linebackers so I won't get buried or lost in the shuffle."

Smear added that it was "frustrating" playing for Penn State this season—"not duly recognized nationally and often belittled" despite its record and unbeaten streak.

Who would have won in a showdown—Penn State or top-rated Texas?

"It would have been a great game," Smear grinned.

[From the Boston Globe, Jan. 18, 1970]

PATERNO REJECTED PROS TO STAY WITH SMEAR  
(By Clif Keane)

They made tackle Steve Smear of Penn State sound like an old fashioned kid that you'd like to take home with you.

Smear was awarded the annual Nils V. (Swede) Nelson trophy last night at the Sheraton Plaza by the Gridiron Club of Boston, for outstanding sportsmanship.

What took the greatest grip on the selection committee was the two-time Penn State captain's request to have his parish priest, Rev. Joseph V. Fleming of Johnstown, Penna., and his widowed mother along with him at the dinner attended by 500.

Clean-shaven and short-haired, Steve was called by his outstanding coach, Joe Paterno, "a lad we've never had the likes of at Penn State. No man of his quality in my 20 years there. We have never had a better captain, and he is the only man ever to be captain two years."

"Will he be a good pro? He will be the next Sam Huff in a couple of years, a great linebacker in the making. He played this game with class, to win and not to injure anyone."

"I was offered the job as a coach at Pittsburgh with the pros a year ago, and my answer was 'I want to stay at Penn State as long as Steve Smear stays there' and I meant it."

Fr. Fleming remembered Steve since the fourth grade at St. Andrews in Johnstown. "He was our first great athlete," said Fr. Fleming. "He won the American Legion medal and was the outstanding athlete around, and the boy has been without a father since he was two months old."

"He has great courage, sportsmanship, unselfishness and gratitude," said Fr. Fleming.

Steve, with hands like pitchforks, wants to be a pro and has heard from many clubs, with emphasis from Dallas and Los Angeles. "I think the Patriots got in touch with me," he said. "But I want to be a linebacker in the pros, and I will give 150 percent."

"After the pros, I would like to go into public relations," he said, and he seemed to fit the bill since he never stopped smiling all evening.

Steve was the 24th pick over the years for the Gridiron Club."

Joe Zapustas was toastmaster of the dinner. Also at the head table were: past presidents John Kelleher, Thomas E. Lynch, Jr., Dr. William Ohrenberger, Paterno, President Robert V. McCabe, Nelson, David Lucey, Dick O'Connell of the Red Sox, Edward Powers of the Garden, Mike Holovak, Secretary Joe Blumsack, Joe Yukica, B.C., John Barry of The Globe sports staff, treasurer John J. Cavanagh, Rev. Fleming, Rev. Vaughn Shedd, George "Red" Hill, football official.

[From the Boston Globe]

SMEAR'S TRADEMARK: HE'S "TOTALLY  
UNSELFISH"

(By Marvin Pave)

Last December 8, Penn State football coach Joe Paterno wrote a letter to the Gridiron Club of Boston.

"I have been familiar with and admired what your club has done to promote a good sportsmanship," he said. "Because of Steve Smear's complete commitment to the ideals from which the Swede Nelson Award stands, I am submitting his name for consideration by your committee."

Smear's name was one of 51 from 18 states eventually presented to the committee. The rest is recent history. Smear was honored before a gathering of 500 at the Sheraton Plaza last Saturday night. He was the 24th recipient of the Swede Nelson Award for Sportsmanship.

At his side were his mother, Anna, and Parish Priest, Rev. Joseph Fleming. Paterno was also there to honor his co-captain of the past two seasons, and he said of his 6-1, 233 pound tackle, "He's deeply religious, totally unselfish and typifies everything that is good in intercollegiate football."

Much of the Steve Smear story can be

traced through Paterno's words—"deeply religious, totally unselfish"—and further told through the presence of his mother and Rev. Fleming.

Nothing came easily to Smear. His father died when he was two months old and his mother worked many late hours in her Johnstown, Pa. tavern to help her family.

"She sacrificed a great deal for me," said Smear Saturday, "and I'll never be able to repay her completely for it."

Growing up under those circumstances along with two older sisters gave Smear an early sense of responsibility. His unselfishness was later realized by his college teammates.

Smear is the first man in Penn State football history to be elected captain for two seasons. Paterno knew he had a good football player in Smear, but as he said Saturday, "Steve made a tremendous improvement after his sophomore year. He worked very hard to become even better. That's his attitude. I've never had another boy of his quality in all my years (20) at Penn State—and I don't really expect another."

The next step for Smear is pro ball, probably as a linebacker, and Paterno wasted little time in predicting that Steve would "become another Sam Huff in a couple of seasons."

Joe didn't rule himself out of a professional post either. He said he's interested in a couple of clubs (not mentioning them specifically) and might sign as a pro coach in the future.

Paterno had a chance to coach the Pittsburgh Steelers a year ago. He declined the offer. "I told them I wanted to stay at Penn State as long as Steve was there—and I was sincere," said Joe.

## H. RAP BROWN VICTIM OF THE JUDICIAL DOUBLE STANDARD

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1970

Mr. CLAY. Mr. Speaker, there is much confusion, controversy and dialog surrounding the trial of H. Rap Brown now taking place in Bel Air, Md. Mr. Brown who has spoken out against racial injustices with the revolutionary fervor of other great American Patriots as Thomas Paine, and so forth finds himself threatened with imprisonment not because of an overt illegal act but because in a speech he was accused of inciting to riot.

Mr. Speaker, let us assume just for the sake of argument that Mr. Brown did advocate and encourage others to violate the law. Let us further assume that such statements are not protected by constitutional guarantees of free speech. Then we would have to assume that it would be proper to arrest and prosecute Mr. Brown to the full extent of the law. I hope that all law-abiding and conscientious citizens agree with these assumptions.

So, Mr. Speaker, now that we are all in agreement about the seriousness of such an act and the need to severely deal with those who violate the laws, then perhaps all of us would agree that in order for laws to be just and fair they must be uniformly applied and prosecuted. Certainly no law-abiding citizen

committed to and understanding justice could object to this.

Mr. Speaker, if this is the case, my conscience compels me to pose questions of a more searching nature. I must now ask the \$64,000 question: If Mr. Brown has committed a crime which merits prosecution, why is the Congressman from South Carolina not being prosecuted? Are we to believe that his inflammatory speech, inciting a mob at Lamar, S.C. to riot not a violation of the law? Or should we believe what everyone in this country knows to be the truth—that a double standard of justice exists—one for whites and one for blacks?

Mr. Speaker, I commend to my colleagues the following article which was written by Clarence Hodges and appeared in the St. Louis Argus, March 13, 1970:

#### JUST A WEEK

(By Clarence E. Hodges)

On Monday of this week, H. Rap Brown, the militant former head of SNCC was brought before a "court of justice" for allegedly committing arson and inciting to riot. History will underscore the events of this trial as a near-sighted system seeks to discourage vocalization among thinking blacks. Brown, who wears the kind of natural that Frederick Douglas wore, has been discredited by those who wish to keep blacks in the "disadvantaged" ranks the same as those who wanted to keep blacks in slavery discredited Douglas.

It is almost ironic that this week marks the birth of other black leaders like Dr. Ralph D. Abernathy, the head of SCLC, Floyd McKissick, the former head of CORE, J. B. DeSable, the founder of Chicago and Harriet Tubman, the black female abolitionist. When asked the secret to her suc-

cess after leading over 300 blacks from slavery in the South to freedom in the North, she pulled a loaded revolver. When a freedom seeker grew scared and wanted to turn back, she placed the barrel between his eyes and ordered "forward march". It was clear to Miss Tubman and all the slaves that violence was as American as "apple pie". She and the blacks were not, however, responsible for this violence but the "white racism was responsible."

The Warren Commission stated Brown was not responsible for the violence in Cambridge, Maryland, but the police chief was at fault. Why then is Rap in Court instead of the chief. Who was responsible for the white mob attacking the bus load of black students in opposition to bussing in Lamar, South Carolina. Vice President Spiro Agnew, who has made many speeches about bussing said, "It's a shame." Perhaps H. Rap Brown should have said, "It's a shame", regarding the burning in Cambridge, Maryland.

## SENATE—Wednesday, March 18, 1970

The Senate, as in legislative session, met at 10:30 o'clock a.m. and was called to order by HON. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Lord of men and nations, giver of every good and perfect gift, with thankful hearts for Thy providential care over us and this Nation, we lift our morning prayer to Thee. May we hear Thy voice above all other voices, see Thy word above all other words, perceive Thy truth above all falsehood, and walk with Thee in our daily duties.

As stewards of the Nation's welfare, may we have light to find the means of plenty for all, light to find the way to liberty and justice for all, light for the pathway to peace for all.

In simple trust and reverence may we be found steadfast, always abounding in the work of the Lord, knowing that in Him and with Him our labor is not in vain. Amen.

### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., March 18, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,  
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 17, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RECOGNITION OF SENATOR YOUNG OF OHIO TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio (Mr. Young) be recognized at the conclusion of the remarks of the distinguished Senator from South Dakota (Mr. McGovern) for not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the Senator from Ohio (Mr. Young), there be a time limitation on statements of 3 minutes in relation to the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair recognizes the Senator from South Dakota (Mr. McGovern) for 30 minutes.

### A NEW OPENING FOR PEACE IN SOUTHEAST ASIA

Mr. MCGOVERN. Mr. President, the recent Pathet Lao peace proposal offers a new opportunity for working toward a

negotiated settlement of the conflict in Southeast Asia.

The American people's clear unwillingness to become enmeshed in another major military campaign in Laos makes all the more evident the folly of downgrading negotiations at Paris. The Pathet Lao proposal could be the first item on a new and serious agenda for moving toward a peaceful settlement in both Laos and Vietnam.

There should be no mistaking the urgency of the situation. In this country the policy of Vietnamization may have succeeded in achieving a temporary respite from sharp discord and division, but we are headed for even greater disillusionment as the futility of the policy becomes clear.

We have new signs of such futility in Vietnam now. The people of that embattled country are accumulating the agonies of heavy bombardment and intensive conflict. Ironically, to the extent that Vietnamization is practiced, the damage is done more by their own countrymen armed, of course, on one side by Russia and China and on the other side by the United States. If Vietnamization "works," it means a long and bloody war by proxy with outside powers arming and financing the Vietnamese people to kill each other. Simultaneously, as the American presence is reduced, the Thieu-Ky government becomes more repressive, even arresting and sentencing elected members of the South Vietnamese Assembly who dare to express independent views. The myth of the Thieu-Ky regime as the embodiment of self-determination becomes less and less viable even as a myth.

Events in Laos compound my concern. It is only slightly less appropriate today than before President Nixon's recent statement on Laos to question the clandestine nature of U.S. operations in that country. But if we have less reason for objections to secrecy, we have all the more cause for dismay over the policy and its meaning.

The President informed us that the explicit instructions of Congress on the use of combat forces in Laos have not been violated. Yet he confirmed the presence